

# **CORONAVIRUS DISEASE (COVID-19) CONTROL BILL, 2020**

## **EXPLANATORY NOTES**

The Coronavirus Disease (COVID-19) Control Bill, 2020 seeks to regulate the containment of the spread of Coronavirus Disease (COVID-19) in the State of Grenada in the interests of public safety, public order, and public health and for the maintenance of a substantial portion of the community and supplies and services essential to the life of the community of the State of Grenada.

The Bill contains 5 Parts and 27 clauses and 2 schedules.

**Part I** provides for the preliminary provisions and contains **clauses 1-3**. **Clause 1** provides for the short title and commencement of the Act for which this is the Bill. The Act for which this is the Bill would operate for a fixed period of time, after which it would be spent.

**Clause 2** provides for interpretation provisions and the definitions of terms used in the Act for which this is the Bill.

**Clause 3** seeks to limit the application of the Act for which this is the Bill, by excluding its application in the case of a medical emergency on a case by case basis.

**Part II** provides for the general health protocols to manage the spread control of COVID-19 within the general public including the power of the Minister to make Orders, and contains **clauses 4-9**.

**Clause 4** provides for the mandatory wearing of masks and mandatory physical distancing of 6 ft. These practices are to be observed by a person whenever he or she leaves his or her place of residence.

**Clauses 5 and 6** provide for the manner in which businesses, establishments and offices must operate, including educational institutions. Clause 5 also includes a power for the Minister for Health to specify businesses, establishments or offices that may be prohibited from operating in the interest of public safety and public health.

**Clause 7** seeks to empower the Minister to make an Order to impose requirements or restrictions in relation to, the holding of an event or gathering. This power would be exercised in consultation with the Chief Medical Officer.

**Clause 8** seeks to empower the Minister to make an Order to impose prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, premises. This power would be exercised in consultation with the Chief Medical Officer.

**Clause 9** seeks to empower the Minister to make an Order to impose prohibitions, requirements or restrictions in relation to the manner of travel in motor vehicles. This power would be exercised in consultation with the Chief Medical Officer.

**Part III** provides for the procedures for persons who are suspected as being potentially infectious including mandatory screening, assessment and isolation, and contains **clauses 10-17**.

**Clauses 10-15** provide procedures for public health officers, police officers and immigration officers to identify potentially infectious persons and to managing the exposure of other persons.

**Clause 16** provides formalities in respect of requirements and restrictions under Part III, including the following factors that public health officers, police officers or immigration officers must consider when exercising their powers:

- (a) the interests of the person;
- (b) the protection of other people;
- (c) the maintenance of public health.

**Clause 17** provides for a person to appeal a requirement or restriction in the Magistrate's Court.

**Part IV** provides for non-compliance with the provisions of the Act for which this is the Bill, including the establishment of a fixed penalty system for non-compliance with specified provisions. Part IV contains **clauses 18-23**. The

maximum penalty for non-compliance is a fine of \$25,000 and imprisonment for 12 months.

**Part V** provides for miscellaneous provisions and contains **clauses 24-27**.

**Clause 24** provides for police officers to enforce the compliance of the Act for which this is the Bill.

**Clause 25** provides for the declaration of a state of emergency by the Governor-General in accordance with section 17 of the Constitution in the interest of the maintenance of public order, public safety, public health, or any substantial portion of the community or any supplies or services essential to the life of the community.

**Clause 26** provides for the Minister amend the schedules to the Act for which this is the Bill.

**Clause 27** provides for the Minister to make regulations for the purposes of giving effect to the provisions of this Act.

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**Darshan Ramdhani**  
**ATTORNEY-GENERAL**

# **CORONAVIRUS DISEASE (COVID-19) CONTROL BILL, 2020**

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# **CORONAVIRUS DISEASE (COVID-19) CONTROL BILL, 2020**

## **GRENADA**

### **ACT NO. OF 2020**

**AN ACT** to regulate the containment of the spread of Coronavirus Disease (COVID-19) in the State of Grenada in the interests of public safety, public order, and public health and for the maintenance of a substantial portion of the community and supplies and services essential to the life of the community of the State of Grenada.

