

CAYMAN ISLANDS



**Public Health Act
(2021 Revision)**

CONTROL AND MANAGEMENT OF COVID-19 (NO. 2) REGULATIONS, 2021

(SL 77 of 2021)

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(2021 Revision)**CONTROL AND MANAGEMENT OF COVID-19
(NO. 2) REGULATIONS, 2021**
(SL 77 of 2021)

In exercise of the powers conferred by section 34 of the Public Health Act (2021 Revision), the Cabinet makes the following Regulations —

Citation

1. These Regulations may be cited as the Control and Management of Covid-19 (No. 2) Regulations, 2021.

Definitions

2. (1) In these Regulations —

“**a person designated by the Medical Officer of Health**” includes the Director of the Sister Islands Health Services, where the Director of the Sister Islands Health Services is authorized by the Medical Officer of Health;

“**approved laboratory**” means any one of the following —

- (a) United Kingdom Accreditation Service (UKAS) accredited laboratories;
- (b) laboratories of the National Health Service of the United Kingdom;
- (c) Joint Commission (JC) accredited laboratories;
- (d) Joint Commission International (JCI) accredited laboratories;

- (e) International Organization for Standardization (ISO) accredited laboratories;
- (f) Commission on Office Laboratory Accreditation (COLA) accredited laboratories;
- (g) national public health laboratories so declared or designated by the relevant laws of their respective jurisdictions; or
- (h) any other government approved providers;

“approved test” means a test which satisfies the conditions set out under regulation 4(1)(a) or (b) of the *Control of Covid-19 (Testing) Regulations, 2021*;

“approved vaccine course” means —

- (a) a vaccination programme provided by the Cayman Islands Health Services Authority for use against the virus;
- (b) a vaccination programme provided by a registered practitioner, a health care facility or a medical tourism facility and which is approved by the Chief Medical Officer for use against the virus; and
- (c) any other vaccination programme which is approved by the Chief Medical Officer for use against the virus and which is listed in a notice published by the Chief Medical Officer in the *Gazette*, in any other official Government website or in any other official means of communication;

“Cayman Islands Health Services Authority” means the Cayman Islands Health Services Authority established under section 3 of the *Health Services Authority Act (2018 Revision)*;

“Clerk of the Court” means the person appointed as such under section 7 of the *Grand Court Act (2015 Revision)*;

“Commissioner” means the Commissioner of Police appointed under the *Police Act (2021 Revision)*;

“distance race” means an organized walking, running, cycling or swimming activity which takes place on a road, pathway or public beach and includes walkathons, runs, marathons and swim races;

“educational institution” has the meaning assigned by section 2(1) of the *Education Act, 2016 (Act 48 of 2016)*;

“emergency shelter” means any premises listed as such by the Director of the Department of Hazard Management Cayman Islands in accordance with section 9 of the *Disaster Preparedness and Hazard Management Act (2019 Revision)*;

“health care facility” means premises at which health services are provided by a registered practitioner and in respect of which a certificate is issued under section 5 of the *Health Practice Act (2021 Revision)*;

“health services” include clinical examination, nursing care, dental care, the provision of blood and blood products, diagnostic procedures, the provision of



medical and surgical services, the provision of pharmaceuticals, advice or counselling and any other service as is provided by a registered practitioner under the *Health Practice Act (2021 Revision)*;

“**indoor area**”, in relation to a public place, means an area of the public place which is enclosed or substantially enclosed;

“**manager**”, in relation to a health care facility or residential home care facility, includes the owner;

“**maximum occupancy**” means the maximum occupancy load stated on the Building Code Life Safety Analysis approved by the Department of Planning during the issuance of the Certificate of Occupancy in accordance with the Cayman Islands Building Code under the *Building Code Regulations (2021 Revision)*;

“**medical tourism facility**” means a health care facility designated by the Cabinet under section 7A(2) of the *Health Practice Act (2021 Revision)*;

“**public place**” means any highway, street, public park or garden, any sea beach and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not and any open space and any indoor or outdoor premises to which, for the time being, the public have or are permitted to have access, whether on payment or otherwise;

“**registered practitioner**” means any person qualified to practise any of the professions specified in the *Health Practice Act (2021 Revision)* and registered under the *Health Practice Act (2021 Revision)*;

“**territorial sea**” has the meaning given in the *Cayman Islands (Territorial Seas) Order 1989 [UKSI 1989/2397]*;

“**to have contact**” means to be in proximity of less than six feet to a person who is in isolation or quarantine for more than five minutes;

“**vaccination certificate**” means a document which provides evidence that a person in respect of whom the document is issued was administered an approved vaccine course;

“**virus**” means the virus known as SARS-CoV-2 which causes the disease known as Covid-19;

“**visit**” means —

- (a) in relation to a place, to enter into that place; and
- (b) in relation to a person, to have contact with that person; and

“**waters**” means the waters of the territorial sea of the Islands.

- (2) In the definition of the words “**indoor area**” —

“**enclosed**”, in relation to an area, means —

- (a) the area has a ceiling or roof; and

- (b) except for doors, windows and passageways, the area is wholly enclosed either permanently or temporarily; and
“**substantially enclosed**”, in relation to an area, means the area has a ceiling or roof, but there is —
 - (a) an opening in the walls; or
 - (b) an aggregate area of openings in the walls, which is less than half of the area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of premises.
- (3) In the definition of the words “**substantially enclosed**”, an aggregate area of openings does not include openings in which there are doors, windows or other fittings that can be opened or shut.
- (4) In this regulation, “**roof**” includes any fixed or moveable structure or device which is capable of covering all or part of the premises as a roof, including, for example, a canvas awning.

