LEGAL NOTICE NO. 316

REPUBLIC OF TRINIDAD AND TOBAGO

THE PUBLIC HEALTH ORDINANCE, CH. 12 NO. 4

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 105 AND CONFIRMED BY THE PRESIDENT UNDER SECTION 167 OF THE PUBLIC HEALTH ORDINANCE

# THE PUBLIC HEALTH [2019 NOVEL CORONAVIRUS (2019-nCoV)] (NO. 28) REGULATIONS, 2020

Citation

1. These Regulations may be cited as the Public Health [2019 Novel Coronavirus (2019-nCoV)] (No. 28) Regulations, 2020.

Interpretation

2. In these Regulations—

"face covering" means a covering of any type which covers the nose, mouth and chin of the person wearing it;

"motor car" means a motor vehicle which is registered to carry no more than five persons;

"raft-up" means the roping together of a number of small vessels to form a raft-like structure; and

"vessel" means any ship, boat, barge, lighter or raft and any other description of craft, whether used in navigation or not, but does not include government vessels.

Public gatherings

3. During the period specified in regulation 17, a person shall not, without reasonable justification—

*(a)* be found at any public place where the number of persons gathered, at any time, exceeds five;

*(b)* participate in any group contact sports; or

*(c)* participate in any team sports, except with the approval of the Minister.

Restriction of certain activities

4. (1) For the purposes of controlling and preventing the spread of the 2019 Novel Coronavirus (2019-nCoV), it shall be an offence, during the period specified in regulation 17, for any person to—

*(a)* be found at or in any beach, bay, river, stream, pond, spring or similar body of water, including the waters around any island off the coast of Trinidad or Tobago, or any public pool for recreational purposes;

*(b)* operate a club as defined in section 2 of the Registration of Clubs Act; Chap. 21:01

*(c)* operate a theatre or dancehall licensed under the Theatres and Dancehalls Act; Chap. 21:03

*(d)* operate a party boat or club;

*(e)* hold public parties or public fetes;

*(f)* operate a theatre licensed under the Cinematograph Act; Chap. 20:10

*(g)* operate a common gaming house or betting office licensed under the Gambling and Betting Act; Chap. 11:19

*(h)* operate a gym or fitness centre;

*(i)* have a public or private pre-school, early childhood education centre, primary school, secondary school or tertiary institution open for classes in such places;

*(j)* operate a day-care or pre-school for children for the care or education of young children;

*(k)* conduct religious or ecclesiastical services or any other religious gatherings;

*(l)* operate a water park or amusement park;

*(m)* provide the amenity of seated dining to any customer at a restaurant or in a food court at a mall;

*(n)* allow the amenity of consumption of food or drinks at bars, its premises or precincts; or

*(o)* allow roadside consumption of any product provided by a street vendor selling food or drink,

except where authorised by the Minister.

(2) Notwithstanding subregulation (1)*(m)*, *(n)* or *(o),* a restaurant, food court, bar or street vendor may provide take-away service to its customers.

(3) Notwithstanding subregulation (1)*(i)*, a public or private pre-school, early childhood education centre, primary school, secondary school or tertiary institution may provide classes to its students by electronic or such other means as may be approved by the Minister.

(4) Notwithstanding subregulation (1)*(i)*, educational establishments may be open for the purpose of conducting—

*(a)* the Caribbean Secondary Education Certificate (CSEC) Examination and the Caribbean Examinations Council (CXC) Examination;

*(b)* the Caribbean Advanced Proficiency Examination (CAPE); or

*(c)* any other examination as the Minister may permit.

(5) Notwithstanding subregulation (1)*(k),* a religious or ecclesiastical organisation or any other religious organisation may conduct—

*(a)* funerals, weddings, christenings, baptisms or such other religious gatherings; or

*(b)* religious meetings or services—

(i) by electronic means; or

(ii) for the purposes of recording or live streaming same,

where the gathering of persons at any place used for that purpose does not exceed ten persons.

(6) Where a person causes, without reasonable excuse, any vessel, being operated in the waters of Trinidad and Tobago, to be raft-up with another vessel for recreational purposes, he commits an offence.

Hours of operation

5. (1) Subject to subregulation (2), all retail business establishments shall only be open until 10.00 pm everyday unless permitted otherwise by the Minister.