**BE IT ENACTED** by the Queen’s Most Excellent Majesty by and with the advice and consent of the Senate and the House of Representatives and by the authority of the same as follows—

## **PART I PRELIMINARY**

### **Short title and commencement**

1. (1) This Act may be cited as the

### **CORONAVIRUS DISEASE (COVID-19) CONTROL ACT, 2020.**

- (2) This Act shall enter into force on the 15<sup>th</sup> day of August, 2020 and shall expire after one year.

### **Interpretation**

2. (1) In this Act—

“**coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**COVID-19**” means the coronavirus disease;

“**healthcare professional**” means—

- (a) a registered health practitioner,

- (b) a registered nurse, or
- (c) such other registered healthcare professional as may be designated by Order by the Minister;

**“event or gathering”** means a wedding, a funeral, any other service of a religious institution, a social activity or any other activity in which more than twenty people who are not of the same household are present;

**“hiring car”** has the meaning assigned under the Road Traffic Act, Chapter 289A;

**“Minister”** means the Minister with responsibility for Health;

**“motor omnibus”** has the meaning assigned under the Road Traffic Act, Chapter 289A;

**“public health officer”** means a registered health practitioner or registered nurse, employed or contracted by the Government;

**“taxi”** has the meaning assigned under the Road Traffic Act, Chapter 289A.

(2) For the purposes of this Act, a person is **“potentially infectious”** at any time if—

- (a) the person is, or may be, infected or contaminated with coronavirus, and there is a risk that the person might infect or contaminate others with coronavirus; or
- (b) the person has been in an infected area within the 14 days preceding that time.

(3) For the purposes of this section, “infected area” means any country, territory or other area outside the State of Grenada—

- (a) where there is known or thought to be sustained human-to-human transmission of coronavirus, or

- (b) from which there is a high risk that coronavirus will be transmitted to Grenada.

### **Application**

- 3. This Act shall not apply in the individual case of a medical emergency.

## **PART II HEALTH PROTOCOLS**

### **Mandatory wearing of masks and physical distancing**

- 4. (1) Every person shall, whenever he or she is outside of his or her place of residence—

- (a) wear a mask or suitable covering over his or her nose and mouth; and
- (b) at all times as far as practicable distance himself or herself at least six feet (6 ft.) from any other person.

- (2) Notwithstanding subsection (1), every person shall comply with a request to temporarily remove or adjust his or her mask or suitable covering over his or her nose and mouth for the purpose of confirming his or her identification if such request is made by—

- (a) a member of the police force; or
- (b) the owner of premises that the person has entered or is seeking to enter, or an agent thereof.

### **Business and institutional operations**

- 5. (1) All businesses, establishments and offices may commence, continue or resume their business operations, except the businesses, establishments and offices as may be prescribed from time to time by Order by the Minister.

- (2) Notwithstanding subsection (1), every business, establishment or office shall operate in accordance with section 6 and every protocol established by



the Cabinet or the Minister in respect of the industry of the business, establishment or office.

(3) Notwithstanding the Education Act, Chapter 86, educational institutions may only operate as authorised by the Minister which may include operations remotely by utilising virtual means.

(4) For the avoidance of doubt, any business, establishment or office may commence, continue or resume their business operations remotely by utilising virtual means.

(5) Exemptions granted in writing by the Commissioner of Police acting on the direction of the Cabinet pursuant to regulations made pursuant to the Emergency Powers Act, Chapter 88 in response to the COVID-19 pandemic shall remain in force until revoked by the Commissioner of Police acting on the direction of the Cabinet.

**Physical distancing and sanitation protocols for businesses**

6. (1) Every business, establishment or office shall—

- (a) ensure that all customers and staff maintain physical distancing of no less than six feet (6ft.) in or outside their business, establishment or office;
- (b) determine the number of persons that may be permitted in the business, establishment or office at any one time by permitting one person for every thirty square feet (30 sq ft) of store space;
- (c) place prominent distance markers six feet (6ft.) apart, indicating where each customer must stand on a line at a checkout point; and
- (d) place distance markers six feet (6ft.) apart on the outside of the business, establishment or office, indicating where customers must stand while waiting to enter the business, establishment or office.

