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EXTRAORDINARY

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GOVERNMENT NOTICE

The following documents are published with and form part of this *Extraordinary Gazette*:

Statutory Instruments

- No. 27 of 2021 — Constitution of Saint Lucia - Proclamation for Declaration of State of Emergency.
- No. 28 of 2021 — Constitution of Saint Lucia (State of Emergency) Regulations.
- No. 29 of 2021 — COVID-19 (Prevention and Control) (Suspension of Liquor Licence) Order.
- No. 30 of 2021 — COVID-19 (Prevention and Control) (Protocol) (Public Omnibus) Regulations.
- No. 31 of 2021 — COVID-19 (Prevention and Control) (Physical Distancing) (No. 1) (Amendment) (No. 4) Order.

*Constitution of Saint Lucia - Proclamation for Declaration of
State of Emergency*

SAINT LUCIA

STATUTORY INSTRUMENT, 2021, No. 27

[3rd February, 2021]

**BY HIS EXCELLENCY THE
GOVERNOR GENERAL**

A PROCLAMATION

**SIR EMMANUEL NEVILLE CENAC
GCSL., GCMG.,
GOVERNOR GENERAL.**

WHEREAS it is enacted by section 17(1) of the Constitution of Saint Lucia, Cap. 1.01 that the Governor General may, by proclamation which shall be published in the Official *Gazette*, declare that a state of emergency exists for the purposes of Chapter 1 of the Constitution of Saint Lucia, Cap. 1.01;

AND WHEREAS section 17(2) of the Constitution of Saint Lucia, Cap. 1.01 provides that a proclamation under section 17(1) shall not be effective unless it contains a declaration that the Governor General is satisfied —

- (a) that a public emergency has arisen as a result of the imminence of a state of war between Saint Lucia and a foreign state;
- (b) that a public emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or of infectious disease, or other calamity whether similar to the foregoing or not; or
- (c) that action has been taken, or is immediately threatened, by any person, of such a nature and on so extensive a scale, as to be likely to endanger the public safety or to deprive the community or any substantial portion of the community of supplies or services essential to life;

*Constitution of Saint Lucia - Proclamation for Declaration of
State of Emergency*

AND WHEREAS a public emergency has arisen as a result of 2019-n CoV, an infectious disease commonly known as COVID-19;

NOW THEREFORE I, EMMANUEL NEVILLE CENAC, Governor General of Saint Lucia, by this Proclamation do hereby declare —

- (a) that a state of emergency exists for the purposes of Chapter 1 of the Constitution of Saint Lucia, Cap. 1.01;
- (b) that I am satisfied that a public emergency has arisen as a result of the occurrence of 2019-n CoV, an infectious disease commonly known as COVID-19.

GIVEN under my hand and the Public Seal of Saint Lucia at Government House in the City of Castries, in the State of Saint Lucia this 3rd day of February, 2021 in the seventieth year of the Reign of Her Majesty Queen Elizabeth the Second.

GOD SAVE THE QUEEN

Constitution of Saint Lucia (State of Emergency) Regulations

SAINT LUCIA

STATUTORY INSTRUMENT, 2021, No. 28

[3rd February, 2021]

In exercise of the power conferred under regulation 14(1) of the Constitution of Saint Lucia, Cap. 1.01, the Governor General makes these Regulations:

Citation

1. These Regulations may be cited as the Constitution of Saint Lucia (State of Emergency) Regulations, 2021.

Interpretation

2. In these Regulations —

“COVID-19” means Coronavirus Disease 2019;

“curfew” means the time specified under regulation 3.

Application

3. These Regulations apply together with the COVID-19 (Prevention and Control) Act, No. 9 of 2020.

Curfew

4.—(1) A curfew is imposed each day from 7 p.m. to 5 a.m.

(2) A person who does not comply with the curfew imposed under subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or imprisonment for a term not exceeding six months or both.

Essential services to operate during curfew

5.—(1) An essential service, business, establishment or office specified under the COVID-19 (Prevention and Control) Act, No. 9 of 2020 may continue to operate during the curfew.

Constitution of Saint Lucia (State of Emergency) Regulations

(2) An essential service, business, establishment or office under subregulation (1) shall comply with the physical distancing requirements under the COVID-19 (Prevention and Control) Act, No. 9 of 2020.

Confinement to residence

6. In an effort to prevent the spread of COVID-19, a person other than a person under regulation 5, shall remain confined in their place of residence during the curfew.