Definition of public meeting

3. (1) For the purposes of these Regulations “**public meeting**” means, subject to paragraph (2) and regulations 4, 5 and 17 —
- (a) a gathering of more than one hundred persons in an indoor area of a public place for the purposes of engaging in an activity together; and
 - (b) a gathering of more than two hundred and fifty persons in the outdoor area of a public place for the purposes of engaging in an activity together.
- (2) Notwithstanding paragraph (1) and subject to regulations 4, 5 and 17 where —
- (a) for the purposes of engaging in the same activity, persons intend to gather at a public place that has an indoor area and an outdoor area —
 - (i) no more than two hundred and fifty persons shall be permitted to gather at that public place; and
 - (ii) at no time shall more than one hundred persons be permitted in the indoor area of that public place;
 - (b) a public place that has an indoor and outdoor area simultaneously holds different activities in each area, no more than the number of persons specified in paragraph (1)(a) and (b) shall be permitted to gather in each respective area for the purposes of engaging in the activity being held in that respective area; and
 - (c) the outdoor area of a public place that —
 - (i) is capable of being divided into two or more partitioned areas and is so divided; and
 - (ii) an activity is simultaneously held in each partitioned area,



no more than the number of persons specified in paragraph (1)(b) shall be permitted to gather in each respective partitioned area for the purposes of engaging in the activity being held in that respective partitioned area.

- (3) In the definition of the words “**public meeting**”, the word “**person**” does not include —
- (a) a person employed to provide services for the activity being engaged in;
 - (b) a person attending an educational institution;
 - (c) where the activity is a wedding, in addition to a person referred to under subparagraph (a), the bride, bridegroom, official witnesses and the marriage officer;
 - (d) where the activity is the formalisation of a civil partnership, in addition to a person referred to under subparagraph (a), the parties to the intended civil partnership, official witnesses and the civil partnership officer; and
 - (e) where the activity is a funeral, in addition to a person referred to under subparagraph (a), up to six pallbearers, an officiant and essential mortuary staff.
- (4) For the purposes of paragraph (2)(c), “**partitioned area**” means an outdoor area which is separated in such a manner that there is no physical interaction between persons, including persons employed to provide services for the activity being engaged in, in that separated outdoor area and the persons in any other outdoor or indoor area of a public place.

Public meetings - exemptions

4. (1) Subject to this regulation and regulation 16, the definition of “**public meeting**” does not extend to —
- (a) a gathering in the indoor or outdoor area of the places specified in paragraph (3) —
 - (i) where the indoor area of the public place can accommodate more than one hundred persons; or
 - (ii) where the outdoor area of the public place can accommodate more than two hundred and fifty persons; or
 - (b) a gathering in an indoor or outdoor area of a public place where the following conditions are met —
 - (i) the owner or operator of the public place arranges for approved tests to be administered by a registered practitioner to all persons who will be engaging in the activity, including customers, staff and employees, no more than twenty-four hours before the gathering;
 - (ii) each person who will be engaging in the activity under subparagraph (i) receives a negative test result of the approved test administered under sub-subparagraph (i);

- (iii) the gathering limit for an indoor area is subject to the maximum occupancy of the premises; and
 - (iv) where the outdoor area of the public place can accommodate more than five hundred persons, no more than five hundred persons shall be permitted to gather in the outdoor area of the premises, not including a person employed to provide services for the activity being engaged in.
- (2) For the purposes of paragraph (1)(b)(iii), the maximum occupancy of the indoor area of the public place shall be indicated by a sign posted in a conspicuous place near the main exit or exit access doorway from the relevant room or space.
- (3) The places referred to in paragraph (1)(a) are —
 - (a) a business or office, where the business or office is being used as such;
 - (b) an educational institution, where the educational institution is being used for the purposes of providing education;
 - (c) an emergency shelter, where the premises are being used as such in the event of a threat of a disaster or in the aftermath of a disaster; and
 - (d) a church, where the church is being used for the purposes of a religious service other than a funeral service or a wedding service.
- (4) The owner or operator of a public place specified in paragraph (3)(a) or (d) respectively shall restrict the number of —
 - (a) customers in a place referred to under paragraph (3)(a); or
 - (b) congregants in a church referred to under paragraph (3)(d),at any one time so that each customer or congregant is able to distance himself or herself at least six feet from any other person.
- (5) The social distancing requirement referred to in paragraph (4) does not apply to persons who reside at the same household.
- (6) An owner or operator who contravenes paragraph (4) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.

Restaurants and bars

- 5.** (1) The owner or operator of a restaurant and bar may offer indoor and outdoor services, subject to the owner or operator satisfying the following conditions —
- (a) each table shall be at least six feet apart; and
 - (b) servers and front of house staff shall wear masks or cloth face coverings while serving customers.
- (2) A customer of a restaurant or bar shall maintain a distance of six feet from every other person when not seated at a table or counter.



- (3) The social distancing requirement referred to in paragraph (2) does not apply to persons who reside at the same household.
- (4) Notwithstanding the social distancing requirements under regulation 4, a person may be seated at a table in a restaurant or bar with another person who does not reside at the person's household.
- (5) An owner or operator of a restaurant or bar who contravenes paragraph (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.
- (6) A person who contravenes paragraph (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.

Prohibition on holding of public meetings, processions or parades

6. (1) Subject to paragraph (2), for the purposes of the control and management of the spread of the virus, no person shall hold —
- (a) a public meeting;
 - (b) a procession; or
 - (c) a parade, including a carnival parade,
- unless permitted by regulations made under the Act.
- (2) The activities referred to in paragraphs (1)(b) and (c) do not include distance races.
- (3) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.

Wearing of masks

7. (1) Subject to paragraph (4), any person who is five years of age or older who is indoors a public place, including an educational institution, and is unable to, or does not maintain a distance of six feet from every other person, shall cover that person's mouth and nose with a mask or cloth face covering, except —
- (a) where the person is unable to wear a mask or cloth face covering due to a medical condition or the person is otherwise exempted by guidance provided by the Medical Officer of Health;
 - (b) where the person is sitting or eating, without talking —
 - (i) at the person's desk at the person's place of employment; or
 - (ii) at the person's desk, or at a table, at the person's educational institution, or
 - (c) where the person is a customer who is indoors a restaurant or bar and is sitting at a table or counter inside of the restaurant or bar.

