

SAINT VINCENT AND THE GRENADINES

STATUTORY RULES AND ORDERS

2021 NO. 4

(Gazetted 5th February, 2021)

IN EXERCISE of the powers conferred by sections 37, 43B and 144A of the Public Health Act, Chapter 300, the Minister makes the following Rules –

PUBLIC HEALTH (COVID-19) RULES, 2021

1. These Rules may be cited as the Public Health (Covid-19) Rules, **Citation**
2021.

2. In these Rules –

Interpretation

“fixed penalty” means the penalty specified in column 3 of the table in the fixed penalty notice in the Schedule in relation to an offence specified in column 2 of the table;

“fixed penalty notice” means the notice served under rule 9 and includes a duplicate of the notice;

“place of entertainment” includes –

- (a) a shop licensed to sell liquor under the Liquor Licence Act; and
- (b) a place where gaming is conducted.

“public place” means an indoor area, whether privately or publicly owned, to which the public has access by right or by invitation, expressed or implied, whether by payment of money or not, but does not include a day care or preschool;

“public service vehicle” means a motor vehicle, other than a rented car, which is used for carrying passengers for hire or reward, whether at separate or distinct fares or not.

**Restrictions on
p u b l i c
gatherings in
bars etc**

3. (1) The owner or operator of a bar, nightclub or other place of entertainment shall –

- (a) permit no more than ten persons to gather in the bar, nightclub or place of entertainment at any time; and
- (b) ensure persons gathered at the bar, nightclub or place of entertainment comply with the protocols for physical distancing issued by the Chief Medical Officer.

(2) A person shall not gather at a bar, nightclub or other place of entertainment where the number of persons gathered, at any time, exceeds ten.

(3) The owner or operator of a bar, nightclub or other place of entertainment who contravenes sub rule (1) commits an offence.

(4) A person who contravenes sub-rule (2) commits an offence.

**Restrictions on
restaurant and
f o o d
establishment**

4. (1) The owner or operator of a restaurant or food establishment shall –

- (a) not provide indoor dining facilities; and
- (b) if providing outdoor dining facilities at the restaurant or food establishment, ensure persons participating in the outdoor dining facilities comply with the protocols for physical distancing issued by the Chief Medical Officer.

(2) A person shall not participate in indoor dining at a restaurant or food establishment.

(3) The owner or operator of a restaurant or food establishment who contravenes sub-rule (1) commits an offence.

(4) A person who contravenes sub-rule (2) commits an offence.

**Requirement to
wear face mask
in public place**

5. (1) Subject to sub-rule (2) and (3), a person shall not be in a public place without wearing a face mask fitted to his face so as to cover his nose, mouth and chin.

(2) Where the person under this rule is a child accompanied by a person who has responsibility for the child, the person shall provide

and ensure that the child has and wears a face mask in the manner required by this rule.

(3) This rule shall not apply to a child under the age of six years.

(4) A person who contravenes sub-rule (1) or (2) commits an offence.

6. (1) A person shall not drive or, subject to sub-rule (3) and (4), ride in a public service vehicle without wearing a face mask fitted to his face so as to cover his nose, mouth and chin.

Requirement to wear face mask in public service vehicle

(2) Subject to sub-rule (4), the driver of a public service vehicle shall not carry a person unless the person is wearing a face mask fitted to his face so as to cover his nose, mouth and chin.

(3) Where the person under sub-rule (1) is a child accompanied by a person who has responsibility for the child, the person shall provide and ensure that the child has and wears a face mask in the manner required by this rule.

(4) This rule shall not apply to a child under the age of six years.

(5) A person who contravenes this rule commits an offence.

(6) For the avoidance of doubt, "person" under sub-rule (2) includes the conductor of the public service vehicle.

7. (1) The driver of a public service vehicle shall not carry more than fifty percent of the persons for which the public service vehicle is registered and licensed to carry.

Public service vehicles restrictions

(2) A driver who contravenes this rule commits an offence.

8. (1) A person who commits an offence under rule 3 (1) or 4 (1) is liable on summary conviction to a fine of one thousand dollars.

Offences

(2) A person who commits an offence under rule 3 (4), 4 (4), 5 (4), 6 (5) or 7 (2) is liable on summary conviction to a fine of five hundred dollars.

Fixed penalty notice

9. (1) A police officer may serve a fixed penalty notice on a person the police officer has reasonable grounds to believe –

- (a) has committed an offence under these Rules; and
- (b) is aged eighteen or over.

(2) A police officer shall serve a fixed penalty notice personally on a person alleged to have committed an offence under these Rules and shall send a duplicate of the fixed penalty notice to the magistrate's court having jurisdiction for the district in which the offence is alleged to have been committed.

(3) A fixed penalty notice shall be signed by the police officer and shall specify –

- (a) the offence alleged;
- (b) particulars as are necessary for providing reasonable information of the alleged offence;
- (c) the amount of the fixed penalty;
- (d) the time within which the fixed penalty may be paid in accordance with rule 10 (1); and
- (e) the address at which the fixed penalty may be paid.

(4) A fixed penalty notice shall be in the form set out in the Schedule.

Payment of fixed penalty

10. (1) The time for payment of the fixed penalty is twenty-eight days from the date of the fixed penalty notice.

(2) Payment of the fixed penalty shall be made to –

- (a) the clerk of the magistrate's court having jurisdiction for the district in which the offence is alleged to have been committed; or
- (b) the clerk of the revenue office as stated in the fixed penalty notice.