(2) Bars shall only be open to the public from 8.00 am to 10.00 pm everyday unless permitted otherwise by the Minister.

Requirement to wear a face mask, face shield or face covering when in a vehicle or vessel

6. (1) No person shall, without reasonable excuse, travel in a vehicle or vessel without wearing a face mask, face shield or face covering in a manner which covers his nose, mouth and chin.

(2) Where the person under this regulation is a child accompanied by an individual who has responsibility for the child, the individual shall provide and ensure that the child has and wears the face mask, face shield or face covering as required by this regulation.

(3) Subregulations (1) and (2) do not apply—

*(a)* to a child who is under the age of eight;

*(b)* where a person is in the vehicle or vessel alone; or

*(c)* where a person is allocated a cabin, berth or other similar accommodation, at any time when they are in that accommodation alone.

(4) For the purposes of subregulation (1), the circumstances in which a person has a reasonable excuse include those where—

*(a)* the person cannot put on, wear or remove a face mask, face shield or face covering—

(i) because of any physical or mental illness or impairment, or disability; or

(ii) without severe distress;

*(b)* the person is travelling with, or providing assistance to, another person and such other person relies on lip reading to communicate with the first person;

*(c)* the person removes their face mask, face shield or face covering to avoid harm or injury, or the risk of harm or injury, to himself or others;

*(d)* the person is travelling to avoid injury, or to escape a risk of harm, and does not have a face mask, face shield or face covering with him;

*(e)* if it is reasonably necessary for the person to eat or drink, the person removes his face mask, face shield or face covering to eat or drink;

*(f)* the person has to remove his face mask, face shield or face covering to take medication;

*(g)* a request is made of the person to remove his face mask, face shield or face covering temporarily for security and identification purposes if necessary for the purpose of receiving services; or

*(h)* the circumstances provided for in guidelines issued by the Ministry of Health.

Schedule 2

(5) A person who contravenes this regulation commits an offence and is liable to a fixed penalty fine set out in Schedule 2, in addition to such administrative fees as may be determined by the Chief Justice under section 21A of the Summary Courts Act, and on failure to pay the fixed penalty, may be liable on summary conviction to a fine of five thousand dollars and to a term of imprisonment of three days.

Chap. 4:20

(6) Sections 105A to 105H of the Act, apply to an offence under this regulation and—

Schedule 1 Form A

*(a)* the relevant fixed penalty notice shall be in the form set out as Form A in Schedule 1; and

Schedule 2

*(b)* the relevant fixed penalty shall be the fine specified in Schedule 2.

Form B

(7) For the purposes of section 105A(6) of the Act, a person filing an appeal shall use the form set out as Form B in Schedule 1.

Requirement to wear masks in public

7. (1) No person shall, without reasonable excuse, be in a public space without wearing a face mask, face shield or face covering in a manner which covers his mouth, nose and chin.

(2) Where the person under this regulation is a child accompanied by an individual who has responsibility for the child, the individual shall provide and ensure that the child has and wears the face mask, face shield or face covering as required by this regulation.

(3) The owner or operator of any business which provides goods or services to the public shall ensure that a member of the public is not permitted entry to, or otherwise remains within, any enclosed space within the premises of the business unless, the member of the public is wearing a face mask, face shield or face covering, in a manner which covers his mouth, nose and chin.

(4) Subregulations (1) to (3) shall not apply to—

*(a)* children under eight years of age;

*(b)* employees and agents of the person responsible for the business within an area designated for them and not for public access, or within or behind a physical barrier, subject to such guidelines made by the Ministry of Health; and

*(c)* those circumstances provided for in guidelines made by the Ministry of Health.