- (2) A person who refuses to wear a mask or cloth face covering because of a medical condition shall not be required to produce documentation verifying the condition.
- (3) Paragraph (1) applies to all persons including employees and customers of businesses and other organizations open to the public.
- (4) Notwithstanding paragraph (1), the owner or operator of —
 - (a) a health care facility;
 - (b) a residential home care facility;
 - (c) a prison or place of detention;
 - (d) an airport;
 - (e) a place of business; or
 - (f) such other public place as may be specified by notice by the Medical Officer of Health,

may require any person who visits any of such places to wear a mask and a person who refuses to do so shall be refused entry.

Restriction on visitation to a place or a facility of quarantine or isolation

8. (1) With the exception of —
- (a) the Medical Officer of Health or a person designated by the Medical Officer of Health for the purposes of surveillance or management of a person in quarantine or isolation; or
 - (b) any person who has the written permission of the Medical Officer of Health or a person designated by the Medical Officer of Health,
- no person shall, subject to paragraph (2), visit or permit another person to visit a place or a facility of quarantine or isolation, or a person in a place or a facility of quarantine or isolation.
- (2) With the exception of the persons referred to in paragraph (1)(a) or (b), a person at a private residence shall not permit another person to visit the private residence where the private residence has been specified by the Medical Officer of Health as a place or facility of quarantine or isolation.
 - (3) Where a private residence which is specified under paragraph (2) is part of a multi-dwelling premises, paragraphs (1) and (2) do not apply to any other units and common areas of the multi-dwelling premises.
 - (4) Notwithstanding paragraph (1)(b), where a person provides food, grocery or medication delivery services to a place or facility of quarantine or isolation or a private residence which is specified as such under paragraph (2) —



- (a) the person who provides any of those services shall not require the written permission of the Medical Officer of Health or a person designated by the Medical Officer of Health;
 - (b) the person who provides any of those services shall —
 - (i) not enter the place or facility of quarantine or isolation or the private residence specified as such, as applicable;
 - (ii) not have contact with the person or any other person in quarantine or isolation at the place or facility of quarantine or isolation or the private residence specified as such, as applicable; and
 - (iii) leave the place or facility of quarantine or isolation or the private residence specified as such, as applicable, immediately after providing the service; and
 - (c) in the case of a person who has been directed by the Medical Officer of Health to isolate at a private residence specified as a place or facility of quarantine or isolation, the person at the private residence shall ensure that the person who is providing any of those services does not enter the private residence or have contact with that person or any other person at the private residence.
- (5) A person under paragraph (1)(b) shall comply with the directions of the Medical Officer of Health in relation to any social distancing requirements and the use of personal protective equipment in the place or facility of quarantine or isolation.
- (6) This regulation does not apply to persons who are required to visit a place or a facility of quarantine or isolation or a person in that place or facility, in order to prevent or mitigate risk of injury to persons or property or risk of death.
- (7) A person who contravenes paragraph (1), (2), (4)(b), (4)(c) or (5) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.
- (8) Where a delivery service is being provided to a private residence specified as a place or facility of quarantine or isolation under paragraph (2), it is a defence for a person charged with an offence under paragraph (4)(b) to prove that the person did not know, or could not reasonably have known, that the person to whom the delivery was being made was, at the time of the delivery, a person directed by the Medical Officer of Health to isolate at a private residence.
- (9) Where a person visits a private residence specified as a place or facility of quarantine or isolation under paragraph (2), it is a defence for a person charged with an offence under paragraph (1) to prove that the person did not know, or could not reasonably have known, that the person to whom the visit was being made was, at the time of the visit, a person directed by the Medical Officer of Health to isolate at a private residence.

Prohibition in respect of items in a place or facility of quarantine or isolation

9. (1) Where a person is directed by the Medical Officer of Health to isolate at a private residence or such other place or facility of quarantine or isolation as specified by the Medical Officer of Health —
- (a) the person shall not remove or pass, or permit the removal or passing of, any item from the place or facility of quarantine or isolation; and
 - (b) no person, other than the person directed to isolate in that place or facility of quarantine or isolation, shall handle any item —
 - (i) which comes from the place or facility of quarantine or isolation; or
 - (ii) which has been handled by the person directed to remain at the place or facility of quarantine or isolation,
- until the person who has been directed to isolate is determined by the Medical Officer of Health not to be a public health risk and that place or facility of quarantine or isolation has been cleared by the Medical Officer of Health.
- (2) If, in the opinion of the Medical Officer of Health, a person has handled an item referred to under paragraph (1)(b) —
- (a) the Medical Officer of Health shall, for the purpose of surveillance by the Medical Officer of Health, direct the person to remain at a place or facility of quarantine or isolation specified by the Medical Officer of Health; and
 - (b) the person shall be subject to such directions as are provided by the Medical Officer of Health.
- (3) Paragraph (1) does not apply to an item which has been —
- (a) removed or passed from the place or facility of quarantine or isolation; or
 - (b) handled,
- for public health reasons, by the Medical Officer of Health or a person designated by the Medical Officer of Health, for the purposes of surveillance or management of a person in quarantine or isolation.
- (4) A person who contravenes paragraph (1) or (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.
- (5) It is a defence for a person charged with an offence under paragraph (1)(b) to prove that the person did not know, or could not reasonably have known, that the item —
- (a) was from a place or facility of quarantine or isolation; or
 - (b) had been handled by the person directed to remain at the place or facility of quarantine or isolation.