(2) Every business, establishment or office, including operators of motor omnibuses, hiring cars and taxis, shall administer or ensure sanitisation of the hands of every person upon entry into the establishment or business.

(3) If the manager, owner, other person in charge or employee of any business, establishment or office, aids, abets or facilitates the contravention of this Act, the Minister may order the immediate closure of the business, establishment or office for a specified period not exceeding three months, without prejudice to any other penalty in law.

(4) Employees of a hospital or health care, medical, residential care establishment or facility and members of the Royal Grenada Police Force shall take reasonable steps to comply with the requirements under subsections (1) and (2), unless it is reasonably impracticable.

**Power to prohibit or otherwise restrict events or gatherings**

7. (1) The Minister may, in consultation with the Chief Medical Officer, for the purpose of—

- (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus; or
- (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

by Order published in the *Gazette* prohibit, or impose requirements or restrictions in relation to, the holding of an event or gathering.

(2) An Order under subsection (1) may be made in respect of—

- (a) a specified event or gathering; or
- (b) events or gatherings of a specified description.

(3) An Order under subsection (1) may only have the effect of imposing prohibitions, requirements or restrictions on—

- (a) the owner or occupier of premises for an event or gathering to which the Order relates;

(b) the organiser of such an event or gathering;

(c) any other person involved in holding such an event or gathering.

(4) An Order under subsection (1) may, among other things, impose requirements about informing persons who may be planning to attend an event or gathering of its prohibition or any requirements or restrictions imposed in relation to the holding of it.

(5) For the purposes of subsection (2), events or gatherings may be described—

(a) by reference to a number of people attending the event or gathering,

(b) by reference to a requirement for medical or emergency services to attend the event or gathering, or

(c) in any other way.

(6) The reference in subsection (3) (c) to a person involved in the holding of an event or gathering does not include a person whose only involvement in the event or gathering is, or would be, by attendance at the event or gathering.

(7) The Minister may vary or revoke to any extent an Order made under subsection (1) in the same manner as the Order was made.

**Power to close premises or impose restrictions on persons entering or remaining on them**

8. (1) The Minister may, in consultation with the Chief Medical Officer, for the purpose of—

(a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus or COVID-19; or

(b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

by Order published in the *Gazette*, impose prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, premises.

(2) An Order under subsection (1) may be made in respect of—

- (a) specified premises; or
- (b) premises of a specified description.

(3) An Order under subsection (1) may only have the effect of imposing prohibitions, requirements or restrictions on—

- (a) the owner or occupier of premises to which the direction relates;
- (b) any other person involved in managing entry into, or departure from, such premises or the location of persons on them.

(4) An Order under subsection (1) may, among other things, impose requirements for the purpose of—

- (a) closing the premises;
- (b) restricting entry into the premises; and
- (c) securing restrictions in relation to the location of persons on the premises.

(5) An Order under subsection (1) may impose prohibitions, requirements or restrictions by reference to—

- (a) the number of persons on the premises;
- (b) the size of the premises;
- (c) the purpose for which a person is on the premises;
- (d) the facilities in the premises;

(e) a period of time.

(6) Where the Order imposes prohibitions, requirements or restrictions on a person specified by name, the Order shall be served on that person not less than two calendar days before publication in the *Gazette*.

(7) The Minister may vary or revoke to any extent an Order made under subsection (1) in the same manner as the Order was made.

### **Power to impose restrictions on travel in motor vehicles**

9. (1) The Minister may, in consultation with the Chief Medical Officer, for the purpose of—

- (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus or COVID-19; or
- (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

by Order published in the *Gazette*, impose prohibitions, requirements or restrictions in relation to travel in motor vehicles and the operation of motor omnibuses, hiring cars and taxis.

(2) The Minister may vary or revoke to any extent an Order made under subsection (1) in the same manner as the Order was made.