(5) For the purposes of subregulation (1), the circumstances in which a person has a reasonable excuse include those where—

*(a)* the person cannot put on, wear or remove a face mask, face shield or face covering—

(i) because of any medical, physical or mental illness or impairment, or disability which inhibits their ability to wear a face mask, face shield or face covering; or

(ii) without severe distress;

*(b)* the person is travelling with, or providing assistance to, another person and such other person relies on lip reading to communicate with the first person;

*(c)* the person removes his face mask, face shield or face covering to avoid harm or injury, or the risk of harm or injury, to himself or others;

*(d)* the person is travelling to avoid injury, or to escape a risk of harm, and does not have a face mask, face shield or face covering with him;

*(e)* if it is reasonably necessary for the person to eat or drink, the person removes his face mask, face shield or face covering to eat or drink;

*(f)* the person has to remove his face mask, face shield or face covering to take medication;

*(g)* a request is made of that person to remove his face mask, face shield or face covering temporarily for security and identification purposes if necessary for the purpose of receiving services; or

*(h)* the circumstances provided for in guidelines issued by the Ministry of Health.

(6) Subject to the exemptions in subregulation (4)*(b)*, an employee shall wear a face mask, face shield or face covering when working in an enclosed public space.

(7) A person who contravenes this regulation commits an offence and is liable to a fixed penalty fine set out in Schedule 2, in addition to such administrative fees as may be determined by the Chief Justice under section 21A of the Summary Courts Act, and on failure to pay the fixed penalty, may be liable on summary conviction to a fine of five thousand dollars and to a term of imprisonment of three days.

Schedule 2

Chap. 4:20

(8) Sections 105A to 105H of the Act, apply to an offence under this regulation and—

Schedule 1 Form A

*(a)* the relevant fixed penalty notice shall be in the form set out as Form A in Schedule 1; and

Schedule 2

*(b)* the relevant fixed penalty shall be the fine specified in Schedule 2.

Form B

(9) For the purpose of section 105A(6) of the Act, a person filing an appeal shall use the form set out as Form B in Schedule 1.

Public transportation restrictions

8. (1) During the period specified in regulation 17, a person who provides public transport in a motor vehicle shall not carry, where the motor vehicle is—

*(a)* a motor car, not more than seventy-five per cent; or

*(b)* every other type of motor vehicle, not more than sixty-five per cent,

of the number of passengers for which the motor vehicle is licensed to carry.

(2) The seating requirements for maxi-taxis shall be in accordance with Schedule 3.

Business places

9. Small and large businesses shall comply with the guidelines for Small and Large Businesses issued by the Ministry of Health.

Closure of air and sea ports

10. All air and sea ports or any place where an aircraft or ship or vessel can land shall, except in relation to air and sea cargo, remain closed to the arrival or departure of aircraft or ships or other vessels carrying passengers unless permitted by the Minister with responsibility for national security.

Requirement on private medical laboratories and medical practitioners

11. (1) Notwithstanding the fact that the Caribbean Public Health Agency (CARPHA) has not yet approved any private medical laboratory to do testing for the 2019 Novel Coronavirus (2019-nCoV), where a private medical laboratory or a medical practitioner does such testing on a person or a medical practitioner refers a person for such testing and the result of such testing is a positive result, the private medical laboratory or medical practitioner and the person so tested shall immediately report and forward the results to the Chief Medical Officer and the Regional Health Authority of the area in which the person to whom the results apply resides or works.

(2) Where a private medical laboratory, medical practitioner or a person fails to report and forward results to the Chief Medical Officer and the Regional Health Authority in accordance with subregulation (1), the owner or operator of the private medical laboratory, medical practitioner or the person, as the case may be, commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for six months.

Quarantine and treatment of persons suffering from 2019-nCoV

12. (1) Where the result of a test conducted by the Caribbean Public Health Agency (CARPHA) or by a private medical laboratory under regulation 11 shows that a person is suffering from the 2019 Novel Coronavirus (2019-nCoV), the Minister of Health may give such directions as he thinks fit, for—

*(a)* the restraint, segregation and isolation of that person or any other person who, by exposure to infection from that person, is likely to suffer from the 2019 Novel Coronavirus (2019-nCoV);

*(b)* the removal of a person referred to in paragraph *(a)* to a public hospital or a designated facility; or

*(c)* the curative treatment of a person referred to in paragraph *(a)*.

(2) The Minister of Health may give a direction under subregulation (1) where, in his discretion, he considers it necessary to do so—

*(a)* for the purposes of preventing or controlling the spread of the 2019 Novel Coronavirus (2019-nCoV);

*(b)* in the interests of the person in relation to whom the direction is given; or

*(c)* in the interests of the public health system.

