

2021

EMERGENCY POWERS

S.R.O. 22

## COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDERS No. 22 OF 2021.

### ORDER

MADE by the President under section 3 of the Emergency Powers Act, Chap. 15:02.

*(Gazetted 9<sup>th</sup> August, 2021.)*

1. This Order may be cited as the –

Short title.

### **EMERGENCY POWERS (CURFEW) (NO.2) ORDER, 2021.**

2. In this Order –

Interpretation.

“essential service” includes –

- (a)* air traffic (including meteorological, telecommunication, security, fire and ambulance services connected with airports) services;
- (b)* fire and ambulance, prison or police service;
- (c)* medical, health, hospital, infirmary or nursing home services;
- (d)* telecommunications or broadcasting services;
- (e)* water, electricity or sanitation services;
- (f)* banking business services;
- (g)* credit union business services;

- (h) grocery, agricultural, fisheries or pharmaceutical services;
- (i) immigration, customs or postal services;
- (j) services connected with the House of Assembly;
- (k) services connected with the loading and unloading of ships and with the storage and delivery of goods at, or from a dock, wharf or warehouse operated in connection with the dock or wharf;
- (l) services connected with the loading, distribution, transportation or retail of petroleum fuel, liquefied natural gas or any renewable energy source;
- (m) public services connected with the payment of salaries, pensions and other benefits in government departments, agencies, statutory bodies and arms-length bodies;
- (n) services connected with the Judiciary, including the attendance at court of attorneys;
- (o) services connected with essential government functions as directed by the Secretary to the Cabinet;
- (p) airport, seaport and civil aviation services;
- (q) fresh produce markets;
- (r) a business engaged in the sale of auto parts;
- (s) a business engaged in the delivery of meals, groceries, agricultural produce, fish or pharmaceutical products;
- (t) insurance business services;

“essential worker” includes officers of –

- (a) the Commonwealth of Dominica Police Force;
- (b) Dominica State Prison;
- (c) members of the Judiciary;
- (d) the Department of Social Services;
- (e) the Department of Environmental Health Services;
- (f) the Custom and Excise Division;
- (g) the Accountant-General’s Division;
- (h) the Inland Revenue Division;
- (i) waste disposal and sanitation companies;
- (j) any hospital or health care, medical, residential care establishment or facility;
- (k) the Dominica Air and Sea Ports Authority;
- (l) essential officers of any water, electricity or other sector encompassing the provision of electronic communications including print and electronic media;
- (m) any public officer or category of public officer as directed by the Secretary to the Cabinet, who is in a public place for the purposes of work.

**3.** This Order applies to the entire State of Dominica.

Application.

Curfew.

**4.** Subject to section 5, a curfew is hereby imposed throughout Dominica from 6:00 p.m. on Monday the 9<sup>th</sup> day of August, 2021 to 5:00 a.m. on Tuesday the 17<sup>th</sup> day of August, 2021 as follows:

- (a) a person shall not be out in a public place between the hours of 6:00 p.m. and 5:00 a.m. on Monday to Friday;
- (b) a person shall not be out in a public place between the hours of 5:00 a.m. to 6:00 p.m. on Monday to Friday;
- (c) a person shall not be out in a public place between the hours of 6:00 p.m. on Friday to 5:00 a.m. on Monday.

Exemption.

**5.** (1) Section 4 (a) and (c) does not apply to –

- (a) an essential worker;
- (b) a person who has a written authorisation from the Commissioner of Police;
- (c) a person seeking urgent medical care;
- (d) a person accessing Covid-19 testing;
- (e) a person travelling to or from an airport or seaport;
- (f) a person providing or accessing the following services on a Saturday, –
  - (i) supermarkets and village shops from 6:00 a.m. to 4:00 p.m.;
  - (ii) gas stations from 6:00 a.m. to 4:00 p.m.;
- (g) a person providing or accessing petrol on a Sunday from 6:00 a.m. to 4:00 p.m..

(2) Section 4 (b) does not apply to –

(a) a person who is in a public place for the purpose of –

(i) providing or accessing an essential service;

(ii) caring for a family member, pet or livestock;

(iii) engaging in construction and manufacturing;

(iv) accessing Covid-19 testing;

(v) travelling to or from an airport or seaport;

(b) a lawyer accessing his law office provided that he shall not provide services to the public.

(3) The following essential service can only be open between the hours of 6:00 a.m. and 4:00 p.m. Monday to Friday –

(a) banks, credit unions and money services business;

(b) wholesale or retail grocery stores, village shops, supermarket, mini-marts and commercial bakeries;

(c) petrol stations;

(d) pharmacies.

(4) All essential workers shall at all times carry personal identification.

Work remotely from home.

6. All businesses and offices may continue their business operations by allowing their employees to work remotely from home utilising virtual means, unless they are permitted to work under section 8 or are essential workers.

Public service, statutory bodies, State-owned enterprises and Courts.

7. (1) Subject to subsection (2), all members of the public service shall work remotely from home, except as otherwise directed by the Secretary to the Cabinet.

(2) Where the Secretary to the Cabinet directs that specified public officers attend work, the Government shall take reasonable steps to comply with the physical distancing protocols in accordance with section 9.

(3) Subject to section 8, all employees of statutory bodies and State-owned enterprises shall work remotely from home, except as otherwise directed by the Chairperson of the Board, General Manager or Chief Executive Officer.

(4) Where the Chairperson of the Board, General Manager or Chief Executive Officer directs that specified employees attend work, the statutory bodies or State-owned enterprises, as the case may be, shall take reasonable steps to comply with the physical distancing protocols in accordance with section 9.