Restriction on road traffic

7.—(1) A person shall not drive a vehicle on any public or private road during the curfew except with the written permission of the Director of the National Emergency Management Organization.

(2) The Royal Saint Lucia Police Force shall have power to stop any vehicle and enquire as to the purpose for which that vehicle is being utilized.

(3) In this regulation, “vehicle” includes a motor vehicle or motorcycle.

Restriction on visitation

8. Except with the permission of the Chief Medical Officer, a person shall not visit or be permitted to visit a person placed in isolation.

Testing and quarantine

9.—(1) A national or resident may be required to take a test for COVID-19, based on a health assessment conducted by the Chief Medical Officer or a medical officer authorized by the Chief Medical Officer.

(2) A national or resident who takes a test for COVID-19 under subregulation (1) shall home quarantine until he or she is notified by a medical officer authorized by the Chief Medical Officer of his or her results.

(3) A person who takes a test for COVID-19 under subregulation (1) and obtains a positive result shall be placed in isolation.

Constitution of Saint Lucia (State of Emergency) Regulations

(4) A person who —

- (a) does not remain in home quarantine under subregulation (2) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding three months or both;
- (b) obtains a positive result and does not remain in isolation under subregulation (3) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or imprisonment for a term not exceeding six months or both.

(5) In this regulation, “test for COVID-19” means a test approved under the COVID-19 (Prevention and Control) Act, No. 9 of 2020.

Detention of national or resident

10.—(1) Where —

- (a) the Chief Medical Officer has reasonable grounds to believe that a national or resident is, or may be —
 - (i) infected or contaminated with the COVID-19, or
 - (ii) in breach of regulation 9;
- (b) the Chief Medical Officer considers that there is a risk that the national or resident might infect or contaminate others; or
- (c) the national or resident has left an infected place,

the Chief Medical Officer may, for the purposes of screening, assessment and the imposition of restrictions or requirements under regulation 11, impose on that national or resident a requirement to be detained.

(2) The Chief Medical Officer shall detain a national or resident at a quarantine facility or require that the national or resident be kept in isolation under regulation 12.

(3) Where a restriction or requirement is imposed under regulation 10, the person imposing the restriction or requirement shall immediately

Constitution of Saint Lucia (State of Emergency) Regulations

notify the detained person that the restriction or requirement is contingent on the incidence or transmission of COVID-19 constituting a serious and imminent threat to public health.

(4) A person who refuses to be detained under this regulation commits an offence.

Imposition of restrictions and requirements

11.—(1) Where a national or resident is required to be home quarantined under regulation 9 or detained under regulation 10, the Chief Medical Officer may —

- (a) orally or in writing, impose on or in relation to a person one or more screening requirements to inform an assessment, of whether such person presents or may present a risk of infecting or contaminating others;
- (b) carry out an assessment in relation to that person;
- (c) following an assessment under paragraph (b), orally or in writing, impose on or in relation to that person any other restriction or requirement which the Chief Medical Officer considers necessary for removing or reducing the risk referred to in paragraph (a).

(2) A decision to impose a restriction or requirement under subregulation (1) may be taken if the Chief Medical Officer considers that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

(3) A restriction or requirement imposed under subregulation (1) by the Chief Medical Officer may be varied, orally or in writing, by the Chief Medical Officer.

(4) Where a restriction or requirement under this regulation is imposed on or in relation to a child, a national or resident who is a parent or guardian of the child must ensure that the child complies with the restriction or requirement, to the extent that the parent or guardian is reasonably able to do so.

Constitution of Saint Lucia (State of Emergency) Regulations

(5) Where a restriction or requirement is imposed orally on a national or resident under this regulation, or a restriction or requirement imposed under this regulation is orally varied, the national or resident, or, in the case of a child, a national or resident who is a parent or guardian of the child must be provided with a written notification of the restriction or requirement that has been imposed or varied as soon as reasonably practicable.

(6) Where a restriction or requirement is imposed under subregulation (1)(c), the person imposing the restriction or requirement shall notify the detained person that the restriction or requirement is contingent on the incidence or transmission of COVID-19 constituting a serious and imminent threat to public health.

(7) Subregulation (1) does not affect the exercise of a power under regulation 12.