Restriction on visitation to a health care facility

- 10.** (1) Subject to paragraph (2), a person who wishes to visit a health care facility shall comply with the directions of the manager of the health care facility in relation to any social distancing requirements and the use of personal protective equipment in the health care facility.
- (2) Where a person wishes to visit a patient who has tested positive for the virus and who is in a health care facility, the person who wishes to visit the patient shall —
- (a) only visit or be permitted to visit that patient with the written permission of the Medical Officer of Health; and
- (b) comply with the directions of the manager of the health care facility in relation to any social distancing requirements and the use of personal protective equipment in the health care facility.
- (3) This regulation does not apply to persons who are required to visit a health care facility or a person in that facility, in order to prevent or mitigate risk of injury to persons or property or risk of death.
- (4) A person who contravenes paragraph (1) or (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.

Restriction on visitation to a residential home care facility

- 11.** (1) A person who wishes to visit a residential home care facility shall —
- (a) present the owner or operator with a medical certificate which shows that the person, no more than forty-eight hours prior to the date of the intended visit, had received —
- (i) a negative polymerase chain reaction (PCR) test of a sample from the upper airways; or
- (ii) a negative result of an approved test,
which specifies the name and address of the approved laboratory or registered health care facility where the test was performed;
- (b) only visit or be permitted to visit after such test has been declared to be negative by the Medical Officer of Health; and
- (c) comply with the directions of the manager of the residential home care facility in relation to any social distancing requirements and the use of personal protective equipment in the residential home care facility.
- (2) This regulation does not apply to persons who are required to visit a residential home care facility or a person in that facility, in order to prevent or mitigate risk of injury to persons or property or risk of death.

- (3) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.

Restriction on visitation of a detainee in a prison or place of detention

- 12.** (1) A person who wishes to visit a detainee in a prison or place of detention must be a relative of the detainee and shall —

- (a) present the owner or operator with a medical certificate which shows that the person, no more than forty-eight hours prior to the date of the intended visit, had received —
 - (i) a negative polymerase chain reaction (PCR) test of a sample from the upper airways; or
 - (ii) a negative result of an approved test, which specifies the name and address of the approved laboratory or registered health care facility where the test was performed; and
- (b) only visit after such test has been declared to be negative by the Medical Officer of Health.

- (2) A person under paragraph (1) shall comply with —

- (a) the directions of the Director of Prisons in relation to any social distancing requirements and the use of personal protective equipment in the prison; and
 - (b) the directions of the Medical Officer of Health in relation to any social distancing requirements and the use of personal protective equipment in the place of detention.
- (3) This regulation does not apply to persons who are required to visit a prison or place of detention or a person in either of those places, in order to prevent or mitigate risk of injury to persons or property or risk of death.
- (4) A person who contravenes paragraph (1) or (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.
- (5) For the purpose of this regulation, “**relative**”, in relation to a detainee in a prison or place of detention, means the detainee’s —
- (a) spouse or civil partner;
 - (b) child;
 - (c) parent or legal guardian;
 - (d) brother or sister;
 - (e) grandparent;
 - (f) grandchild; or



(g) friend.

Travel from Grand Cayman to Cayman Brac or Little Cayman

- 13.** (1) Subject to this regulation, any person may travel from Grand Cayman to Cayman Brac or Little Cayman by air transport or boat.
- (2) A person who is five years of age or older who wishes to travel from Grand Cayman to Cayman Brac or Little Cayman may travel without being tested for the virus where the person —
- (a) at least fourteen days prior to the person's date of travel, has completed an approved vaccine course;
 - (b) in the case of a voyage by air, prior to departure of the flight, provides the relevant airline or an agent of the airline with a vaccination certificate;
 - (c) in the case of a voyage by boat, prior to departure of the boat, provides a customs and border control officer at the Port Authority with a vaccination certificate; and
 - (d) is not showing any respiratory symptoms or symptoms of the virus.
- (3) A person who is five years of age or older who, at least fourteen days prior to the person's date of travel, has not completed an approved vaccine course and who wishes to travel from Grand Cayman to Cayman Brac or Little Cayman shall, prior to the departure of the voyage, provide to —
- (a) in the case of a voyage by air, the relevant airline or an agent of the airline; or
 - (b) in the case of a voyage by boat, a customs and border control officer at the Port Authority,
- a medical certificate which shows that the person had a negative polymerase chain reaction (PCR) test of a sample from the upper airways no more than forty-eight hours prior to the departure of the person's voyage and which specifies the name and address of the approved laboratory where the test was performed.
- (4) Where a person referred to under paragraph (2) or (3) arrives in Cayman Brac or Little Cayman and the person shows respiratory symptoms or symptoms of the virus, the person shall be managed at a place and in such manner as specified by the Medical Officer of Health until the Medical Officer of Health determines that the person is no longer a health risk to the public.
- (5) Subject to paragraph (6), a person who is required to stay in a place or facility of quarantine or isolation which is operated by Government is liable to pay for any costs associated with the person's accommodation in such a place or facility.
- (6) The following persons who provide evidence that they reside in the Islands and who are required to stay in a place or facility of quarantine or isolation which is operated by Government are not required to pay the costs of accommodation at that place or facility —

- (a) a person who provides evidence that the person is a returning student;
 - (b) a person who provides evidence that the person's travel was for the purpose of government business;
 - (c) a person who provides evidence that the purpose of the person's travel was to represent the Islands in a sporting event as part of a national team;
 - (d) a person who provides a medical certificate signed by a registered practitioner that the person travelled from Grand Cayman to Cayman Brac or Little Cayman in order to obtain medical services;
 - (e) a person who is a parent, guardian or caregiver who provides evidence that the person travelled from Grand Cayman to Cayman Brac or Little Cayman for the purposes of taking the person's child, or a child in the person's care to —
 - (i) an educational institution; or
 - (ii) represent the Islands in a sporting event as part of a national team; and
 - (f) a person who provides evidence that the person had responsibility to take a child or an adult to obtain medical services.
- (7) For the purposes of paragraph (6) —
- “child”** means —
- (a) a person under the age of eighteen; or
 - (b) a person between the age of eighteen and twenty-four years who is receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; and
- “parent”** includes a step-parent and a foster parent.
- (8) A person who contravenes paragraph (2) or (3) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.

