

VIRGIN ISLANDS

IMPOSITION OF A CURFEW (NO. 3) ORDER, 2021

ARRANGEMENT OF SECTIONS

Section

1. Citation and commencement.
2. Imposition of a curfew.
3. Exemptions.
4. Approved establishments or businesses to open subject to inspection, approval and certification.
5. Social distancing and sanitisation measures and employees to report and leave work within imposed hours.
6. Vessels and ferries permitted to operate and prohibitions.
7. Approved vessels for essential safety or maintenance repair.
8. Approval of Cruise Liners for technical calls or warm lay ups.
9. Domestic Air travel service to operate.
10. Freight courier or Charter Company traveling between the Territory and USVI to operate.
11. Quarantine.
12. Revocation of S.I. No. 7 of 2021.

SCHEDULE

VIRGIN ISLANDS

STATUTORY INSTRUMENT 2021 NO. 12

**CURFEW ACT, 2017
(No. 20 of 2017)**

Imposition of a Curfew (No. 3) Order, 2021

[Gazetted 10th February, 2021]

The Governor, in exercise of the powers conferred by section 3, read together with section 4 of the Curfew Act, 2017 (No. 20 of 2017) makes the following Order:

Citation and commencement.

1. (1) This Order may be cited as the Imposition of a Curfew (No.3) Order, 2021.

(2) This Order shall come into force on the 11th day of February, 2021 at 5:00 a.m.

Imposition of a curfew.

2. (1) For the purposes of controlling, suppressing or preventing the spread of COVID-19 and for the protection of all persons within the Territory, a curfew is hereby imposed from the date this Order comes into force.

(2) For the purposes of subsection (1), no person shall be on the streets, and every person shall remain confined to their place of residence (inclusive of their yard space), from the date this Order comes into force to Thursday, 25th February, 2021 between the hours of 2:01 a.m. to 4:59 a.m. daily, subject to

(a) such conditions as stipulated in this Order; and

(b) the requirements as provided under the Public Health (Covid-19 Control and Suppression Measures) (No. 9) Order, 2020 and any amendment to that Order whether by revocation or otherwise.

S.I. No. 122 of 2020

Exemptions. Schedule

3. Subject to such conditions as may be stipulated, this Order shall not apply to the persons or class of persons specified in the Schedule to this Order.

Approved establishments or businesses to open subject to inspection, approval and certification.

4. A person may open and operate a business or establishment from the date this Order comes into force to Thursday, 25th February, 2021 from 5:00 a.m. to 2:00 a.m. daily, provided that such businesses and establishments have been inspected and approved by the Social Distancing Monitoring Task Force and certified by the Environmental Health Division.

5. Every approved business or establishment owner or operator under section 4, shall

- (a) adhere to social distancing protocols and put in place relevant sanitisation measures, including ensuring that all customers and staff maintain physical distancing of no less than six feet, as provided under the Public Health (Covid-19 Control and Suppression Measures) (No. 9) Order, 2020 and any amendment to that Order whether by revocation or otherwise; and
- (b) ensure that allowance is made for staff and employees to report to and leave work within the imposed hours.

Social distancing and sanitisation measures and employees to report and leave work within imposed hours.

S.I. No. 122 of 2020

6. (1) A person who operates a vessel is permitted to operate the vessel within the territorial waters

- (a) between the hours of 5:01 a.m. to 6:00 p.m. daily; and
- (b) within the navigational limits East of 64.38300'W on the south side of Tortola and an area East of the dividing line between the Western most tip of Jost Van Dyke and Western most tip of Tortola (This area will be further confined by navigational limits to the North, East and South).

Vessels and ferries permitted to operate and prohibitions.

(2) Notwithstanding subsection (1)(a), a person operating a vessel may be permitted to operate the vessel within the territorial waters up to 10:00 p.m. daily, for the purpose of transporting persons intra-island to be quarantined.

(3) A person approved to operate a vessel within the territorial waters for the purpose specified under subsection (2) shall notify the Joint Task Force of such movement within the territorial waters.

(4) Subject to subsections (1), (2) and (3), a person who operates a vessel is prohibited from operating the vessel

- (a) within the maritime exclusion zones; and

(b) across the territorial borders.

(5) Notwithstanding the restrictions under subsection (4), a person operating a vessel may be permitted to move

(a) through the maritime exclusion zone and outside the navigational limits under subsection (1)(b), once a pre-clearance is obtained from the Joint Task Force prior to transit; and

(b) across the territorial borders, where authorised by the Governor in consultation with the Minister of Health and Social Development.

(6) For the purposes of this section a person operating a vessel fitted with Automatic Identification system technology shall be required to use such technology while navigating within the territorial waters, especially in the exclusion zone to allow for easy identification by law enforcement.

(7) A person who operates a ferry is permitted to operate such ferry between the hours of 5:01 a.m. to 1:59 a.m. daily.