(3) Where the Minister of Health gives a direction under subregulation (1), the person in relation to whom the direction is given shall be informed—

*(a)* of the reason for giving the direction;

*(b)* of the period during which the person is likely to be required to remain at a public hospital or a designated facility for observation, surveillance or curative treatment; and

*(c)* that it is an offence to fail to comply with the direction or to obstruct a medical practitioner, a nurse, a member of staff at a public hospital or a designated facility or a member of staff of a public or private ambulance service from carrying out the direction.

(4) A person who—

*(a)* fails to comply with a direction under subregulation (1); or

*(b)* obstructs a medical practitioner, a nurse, a member of staff at a public hospital or a designated facility or a member of staff of a public or private ambulance service from carrying out a direction under subregulation (1),

commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for a term of six months.

Self-quarantine

13. (1) The Minister of Health may give such directions as he thinks fit for the self-quarantine of any person who is likely to suffer or is suffering from the 2019 Novel Coronavirus (2019-nCoV).

(2) The Minister of Health may give a direction under subregulation (1) where, in his discretion, he considers it necessary to do so—

*(a)* for the purposes of preventing or controlling the spread of the 2019 Novel Coronavirus (2019-nCoV);

*(b)* in the interests of the person in relation to whom the direction is given; or

*(c)* in the interest of the public health system.

(3) A direction under subregulation (1) shall—

*(a)* be in writing;

*(b)* require the person to be self-quarantined at specified place; and

*(c)* specify the address of the specified place.

(4) Where the Minister of Health gives a direction under subregulation (1), the person in relation to whom the direction is given shall be informed—

*(a)* of the reason for giving the direction;

*(b)* of the period during which the person is likely to be self-quarantined; and

*(c)* that it is an offence to fail to comply with the direction or to obstruct a medical practitioner, a nurse, a member of staff at a public hospital or a designated facility or a member of staff of a public or private ambulance service or other health care from carrying out the direction.

Offences

14. A person who contravenes regulations 2 to 5, 8, 10 and 13 commits and offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for six months.

Minister may issue guidelines

15. The Minister of Health may, for the purpose of the operation of these Regulations issue such guidelines as he may deem necessary and breach of such guidelines shall not constitute an offence.

Revocation of L.N. No. 308 of 2020

16. The Public Health [2019 Novel Coronavirus (2019-nCoV)] (No. 27) Regulations, 2020 is revoked.

Duration

17. These Regulations shall have effect from 13th September, 2020 to 11th October, 2020.

SCHEDULE 1—FORM A

REPUBLIC OF TRINIDAD AND TOBAGO

**A**

Sections 105, 105A, 105B and 105C

**PUBLIC HEALTH FIXED PENALTY NOTICE**

| | | | | |
|---|---|---|---|---|
| **DATE AND TIME** | dd/mm/yyyy | | 20 | a.m./p.m. |
| **LOCATION** | | | | |
| **VIOLATION:** | ☐ Failure to wear mask* in public | ☐ Failure to wear mask* in a vehicle | ☐ Failure to wear mask* in a vessel | |
| | ☐ Failure to ensure child wears mask* in public | ☐ Failure to ensure child wears mask* in a vehicle | ☐ Failure to ensure child wears mask* in a vessel | |
| **VIOLATOR INFORMATION:** | | | | |
| *Name* | | | | |
| *Sex* | ☐ male | ☐ female | | |
| *Date of Birth* | dd/mm/yyyy | | | |
| *Address (Line 1)* | | | | |
| *(Line 2)* | | | | |
| *(Line 3)* | | | | |
| *(Line 4)* | | | | |
| *Phone number(s)* | | | | |
| *Email* | | | | |
| *ID:-DP/PP/ID card* | | | | |
| *ID:-other* | | | | |
| *Number of previous violations* | ☐ 1 | ☐ 2 | ☐ 3 | ☐ More than 3 |
| **IF UNDER 18, PARENTAL INFORMATION** | | | | |
| *Name of Responsible Adult* | | | | |
| *Address* | | | | |
| *Phone number (s)* | | | | |
| *Email* | | | | |
| *ID of Adult (DP/PP/ID)* | | | | |
| | I, affirm that the personal information I have provided is accurate. Signed: | | | |
| **PENALTY** | | | | |
| *Fixed penalty amount* | | | | |
| *Details of violation* | | | | |
| **POLICE OFFICER INFORMATION** | | | | |
| *Name* | | | | |
| *Rank and Number* | | | | |
| *Signature of Officer* | | | | |

**HOW TO PAY THIS FINE**

This penalty must be paid to the District Courts or if the violator is under the age of 18, to the Children Court.

