

CAYMAN ISLANDS



**Public Health Act
(2021 Revision)**

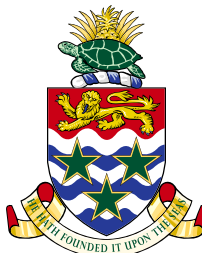
CONTROL AND MANAGEMENT OF COVID-19 REGULATIONS, 2021

(SL 68 of 2021)

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CAYMAN ISLANDS**Public Health Act
(2021 Revision)****CONTROL AND MANAGEMENT OF COVID-19
REGULATIONS, 2021
(SL 68 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 and commencement

1. (1) These Regulations may be cited as the Control and Management of Covid-19 Regulations, 2021.
- (2) These Regulations come into force on 24th September, 2021, except for regulation 13 which comes into force on 27th September, 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 authorised by the Medical Officer of Health;

“**approved vaccine course**” means —

- (a) a vaccination programme provided by the Cayman Islands Health Services Authority;

- (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; 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;

“**contact**” means being closer than six feet to a person in isolation or quarantine for more than five minutes;

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

“**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;

“**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 includes any open space and any premises to which, for the time being, the public have or are permitted to have access, whether on payment or otherwise;

“**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;

“**vaccination certificate**” means a document which is provided as evidence that the 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; and

“**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.

- (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 determining the area of an opening or an aggregate area of openings for the purposes of the definition of the words “**substantially enclosed**”, no account is to be taken of 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 13 —
- (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; 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.
- (2) Notwithstanding paragraph (1) and subject to regulations 4, 5 and 13 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; and
 - (b) a public place that has an indoor and outdoor area simultaneously holds different activities in each area, the number of persons specified in paragraph (1)(a) and (b) shall be allowed to gather in each respective area for the purposes of engaging in the activity being held in that respective area.

- (3) In the definition of the words “**public meeting**”, the word “**person**” does not include —
- (a) a person employed to provide the activity being engaged in;
 - (b) 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;
 - (c) 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
 - (d) 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.

Public meetings - exemptions

4. (1) Subject to this regulation and regulation 13, the definition of “**public meeting**” does not extend to —
- (a) establishments, institutions, businesses, organisations and offices, including cinemas and theatres; and
 - (b) any church,
- which can accommodate more than one hundred persons.
- (2) The owner or operator of a public place specified in paragraph (1) shall restrict the number of —
- (a) customers in a place referred to under paragraph (1)(a); or
 - (b) congregants in a church,
- 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.
- (3) The social distancing requirement referred to in this regulation does not apply to persons who reside at the same household.
- (4) An owner or operator 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.

Public places and social distancing requirements

5. (1) Subject to directions given under regulation 8(5), 10(1), 10(2), 11(1)(c) 12(2) or 13(2)(b)(ii), each person in a public place shall maintain a distance of at least six feet from another person.
- (2) Subject to directions given under regulation 8(5), 10(1), 10(2), 11(1)(c) or 12(2) or 13(2)(b)(ii), the social distancing requirement referred to in this regulation does not apply to persons who reside at the same household.



- (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.

Prohibition on holding of public meetings, processions or parades

6. (1) 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) 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) Any person over the age of five years old 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 bar or restaurant and is sitting at a table inside of the bar or restaurant.
- (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 organisations open to the public.
- (4) The Medical Officer of Health shall issue written guidance to implement the provisions of this regulation, which shall include guidance for the use of masks or cloth face coverings by children over the age of five years old.
- (5) The guidance under paragraph (4) shall be published in the *Gazette*, in any other official Government website or in any other official means of communication.

- (6) Where a customer refuses to wear a mask or cloth face covering for non-medical reasons, the owner or operator of a public place may refuse entry to the person.

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 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.
- (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.

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 remain 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) be tested for the virus within three days prior to the date of the intended visit;
 - (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) be tested for the virus within three days prior to the date of the intended visit; and
 - (b) only visit or be permitted to 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.

Exercise and sporting activities

- 13.** (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 as spectators of or as participants in the relevant sporting activity; and
 - (ii) each spectator maintains a distance of six feet 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) more than fifty per cent of the legal capacity at any time in the gym, fitness centre or other indoor fitness area, including employees, patrons, participants and spectators;
 - (B) a person other than an employee to enter the gym, fitness centre or other indoor fitness area where that person —
 - (AA) 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
 - (BB) 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 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) —

“approved test” means a test which is —

 - (a) approved by the Chief Medical Officer for the detection of the virus; and



- (b) 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; and

“**indoor fitness area**” means an area indoors any place —

- (a) in which a sporting activity takes place; and
 - (b) to which members of the public have or are permitted to have access, whether on payment or otherwise.
- (5) A person who contravenes paragraph (1), (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 (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

- 14. (1) An operator of a taxi or an omnibus shall drive such taxi or omnibus on the condition that all persons, including the driver of the taxi or omnibus, shall wear masks or cloth face coverings when in the taxi or omnibus.
- (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.
- (3) 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

- 15. (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 dive tanks.
 - (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

- 16. (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

- 17. (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.

Repeal of the Prevention, Control and Suppression of Covid-19 (No. 2) Regulations, 2021

- 18.** The *Prevention, Control and Suppression of Covid-19 (No. 2) Regulations, 2021* are repealed.

Expiry

- 19.** These Regulations shall continue in force until 22nd November, 2021 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.

Made in Cabinet the 23rd day of September, 2021.

Kim Bullings
Clerk of the Cabinet