Conditions for the use of boats in the waters

14. (1) Subject to this regulation, a person may use a boat in the waters subject to the condition that the operator of the boat shall ensure that the boat only has on board at any time no more than one hundred persons or seventy per cent of its legal capacity, whichever is lesser.
- (2) A person shall not operate or manoeuvre any boat so as to congregate or gather with any other person on any other boat or vessel where the number of persons gathering exceeds one hundred persons.
- (3) Paragraph (1) does not apply to boats with a legal capacity of forty persons or under.



- (4) A person who contravenes paragraph (1) or (2) commits an offence and is liable on conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.

Use of boat for fishing in the areas in Schedule 1

- 15.** (1) Notwithstanding regulations 14 and 15 and, subject to this regulation, a person may use a boat only for the purpose of fishing in the areas specified in Schedule 1 subject to the following conditions —
- (a) the operator of the boat shall possess clearance to leave the waters issued by the Customs and Border Control Service;
 - (b) the operator of the boat shall ensure that the boat has on board at any time no more than twenty-five persons or its legal capacity, whichever is lesser; and
 - (c) the operator of the boat shall ensure that the operator and the persons on board the boat return to the Islands no later than forty-eight hours after the commencement of the outward journey.
- (2) Notwithstanding paragraph (1), a person who used, or was on board, a boat referred to in this regulation —
- (a) shall comply with the directions of the Medical Officer of Health with regard to isolation and any additional health monitoring for the purposes of preventing, controlling or suppressing the spread of the virus; and
 - (b) who shows respiratory symptoms or symptoms of the virus shall be managed at a place and in such manner as specified by the Medical Officer of Health,
- until the Medical Officer of Health determines that the person is not a health risk to the public.
- (3) Where a person is directed by the Medical Officer of Health in accordance with paragraph (2) to isolate in a place or facility of quarantine or isolation which is operated by Government, the person is liable to pay for any costs associated with the person's accommodation in such a place or facility.
- (4) A person shall not operate or manoeuvre a boat in the areas specified in Schedule 1 so as to congregate or gather with any other person on any other boat or vessel where the number of persons gathering exceeds twenty-five persons.
- (5) Notwithstanding paragraph (4), an operator shall declare to the Medical Officer of Health if there was any person on board that operator's boat, other than a person in respect of whom that operator received the clearance referred to in paragraph (1).
- (6) A person who contravenes paragraph (1), (2), (3), (4) or (5) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.

Exercise and sporting activities

- 16.** (1) A person may exercise at any time but shall be subject to the public meeting and social distancing requirements in these Regulations.
- (2) Sporting activities shall be permitted provided that —
- (a) where the sporting activity takes place in an outdoor area —
- (i) the organiser of the sporting activity shall not permit more than two hundred and fifty persons at any time, including spectators of and participants in the relevant sporting activity; and
- (ii) each spectator shall cover that person's mouth and nose with a mask or cloth face covering if the spectator is unable to maintain a distance of six feet from every other person, or does not maintain that distance from every other person; and
- (b) where the sporting activity takes place in a gym, fitness centre or other indoor fitness area —
- (i) the owner or operator of the gym, fitness centre or other indoor fitness area shall not permit a person other than an employee to enter the gym, fitness centre or other indoor fitness area where that person —
- (A) has not, at least fourteen days prior to the date of the sporting activity completed an approved vaccine course, proof of which must be submitted in the form of a vaccination certificate; or
- (B) does not present the owner or operator with a medical certificate which shows that the person had a negative polymerase chain reaction (PCR) test of a sample from the upper airways, or a negative result of an approved test, no more than forty-eight hours prior to the date of the sporting activity and which specifies the name and address of the approved laboratory or registered health care facility where the test was performed;
- (ii) each person in the gym, fitness centre or other indoor fitness area shall maintain a distance of six feet from every other person, subject to any guidelines issued by the Medical Officer of Health; and
- (iii) the owner or operator of the gym, fitness centre or other indoor fitness area shall comply with any guidelines issued by the Medical Officer of Health.
- (3) The social distancing requirement referred to in this regulation does not apply to persons who reside at the same household.
- (4) For the purposes of paragraph (2)(b), “**indoor fitness area**” means an area indoors any place —
- (a) in which a sporting activity takes place; and



- (b) where members of the public have or are permitted access, whether on payment or otherwise.
- (5) A person who contravenes paragraph (2)(a)(ii) or (2)(b)(ii) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.
- (6) An organiser of a sporting activity who contravenes paragraph (2)(a)(i) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.
- (7) An owner or operator of a gym, fitness centre or other indoor fitness area who contravenes paragraph (2)(b)(i) or 2(b)(iii) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.

Public transport

- 17.** (1) A person using a taxi or an omnibus, including the driver of the taxi or omnibus, shall wear a mask or cloth face covering when in the taxi or omnibus.
- (2) An operator of a taxi or an omnibus shall only operate the taxi or omnibus on the condition that every person, including the driver of the taxi or omnibus, shall wear a mask or cloth face covering when in the taxi or omnibus.
- (3) A person who contravenes paragraph (1) or (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.
- (4) For the purpose of this regulation —
“**omnibus**” includes a school vehicle; and
“**school vehicle**” means a vehicle used for the conveyance of school children for hire or reward.