## **PART III**

### **MANDATORY SCREENING, ASSESSMENT AND ISOLATION**

#### **Powers of public health officers for screening and assessment, and of healthcare professionals**

10. (1) Where a public health officer has reasonable grounds to suspect that a person is potentially infectious, the public health officer may, subject to subsection (2)—

- (a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment; or

- (b) request a police officer to remove the person to a place suitable for screening and assessment.

(2) Where a public health officer exercises the powers conferred by this section, the public health officer shall inform that person—

- (a) of the reason for directing or removing him or her; and
- (b) that it is an offence—
  - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction; or
  - (ii) in a case where a person is removed by the public health officer or by a police officer, to abscond.

(3) Where a healthcare professional, other than a public health officer, has reasonable grounds to suspect that a person is potentially infectious, the healthcare professional shall immediately—

- (a) inform the person of that fact; and
- (b) make a report to the Chief Medical Officer.

**Powers of police and immigration officers for screening and assessment**

11. (1) Where an immigration officer, in the course of exercising any of his or her functions, has reasonable grounds to suspect that a person is potentially infectious, the immigration officer may—

- (a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment; or
- (b) remove the person to a place suitable for screening and assessment.

(2) Upon the request of a public health officer under section 10 (1) (c), a police officer may—

- (a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment, or
  - (b) remove the person to a place suitable for screening and assessment.
- (3) Where a police officer or immigration officer exercises the power to direct or remove a person under this section, the officer shall inform that person—
- (a) of the reason for directing or removing him or her; and
  - (b) that it is an offence—
    - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction; or
    - (ii) in a case where a person is removed, to abscond.
- (4) A police officer or immigration officer shall, before exercising the powers conferred by this section, consult a public health officer to the extent that it is practicable to do so.

**Powers of public health officers at screening and assessment places**

12. (1) Where—
- (a) a person is at a place suitable for screening and assessment, whether or not pursuant to the exercise of powers under this Part; and
  - (b) a public health officer has reasonable grounds to suspect that the person is potentially infectious,

the public health officer may require the person to remain at the place for screening and assessment purposes for a period not exceeding 48 hours.

- (2) Where a public health officer requires a person to remain at a place under this section, the officer shall inform that person—

- (a) of the reason for imposing the requirement;
  - (b) of the maximum period the person may be required to remain there; and
  - (c) that it is an offence to fail to comply with the requirement.
- (3) A requirement imposed on a person under this section may be enforced by a police officer keeping the person at the place.
- (4) A public health officer may—
  - (a) require the person to be screened and assessed; and
  - (b) impose other requirements on the person in connection with his or her screening and assessment.
- (5) Requirements under subsection (4) (a) may in particular include requirements on a person—
  - (a) at such times as the public health officer may specify to allow a healthcare professional to take a biological sample by appropriate means;
  - (b) to answer questions and provide information about his or her health or other relevant matters, including his or her travel history and other individuals with whom he or she may have had physical contact.
- (6) Requirements under subsection (4) (b) may include requirements on a person—
  - (a) to produce any documents which may assist in his or her assessment;
  - (b) to provide details by which he or she may be contacted during such subsequent period as the public health officer may specify.



(7) If a public health officer considers it appropriate for the purposes of screening or assessing the person, the officer may—

- (a) direct the person to go immediately to another place which is specified in the direction and is suitable for those purposes; or
- (b) request a police officer to remove the person to another place suitable for those purposes.

(8) Where a public health officer exercises the powers conferred by this section, the public health officer shall inform that person—

- (a) of the reason for directing or removing him or her; and
- (b) that it is an offence—
  - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction; or
  - (ii) in a case where a person is removed by the public health officer or by a police officer, to abscond.

(9) Where the powers in section 10 or 11 are exercised in relation to a person in a place to direct him or her to go to, or remove him or her to, another place, this section shall apply in relation to that person afresh in that other place.

