

No. 11]

*COVID-19 (Prevention and Control)
(Amendment) (No. 2) Act*

[2021

SAINT LUCIA

No. 11 of 2021

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Amendment of section 2
4. Amendment of sections 4 and 5
5. Amendment of section 6
6. Amendment of sections 7 and 8
7. Amendment of section 26
8. Amendment of section 38
9. Insertion of new sections 63A to 63O
10. Substitution of section 64
11. Amendment of the Schedule
12. Insertion of new Schedule 2 and Schedule 3

No. 11]

*COVID-19 (Prevention and Control)
(Amendment) (No. 2) Act*

[2021

I Assent

[L.S.]

ERROL CHARLES,
Deputy to Governor-General.

September 10, 2021.

SAINT LUCIA

No. 11 of 2021

AN ACT to amend the COVID-19 (Prevention and Control) Act,
No. 9 of 2020.

[13th September, 2021]

BE IT ENACTED by the Queen's Most Excellent Majesty, by
and with the advice and consent of the House of Assembly and the
Senate of Saint Lucia, and by the authority of the same, as follows:

No. 11] *COVID-19 (Prevention and Control)* [2021
 (Amendment) (No. 2) Act

- (b) in subsection (1) —
- (i) by deleting paragraph (a) and substituting the following
—
“(a) a Chairperson;”,
- (ii) by deleting paragraph (j) and substituting the following
—
(j) the Director of Information of the Government Information Service or his or her designate;”
- (iii) inserting immediately after paragraph (j) the following new paragraphs (k), (l), (m), (n), (o) and (p) —
- “(k) a representative from the Trade Union Federation;
(l) a representative from the Saint Lucia Medical and Dental Association;
(m) a representative of the National Youth Council;
(n) a representative from the Saint Lucia Hotel and Tourism Association;
(o) a representative from the private sector;
(p) other persons approved by Cabinet.”.

Amendment of sections 7 and 8

6. Sections 7 and 8 of the principal Act are amended by deleting the words “Command Centre” and substituting the words “National COVID-19 Management Center”.

Amendment of section 26

7. Section 26 of the principal Act is amended by deleting the words “Command Centre” and substituting the words “National COVID-19 Management Center”.

Amendment of section 38

8. Section 38(3) of the principal Act is amended by deleting the words “the Schedule” and substituting the words “Schedule 1”.

No. 11] *COVID-19 (Prevention and Control)* [2021
(Amendment) (No. 2) Act

Insertion of new sections 63A to 63N

9. The principal Act is amended by inserting immediately after section 63 the following new sections 63A to 63O —

“Warning notice

63A.—(1) If a police officer believes, on reasonable grounds, that a person has committed a ticketable offence, the police officer may issue and serve on the person a warning notice in the prescribed form —

- (a) stating the act or omission complained of and the provision under section 63E of which the act or omission is a breach;
- (b) warning the person that, if he or she commits a further breach of a like nature, he or she may be liable to pay a fine or be imprisoned or the person’s licence or permit may be revoked or suspended.

(2) Service of a warning notice shall be effected at the time of the breach.

(3) Service of the warning notice on the person who committed the offence is effected by leaving a copy of the notice with the person.

Issue and service of ticket for offence

63B.—(1) If a police officer believes on reasonable grounds that a person has committed a ticketable offence, the police officer may issue a ticket and shall serve it on the person.

(2) The issue and service shall be effected at the time of the offence.

(3) Service of a ticket on the person who committed the offence is effected by leaving a copy of the notice with the person

Proof of service

63C.—(1) A police officer who serves a ticket shall complete and sign a certificate of service stating that the ticket was, on the day set out in the certificate, served on the person whom the police officer believes committed the offence.

Commencement of proceedings

63F. A police officer shall cause a ticket to be filed in the office of the district court as soon as practicable, but in any event, within fourteen days, after the ticket is served.

Options after service of ticket

63G. Within fourteen days after being served a ticket, a person may —

- (a) plead guilty and pay the total amount set out in the ticket in accordance with section 63H;
- (b) request a trial in accordance with section 63I.

Plea of guilty and payment

63H.—(1) A person who is served with a ticket may plead guilty by delivering the ticket, along with the total amount set out in the ticket, to the district court office specified in the ticket within the time specified in section 63G.