Isolation of national or resident suspected to be infected with COVID-19

12.—(1) The Chief Medical Officer may require a national or resident to be kept in isolation, if the Chief Medical Officer —

- (a) has reasonable grounds to believe that a person is, or may be, infected or contaminated with COVID-19; and
- (b) considers that it is necessary and proportionate to do so in order to reduce or remove the risk of the person infecting or contaminating others.

(2) Where the Chief Medical Officer has reasonable grounds to believe that a national or resident is, or may be, infected or contaminated with COVID-19, the Chief Medical Officer may detain the national or resident under regulation 10 pending the decision of the Chief Medical Officer under subregulation (1).

(3) Where subregulation (1) applies, the Chief Medical Officer may impose on or in relation to a national or resident one or more screening requirements.

(4) Where a restriction or requirement is imposed under this regulation, the person imposing the restriction or requirement shall express it to be contingent on the incidence or transmission of COVID-19 constituting a serious and imminent threat to public health.

*Constitution of Saint Lucia (State of Emergency) Regulations***Screening requirements**

13.—(1) For the purposes of these Regulations, the screening requirements in relation to a national or resident, are that the national or resident shall —

- (a) answer questions about his or her health or other relevant circumstances, including information about other individuals with whom the national or resident may have had physical contact;
- (b) produce documents which may assist the Chief Medical Officer to assess his or her health;
- (c) allow the Chief Medical Officer, or a person designated by the Chief Medical Officer to take a biological sample, including a sample of his or her respiratory secretions or blood, by appropriate means including by swabbing his or her nasopharyngeal cavity; and
- (d) provide sufficient information to enable him or her to be contacted immediately by the Chief Medical Officer during the period that the Chief Medical Officer specifies.

(2) Where a person a child is accompanied by a parent or guardian, the parent or guardian shall —

- (a) ensure that the child answers questions in accordance with subregulation (1)(a);
- (b) answer the questions if the child is unable to do so or cannot reliably do so;
- (c) produce documents, required under subregulation (1)(b), on the child's behalf;
- (d) allow the Chief Medical Officer to take a biological sample of the child, including a sample of the child's respiratory secretions or blood, by appropriate means including by swabbing the child's nasopharyngeal cavity, or provide the sample;

Constitution of Saint Lucia (State of Emergency) Regulations

- (e) provide information under subregulation (1)(d) to the Chief Medical Officer as required; and
- (f) provide other information as required by the Chief Medical Officer.

Restriction on being in a public place

14.—(1) A national or resident shall not be in a public place knowing that he or she has signs and symptoms of COVID-19.

(2) A national or resident who contravenes subregulation (1) commits an offence.

General penalty

15. A person who contravenes a provision in these Regulations, for which a penalty is not specified, commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or imprisonment for a term not exceeding six months or to both.

Expiry

16. These Regulations cease to have effect when the declaration of state of emergency pursuant to which these Regulations have been made ceases to have effect.

Made this 3rd day of February, 2021.

EMMANUEL NEVILLE CENAC,
Governor General.

*COVID-19 (Prevention and Control)
(Suspension of Liquor Licence) Order*

SAINT LUCIA

STATUTORY INSTRUMENT, 2021, No. 29

ARRANGEMENT OF SECTIONS

Section

1. Citation
2. Interpretation
3. Direction of police officer
4. Grounds for suspension of liquor licence
5. Rectification and notice of suspension of liquor licence
6. Order for the suspension of liquor licence
7. Period of suspension of liquor licence

*COVID-19 (Prevention and Control)
(Suspension of Liquor Licence) Order*

SAINT LUCIA

STATUTORY INSTRUMENT, 2021, No. 29

[3rd February, 2021]

In exercise of the power conferred under section 15 of the COVID-19 (Prevention and Control) Act, No. 9 of 2020, the Minister responsible for health, makes this Order:

Citation

1. This Order may be cited as the COVID-19 (Prevention and Control) (Suspension of Liquor Licence) Order, 2021.

Interpretation

2. In this Order —

“Act” means the COVID-19 (Prevention and Control) Act, No. 9 of 2020;

“Commissioner” means the Commissioner of Police under the Police Act, Cap. 14.01;

“licence” means a licence issued under the Liquor Licence Act, Cap. 13.17 authorizing the sale or barter of intoxicating liquor;

“licensee” means a person who has been granted a licence under the Liquor Licence Act, Cap. 13.17;

“licensed premises” includes a building, yard or place for which a licence has been granted under the Liquor Licence Act, Cap. 13.17;

“police officer” means a member of the Police Force established under section 3 of the Police Act, Cap. 14.01.