**Powers exercisable of police and immigration officers at screening and assessment places**

13. (1) Where—

- (a) a person is at a place suitable for screening and assessment, whether or not pursuant to the exercise of powers under this Part; or
- (b) an immigration officer has reasonable grounds to suspect that the person is potentially infectious,

the immigration officer may, subject to subsections (3) to (6), keep the person at that place until such time as a public health officer can exercise the functions under section 10 in relation to that person.

(2) For the purposes of subsection (1) (b), an attempt to enter into the State of Grenada from another State constitutes a reasonable ground to suspect that the person is potentially infectious and an immigration officer may require the person to submit to screening and assessment in accordance with section 12 and isolation in accordance with section 15, at the expense of the person as a condition of that person's entry into the State of Grenada.

(3) A person may not under subsection (1) be kept by an immigration officer, for a period exceeding 5 hours.

(4) If before the end of the period referred to in subsection (3) the immigration officer considers that it is necessary to extend the period because it is not reasonably practicable for a public health officer to exercise the functions under section 12 before the end of that period, the immigration officer or constable may, with the consent of the Chief Immigration Officer, extend the period for a further 9 hours.

(5) Where an immigration officer keeps a person at a place under this section, he or she shall inform that person—

- (a) of the reason for keeping him or her;
- (b) of the maximum period for which he or she may be kept; and
- (c) that it is an offence to abscond.

#### **Powers exercisable after assessment**

14. (1) This section applies where—

- (a) a person has been screened and assessed by a public health officer, under section 12 or otherwise, and—
  - (i) the screening confirmed that the person is infected or contaminated with coronavirus; or

- (ii) the screening was inconclusive; or
  - (b) a person has been assessed by a public health officer, under section 12 or otherwise, and the public health officer has reasonable grounds to suspect that the person is potentially infectious.
- (2) Requirements under this section may include requirements—
- (a) to provide information to the public health officer or any specified person;
  - (b) to provide details by which the person may be contacted during a specified period;
  - (c) to go for the purposes of further screening and assessment to a specified place suitable for those purposes and do anything that may be required under section 12 (1);
  - (d) to remain at a specified place, which may be a place suitable for screening and assessment, for a specified period;
  - (e) to remain at a specified place in isolation from others for a specified period;
  - (f) to install on all mobile devices as far as possible and, for the duration of a specified period, to comply with the instructions of the surveillance mobile application designated by the Minister.
- (3) Restrictions on a person under this section may include restrictions, for a specified period, on—
- (a) the person's movements or travel;
  - (b) the person's activities, including his or her work or business activities;
  - (c) the person's contact with other persons or with other specified persons.

(4) Where a public health officer imposes a requirement or restriction on a person under this section, the officer shall inform the person—

- (a) of the reason for doing so; and
- (b) that it is an offence to fail to comply with the requirement or restriction.

(5) In deciding whether to impose a requirement referred to in subsection (2) (d) or (e) the public health officer must have regard to a person's wellbeing and personal circumstances.

(6) A public health officer may vary or revoke a requirement or restriction imposed on a person, but may only extend the period to which a requirement referred to in subsection (2) (d) or (e) or a restriction relates in accordance with section 12.

**Powers exercisable at a specified place for screening and assessment or isolation**

15. (1) The period specified in relation to a requirement referred to in section 11 (2) (d) or (e) (a "requirement to remain"), or in relation to any restriction under section 12, may not exceed 14 days.

(2) After the imposition of a requirement to remain or a restriction under section 12, a public health officer shall—

- (a) assess the person within 48 hours; and
- (b) in the light of that assessment reconsider which requirements or restrictions it is necessary and proportionate to impose on that person under section 12.

(3) The public health officer may, following reconsideration under subsection (2)—

- (a) revoke the requirement to remain or the restriction or specify a different period not exceeding 14 days in relation to it; or
- (b) substitute a different requirement or restriction under section 12.

(4) If under subsection (3) the public health officer revokes the requirement to remain or the restriction, the Chief Medical Officer may, if satisfied that the person is potentially infectious, re-impose the requirement or restriction for the period originally specified.