To get instructions on how to pay, contact the Court by:

Telephone: **224-5182**

Or Email: **health.fine@ttlawcourts.org**

Or go to the website: **https://CourtPay.ttlawcourts.org**

**TO BE COMPLETED BY VIOLATOR WHEN BEING PAID:**

Name:

Date:

Amount:

If you pay this fine within 14 days of the date of the notice, you may appeal to the Magistrate in the District. ***Sec.* 105A (6)**

*** In this form "mask" means face mask, face shield or face covering.**

If you fail to pay the fixed penalty before the end of fourteen (14) days from the above date you are hereby required to appear before the ..... District Court/Children Court on **Tuesday** the ..... day of ....., 20 ..... at 9.00 a.m. as the defendant in the matter. You are expected to appear by virtual hearing. To make arrangements for this, **you are required to contact the court on or before the Thursday prior to the date of hearing**. It is your responsibility to make arrangements to ensure your appearance. **If you fail to appear an order may be made in your absence**.

If you are under the age of 18, you must be accompanied by your Parent/guardian/person with responsibility for you, who is also responsible for ensuring that arrangements are made for you to appear. **If you fail to appear an order may be made in your absence**.

**COURT LOCATIONS:** Trinidad North District Court: Corner of St Vincent and Duke Streets, Port of Spain *Trinidad South District Court: Court Street, San Fernando *Tobago District Court: Bacolet Street, Scarborough *Children Court North: 6, Elizabeth St, St. Clair, Port of Spain *Children Court South: Corner and Delhi and Fyzabad Main Rd *Children Court Tobago: Bacolet Street, Scarborough.

SCHEDULE 1—FORM B

REPUBLIC OF TRINIDAD AND TOBAGO

PUBLIC HEALTH ORDINANCE CHAPTER 12 NO. 4

**NOTICE OF APPEAL OF FIXED PENALTY NOTICE**

*[Pursuant to section 105A (6)]*

TAKE NOTICE that the applicant (being the person to whom the Fixed Penalty Notice was issued/being an interested party/parent/guardian/person with the responsibilty for the child) hereby appeals to the Magistrate/Children Court Master against the decision of the Constable who issued the Fixed Penalty Notice.

**Signed:**

**Name:**

**Date:**

| | | | | |
|---|---|---|---|---|
| **TICKET NO.: PH** | | | **TICKET PAYMENT RECEIPT NO.:** | |
| **DATE AND TIME** | dd/mm/yyyy | 20 | | a.m./p.m. |
| **LOCATION** | | | | |
| **VIOLATION:** | ☐ Failure to wear mask* in public | ☐ Failure to wear mask* in a vehicle | ☐ Failure to wear mask* in a vessel | |
| | ☐ Failure to ensure child wears mask* in public | ☐ Failure to ensure child wears mask* in a vehicle | ☐ Failure to ensure child wears mask* in a vessel | |
| **APPLICANT INFORMATION:** | | | | |
| *Name* | | | | |
| *Sex* | ☐ male | ☐ female | | |
| *Date of Birth* | dd/mm/yyyy | | | |
| *Address (Line 1)* | | | | |
| *(Line 2)* | | | | |
| *(Line 3)* | | | | |
| *(Line 4)* | | | | |
| *Phone number(s)* | | | | |
| *Email* | | | | |
| *ID:-DP/PP/ID card* | | | | |
| *ID:-other* | | | | |
| *Number of previous violations* | ☐ **1** | ☐ **2** | ☐ **3** | ☐ **More than 3** |
| **IF UNDER 18/PERSON WITH DISABILITY, PARENT/GUARDIAN/PERSON WITH RESPONSIBILTY:** | | | | |
| *Name of Responsible Adult* | | | | |
| *Address* | | | | |
| *Phone number (s)* | | | | |
| *Email* | | | | |
| *ID of Adult DP/PP/ID)* | | | | |
| | I, affirm that the personal information I have provided is accurate.<br>Signed: | | | |
| **POLICE INFORMATION:** | | | | |
| *Name* | | | | |
| *Rank and Number* | | | | |

*** In this form "mask" means face mask, face shield or face covering.**

[over]

****Reason(s) for Appealing the Fixed Penalty Notice**

I/[other named person]/[child] was unable to [put on]/[wear] a mask/face shield/face covering] for one or more of the reasons set out below.

