

Emergency Powers (Disasters) (COVID 19) Order

SAINT LUCIA

STATUTORY INSTRUMENT, 2020, No. 42

ARRANGEMENT OF SECTIONS

Section

1. Citation
2. Interpretation
3. Inconsistency with other enactments
4. Quarantine facility
5. Detention of persons
6. Imposition of restrictions and requirements
7. Isolation of persons suspected to be infected with COVID 19
8. Screening requirements
9. Power to requisition a building, vessel or aircraft or article
10. Power to requisition essential services
11. Power to waive procurement rules
12. Power to waive fees
13. Reporting requirements
14. Revocation or suspension of permits for use of public open spaces
15. Prohibition of assembly
16. Imposed social distancing or isolation
17. Curfew
18. Restriction of access to an area
19. Power to stop, detain and arrest
20. Obstruction
21. Publication of false statements
22. Governor General may authorize international or regional forces
23. Publication of order
24. General penalty
25. Expiry

SAINT LUCIA

STATUTORY INSTRUMENT, 2020, No. 42

[24th March, 2020]

In exercise of the power conferred under section 3 of the Emergency Powers (Disasters) Act, Cap. 14.07, the Minister responsible for disaster preparedness and prevention makes this Order:

Citation

1. This Order may be cited as the Emergency Powers (Disasters) (COVID 19) Order, 2020.

Interpretation

2. In this Order —

“child” means a person under the age of eighteen years;

“competent authority” means the Prime Minister;

“COVID 19” means the novel Coronavirus known as 2019-nCoV;

“correctional officer” has the meaning assigned under section 2 of the Correctional Services Act, Cap. 14.02;

“infected place” has the meaning assigned under the Quarantine Act, Cap. 11.16;

“isolation”, in relation to a person, means the separation of that person from any other person in such a manner as to prevent infection or contamination with COVID 19 —

(a) at an isolation station as defined under the Public Health Act, Cap. 11.01;

(b) in that persons’s home;

(c) in a hospital; or

(d) at a quarantine facility;

Emergency Powers (Disasters) (COVID 19) Order

“quarantine facility” means a quarantine facility declared under section 4;

“statutory purpose” means the preservation of the public health, peace, maintenance of public order and the securing and regulating of the supply and distribution of food, water, fuel, light and power and other necessities.

Inconsistency with other enactments

3. This Order has effect notwithstanding anything inconsistent with or contained in an enactment, and a provision of an enactment which may be inconsistent with this Order or an order made under this Order shall, to the extent of the inconsistency have no effect for as long as this Order remains in force.

Quarantine facility

4.—(1) The Rodney Bay Public Health Facility registered as Block 1255B Parcel Number 235 situated in the Quarter of Gros Islet is declared to be a quarantine facility for the purposes of this Order.

(2) Notwithstanding subsection (1), the competent authority may, after consultation with the Chief Medical Officer, by order declare a building, place or an area in Saint Lucia to be a quarantine facility.

Detention of persons

5.—(1) Where —

- (a) the Chief Medical Officer has reasonable grounds to believe that a person is, or may be, infected or contaminated with the COVID 19; and
- (b) the Chief Medical Officer considers that there is a risk that the person might infect or contaminate others; or
- (c) a person has arrived in Saint Lucia on an aircraft or vessel from outside Saint Lucia; and
- (d) the person has left, or the Chief Medical Officer has reasonable grounds to believe that the person has left, an infected place within the twenty day period immediately preceding the date of the person’s arrival in Saint Lucia,

Emergency Powers (Disasters) (COVID 19) Order

the Chief Medical Officer may, for the purposes of screening, assessment and the imposition of restrictions or requirements under section 6, impose on that person a requirement to be detained until the later of —

- (i) the end of the period of forty-eight hours beginning from the time the person is detained under this section,
- (ii) such time as screening requirements imposed on or in relation to the person under section 6(1) have been complied with and the assessment referred to in that section is completed in relation to the person.

(2) Where a restriction or requirement is imposed under section 6, the person imposing the restriction or requirement shall notify the detained person that the restriction or requirement is contingent on the incidence or transmission of COVID 19 constituting a serious and imminent threat to public health.