*COVID-19 (Prevention and Control)
(Suspension of Liquor Licence) Order*

Direction of police officer

3.—(1) Without prejudice to the Police Act, Cap. 14.01, where the Commissioner or a police officer designated by the Commissioner, believes on reasonable grounds that a licensee is in breach of a protocol under the Act, the Commissioner or a police officer designated by the Commissioner, may —

- (a) direct the licensee to rectify the breach immediately; and
- (b) if the licensee fails to rectify the breach, recommend to the Minister, that the licence be suspended.

(2) A recommendation to the Minister under subsection (1) must be in writing, and state —

- (a) the name of the licensee;
- (b) the name of the licensed premises;
- (c) the protocol breached under the Act; and
- (d) whether the protocol breach is continuing.

Grounds for suspension of liquor licence

4. Subject to section 5, the Minister may, on the recommendation of the Commissioner of Police or a police officer designated by the Commissioner, suspend a licence under the Act, where a person who is the owner, operator or manager of licensed premises and while on the licensed premises —

- (a) breaches a protocol under the Act;
- (b) permits a breach, by a person on the licensed premises, of a protocol under the Act; or
- (c) is charged with a criminal offence under the Act.

Rectification and notice of suspension of liquor licence

5.—(1) On receipt of the recommendation under section 3 and if the grounds under section 4 exists, the Minister shall direct the licensee to immediately rectify the breach.

*COVID-19 (Prevention and Control)
(Suspension of Liquor Licence) Order*

(2) If a licensee fails to rectify the breach under subsection (1), the Minister shall issue and serve notice, in writing, to the licensee to inform of the suspension of the licence.

(3) A notice under subsection (2) must contain —

- (a) the name of the licensee;
- (b) the name of the licensed premises;
- (c) the protocol breached under the Act;
- (d) the grounds on which the licence is suspended;
- (e) the duration of time for which the licence is suspended, in accordance with section 7;
- (f) the date of commencement and the date of termination of the suspension.

(4) A person who is served a notice of suspension of a licence under subsection (1) may, within one day of receipt of the notice, write to the Minister requesting an opportunity to be heard and providing details as to grounds on which the licence should not be suspended.

Order for the suspension of liquor licence

6.—(1) An Order for the suspension of a licence may be issued if the details as to grounds on which the licence should not be suspended are not reasonable and the suspension is reasonably justified in the public interest.

(2) For the purpose of section 15 of the Act, an Order for the suspension of a licence, must contain —

- (a) the name of the licensee;
- (b) the name of the licensed premises;
- (c) the grounds on which the licence is suspended;
- (d) the duration of time for which the licence is suspended, in accordance with section 7;
- (e) the date of commencement and the date of termination of the suspension.

*COVID-19 (Prevention and Control)
(Suspension of Liquor Licence) Order*

Period of suspension of liquor licence

7. A licence suspended under the Act may —
- (a) in the instance of the first breach under the Act, be suspended for a maximum period of seven days;
 - (b) after the instance of the first breach under the Act, be suspended for a maximum period of fourteen days.

Made this 3rd day of February, 2021.

MARY ISAAC,
Minister responsible for health.

*COVID-19 (Prevention and Control) (Protocol) (Public Omnibus)
Regulations*

SAINT LUCIA

STATUTORY INSTRUMENT, 2021, No. 30

[3rd February, 2021]

In exercise of the power conferred under sections 20(3) and 65(2) (a) of the COVID-19 (Prevention and Control) Act, No. 9 of 2020, the Minister responsible for health, makes these Regulations:

Citation

1. These Regulations may be cited as the COVID-19 (Prevention and Control) (Protocol) (Public Omnibus) Regulations, 2021.

Interpretation

2. In these Regulations, “public omnibus” means a motor vehicle in respect of which an omnibus route permit is issued under section 54 of the Motor Vehicles and Road Traffic Act, Cap. 8.01.

Application

3. These Regulations apply to a public omnibus.

Restriction on number of passengers

4.—(1) A person shall not operate on a road a public omnibus that is loaded with more than ten passengers.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment with or without hard labour for a term not exceeding six months or both and forfeiture of goods or money in respect of which the offence has been committed.

Made this 3rd day of February, 2021.

MARY ISAAC,
Minister responsible for health.