- ☐ Due to a medical, physical or mental illness or impairment, or disability which inhibits my/his/her ability to wear a face mask, face shield or face covering.
- ☐ I/he/she was travelling with/providing assistance to, a person who relies on lip reading to communicate with me/him/her.
- ☐ I removed my face mask, face shield or face covering/he/she/removed his/her face mask, face shield or face covering to avoid harm or injury/or avoid the risk of harm or injury, to me/himself/herself/others.
- ☐ I/he/she was travelling to avoid injury/to escape a risk of harm, and I/he/she did not have a face mask, face shield or face covering with me/him/her at the time.
- ☐ I/he/she removed my/his/her mask, face shield or face covering to eat/drink.
- ☐ I removed my/his/her face mask, face shield or face covering to take medication.
- ☐ I/he/she removed my face mask, face shield or face covering temporarily for security and identification purposes as this was necessary for the purpose of receiving services.
- ☐ Other circumstances provided for in guidelines issued by the Ministry of Health.

****Select all reasons relevant to your application**

**Please set out brief particulars for your record(s) for appeal in the area provided below.**

**Evidence in support of application:**

SCHEDULE 2

Regulation 6 and 7

| No | Offence | Enactment | Fixed Penalty |
|---|---|---|---|
| 1 | **Failure to wear a mask in vehicle or vessel** | **Regulation 6** | **$1000.00** |
| 2 | **Failure to ensure child wears a mask in vehicle or vessel** | **Regulation 6** | **$1000.00** |
| 3 | **Failure to wear a mask in public** | **Regulation 7** | **$1000.00** |
| 4 | **Failure to ensure a child wears a mask in public** | **Regulation 7** | **$1000.00** |

SCHEDULE 3

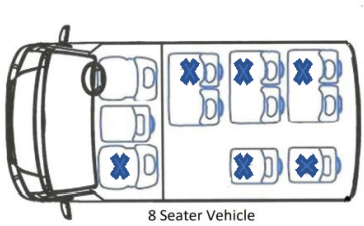
Regulation 8

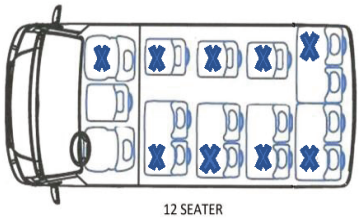
Public transportation vehicles may be allowed to transport only as many passengers as can be afforded window-seating, in accordance with the size and make of the vehicle.

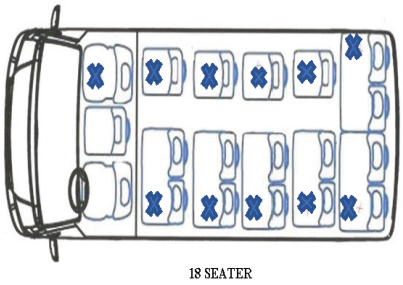
This guideline therefore would preclude the occupation of any middle-seat spaces in any vehicle with seating extending across the width of the passenger cabin.

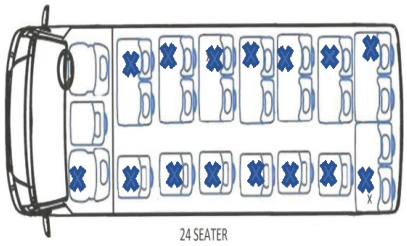
In all instances, passengers are to be required to wear face-coverings (preferably masks) for the duration of their journey; and windows are to be kept fully opened, as far as practicable, to allow for optimal circulation of air through the vehicle.

The following diagrams set out the seating requirements for maxi taxis with ✖ indicating where passengers are to be seated:




Made this 12th day of September, 2020.

T. DEYALSINGH
*Minister of Health*

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, CARONI
REPUBLIC OF TRINIDAD AND TOBAGO—2020