

S.I. 58 of 2020**PUBLIC HEALTH ACT, 2015***(Act 13 of 2015)***Public Health (Infectious Disease) (Amendment) (No.2) Regulations, 2020**

In exercise of the powers conferred by section 64 and section 65 of the Public Health Act, 2015, the President being the Minister responsible for Health makes the following regulations —

1. These regulations may be cited as the Public Health (Infectious Disease) (Amendment) (No.2) Regulations, 2020.

Citation

2. The Public Health (Infectious Disease) Regulations are hereby amended as follows —

Amendment of S.I. 8 of 1960 as amended by S.I. 41 of 2020

(a) in regulation 9 —

- (i) by renumbering regulation 9 as subregulation (1) of that regulation;
- (ii) in subregulation (1), so renumbered, by repealing in paragraph (c) the word “ten” and substituting therefor the word “four”;
- (iii) by inserting after subregulation (1) the following regulation subregulations —

“(2) Where a prohibition order under regulation 8 is in force, the Commissioner may, by notice, order any restrictions or conditions for the opening hours of, or the number of person in, or outside, any trade

premises including any retail or food outlet and give directions to the owner, manager, or any person in control, of the trade premises in respect of social or physical distancing and hygiene to be observed by the workers, occupier and consumers so as to remove the risk of infection or spread of an infectious disease.”

(3) Unless otherwise expressly specified in a prohibition order under regulation 8, an order prohibiting indoor public assemblies shall not have the effect of prohibiting assembly exclusively for the purposes of work at the workplace or shopping or consumption at any trade premises or making use of any service including medical assistance, provided that the employer, worker, owner, manager, consumer or any person in control of the premises shall comply with any direction of the Commissioner in respect of social or physical distancing and hygiene.

(4) Subject to subregulation (5), a prohibition order shall not apply to a dwelling.

(5) If in the opinion of a Commissioner, a building is so overcrowded as to expose the occupants to the risk of infection by an infectious disease, the Commissioner may, by notice in writing, direct the owner, occupier or any person in control of the building to abate the overcrowding or to close or vacate the building or part thereof within the time specified in the notice.

(6) Where a notice has been issued under this regulation, a police officer may, without prejudice to any proceedings, which may be taken against a person acting in breach of the notice, take such steps and use such force as may be necessary to ensure compliance with the notice.

(7) Any person who, while a notice under this regulation is in force, enters or is found upon any premises affected by the notice, shall commit an offence and is liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years or to both.

(8) An employer, worker, owner, manager, occupier, consumer or any person in control of a building who fails to comply with a notice of the Commissioner under regulation 9(2) commits an offence and is liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years or to both.

(9) An employer, worker, owner, manager, occupier, consumer or any person in control of a building who fails to comply with the direction of the Commissioner in respect of social or physical distancing commits an offence and is liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years.

(b) in regulation 11 —

- (i) by renumbering regulation 11 as subregulation (1) of that regulation;
- (ii) in regulation (1) so renumbered by repealing the word “ten” and substituting therefor the words “four”;
- (iii) by inserting after subregulation (1), the following subregulation —

“(2) Unless otherwise expressly specified in a prohibition order under regulation 8, an order prohibiting outdoor public assemblies shall not have the effect of prohibiting assembly at bus stops, bus station, ports or airports exclusively for the purposes of travel or at medical facility for the purpose of seeking medical assistance subject to complying with any directions of the Commissioner in respect of social or physical distancing and hygiene.”

(c) by repealing in regulation 12 and substituting therefor the following —

Restriction
on games
and on the
activities
on the beach

“**12.** Unless otherwise expressly specified in a prohibition order under regulation 8, an order prohibiting outdoor assemblies shall have the effect of prohibiting —

- (a) games; and
- (b) assembly of more than four persons for any activity or

purpose on any beach without the permission of the Commissioner.”

- (d) by inserting after regulation 13A(3) the following regulation 13(4) —

“(3) Subregulation(1) shall not apply to a person who is present at such a place within an area referred to in subregulation (1) or is otherwise outdoors in breach of subregulation (1) where he or she shows that his or her presence is necessary at such place, in order to enable him or her to have access to premises where he or she may avail himself or herself of medical treatment, essential supplies, foodstuff, medicine or any other item essential for his or her subsistence or livelihood.”

- (e) by inserting after regulation 16, the following regulations —

Closing
of trade
premises and
restriction
of their
activities

“**16A.**(1) Where it appears to the Commissioner that premises are being used for any purpose or in any manner which may lead to the spread of an infectious disease, the Commissioner may, by notice, order that the premises be closed or remain closed or not to admit any person therein as may be reasonably necessary to prevent the spread of an infectious disease.

(2) Where a notice has been issued under this regulation, a police officer may, without prejudice to any proceedings which may be taken against a

person acting in breach of the notice, take such steps and use such force as may be necessary to ensure compliance with the notice.

(3) Any person who, while a notice under this regulation is in force, enters or is found upon any premises subject to the notice, shall commit an offence and is liable on conviction to a fine not exceeding SCR 20,000 or imprisonment for a period not exceeding two years or to both.

(f) by inserting after regulation 20, the following regulations —

Burden of
proving
facts on
accused
person

21. In any proceedings for an offence under these regulations, the burden of proving any facts to bring the accused person within any exception, exemption or excuse under, these regulations, or notices or orders made under these regulations, shall be on the accused person.

MADE this 30th day of March, 2020.

**DANNY FAURE
PRESIDENT**