Imposition of restrictions and requirements

6.—(1) Where a person is required to be detained under section 5, the Chief Medical Officer may —

- (a) orally or in writing, impose on or in relation to a person one or more screening requirements to inform an assessment, of whether such person presents or may present a risk of infecting or contaminating others;
- (b) carry out an assessment in relation to that person;
- (c) following an assessment under paragraph (b), orally or in writing, impose on or in relation to that person any other restriction or requirement which the Chief Medical Officer considers necessary for the purposes of removing or reducing the risk referred to in paragraph (a).

(2) A decision to impose a restriction or requirement under subsection (1) may be taken if the Chief Medical Officer considers, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

Emergency Powers (Disasters) (COVID 19) Order

(3) A restriction or requirement imposed under subsection (1) by the Chief Medical Officer may be varied, orally or in writing, by the Chief Medical Officer.

(4) Where a restriction or requirement under subsection (1)(c) is imposed on or in relation to a child, a person who is a parent or guardian in relation to the child must ensure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(5) Where a restriction or requirement is imposed orally on a person under this section, or a restriction or requirement imposed under this section is orally varied, the person, or, in the case of a child, a person who is a parent or guardian in relation to the child must be provided with a written notification of the restriction or requirement that has been imposed or varied as soon as reasonably practicable.

(6) Where a restriction or requirement is imposed under subsection (1)(c), the person imposing the restriction or requirement shall notify the detained person that the restriction or requirement is contingent on the incidence or transmission of COVID 19 constituting a serious and imminent threat to public health.

(7) Subsection (1) does not affect the exercise of any powers under section 7.

Isolation of persons suspected to be infected with COVID 19

7.—(1) The Chief Medical Officer may require a person to be kept in isolation, if the Chief Medical Officer —

- (a) has reasonable grounds to believe that a person is, or may be, infected or contaminated with COVID 19; and
- (b) considers that it is necessary and proportionate to do so in order to reduce or remove the risk of the person infecting or contaminating others.

(2) Where the Chief Medical Officer has reasonable grounds to believe that a person is, or may be, infected or contaminated with COVID 19, the Chief Medical Officer may detain the person pending the decision of the Chief Medical Officer under subsection (1).

Emergency Powers (Disasters) (COVID 19) Order

(3) Where subsection (1) applies, the Chief Medical Officer may impose on or in relation to a person one or more screening requirements.

(4) Where a restriction or requirement is imposed under this section, the person imposing the restriction or requirement shall express it to be contingent on the incidence or transmission of COVID 19 constituting a serious and imminent threat to public health.

Screening requirements

8.—(1) For the purposes of this Order, the screening requirements in relation to a person means, the person shall —

- (a) answer questions about his or her health or other relevant circumstances, including travel history and information about other individuals with whom the person may have had physical contact;
- (b) produce documents which may assist the Chief Medical Officer to assess his or her health;
- (c) allow the Chief Medical Officer, or a person designated by the Chief Medical Officer to take a biological sample of the him or her, including a sample of his or her respiratory secretions or blood, by appropriate means including by swabbing his or her nasopharyngeal cavity; and
- (d) provide sufficient information to enable him or her to be contacted immediately by the Chief Medical Officer during the period that the Chief Medical Officer specifies.

(2) Where a person is a child and accompanied by a parent or guardian, the parent or guardian shall —

- (a) ensure that the child answers questions in accordance with subsection (1)(a);
- (b) answer the questions if the child is unable to do so or cannot reliably do so;
- (c) produce documents, required under subsection (1)(b), on the child's behalf;

Emergency Powers (Disasters) (COVID 19) Order

- (d) allow the Chief Medical Officer to take a biological sample of the child, including a sample of the child's respiratory secretions or blood, by appropriate means including by swabbing the child's nasopharyngeal cavity, or provide the sample; and
- (e) provide information under subsection (1)(d) to the Chief Medical Officer as required.

Power to requisition a building, vessel, aircraft or article

9.—(1) Where the competent authority is satisfied that it is reasonably required for a statutory purpose so to do for the duration of the emergency or a period therein, the competent authority may give notice, in writing, to the person having control of a building, vessel in Saint Lucia, or of an aircraft or article of any description in Saint Lucia, of having requisitioned a building, vessel, aircraft or article.