Scuba diving and snorkelling in the Islands

- 18.** (1) A person who wishes to rent scuba or snorkelling equipment to a customer for a scuba diving or snorkelling activity, including for training in scuba diving or snorkelling, shall comply with the following requirements —
- (a) the person shall, prior to renting any shared scuba or snorkelling equipment, register with the Department of Environmental Health, for the purposes of monitoring and ensuring compliance with this regulation;
 - (b) the person shall ensure that all shared scuba and snorkelling equipment is cleaned each day using an agent approved for use against the virus by the Director of Environmental Health of the Department of Environmental Health;

- (c) where the person rents any shared scuba equipment to a customer, the person shall not rent the same shared scuba equipment to another customer until three days has elapsed; and
 - (d) the person shall comply with the written guidelines issued by the Director of Environmental Health of the Department of Environmental Health under paragraph (3).
- (2) Paragraph (1) does not apply to a buoyancy control device, a dive tank, dive boots, fins, a weight belt, a dive computer or a wet suit.
- (3) For the purposes of the control and management of the spread of the virus, the Director of Environmental Health of the Department of Environmental Health shall issue written guidelines on the use of shared scuba or snorkelling equipment, including a list of agents approved for use against the virus.
- (4) The guidelines under paragraph (3) shall be published in the *Gazette*, in any other official Government website or in any other official means of communication.
- (5) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.

Prohibition on use of hookah, shisha pipes or water pipes

- 19. (1) An owner or operator of a business shall not use or permit the use of a hookah, shisha pipe or water pipe at the place of business.
- (2) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.

Police powers

- 20. (1) A police officer may require a person to answer any questions to enable the police officer to ascertain who the person is and whether the person is complying with these Regulations, and where the person does not satisfy the police officer that the person is complying with these Regulations, the police officer may —
 - (a) detain the person and inform the Medical Officer of Health or a person designated by the Medical Officer of Health of the fact that a person has been so detained; and
 - (b) convey the person to a facility of quarantine or isolation, if so directed by the Medical Officer of Health.
- (2) The powers in paragraph (1) may be exercised where a person is at any place.
- (3) For the purposes of exercising the powers in paragraph (1), a police officer may enter any place or facility of quarantine or isolation, including a private



residence specified as such under these Regulations, or a multi-dwelling premises in which such a private residence is located.

- (4) A police officer may use reasonable force, if necessary, in the exercise of the police officer's powers under this regulation.

Ticketable offences

21. (1) When an offence appears to have been committed contrary to these Regulations, notwithstanding that certain penalties for such offences are by those Regulations expressed to be mandatory, a constable, special constable or person authorized by the Commissioner may instead serve on the alleged offender a ticket in the form set out in Schedule 2.
- (2) Where an offence referred to in Columns 1 and 2 of Schedule 3 is committed, the penalty in Column 3 of Schedule 3 applies.
- (3) Where the summary of an offence contained in Column 1 of Schedule 3 differs from the substantive creation of the offence in the provision concerned, the provision creating the offence shall prevail and no person may be acquitted on the basis that there is a conflict between the summary of the offence contained in Column 1 of Schedule 2 and the substantive provision.
- (4) Where a person is served with a ticket under paragraph (1), the payment of the penalty stated in the ticket no later than twenty-eight days after being served discharges the person from liability upon conviction for the offence set out in the ticket.
- (5) Payment of a ticket under these Regulations shall be made to the Clerk of the Court and the fine under the ticket, unless otherwise expressly stated, forms part of the general revenue of the Islands.

Service and payment of ticket

22. (1) A constable, special constable or person authorized by the Commissioner who serves a ticket shall complete and sign the certificate of service in the ticket stating that the ticket was, on the date set out in the certificate, served on the person whom the constable, special constable or person authorized by the Commissioner had reason to believe committed the offence.
- (2) A certificate of service in the ticket shall be evidence that, on the date set out in the certificate, a ticket was served on the person whom the constable, special constable or person authorized by the Commissioner had reason to believe committed the offence.
- (3) The Commissioner shall file or cause to be filed with the Clerk of the Court the duplicate of a ticket served under paragraph (1) as soon as practicable after the ticket is served.
- (4) Upon being served a ticket, a person may —

- (a) pay the total amount set out in the ticket;
- (b) enter a “not guilty” plea in accordance with regulation 23(1); or
- (c) attend the summary court on the date set out in the ticket and enter a plea.

Trial after not paying ticket or not agreeing to ticket

- 23.** (1) A person who is served with a ticket and who wishes to enter a “not guilty” plea may request a trial by ticking the box for requesting a trial in the ticket and delivering the ticket to the Clerk of the Court within twenty-eight days of being served with the ticket and the Clerk of the Court shall enter a plea of “not guilty”.
- (2) As soon as practicable after a person requests a trial under paragraph (1), the Clerk of the Court shall —
- (a) notify the Commissioner of the request;
 - (b) if the Commissioner has not filed the duplicate of the ticket or caused the duplicate of the ticket to be filed in accordance with regulation 22(3), request the duplicate ticket;
 - (c) fix the time and place of the trial; and
 - (d) notify the defendant and the prosecution, by specifying the time and place of the trial in the ticket.
- (3) A person who has been served with a ticket and has not paid the total amount set out in the ticket in accordance with regulation 21, nor entered a “not guilty” plea in accordance with paragraph (1), shall attend at the court on the date specified by the Clerk of the Court in the ticket, which shall be no earlier than thirty-eight days after the date that the ticket was served on the person and the notice of the court date in the ticket shall be notice to the defendant and the prosecution of the same.
- (4) A ticket filed with the Clerk of the Court is evidence of the facts alleged in the ticket without proof of the signature of the person appearing to have completed the ticket or the person on whom the ticket was served.
- (5) Except as otherwise provided, a notice or document required or authorized to be given or delivered under this regulation may be given or delivered personally by registered mail or electronically.
- (6) Evidence that a notice or document required or authorized to be given or delivered to a person under this regulation was sent by registered mail to the person at the last known place of abode or business address appearing on a ticket or electronically, is sufficient evidence that the notice or document was given or delivered to the person unless the contrary is proved.
- (7) A person who is convicted of an offence in a trial requested under paragraph (1) or in a trial as a result of a failure to pay the total amount set out in the ticket in accordance with regulation 21, is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.