Approved vessels for essential safety or maintenance repair.

7. The Governor may, after consultation with the Minister of Health and Social Development, grant approval to a person who operates a vessel for the purpose of essential safety or maintenance repair.

Approval of Cruise Liners for technical calls or warm lay ups.

8. A person operating a Cruise Liner may be permitted to make technical calls or warm lay ups to the Territory, subject to compliance with the protocols established by the BVI Ports Authority and endorsed by the Health Emergency Operations Centre.

Domestic Air travel service to operate.

9. A person operating a domestic air travel service may be permitted to operate such service, provided that the service is operated in accordance with existing social distancing protocols.

Freight courier or Charter Company traveling between the Territory and USVI to operate.

10. A person operating a Freight courier or a Charter Company traveling between the Territory and the USVI may be permitted to operate such courier or company subject to

(a) strict adherence to the requirements as provided under the Public Health (Covid-19 Control and Suppression Measures) (No. 9) Order, 2020 and any amendment to that Order whether by revocation or otherwise; and

S.I. No. 122 of 2020

(b) fortnightly testing.

Quarantine.

- 11.** A person who is the subject of a
- (a) mandatory quarantine order under the relevant enactments, protocols or guidelines; or
 - (b) direction by a quarantine officer, appointed under the Quarantine Act, 2014, to be in quarantine,

No. 10 of 2014

shall be prohibited from leaving his or her home for the period of his or her quarantine.

- 12.** The Imposition of a Curfew (No. 2) Order, 2021 is revoked.

Revocation of
S.I. No.7 of
2021.

SCHEDULE

[Section 3]

PERSONS OR CLASS OF PERSONS TO WHOM THIS ORDER IS NOT APPLICABLE

(a) The following Government officers and heads of statutory corporations:

- (i) Deputy Governor;
- (ii) Attorney General;
- (iii) Financial Secretary;
- (iv) Cabinet Secretary;
- (v) Permanent Secretary;
- (vi) Auditor General;
- (vii) Director of Public Prosecutions;
- (viii) Accountant General;
- (ix) Clerk of the House of Assembly;
- (x) Registrar of the Supreme Court;
- (xi) Managing Director of the Financial Services Commission;
- (xii) Director of the Financial Investigation Agency; and
- (xiii) Director of the International Tax Authority;

and essential staff of the offices of the above Government officers and statutory corporations who are required to report to work by such officers and who are either on duty, when traveling to or returning from duty;

(b) persons employed in the essential services as defined in section 3 of the Labour Code, 2010, who are on duty, when traveling to or returning from duty;

(c) officers of private security service providers as defined in section 2 of the Private Security Industry Act, 2007, who are on duty, when traveling to or from duty;

No. 4 of 2010

No. 10 of 2007

- (d) Customs and Immigration officers who are on duty, when traveling to or from duty;
- (e) persons employed in the public and private sector waste management services, who are on duty, when traveling to or from duty;
- (f) persons employed in approved fuel distribution and delivery services, who are on duty, when traveling to or from duty;
- (g) persons employed as public and private sector social care providers, who are on duty, when traveling to or from duty;
- (h) Judges and Magistrates and other persons employed in the Courts, who are on duty, when traveling to or from duty;
- (i) persons employed in mortuary services, who are on duty, when traveling to or from duty;
- (j) persons employed for humanitarian support purposes, who are on duty, when traveling to or from duty;
- (k) persons employed as emergency call handlers, who are on duty, when traveling to or from duty;
- (l) persons employed as freight, courier and cargo distribution, who are on duty, when traveling to or from duty;
- (m) persons employed as media and broadcast providers, who are on duty, when traveling to or from duty;
- (n) persons engaged in bona fide farming, agriculture or fisheries with urgent need to care for animals and persons offering veterinary services who are on duty, when traveling to or from duty;
- (o) persons employed in transportation services (providing transportation for essential and critical operations), who are on duty, when driving to or from duty;
- (p) persons employed in supermarkets providing services to and for essential and critical operations, who are on duty, when traveling to or from duty;
- (q) persons employed at the health and emergency operations centre who are on duty, when traveling to or from duty;
- (r) persons who are traveling en route to or from a port or airport as approved by Cabinet under the Immigration and Passport (Authorised Ports of

S.I. No. 10 of
2020

Entry) (Amendment) Regulations, 2020, (without a detour) for the purpose of leaving the Territory;

- (s) persons employed for emergency household and business repairs, who are on duty, when traveling to or from duty;
- (t) persons employed with sanitisation, insect, mold and bug control companies, who are on duty, when traveling to or from duty; and
- (u) teachers in public and private schools who attend their institutions for the sole purpose of accessing resources for on-line instruction.

Made by the Governor this 10th day of February, 2021.

(Sgd.) John Rankin,
Governor.