(5) Subject to the Eastern Caribbean Supreme Court Practice Direction No. 3 of 2020, and any other such relevant Practice Direction which may be given, the Courts shall remain accessible, shall adhere to physical distancing protocols and the persons employed within the public service shall work remotely from home as far as reasonably practicable.

(6) In this section, “the Courts” means the Magistrates Court and the Eastern Caribbean Supreme Court.

8. (1) Subject to sections 4 and 6, every non-essential establishment, or business shall remain closed except for the following—

Closure of businesses  
and exceptions.

- (a) hardware stores and businesses that provide products to the construction industry may open between 6:00 a.m. to 4:00 p.m.;
- (b) hotels, excluding any spas, gyms, discotheques and restaurants therein, other than for providing takeaway meals or room service;
- (c) commercial courier flights;
- (d) drive-thru or takeaway food vendors from 6:00 a.m. to 4:00 p.m.;
- (e) businesses providing security guard services;
- (f) commercial ports and related businesses from 6:00 a.m. to 4:00 p.m. subject to any variation by the Dominica, Air and Sea Ports Authority;
- (g) construction projects and manufacturing plants, subject to onsite compliance with —
  - (i) the hand sanitizing of all workers and persons upon entry to sites;
  - (ii) maintenance of sanitized mess areas;
  - (iii) sanitizing of washrooms on a continuous 60-minute cycle;
  - (iv) so far as reasonably practicable maintenance of social distancing of a minimum of two meters at all times;

(v) provision of face masks for each worker,

may open between the hours of 6:00 a.m. and 4:00 p.m. Monday to Friday;

(h) motor omnibuses, hiring cars and taxis may operate between 6:00 a.m. to 5:00 p.m;

(i) auto-mechanic garages and bodywork shops.

(2) For the avoidance of doubt all bars and nightclubs shall be closed throughout the period of this Order and there shall be no consumption of alcohol in or in the vicinity of any shop, grocery store, or supermarket or in any public place.

(3) The owner or operator of the business or establishment under subsection (1)(a) to (h) shall adhere to the physical distancing requirements under section 9.

Physical distancing.

**9. (1) Every business or establishment must -**

(a) ensure that all customers and staff maintain physical distancing of no less than six feet in or outside their business;

(b) determine the number of persons that may be permitted in the establishment at any one time by permitting one person for every thirty square feet of store space;

(c) within twenty-four hours of the commencement of this Order, place distance markers six feet apart, indicating where each customer must stand on a line at a checkout point;



(d) within twenty-four hours of the commencement of this Order, place distance markers six feet apart on the outside of the establishment, indicating where customers must stand while waiting to enter the establishment;

(e) all cashiers must be provided with a face mask;

(f) exercise proper hygienic practices.

(2) Employees of a hospital, health, medical or residential care establishment or facility, and members of the Commonwealth of Dominica Police Force, shall take reasonable steps to comply with the requirements under subsection (1), unless it is impracticable to do so.

**10.** (1) All religious places of instruction or worship shall remain closed to the general public, other than for a wedding or funeral which complies with section 11.

Religious instruction.

(2) Subsection (1) does not prohibit any activity referred to in that subsection that is conducted by electronic or virtual means.

**11.** A person shall not host or attend -

Restriction on social activity.

(a) a private party which includes any person from outside of the immediate household of the house occupant;

(b) a recreational or competitive sporting event;

(c) a wedding which hosts more than five persons other than the bride, bridegroom, official witnesses and the marriage officer;

(d) any social event;

(e) a funeral, except ten members of the immediate family and at least one officiant and essential mortuary staff;

(f) a meeting of a fraternal society, private or social club or civic association or organization; or

(g) group tours.

Public transportation.

**12. (1)** A person shall not offer for hire or seek to travel on –

(a) any motor omnibus, unless there is or would be not more than three persons per row in the motor omnibus;

(b) any hiring car or taxi, unless there is not more than two persons per row in the vehicle.

(2) No person other than the driver and one passenger shall occupy the front seats of any vehicle for hire.

(3) The driver of a motor omnibus, hiring car and taxi shall –

(a) sanitize the hands of each passenger before they enter the vehicle;

(b) require passengers to wear a face mask or covering of nose and mouth with cloth shield;

(c) require passengers to maintain respiratory etiquette practices at all times; and

(d) keep the windows of the vehicle open as much as possible.

(4) In this Order, “motor omnibus”, “hiring car” and “taxi” have the meanings assigned under the Vehicle and Road Traffic Act. Chap. 46:50.

**13.** A person shall not visit or be permitted to visit – Restriction on visitation.

- (a) any place of quarantine or isolation station;
- (b) a patient in a hospital or residential care establishment or facility, including an infirmary or nursing home;
- (c) a detainee in a prison.

**14.** (1) A person who wishes to obtain a permit referred to in section 5 may make a written application to the Commissioner of Police. Application for written permit.

(2) A person who applies for a written authorisation shall provide to the Commissioner of Police, the purpose for he requesting to be out of doors in contravention of this Order, his name, home address, personal telephone number or numbers and, if employed, work address and telephone number or numbers.

**15.** A person who contravenes or fails to comply with this Order is guilty of an offence and is liable, on summary conviction, to a fine of five thousand dollars and to imprisonment for twelve months and to forfeiture of any goods or money in respect of which the offence has been committed. Penalty.

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Savings.  
S.R.O. 19 of 2021.

**16.** Notwithstanding section 17, any act, decision or other matter carried out pursuant to the Emergency Powers (Curfew) Order, 2021 shall be deemed to have been carried out under this Order.

Revocation.  
S.R.O. 19 of 2021.

**17.** The Emergency Powers (Curfew) Order, 2021 is revoked.

**GOD SAVE THE COMMONWEALTH OF DOMINICA!**

**CHARLES A. SAVARIN**  
*President*

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