(2) Where the competent authority requisitions a building, vessel, aircraft or article under subsection (1), the competent authority may, take possession of the building, vessel, aircraft or article and do to or in relation to the building, vessel, aircraft or article anything which lawfully can be done by the owner of the building, vessel, aircraft or article as if the building, vessel, aircraft or article had not been requisitioned under this Order, and may use the building, vessel, aircraft or article for any purpose for which the building, vessel, aircraft or article is lawfully used for if it had not been requisitioned.

(3) At the conclusion of the requisition, the competent authority shall make prompt and adequate compensation in the circumstances to the owner or occupier of the building, vessel, aircraft or article.

Power to requisition essential services

10.—(1) Where the competent authority is satisfied that it is reasonably required to requisition an essential service for the duration of the emergency or a period during the emergency, he or she may give notice in writing for the requisition of an essential service to the person having the management or control of the essential service requisitioning the service with effect from the date specified in the notice.

Emergency Powers (Disasters) (COVID 19) Order

(2) Where an essential service is requisitioned under subsection (1), the competent authority shall, by notice in writing, appoint a person as controller of the service requisitioned.

(3) On the appointment of a person as controller of an essential service under subsection (2), the controller may take possession of all premises and assets, other than money or securities for money, which, immediately before the giving of the notice by which the service was requisitioned, were used or intended to be used for the purposes of possession of, and in relation to the service so requisitioned, to do or cause to be done an act or thing which can lawfully be done by the controller if the service had not been requisitioned.

(4) In this section, “essential service” means a service established, maintained or operated by the Government, or by a public or private enterprise, or otherwise, for —

- (a) the collection, storage, purification or distribution of water for use by the public or a class of the public;
- (b) the collection, storage, treatment and disposal of sewage or garbage or refuse;
- (c) the manufacture, storage or distribution of gas for use by the public or a class of the public;
- (d) the removal, handling or burial of deceased persons or disposal of dead animals;
- (e) the provision of electricity;
- (f) the provision of telecommunications;
- (g) the operation of a supermarket, minimart, shop, bakery or pharmacy;
- (h) the transportation of a class of the public;
- (i) the provision of banking services;
- (j) the provision of trucking services related to the movement and delivery of essential services and the food chain;
- (k) the provision of food by a restaurant by take-away, take-out, delivery or drive-through;

Emergency Powers (Disasters) (COVID 19) Order

- (l) the manufacture of food, water and products for personal hygiene;
 - (m) the provision of cleaning services;
 - (n) the provision of fire, police and private security services;
 - (o) the provision of a service that may be supplied through work-from-home methods;
 - (p) the operation of points of entry to allow only for cargo handling and departure of persons from Saint Lucia.
- (5) Section 9(3) applies *mutatis mutandis*.

Power to waive procurement rules

11.—(1) In the interest in protecting the public safety and health, the competent authority, in consultation with the Minister responsible for Finance, may by order, waive the application of any rules of law governing the procurement of goods and services.

(2) The Minister responsible for finance shall within six weeks of the expiration of the declaration of a state of emergency lay a report before the House of Assembly detailing —

- (a) the total expenditure of the goods and services procured;
- (b) the suppliers of the goods and services procured;
- (c) the reasons for the use of the suppliers of the goods and the providers of the services.

Power to waive fees

12. The competent authority may, by order, waive or vary the payment of fees for the testing and medical services provided at a public hospital or health care facility in relation to COVID 19.

Reporting requirements

13. The Minister responsible for health and the person charged with the responsibility for directing the day-to-day operations of any other entity or public body responsible for protocols with respect to COVID 20, shall report to the competent authority during the continuance of the emergency.

*Emergency Powers (Disasters) (COVID 19) Order***Revocation or suspension of permits for use of public open spaces**

14. The competent authority may by order cause to be revoked or suspended all permits for the use of public open spaces in a particular area in Saint Lucia or the entire country in the interest of public health.

Prohibition of assembly

15. The competent authority may, by order prohibit the assembly of two or more persons in a public place in an area specified in the order, in the interest of public health.

Imposed social distancing or isolation

16.—(1) The competent authority may, by order impose isolation on all individuals within a particular area or the entire country in the interest of public health.

(2) Where isolation has been imposed, the competent authority may —

- (a) require the closure of all educational or social institutions in the area specified;
- (b) require the closure of a business or organization that caters to the general public in the area specified, unless permitted otherwise by order;
- (c) prohibit the visitation by persons at all residential care establishments;
- (d) prohibit the visitation by persons at all correctional facilities;
- (e) require a person to confine himself or herself at his or her place of residence, unless otherwise specified by order;
- (f) permit the travel of persons to a grocery store, gas station, pharmacy, medical practitioner, hospital or other place specified in the Order.