- (8) The ticket, for the purposes of a trial, is deemed to be a complaint within the meaning of section 14 of the *Criminal Procedure Code (2021 Revision)*.
- (9) Notwithstanding anything in law to the contrary, where the ticket remains unpaid at the expiration of the time specified for the payment of the ticket or where the person served requests a trial, the ticket shall be deemed to be a summons in accordance with section 15 of the *Criminal Procedure Code (2021 Revision)*.
- (10) Subject to paragraph (2), proceedings in respect of an offence deemed to be instituted by a ticket under these Regulations shall not be listed for hearing in court unless —
 - (a) the Clerk of the Court certifies that the payment of the ticket has not been received within the twenty-eight day period within which it was payable; and
 - (b) a period of ten days has elapsed from the last day on which the ticket penalty was payable.
- (11) Where the ticket is not paid within the time specified in the ticket or the person served requests a trial, proceedings in respect of the offence specified in the ticket shall be in accordance with the procedure set out for Category C offences under the *Criminal Procedure Code (2021 Revision)*.

Repeal

24. The following Regulations are repealed —

- (a) the *Control and Management of Covid-19 Regulations, 2021*;
- (b) the *Public Health (Prevention, Control and Suppression of Covid-19) (Ticket) Regulations, 2020*; and
- (c) the *Prevention, Control and Suppression of Covid-19 (Travel and Boating) Regulations, 2021*.

Expiry

25. These Regulations shall continue in force until 15th January, 2022 or until such other date as the Cabinet may specify by notice in the *Gazette*, in any other official Government website or in any other official means of communication.

SCHEDULE 1

(regulation 15)

Areas where persons shall use a boat only for the purpose of fishing

Persons shall use a boat only for the purpose of fishing in the following areas —

1. the area known as 60 Mile Bank, that is to say the area within 3 miles of Latitude 20° 0' 55.412" N Longitude 82° 2' 11.149" W;
2. the area known as Pickle Bank, that is to say the area within 20 miles of Latitude 20° 23' 40.210" N Longitude 80° 26' 37.769" W;
3. the area known as 12 Mile Bank, that is to say the area within 5 miles of Latitude 19° 19' 48.192" N Longitude 81° 34' 55.724" W;
4. the area known as Lawford's Bank, that is to say the area within 10 miles of Latitude 19° 28' 10.8912" N Longitude 79° 7' 48.63" W; and
5. the area known as Fish Attracting Device (FAD), that is to say the area within 1 mile of Latitude 19° 44' 43.8" N Longitude 81° 19' 34.38" W.

SCHEDULE 2*(regulation 21(1))***TICKET UNDER THE CONTROL AND MANAGEMENT OF COVID-19
(NO. 2) REGULATIONS, 2021**

Ticket served upon alleged offender (details below)

Name: _____
D.O.B.: _____ P.O. Box _____
Address: _____
E-mail Address: _____
Phone: _____ (w) _____ (h)
Work Address: _____

Time and place at which offence committed:

Offence:	Regulation:	
_____	_____	\$ _____

Offence:	Regulation:	
_____	_____	\$ _____

Offence:	Regulation:	
_____	_____	\$ _____

Offence:	Regulation:	
_____	_____	\$ _____

(Use second ticket for additional offences)



Date of Issue: _____ Time: _____ am/pm

Place: _____

Reporting Officer's Name (and Rank & No.): _____

To the person to whom this ticket is served —

- (a) you may pay the total amount set out in the ticket prior to the _____ day of _____ 20_____ online – see **website: www.judicial.ky** and for assistance e-mail **onlinebanking@judicial.ky** or for other payment facilities e-mail **criminalregistry@judicial.ky** or call 244-3867;
- (b) you may enter a plea of “not guilty” up to twenty-eight days after being served and indicate now an intention to plead “not guilty” and request a trial by ticking the box ☐ and deliver the ticket personally, by registered mail or electronically by e-mail to **criminalregistry@judicial.ky** to the Clerk of the Court; or
- (c) upon requesting a trial or upon non-payment or where a plea of “not guilty” is not entered, you will be summoned by the Clerk of the Court to attend the Summary Court:
 - (i) in Grand Cayman, at _____ on _____ 20_____; or
 - (ii) in Cayman Brac, at _____ on _____ 20_____.

CERTIFICATE OF SERVICE

I am a [constable] / [special constable] / [person authorized by the Commissioner] and I certify that I served this ticket on the person named on the date and at the time stated above.

(Name of Constable/Special Constable/Person
authorized by the Commissioner)

(Signature)

If you experience any issues with the above payment options or you require the assistance of the Clerk of the Court please contact:

criminalregistry@judicial.ky or call 244-3867 or 949-4296



SCHEDULE 3*(regulation 21(2))***TICKET OFFENCES AND FINES**

Column 1 Summary of offence	Column 2 Relevant Regulation	Column 3 Fine
1. Failure of the owner or operator of a relevant public place to restrict the number of persons so that customers or congregants are able to social distance.	4(5)	\$1000
2. An owner or operator of a restaurant or bar failing to maintain distance of at least six feet between tables while offering services.	5(5)	\$1000
3. An owner or operator of a restaurant or bar failing to ensure that servers and staff wear masks or cloth face coverings while serving customers.	5(5)	\$500
4. A person not maintaining at least six feet from every other person in a restaurant or bar when not seated at a table or counter	5(6)	\$250
5. Holding a public meeting, procession or parade	6(3)	\$1000



