

Statutory Instruments of Anguilla: 24/2021

Gazette Date: 5th March, 2021

QUARANTINE ACT, R.S.A. C. Q5

**QUARANTINE (COVID-19) (ARRIVING PASSENGERS HEALTH CLEARANCE) (NO. 2)
(AMENDMENT) RULES, 2021**

Rules made by the Quarantine Authority and approved by the Governor in Council under section 5(2)(c) of the Quarantine Act, (R.S.A. c. Q5).

WHEREAS the disease known as coronavirus (Covid-19) threatens the public health and safety of many territories and states around the globe resulting in widespread infection of persons and resultant deaths of many;

AND WHEREAS under and by virtue of the Public Health Act R.S.A. c. P125, the Minister responsible for health is empowered to take necessary measures to protect and preserve the public health and safety of the people of Anguilla from any infectious or notifiable disease;

AND WHEREAS the Minister has exercised such powers pursuant to section 8 of the Public Health Act by enacting Public Health (COVID-19 Regulation of Ports) Regulations, 2020 (R.A. 93/2020);

AND WHEREAS section 2 of the aforementioned Regulations provides that for the purpose of preventing or controlling the spread of the Covid-19 disease, the entry or departure by aircraft, ships, vessels or boats to or from any place in Anguilla is regulated until 17 April 2021;

AND Whereas section 2 of the Public Health (COVID-19 Regulation of Ports) Regulations 2020 (R.A. 93/2020) allows for the entry into Anguilla of aircrafts, ships, vessels or boats used for the repatriation of Anguillan citizens to Anguilla;

AND WHEREAS the Government has reopened its ports to permit entry into Anguilla of pre-approved visitors;

AND WHEREAS section 5 of the Quarantine Act provides that the Quarantine Authority may make rules for the governance of places where persons or things are detained or taken for examination and of places used for the observation or isolation of persons;

AND WHEREAS the Chief Medical Officer has been appointed as the Quarantine Authority pursuant to the section 3 of the Quarantine Act;

NOW THEREFORE, by virtue and in the exercise of the powers vested in me by section 5 of the Quarantine Act, I, DR. AISHA ANREWIN, Chief Medical Officer, by and with the approval of the Governor in Council, hereby make the Rules which shall now follow—

Interpretation

1. In these Rules the principal Rules means the Quarantine (COVID-19) (Arriving Passengers Health Clearance) Rules 2020.

Amendment of section 1

2. The principal Rules are amended in section 1 by deleting the definition of “quarantine rules” and substituting the following definition in appropriate alphabetical order—

“Rules” means the these Rules and includes the protocols specified in Schedule 1;

Amendment of section 2

3. The principal Rules are amended in section 2 by inserting the following subsection after subsection (2)—

(2) Notwithstanding subsection (2), Rule 10B shall apply to persons who reside in or who are visiting Anguilla.

Amendment of section 10

4. The principal Rules are amended in section 10—

(a) by deleting subsection (4) and substituting the following—

“(4) Where a person is quarantined or in isolation, the Quarantine Authority shall not authorise that person to leave his home, private accommodation or the government facility unless—

- (a) he has submitted to a mandatory test as required pursuant to section 9 (2) and (3); and
- (b) he has tested negative for COVID-19 at the end of the quarantine or isolation period.”;

(b) in subsection (5) by deleting the phrase “quarantine rules” and substituting the word “Rules”;

(c) by inserting the following new subsection after subsection (5)—

“(5a) A person in isolation or quarantine who, without authorisation from the Quarantine Authority leaves his home, private accommodation or government facilities shall be subject to a fixed penalty imposed under section 13.”.

Amendment of section 10A

5. The principal Rules is amended in section 10A by deleting subsection (6) and substituting the following—

“(6) A person who without good cause contravenes this section shall be liable to a fixed penalty imposed under section 13”.

Insertion of new section 10B

6. The principal Rules is amended by inserting the following new section after section 10A

“Unauthorised entry into Government facilities, home or private accommodation used for isolation or quarantine

10B. (1) A person who without authorisation by the Quarantine Authority, enters a government facility, home or private accommodation that is being occupied by a person who is in isolation or quarantine, commits an offence.”

(2) A person who contravenes subsection (1) shall be required to isolate or quarantine in accordance with directions given by the Quarantine Authority.

Repeal of section 13

7. The principal Rules are amended by repealing section 13 and substituting the following—

“Fixed Penalty Offences

13. (1) A person who contravenes section 10(5a) and section 10A(4) and (5) shall not be arrested or detained for such contravention, but subject to subsection (4), such person shall be liable to a fixed penalty of up to \$25,000.

(2) Where the Quarantine Authority is satisfied that a person is found to be in contravention of the provisions specified in subsection (1), the Quarantine Authority shall by giving the prescribed notice in writing in accordance with subsection (3), offer that person the opportunity to discharge the fixed penalty.

(3) The notice specified in subsection (1) shall—

- (a) give such particulars of the contravention alleged as is necessary for giving reasonable information of the allegation;
- (b) state that the fixed penalty shall be paid within such period specified in the notice;
- (c) state the amount of the fixed penalty and that such fixed penalty shall be paid to the Department of Inland revenue.

(4) Where a person is issued a notice under this section, proceedings shall be taken against the person for an offence under section 13A where payment of the fixed penalty has not been before the expiry of such time given in the notice.

(5) In any proceedings a certificate that payment of the fixed penalty was or was not made to the Department of Inland Revenue by a date specified in the certificate shall, if the certificate purports to be signed by the Comptroller of Inland Revenue or a duly authorised officer, be sufficient evidence of the facts states unless the contrary is shown.

(6) A person who, without reasonable cause or excuse, fails to pay the fixed penalty in accordance with a notice issued to that person under this section commits an offence under section 13A.

Offences

13A. A person who—

- (a) fails to comply with any provision of these Rules not specified in section 13(1);
- (b) fails to comply with any direction given by the Quarantine Authority or any officer; or
- (d) fails to pay the fixed penalty in accordance with section 13;

commits an offence pursuant to section 7(2) of the Quarantine Act.”.

Amendment of section 15

8. The principal Rules are amended in section 15 by deleting the phrase “7 March 2021” and substituting the phrase “17 April 2021”.

Citation

9. These Rules may be cited as the Quarantine (COVID-19) (Arriving Passengers Health Clearance (Amendment) (No. 2) Rules, 2021.

Rules made by the Quarantine Authority and approved by Governor in Council on 5th March 2021.


DR. AISHA ANREWIN
Quarantine Authority