(3) The person paying a fixed penalty must produce the fixed penalty notice to enable the magistrate's court or revenue office to identify the notice by its serial number.

(4) If owing to the failure of the person paying the fixed penalty to comply with sub-rule (2), the clerk of the magistrate's court or revenue office is unable to identify the relevant notice, the magistrates court or revenue office shall not accept payment of the fixed penalty.

11. If a person served with a fixed penalty notice pays the fixed penalty in accordance with these Rules –

**Effect of
payment of
fixed penalty**

- (a) the person's liability in respect of the offence is discharged;
- (b) further proceedings cannot be taken against the person for the offence; and
- (c) the person is not convicted of the offence.

12. The magistrate's court or revenue office shall –

**Notification of
payment of
fixed penalty**

- (a) issue a receipt to the person paying the fixed penalty for payment of the fixed penalty; and
- (b) as soon as practicable after payment of the fixed penalty, notify the Royal Saint Vincent and the Grenadines Police Force that payment has been made.

13. At the hearing of a prosecution for an alleged offence specified in a fixed penalty notice, a certificate that payment of the fixed penalty was or was not made by the date specified in the certificate shall, if the certificate purports to be signed by the clerk of the magistrate's court or revenue office is evidence of those facts.

**Certificate of
payment**

14. Nothing in these Rules is to be taken to –

**Notice not
compulsory**

- (a) require that a person reasonably believed to have committed an offence to be served a fixed penalty notice;
- (b) affect the liability of a person to be prosecuted for an alleged offence, if –
 - (i) a notice is not served on the person for the offence; or

(ii) a notice is served, and withdrawn; or

(c) limit the penalty that may be imposed by a magistrate's court on a person convicted of an offence.

**N o n -
application of
section 26 (1) (c)
of the Criminal
Code, Cap. 171**

15. (1) Section 26 (1) (c) of the Criminal Code is not applicable to a fine imposed by a magistrate's court under these Rules.

(2) In the case of default of payment of a fine imposed by a magistrate's court under these Rules, the fine is recoverable as a civil debt due to the Crown.

Duration

16. These Rules shall have effect from the 5th of February 2021 to the 4th of March, 2021.

SCHEDULE

(rule 9 (4))

PUBLIC HEALTH (COVID-19) RULES, 2021**(rule 9 (4))****FIXED PENALTY NOTICE****Part 1**

Date of issue:

To:

Address:

PARTICULARS OF OFFENCE

I..... (police officer/rank) have reasonable grounds to believe that
 at a.m./p.m. on the..... day of..... 20.....
 at.....

You –

√	DESCRIPTION OF OFFENCE	FIXED PENALTY
	Permitted more than ten persons to gather in a bar, nightclub or place of entertainment at any time contrary to rule 3 (1) (a)	\$500.00
	Failed to ensure that persons gathered at a bar, nightclub or place of entertainment comply with the protocols for social distancing issued by the Chief Medical Officer contrary to rule 3 (1) (b)	\$500.00
	Gathered at a bar, nightclub or place of entertainment where the number of persons gathered, at the time, exceeded ten contrary to rule 3 (2)	\$100.00
	Provided indoor dining facilities at a restaurant or food establishment contrary to rule 4 (1) (a)	\$500.00
	In providing outdoor dining facilities at a restaurant or food establishment, failed to ensure persons participating in the outdoor dining facilities comply with the protocols for social distancing issued by the Chief Medical Officer contrary to rule 4 (1) (b)	\$500.00

Participated in indoor dining at a restaurant or food establishment contrary to rule 4 (2)	\$100.00
Were in a public place without wearing a face mask fitted to your face so as to cover your nose, mouth and chin contrary to rule 5 (1)	\$100.00
As a person accompanying a child and with responsibility for the child, failed to provide and ensure that the child had and wore a face mask in the manner required by the Rules contrary to rule 5 (2)/rule 6 (3)	\$100.00
Drove/rode in a public service vehicle without wearing a face mask fitted to your face so as to cover your nose, mouth and chin contrary to rule 6 (1)	\$100.00
Drove a public service vehicle carrying a passenger not wearing a face mask fitted to his face so as to cover his nose, mouth and chin contrary to rule 6 (2)	\$100.00
Drove a public service vehicle carrying more than fifty percent of the persons for which the public service vehicle is registered and licensed to carry contrary to rule 7 (1)	\$100.00

If the fixed penalty for the offence is paid to the magistrate's court at.....or revenue office at.....within **TWENTY-EIGHT** days of the date of this fixed penalty notice any liability in respect of this offence will be discharged and no proceedings taken.

IF THE FIXED PENALTY IS NOT PAID THIS NOTICE IS DEEMED TO BE A COMPLAINT AND A MAGISTRATE'S COURT WILL ISSUE A SUMMONS UNDER THE CRIMINAL PROCEDURE CODE TO COMPEL YOUR ATTENDANCE BEFORE THE COURT TO ANSWER A CHARGE FOR THE OFFENCE.

..... Police Officer

Number.....

Part 2

INSTRUCTIONS FOR PAYMENT

1. The person paying the amount of the fixed penalty specified on this fixed penalty notice must take this notice, together with the amount to be paid to the address of the magistrate's court or revenue office stated in Part 1.
2. A receipt will be given. Payment must be of the exact amount shown on this notice.
3. Cheques must be made payable to the Accountant General.

Made this 5th day of February, 2021.

ST. CLAIR PRINCE

Minister of Health, Wellness and
the Environment.

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