



FALKLAND ISLANDS

Infectious Diseases Control (Coronavirus, Restrictions and Requirements during an Emergency Period) Regulations 2021

(No. 6 OF 2021)

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FALKLAND ISLANDS

Infectious Diseases Control (Coronavirus, Restrictions and Requirements during an Emergency Period) Regulations 2021

(made: 3 May 2021)
(commencement: on publication)
(published: 6 May 2021)

I make these Regulations under section 27(1) of the Infectious Diseases Ordinance 2003 and section 27(1) of the Public Health Ordinance 1894 on the advice of Executive Council.

PART 1 - INTRODUCTORY

1. Title

These Regulations are the Infectious Diseases Control (Coronavirus, Restrictions and Requirements during an Emergency Period) Regulations 2021.

2. Commencement

These Regulations come into force on publication in the *Gazette*.

3. Interpretation

In these Regulations —

“**business**” includes the provision of goods and services at no charge to the customer and other economic activity that is carried on not for profit by a charitable or voluntary organisation;

“**community centre**” includes the Town Hall, a church hall, a camp settlement hall or club, youth club premises, Liberty Lodge and the Seafarer’s Mission;

“**coronavirus**” means the severe acute respiratory syndrome 2 (SARS-CoV-2);

“**declaration**” means a declaration made under regulation 5;

“**emergency period**” has the meaning given in regulation 4;

“**officer**”, in relation to a body corporate, means a director, manager, secretary or similar officer of the body corporate;

“**person responsible for carrying on a business**” includes the owner, proprietor and manager of that business;

“**relevant person**” means —

- (a) a police officer; or
- (b) a person designated by the Governor for the purposes of these Regulations;

“**specified area**” means an area specified in a declaration; and

“**vulnerable person**” includes —

- (a) any person aged 70 or older;
- (b) any person aged under 70 who is a person of a description in Schedule 1; and
- (c) any person who is pregnant.

PART 2 – CLOSURE AND RESTRICTION OF PREMISES AND BUSINESSES ETC AND RESTRICTIONS ON MOVEMENT AND GATHERINGS

4. Emergency period

For the purposes of this Part, an “**emergency period**” is a period which —

- (a) starts when the Governor makes a declaration under regulation 5 in relation to one or more of the requirements or restrictions contained in this Part; and
- (b) ends in relation to the requirement or restriction on the day and at the time specified in the declaration, being not more than 21 days after the declaration is made.

5. Power to give effect to requirements and restrictions in this Part

(1) If at any time the Governor is of the view that —

- (a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in the Falkland Islands; and
- (b) one or more of the requirements or restrictions in this Part will be an effective means of preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus in the Falkland Islands;

the Governor may make a declaration to that effect for an emergency period.

(2) A declaration must specify —

- (a) the requirements and restrictions contained in this Part that it gives effect to, by reference to regulations 6 to 13;
- (b) the area it applies to, which may be one or more specific areas or the whole of the Falkland Islands; and
- (c) the date on which the emergency period ends.

(3) A declaration is made by being published online and must be published in the *Gazette* as soon as reasonably practicable after it is made.

(4) Before making a declaration, the Governor must consult the Chief Medical Officer.

(5) The Governor may make a declaration on more than one occasion.

6. Requirement to close premises listed in Schedule 2 (food and drink – consumption on premises)

(1) A person responsible for carrying on a business which is listed in Schedule 2 must, during an emergency period which has effect in relation to this regulation —

- (a) close any premises, or part of the premises, in which food or drink are provided for consumption on those premises; and
- (b) stop providing food or drink for consumption on the premises.

(2) For the purposes of subregulation (1) an area adjacent to the premises of the business where seating is made available for customers of the business is to be treated as part of the premises of that business.

(3) If a business listed in Schedule 2 (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in subregulation (1) if it closes down business A.

(4) This regulation does not apply to —

- (a) food or drink provided by a hotel or other accommodation as part of room service;
- (b) dining facilities at Liberty Lodge or the Seafarer’s Mission;
- (c) dining facilities at a prison; or
- (d) military messing facilities and other canteens provided for —
 - (i) members of the naval, military or air forces of the Crown;
 - (ii) persons employed in the civil service of the Crown in right of the Government of the United Kingdom; and

- (iii) any other persons who provide, or are employed in the provision of, goods or services for the purposes of the Government of the United Kingdom in the Falkland Islands.

7. Requirement to stop operating businesses listed in Schedule 3 (non-essential functions)

- (1) A person responsible for carrying on a business listed in Schedule 3 must stop operating that business during an emergency period which has effect in relation to this regulation.
- (2) If a business listed in Schedule 3 (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in subregulation (1) if it closes down business A.