(3) An order made under subsection (2)(e), shall not prohibit a person from going outdoors within the enclosed yard space of that person's residence.

(4) The competent authority may by order, issue guidelines on social distancing and isolation, which has the force of law.

*Emergency Powers (Disasters) (COVID 19) Order***Curfew**

17. The competent authority may, by order require a person within an area specified in the order to remain indoors between the hours specified in the order, and a person who within an area specified is or remains outdoors between the hours without a permit in writing from the competent authority, or a person authorized by the competent authority, commits an offence.

Restriction of access to an area

18. The competent authority may, by order prohibit a person from residing or entering an area specified in the order if the person is suspected of acting or of having acted, or of being about to act, in a manner prejudicial to —

- (a) public safety;
- (b) the supply or distribution of a necessity of life; or
- (c) the preservation of the peace,

and the competent authority is satisfied that it is desirable that the person is prohibited from residing in or entering a particular area, the competent authority may, by order prohibit him or her from residing or entering the area specified in the order.

Power to stop, detain and arrest

19.—(1) Where an authorized person has reasonable cause to believe that a person contravenes this Order, he or she may stop, question, detain and arrest the person if the authorized person considers it necessary to do so.

(2) A person shall not assault, obstruct, hinder, resist or use threatening or abusive language or aid or incite another person to assault, obstruct, hinder or resist an authorized person in the execution of his or her duty under this Order.

(3) A person arrested or detained under this section shall be detained at a police station or be placed in isolation until he or she is charged and in any case not later than seventy-two hours after the arrest or detention.

Emergency Powers (Disasters) (COVID 19) Order

- (4) In this section, “authorized person” means —
- (a) a member of the Royal Saint Lucia Police Force;
 - (b) a person authorized in writing by the competent authority to do the act in relation to which the expression is used.

Obstruction

20. A person shall not obstruct the Chief Medical Officer, public officer, a member of the Royal Saint Lucia Police Force or a correctional officer, acting in the course of his or her duty or a person exercising a power or performing duties conferred or imposed on him or her under this Order, or otherwise discharging lawful functions in connection with the performance of a statutory purpose.

Publication of false statements

21. A person shall not publish or cause to be published, posted or re-posted over a media platform inclusive of social media, any purported news or report, or purported statement of fact, knowing or having reasonable cause to suspect that the news, report or statement —

- (a) is untrue or false; and
- (b) may incite public fear, panic or ethnic hatred.

Governor General may authorize international or regional forces

22. The Governor General may request international or regional military or police forces to serve as peace officers and assist in —

- (a) the storage, safe keeping or distribution of relief supplies;
- (b) the provision of an essential service; and
- (c) the maintenance of public order.

Publication of order

23.—(1) An order made under this Order may be published —

- (a) by announcement on a television or wireless transmission by media licensed to operate for transmission and reception in Saint Lucia;

Emergency Powers (Disasters) (COVID 19) Order

(b) by notice affixed to the outside of a District Court or police station;

(c) by notice on the official website of the Government,

except that as soon as practicable thereafter the order shall be published in the *Gazette*.

(2) The means of authentication for an order published under subsection (1) is —

- (a) in the case of media announcements under subsection (1) (a), the voice of the Prime Minister;
- (b) in the case of posted notices under subsection (1)(b) and (c), the actual electronic signature of the Prime Minister.

(3) Notwithstanding section 3(3) of the Emergency Powers (Disasters) Act, Cap. 14.07 and the Interpretation Act, Cap. 1.06, an order made under this Order has effect despite it not being laid before Parliament.

General penalty

24. A person who contravenes this Order commits an offence and is liable to imprisonment with or without hard labour for a term not exceeding six months or a fine not exceeding one thousand dollars or both and forfeiture of goods or money in respect of which the offence has been committed.

Expiry

25. This Order ceases to have effect when the declaration of state of emergency pursuant to which this Order has been made ceases to have effect.

Made this 24th day of March, 2020.

ALLEN M. CHASTANET,
*Minister responsible for disaster
preparedness and prevention.*