(2) Payment of the total amount within the time specified in section 63G constitutes a plea of guilty and endorsement of payment on the ticket constitutes a conviction and the imposition of that amount.

Request for trial

63I.—(1) A person who is served with a ticket may request a trial by signing the request for trial on the ticket and delivering it to the district court office specified in the ticket.

(2) As soon as practicable after a person requests a trial under subsection (1), the clerk of the court shall fix the time and place of the trial and have the defendant and the prosecution notified of its time and place.

Absence of response from defendant

63J. Where a person alleged to have committed an offence has been served with a ticket under this Act and has not exercised any of the options referred to in section 63G, the court date shall

be the date specified in the ticket which shall be no less than fourteen days after the date the ticket was served on the person and the notice of the court date on the ticket served shall be notice to the defendant and the prosecution of the same.

Trial procedure

63K. Schedule 3 has effect in respect of a trial in proceedings commenced by means of a ticket.

Ticket as evidence

63L. A ticket filed in the office of a district court is evidence of the facts alleged in the ticket without proof of the signature or official character of the person appearing to have completed the ticket.

Giving or delivering of notice or document

63M.—(1) Except as otherwise provided, a notice or document required or authorized to be given or delivered under this Part or under Schedule 3 may be given or delivered personally by ordinary mail or by other prescribed means.

(2) Evidence that a notice or document required or authorized to be given or delivered to a person under this Part or Schedule 3 was sent by ordinary mail or any other prescribed means to the person at his or her address appearing on a ticket, certificate of service or other document in the Court file, is evidence that the notice or document was given or delivered to the person.

Sentence

63N. A person who is convicted for a ticketable offence in proceedings under section 63K is liable, if the person has been convicted three times, to a fine greater than the fixed penalty provided for that ticketable offence under section 63E but not exceeding the maximum fine provided for that offence.

“SCHEDULE 2

(Section 63E)

TICKETABLE OFFENCES AND FIXED PENALTIES

Ticketable Offence	Section/Regulation	Fixed Penalty
Failure to comply with an Order for the prohibition of assembly	Section 16	\$250
Failure to comply with an Order imposing physical distancing	Section 17 or 21(1)(b)	\$250
Contravention of protocol issued for the operation of a business, establishment, office, motor vehicle, vessel or aircraft in Regulations made for that purpose	Section 20	\$250
Failure to wear a mask or suitable covering over the nose and mouth when in public	Section 21(1)(a)	\$250
Business, establishment, office operating in contravention of protocols issued under section 20 or protocols under this Act	Section 25	\$850
Failure of a national or resident to remain at a quarantine facility or in quarantine at his or her home	Section 36(2) or 38(4)	\$850
Failure to comply with a restriction or requirement	Section 40	\$250
Failure of parent or guardian in relation to a child to ensure compliance with a restriction or requirement	Section 40(4)	\$250
Failure to remain in isolation	Section 41	\$850
Provision of false information	Section 44	\$250
Public omnibus or tourism transport operating in contravention of protocols issued under section 20 or protocols under this Act	Section 25	\$500

Failure to comply with the curfew under the Constitution of Saint Lucia (State of Emergency) Regulations, Statutory Instrument, No. 28 of 2021	Regulation 4(2)	\$500
--	-----------------	-------

SCHEDULE 3**TRIAL PROCEDURE**

(Section 63K)

Trial

1. A district court shall hold a trial in a proceeding commenced by means of a ticket, if —
 - (a) the defendant requests a trial in accordance with section 63I; or
 - (b) more than fourteen days have elapsed since the date of service of the ticket and the person alleged to have committed the offence has not exercised any of the options referred to in section 63G.

Attendance of the police officer

2. If a defendant in responding to a ticket indicates that the attendance of the police officer who completed the ticket is required for the purposes of cross-examination, the Commissioner of Police shall ensure that the police officer attends the trial.

Court shall not require defendant to appear personally

3. Notwithstanding any provision in any enactment regarding appearance in Court by a defendant, if the defendant appears for the trial by counsel or agent, the Court shall not issue a warrant for the arrest of the defendant.

***Ex parte* trial where defendant and agent absent**

4. If the defendant does not appear for the trial in person or by counsel or agent and the Court is satisfied that the defendant was served with the ticket and notified of the time and place of the trial, the Court may —

