

Regulations of Anguilla: 94/2020

Gazette Dated: 2nd November, 2020

PUBLIC HEALTH ACT, R.S.A. C. P125

**PUBLIC HEALTH (COVID-19 MONITORING OF APPROVED BUSINESSES) REGULATIONS,
2020**

Regulations made by the Minister with approval of Executive Council under section 8 of the Public Health Act, R.S.A. c. P125.

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Regulations made by the Minister with approval of Executive Council under section 8 of the Public Health Act, R.S.A. c. P125.

Interpretation

1. In these Regulations—

“approved business” means a business that has been granted permission under section 2 to offer services to short term visitors and includes, restaurants, hotels and villas;

“short term visitor” means a person who during the specified period has been authorised to visit Anguilla and is in quarantine or isolation at a private accommodation;

“specified period” means 1 November 2020 to 12 December 2020;

“protocols” means procedures to be adopted by an approved business to prevent the spread of COVID-19;

“Quarantine Management Team” means the team referred to in the Public Health (Quarantine) (COVID-19) Regulations, 2020.

Permission to offer services to short term visitors

2. (1) A business that wishes to offer services to short term visitors shall apply to Quarantine Authority for permission to operate.

(2) Where an application has been made under subsection (1), the business shall produce a copy of their protocols for approval by the Quarantine Authority.

(3) When considering an application under this section the Quarantine Authority must be satisfied that the protocols submitted by the business complies with the general protocol produced by the Ministry of Health.

(4) Where an application has been granted under this section, the business shall be—

(a) granted a certificate authorising that business to offer services to short term visitors; and

(b) entered on the register of approved business.

(5) No business shall offer services to short term visitors unless that business—

(a) has a valid certificate referred to in section 2(4); and

(b) is registered to offer services to short term visitors.

(6) A business that fails to comply with subsection (5) commits an offence and is liable to a fine not exceeding \$5,000.

Monitoring of approved businesses

3. (1) The Quarantine Authority or a member of the Quarantine Management Team shall monitor the operations of an approved businesses for the purpose of ensuring that protocols of the business as approved under section 2(2) are being observed.

(2) The Quarantine Authority or a member of the Quarantine Management Team shall make periodic checks with or without notice, at approved businesses and such persons shall be permitted entry on premises for the purpose of carrying out his or her duties under this section.

(3) A person who obstructs the Quarantine Authority or a member of the Quarantine Management Team acting in the course of monitoring under this section commits an offence and is liable to a fine not exceeding \$5,000.

Complaint and investigation

4. (1) Any person who knows or suspects, or has reasonable grounds to suspect, that an approved business is in breach of its protocols may make a complaint to the Quarantine Authority.

(2) On receipt of a complaint under this section, the Quarantine Authority shall without delay—

(a) acknowledge receipt of the complaint; and

(b) subject to subsection (3), give notice to the approved business of receipt of such complaint.

(3) If the complainant so requests, or if the Quarantine Authority considers that it is necessary to protect the interests of the complainant or of a third party, the Quarantine Authority may treat the complaint as confidential.

(4) The Quarantine Authority may undertake to investigate all matters that he considers necessary to determine the facts relating to the alleged breach.

(5) When investigating a complaint under this section the Quarantine Authority may request the assistance of any other government department or person as he considers necessary.

(6) The Quarantine Authority may discontinue an investigation if, in his opinion—

(a) the complaint is frivolous or vexatious or is not made in good faith;

(b) the subject-matter of the complaint is trivial;

(c) the conduct or circumstances on which the complaint is based would not constitute a breach;
or

(d) the alleged breach does not require further investigation.

(7) When an investigation is discontinued, the Quarantine Authority shall—

(a) prepare a written statement setting out the reasons for discontinuing the investigation; and

(b) send a copy of the statement to—

(i) the complainant, and

- (ii) if a notice was sent under paragraph (2)(b), to the approved business whose conduct was investigated.

(8) For the purposes of this section, “complainant” means a person who files a complaint under subsection (1).

Quarantine Authority may initiate investigation

5. (1) The Quarantine Authority may decide to undertake an investigation on his own initiative to determine whether the protocols of the approved business have been breached.

(2) The Quarantine Authority’ powers of investigation when conducting an investigation on his own initiative are the same as in an investigation instituted following a complaint.

(3) The procedures followed in an investigation instituted following a complaint also apply, with such changes as the circumstances require, to an investigation on the Quarantine Authority’ own initiative.

Breach of protocols

6. (1) Where the Quarantine Authority determines that an approved business or the agent or employee of an approved business has breached its protocols, the Quarantine Authority may take one or more of the following actions—

- (a) issue a written warning and require the approved business to remedy the breach within the period specified in the warning;
- (b) impose a fine not exceeding \$5000 for each breach;
- (c) in the case of restaurants, suspend the certificate issued under section 2 (4) (a) for 3 days or for such longer period as may be required to remedy the breach; or
- (d) revoke the certificate issued under section 2(4) (a) and remove the business from the register of approved businesses referred to in section 2 (4) (b).

(2) Notwithstanding subsection (1), where, in the opinion of the Quarantine Authority, the approved business engages in a breach of such a nature that it would be unreasonable to expect the approved business to continue operating, the Quarantine Authority may revoke the certificate immediately.

(3) For the purposes of this section, a breach includes a continued breach where the approved business fails to remedy the breach within the period specified by the Quarantine Authority.

(4) Where the Quarantine Authority is considering revoking a certificate, the Quarantine Authority shall give the approved business an opportunity to put forward reasons as to why his certificate should not be revoked.

Notice of intended revocation

7. (1) The Quarantine Authority shall give the approved business written notice of revocation before revocation under section 6 becomes effective.

(2) A notice of revocation referred to in subsection (1) shall include the following—

- (a) the grounds for the intended revocation;
- (b) the day by which any written submissions referred to in subsection (3) should be made;

(c) the day, time and place where any oral submissions referred to in subsection (3) may be made;

(d) the day from which the intended revocation is effective.

(3) Where the Quarantine Authority intends to revoke a certificate the Quarantine Authority shall give the approved business an opportunity to put forward written or oral submissions as to why the certificate should not be revoked.

(4) A decision of the Quarantine Authority to revoke a certificate issued under these Regulations is final.

Citation and commencement

8. These Regulations may be cited as the Public Health (COVID-19 Monitoring of Approved Businesses) Regulations, 2020 and shall come into force on 1 November 2020.

Made by the Minister this 29th day of October, 2020.



Dr. Ellis Lorenzo Webster
Minister of Health