(5) If before the end of the period specified in relation to a requirement to remain or restriction under section 12 (3) or subsection (3) (a)—

(a) a public health officer reasonably suspects that the person will be potentially infectious at the end of that period; and

(b) the public health officer considers that the requirement or restriction is still necessary and proportionate,

the officer may extend the period for a further specified period.

(6) Except in the case of a requirement referred to in section 12 (2) (e), the further period specified under subsection (5) may not exceed 14 days.

(7) Where the period to which a requirement to remain or restriction under section 12 relates is extended under subsection (5), a public health officer shall review the requirement or restriction at least once in every period of 24 hours.

(8) If on a review under subsection (7) the public health officer considers that the person is no longer potentially infectious, the officer shall revoke the requirement to remain or the restriction.

(9) If on a review under subsection (7)—

(a) subsection (8) does not apply; but

(b) the public health officer considers that the requirement to remain or the restriction is no longer necessary and proportionate,

the public health officer may substitute a different requirement or restriction under section 12, which may not apply beyond the end of the further period specified under subsection (5).

**Formalities**

16. (1) A direction, instruction, requirement or restriction under this Part may be given or imposed orally or in writing.

(2) But where a requirement or restriction under section 11 is given to a person orally by a public health officer, the public health officer shall as soon as reasonably practicable thereafter give the person a notice setting it out in writing.

(3) A public health officer, police officer or immigration officer may exercise the powers conferred by this Part in relation to a person only if the officer considers that it is necessary and proportionate to do so—

- (a) in the interests of the person;
- (b) for the protection of other people; or
- (c) for the maintenance of public health.

(4) For the avoidance of doubt, in exercising his or her powers under section 10 (1) or 11 (1), a public health officer or an immigration officer, as the case may be, may require that a person execute a declaration, as may be prescribed, attesting to information relevant for the purposes of determining whether the person is potentially infectious.

**Appeal**

17. (1) A person on whom a requirement or restriction is imposed under section 11 may appeal against it (or against any variation of it or any extension of the period to which it relates) to a Magistrate's Court.

(2) On an appeal under this section. the Court may—

- (a) confirm the requirement or restriction, or variation or extension thereof, with or without modification; or
- (b) quash the requirement or restriction, or variation or extension thereof.

## **PART IV**

### **OFFENCES AND PENALTIES**

#### **Penalty**

18. (1) A person who contravenes or fails to comply with this Act commits an offence and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars and to imprisonment for a term not exceeding twelve months and to forfeiture of any goods or money in respect of which the offence has been committed.

(2) Without prejudice to subsection (1), a person who commits an offence by contravening a provision specified in Schedule I is liable on service of a fixed penalty notice by a police officer, if the person so chooses, to a fixed penalty of—

- (a) in the first case, five hundred dollars;
- (b) in the second case, seven hundred and fifty dollars;
- (c) in the third case or any subsequent case, one thousand dollars.

#### **Fixed penalty notice**

19. (1) Where a police officer has reason to believe that a person has committed an offence specified under section 18 (2), the police officer may direct the person to state his or her true name and place of residence and serve upon the person a fixed penalty.

(2) A person who refuses to comply with subsection (1) commits an offence.

(3) Where a police officer has served a fixed penalty notice upon a person, the police officer shall—

- (a) charge the person with the commission of an offence; and
- (b) notify the person that, if he or she does not wish to be prosecuted for the alleged offence in court, he or she may pay to the clerk of the Magistrate's Court in the district in which the offence was

committed the fixed penalty prescribed for the offence in the fixed penalty notice within the time specified.

(4) A person upon whom a fixed penalty notice is served may decline to be dealt with under this Part and where he or she fails to pay the fixed penalty within the time specified in the fixed penalty notice, or within such further time as may be allowed in a particular case, his or her conduct constitutes a declination to be dealt with under this Part.

(5) A police officer shall serve a fixed penalty notice personally upon a person alleged to have committed an offence specified under section 18 (2) and shall send a duplicate of the fixed penalty notice to the Magistrate's Court of the district in which the offence is alleged to have been committed.