contrary to these Regulations.		
6. A person who enters a place or facility of quarantine or isolation or a private residence contrary to regulations 8(1), (2), (4)(b), (4)(c) or (5).	8(7)	\$500
7. Visiting or permitting another person to visit a place or a facility of quarantine or isolation, or a person in a place or a facility of quarantine or isolation.	8(7)	\$500
8. Permitting another person to visit a private residence where the private residence has been specified by the Medical Officer of Health as a place or facility of quarantine or isolation.	8(7)	\$500
9. A person who has been directed by the Medical Officer of Health to isolate at a private residence specified as a place or facility of quarantine or isolation, failing to ensure that a person who is providing food, grocery or medication delivery services does not enter the private	8(7)	\$500

residence or have contact with that person or any other person at the private residence.		
10. A person who provides food, grocery or medication delivery services to a place or facility of quarantine or isolation or a private residence specified as such having contact with any person in quarantine or isolation at the place or facility of quarantine or isolation or the private residence specified as such.	8(7)	\$500
11. A person who provides food, grocery or medication delivery services to a place or facility of quarantine or isolation or a private residence specified as such failing to leave the place or facility of quarantine or isolation immediately after providing food, grocery, or medication delivery services.	8(7)	\$500
12. A person failing to comply with the directions of the Medical Officer of Health in relation to any social distancing requirements and the use of personal protective equipment in a place or facility of quarantine or isolation.	8(7)	\$500



13. A person who is directed by the Medical Officer of Health to remain at a private residence or such other place or facility of quarantine or isolation removing or passing, or permitting the removal or passing of, any item from a place or facility of quarantine or isolation.	9(4)	\$500
14. A person who has handled an item which — (a) comes from a place or facility of quarantine or isolation; or (b) has been handled by a person directed to remain at a place or facility of quarantine or isolation, failing to comply with the directions of the Medical Officer of Health.	9(4)	\$500
15. Visiting a patient who has tested positive for the virus in a health care facility without the written permission of the Medical Officer of Health.	10(4)	\$500
16. Visiting a residential home care facility or permitting another person to visit a residential home care facility without the Medical Officer of Health declaring the test to be negative.	11(3)	\$250

17. Not complying with the directions of the manager of a residential home care facility in relation to any social distancing requirements and use of personal protective equipment in the residential care facility.	11(3)	\$250
18. A person visiting a detainee in a prison or place of detention without the Medical Officer of Health declaring the person's test to be negative.	12(4)	\$250
19. A person failing to comply with the directions of the Director of Prisons in relation to any social distancing requirements and the use of personal protective equipment in a prison.	12(4)	\$250
20. A person who has not completed an approved vaccine course not providing a medical certificate which shows a negative polymerase chain reaction (PCR) test of a sample from the upper airways no more than forty-eight hours prior to the departure from Grand Cayman to Cayman Brac or Little Cayman.	13(8)	\$250
21. The operator of a boat failing to ensure that the boat	14(4)	\$500



only has on board at any time no more than one hundred persons or seventy per cent of its legal capacity, whichever is lesser; or operating or manoeuvring a boat so as to congregate or gather with any other person on any other boat or vessel where the number of persons gathering exceeds one hundred persons.		
22. Failing to only use a boat for the purposes of fishing in the areas specified in Schedule 1 or failing to comply with the following conditions when using a boat for the purpose of fishing in the areas specified in Schedule 1 — (a) possessing clearance to leave the waters issued by the Customs and Border Control Service; (b) ensuring that the boat has on board at any time no more than twenty-five persons or its legal capacity, whichever is lesser; (c) ensuring that the operator and the persons on board the boat return to	15(6)	\$500

the Islands no later than forty-eight hours after the commencement of the outward journey; or (d) operating or manoeuvring a boat in the areas specified in Schedule 1 so as to congregate or gather with any other person on any other boat or vessel where the number of persons gathering exceeds twenty-five persons.		
23. A spectator at a sporting activity that takes place in an outdoor area failing to cover the spectator's mouth and nose with a mask or face covering when unable to maintain or not maintaining a distance of six feet from every other person.	16(5)	\$250
24. A person at a sporting activity that takes place in a gym, fitness centre or other indoor fitness area failing to maintain a distance of six feet from every other person in a gym, fitness centre or other indoor fitness area.	16(5)	\$250



25. The organiser of a sporting activity permitting more than two hundred and fifty persons at any time as spectators of or as participants at an outdoor sporting activity.	16(6)	\$500
26. An owner or operator of a gym, fitness centre or other indoor fitness area permitting a person other than an employee to enter the gym, fitness centre or other indoor fitness area where that person — (a) has not, at least fourteen days prior to the date of the sporting activity completed an approved vaccine course, proof of which must be submitted in the form of a vaccination certificate; or (b) does not present the owner or operator with a medical certificate which shows that the person had a negative polymerase chain reaction (PCR) test of a sample from the upper airways, or a negative result of an approved test, no more than forty-eight hours prior to the date of the	16(7)	\$500

sporting activity and which specifies the name and address of the approved laboratory where the test was performed.		
27. An owner or operator of a gym, fitness centre or other indoor fitness area failing to comply with the guidelines issued by the Medical Officer of Health in relation to the operation of gyms, fitness centres or other indoor fitness areas.	16(7)	\$500
28. Failing to wear a mask or cloth face covering when inside a taxi or omnibus.	17(3)	\$250
29. Operating a taxi or omnibus where the operator or any other person in the taxi or omnibus fails to wear a mask or cloth face covering when inside the vehicle.	17(3)	\$250
30. Renting scuba or snorkelling equipment to a customer for a scuba diving or snorkelling activity, including for training in scuba diving or snorkelling contrary to regulation 18.	18(5)	\$500



31. An owner or operator of a business using or permitting the use of hookah, shisha pipes or water pipes at the place of business.	19(2)	\$500
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Made in Cabinet the 16th day of November, 2021.

Kim Bullings
Clerk of the Cabinet