*COVID-19 (Prevention and Control) (Physical Distancing) (No. 1)
(Amendment) (No. 4) Order*

SAINT LUCIA

STATUTORY INSTRUMENT, 2021, No. 31

[3rd February, 2021]

In exercise of the power conferred under section 17 of the COVID-19 (Prevention and Control) Act, No. 9 of 2020, the Minister responsible for health, makes this Order:

Citation

1. This Order may be cited as the COVID-19 (Prevention and Control) (Physical Distancing) (No. 1) (Amendment) (No. 4) Order, 2021.

Interpretation

2. In this Order, “principal Order” means the COVID-19 (Prevention and Control) (Physical Distancing) (No. 1) Order, Statutory Instrument, No. 12 of 2021.

Amendment of section 4

3. Section 4 of the principal Order is amended by deleting subsection (2) and replacing with the following —

“(2) Subsection (1) does not prohibit an educational institution from operating via multimedia platforms.”.

*COVID-19 (Prevention and Control) (Physical Distancing) (No. 1)
(Amendment) (No. 4) Order*

Replacement of Schedule 1

4. Schedule 1 of the principal Order is replaced with the following —

“SCHEDULE 1

(Section 5(1)(a))

**BUSINESS, ESTABLISHMENT OR OFFICE TO OPEN AT
MINIMAL OPERATION**

| Service/Activity | Component |
|---|--|
| Financial or Banking Services | Teller Services ATM Services Online Services Counter Services General Administration |
| Public or private electricity, water, telecommunications and other utility services | Counter Services Data Center General Administration |
| Supermarkets, minimarts, small shops, bakeries | In Store At location Delivery activities |
| Hardware Stores | Sale of hardware supplies |
| Food Supply and preparation services | Supply of raw food |
| Restaurants | Delivery Take-away Drive-thru |
| Food trucks and food stalls | Take-away |
| Hotel and guesthouse restaurants | Service for house guest only |
| Farming and Fishing Activities | Fresh fruit Raw food Local Butchers Fishing production and distribution activities |

*COVID-19 (Prevention and Control) (Physical Distancing) (No. 1)
(Amendment) (No. 4) Order*

| | |
|---|--|
| Gas Stations and Petroleum Services | Gas station services Cooking Gas including operations and delivery Production Storage Delivery |
| Telecommunications Services | Operations Maintenance Counter Services Data Centre General Administration |
| | |
| Vending of food or agricultural produce | Operations Delivery |
| Automobile Garages | All Services |
| Automobile parts supplies services | All Services |
| Law Offices | All Services |
| Accounting Firms | All Services |
| Hotels | All Services |
| The Public Service | All services except the services specified in Schedule 2 |
| The Judiciary | All Services”. |

*COVID-19 (Prevention and Control) (Physical Distancing) (No. 1)
(Amendment) (No. 4) Order*

Replacement of Schedule 2

5. Schedule 2 of the principal Order is deleted and replaced with the following —

“SCHEDULE 2

(Section 5(2))

**PART I
ESSENTIAL SERVICES**

| | |
|---|--|
| Health Services | Hospital Clinic Public and Private Pharmacies Medical Shops Dialysis Centre Diagnosis and Lab Services Private Doctor practices Veterinary Services |
| Police Fire Emergency Services Safety and Security Private Security | All Services |
| Public Transportation Services | All Services |
| The Public Service | Immigration Customs and Excise Department Department of Infrastructure Department of Transport |
| The National Emergency Management Organization | All Services |
| Sanitation and Solid Waste Management Services | Collection Disposal Cleaning operations |
| Air and Sea Ports | Airport operations, subject to travel restrictions Cargo Services Port Police Security General Administration |

*COVID-19 (Prevention and Control) (Physical Distancing) (No. 1)
(Amendment) (No. 4) Order*

| | |
|---|---|
| Customs Brokerage Courier Services Online Commerce | Operations Delivery |
| Broadcasting and Media | Production Operations and Information Dissemination |
| Postal Services | All Services |
| Public or private electricity, water, telecommunications and other utility services | Production Operation Repairs Maintenance |
| Cleaning services | All Services |

**PART II
BUSINESS, ESTABLISHMENT OR OFFICE**

| | |
|----------------------------|---|
| Public Sector Construction | St. Jude's Hospital Reconstruction Project National Road Rehabilitation Program (Rodney Bay Roundabout Project) |
|----------------------------|---|

Made this 3rd day of February, 2021.

MARY ISAAC,
Minister responsible for health.