(6) Where the fixed penalty is not paid within the time specified in accordance with section 21 (2), the duplicate sent to the Magistrate's Court under subsection (5) shall constitute a complaint laid before the Magistrate to institute proceedings in accordance with the Criminal Procedure Code, Chapter 72B.

(7) A fixed penalty notice shall be signed by the police officer and shall be in the manner specified under Schedule II, specifying the following—

- (a) the date, time and place of service of the fixed penalty notice;
- (b) the provision of this Act creating the offence alleged, and such particulars of the offence as are required under this Act;
- (c) the amount of the fixed penalty;
- (d) the time within which the fixed penalty may be paid in accordance with section 21 (2); and
- (e) the clerk of the Magistrate's Court to whom, and the address at or to which, the fixed penalty may be paid or remitted.

### **Payment of fixed penalty**

20. (1) Payment of the fixed penalty shall be made to the clerk of the Magistrate's Court as stated in the fixed penalty notice, and shall be dealt with



in the same manner as payment of a fine imposed for an offence under the Criminal Procedure Code, Chapter 72B.

(2) Payment of the fixed penalty shall be accompanied by the fixed penalty notice which shall be completed by the person in the manner prescribed.

**Payment of fixed penalty precludes prosecution**

21. (1) A person upon whom a fixed penalty notice is served may pay the fixed penalty in accordance with the fixed penalty notice.

(2) The time within which a fixed penalty is payable is thirty-one calendar days from the date of the fixed penalty notice.

(3) Where the fixed penalty is paid in accordance with the fixed penalty notice, no person shall then be liable to be convicted for the offence for which the fixed penalty notice was served and the complaint laid before the Magistrate shall be null and void.

**Certificate of payment or non-payment of fixed penalty**

22. In any proceedings for an offence specified under section 18 (2), a certificate that payment of the fixed penalty was or was not made to the clerk of the Magistrate's Court by the date specified in the certificate shall, if the certificate purports to be signed by such clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

**Consequence of failure to pay**

23. Where a fixed penalty is not paid within the time specified in accordance with section 21 (2), proceedings in respect of the offence specified in the fixed penalty notice shall thereafter proceed in the manner prescribed by the Criminal Procedure Code, Chapter 72B.

**PART V  
MISCELLANEOUS**

**Duty and powers of Police Force**

24. (1) It shall be the duty of every police officer to enforce (using reasonable force if necessary) compliance with this Act and with any order, instruction or condition lawfully made, given or imposed by any officer or other

person under the authority of this Act, and for such purpose any police officer may enter any premises without a warrant.

(2) Where a person is required to remain at a place under section 11 (2) (d) or (e), the requirement may be enforced—

- (a) by a police officer removing the person to the place;
- (b) by a police officer keeping the person at the place;
- (c) if the person absconds, by a police officer taking the person into custody and returning him or her to that place or another place a public health officer may specify.

(3) Any police officer may arrest without a warrant any person whom he or she has reasonable cause to believe has committed an offence against this Act.

### **Declaration of a state of emergency**

25. (1) Without prejudice to the other provisions of this Act, if at any time it appears to the Governor-General that the spread or risk of spread of COVID-19 in the State of Grenada is of such a nature and on so extensive a scale as to be likely to endanger—

- (a) the maintenance of public order; or
- (b) the maintenance of public safety; or
- (c) the maintenance of public health; or
- (d) the maintenance of any substantial portion of the community or any supplies or services essential to the life of the community,

the Governor-General may, by Proclamation which shall be published in the *Gazette* in accordance with section 17 of the Constitution, declare that a state of emergency exists in Grenada or any part thereof.

(2) A declaration of emergency may at any time be revoked by the Governor-General in accordance with section 17 (3) of the Constitution.

(3) The Governor-General shall exercise the powers conferred on him or her by this section in accordance with the advice of the Cabinet in accordance with section 62 (1) of the Constitution.

(4) During a period of emergency the Cabinet may make Regulations—

(a) for the purpose of controlling and regulating—

(i) all means of communication and transport;

(ii) all fuel, buildings, plant and materials necessary for the working of the same;

(iii) all food and liquor supplies and necessities;

(iv) all electric, water and other power stations;

(b) prohibiting or restricting the possession or use by any person or body of persons of any specified article;

(c) imposing on any person restrictions in respect of his or her employment or business, in respect of his or her place of residence and in respect of his or her association or communication with other persons;

(d) prohibiting any person from being out of doors between specified hours except under the authority of a written permit granted by such authority or person as may be specified;

(e) requiring a person to notify his or her movements in such manner at such times and to such authority or person as may be specified;

(f) prohibiting a person from travelling except in accordance with permission given to him or her by such authority or person as may be specified;

(g) requiring a person to quit any place or area or not to visit any place or area;

(h) authorising on behalf of Her Majesty—

(i) the taking of possession or control, or the managing or carrying on, as the case may be, of any property or undertaking;

(ii) the acquisition of property other than land;

(i) authorising such other measures as the Cabinet may deem to be reasonably justifiable for dealing with the situation that exists during the period of emergency.

(5) The expiry of revocation of regulations made under this Act shall not be deemed to have affected the previous operation thereof, or the validity of any action taken thereunder, or any penalty or punishment incurred in respect of a contravention thereof, or any proceeding or remedy in respect of such punishment.

(6) If at any time it is impossible or impracticable to publish in the *Gazette* a Proclamation or regulations made in pursuance of this Act, it shall be lawful to publish such Proclamation or regulations by affixing notification thereof to public buildings, or distributing such notification to the public at large, or publicising the same by means of broadcasting or the press or any other form of print or electronic media.

### **Amendment of schedules**

26. (1) The Minister may by Order amend the schedules.

### **Regulations**

27. (1) The Minister may make Regulations for the purposes of giving effect to the provisions of this Act.

(2) Regulations made under this Act, including regulations made under section 26 (4), may provide for the creation of offences and the imposition by a court of summary jurisdiction of a fine not exceeding twenty-five thousand dollars or imprisonment not exceeding twelve months or both, upon conviction of an offence under the regulations.

## **SCHEDULE I**

(section 18 (2))

### **FIXED PENALTY OFFENCES**

1. section 4 (1) (a)
2. section 5 (1)
3. section 5 (2)
4. section 9 (1)

## SCHEDULE II

### CORONAVIRUS DISEASE (COVID-19) CONTROL ACT, 2020

#### Notice of Opportunity to Pay Fixed Penalty

(section 19)

Take Notice that, I, .....  
(Rank) (Number) (Name of Police Officer)  
have reason to believe that an offence, particulars of which are given  
overleaf, has been committed. The fixed penalty for the offence is  
.....  
(penalty in words and figures)

If this amount is paid to the Clerk of the Magistrate's Court within thirty-one (31) days from the date of this notice, that is to say, not later than  
..... no proceedings will be taken and any liability to  
conviction of the offence will be discharged. The offence carries a  
maximum fine of \$ .....

In paying the fixed penalty, the following conditions shall be observed—

- (1) The fixed penalty shall be accompanied by this notice.
- (2) Where payment of the fixed penalty is made otherwise than in conformity with the Coronavirus Disease (COVID-19) Control Act, 2020, the Clerk shall as soon as practicable after payment return the amount paid to the sender, and thereafter proceedings in respect of the alleged offence shall begin.
- (3) Payment of the fixed penalty shall be made or remitted to—

“The Clerk of the Magistrate's Court” at the following address—  
.....

.....  
(State name and address of court)

This notice was given at  
.....

on ....., 20....., at ..... a.m./p.m.

(state date)

(state time)

PARTICULARS OF OFFENCE

At ..... a.m./p.m. on the ..... day of ..... , 20..... at  
.....  
.....  
you .....  
.....  
.....  
contrary to .....  
(state specific section contravened)

of the Coronavirus Disease (COVID-19) Control Act, 2020.

.....  
Signature of police officer

Passed by the House of Representatives this      day of      , 2020

.....  
**Clerk to the House of Representatives**

Passed by the Senate this      day of      , 2020.

.....  
**Clerk to the Senate**