8. Requirement to close holiday accommodation

- (1) Subject to subregulation (3), a person responsible for carrying on a business consisting of the provision of holiday accommodation must stop carrying on that business during an emergency period which has effect in relation to this regulation.
- (2) For the purposes of this regulation “**holiday accommodation**” means accommodation of any kind provided on a temporary basis for persons who are on holiday.
- (3) A person referred to in subregulation (1) may continue to carry on their business and keep any premises used in that business open to provide accommodation —
 - (a) for any person who —
 - (i) is unable to return to their main residence;
 - (ii) uses that accommodation as their main residence;
 - (iii) needs accommodation while moving house;
 - (iv) needs accommodation to attend a funeral;
 - (v) needs accommodation for the purposes of their work;
 - (vi) needs accommodation for the purposes of complying with the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021 or to enable another person to comply with those Regulations;
 - (b) for the homeless; or
 - (c) for any other purpose requested by the Chief Executive.
- (4) If a business (“business A”) referred to in subregulation (1) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in subregulation (1) if it closes down business A.

9. Restrictions on businesses providing services or offering goods for sale or hire

(1) Subject to subregulation (3), a person responsible for carrying on a business of offering goods for sale or for hire in a shop or services in premises that are open to the public must, during an emergency period which has effect in relation to this regulation —

- (a) stop carrying on that business except in the manner set out in subregulation (2);
- (b) close any premises which are not required to carry out the business permitted by subregulation 2; and
- (c) stop admitting any person to the business premises who is not required to carry on the business as permitted by subregulation (2).

(2) The business may make deliveries or provide services including, where reasonably necessary, personal attendance by appointment at other premises including private, residential accommodation in response to orders or requests for services (as the case may be) received —

- (a) through a website, or otherwise by on-line communication;
- (b) by telephone, including by text message; or
- (c) by post.

(3) This regulation does not apply to businesses listed in Schedule 4.

(4) If a business (“business A”) referred to in subregulation (1) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in subregulation (1) if it closes down business A.

10. Other closures and restrictions – places of worship and community centres

(1) A person who is responsible for a place of worship must ensure that, during an emergency period which has effect in relation to this regulation, the place of worship is closed, except for the uses permitted in subregulation (2).

(2) A place of worship may be used —

- (a) for funerals;
- (b) to broadcast an act of worship over the internet or as part of a radio or television broadcast (providing the act of worship does not involve a breach of regulation 13 (Restrictions on gatherings)); or
- (c) to provide essential voluntary, charitable or other public support services (including support for the homeless or vulnerable people).

(3) A person who is responsible for a community centre must ensure that, during an emergency period which has effect in relation to this regulation, the community centre is closed except where it is used to provide essential voluntary, charitable or other public support services (including support for the homeless or vulnerable people).

11. Restrictions on movement

- (1) This regulation does not apply to any person who is homeless.
- (2) During an emergency period which has effect in relation to this regulation, a person must not leave or be outside of the place where they are living unless —
 - (a) the person has a reasonable excuse to do so;
 - (b) in a case where the place where the person is living is in an area listed in Schedule 5, being an area occupied by the Ministry of Defence of the United Kingdom Government, they have prior approval of Commander British Forces South Atlantic Islands or a person nominated for the purposes of providing such approval by the Commander British Forces South Atlantic Islands; or
 - (c) the person has the prior approval of a qualified medical practitioner, for the purposes of visiting another person (“A”) who is reasonably believed to be dying, and the person is —
 - (i) a member of A’s household;
 - (ii) a close family member of A; or
 - (iii) a friend of A.
- (3) For the purposes of subregulation (2)(a), a reasonable excuse includes the need —
 - (a) for one’s self, another member of one’s household or for a vulnerable person, to obtain basic necessities, including —
 - (i) food and medical supplies (including for pets or other animals);
 - (ii) supplies for the essential upkeep, maintenance and functioning of the household; or
 - (b) for one’s self, another member of one’s household or for a vulnerable person, to obtain money from, or deposit money with, a business listed in Schedule 4;
 - (c) to take exercise, either alone or with other members of their household;
 - (d) to seek medical assistance, on the advice of a qualified medical practitioner or other health professional;
 - (e) to provide care or other support and assistance to a vulnerable person;
 - (f) to provide emergency assistance;
 - (g) to work, or to provide essential voluntary, charitable or other public support services, where it is not reasonably possible for the person to work, or to provide those services, from the place where they are living;

- (h) to travel for the purposes of work or providing essential voluntary, charitable or other public support services;
 - (i) to attend the funeral of —
 - (i) a member of the person’s household;
 - (ii) a close family member; or
 - (iii) if no-one within subparagraphs (i) or (ii) are attending, a friend;
 - (j) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
 - (k) to access necessary services, including —
 - (i) childcare or educational facilities;
 - (ii) social services;
 - (l) in relation to a child who does not live in the same household as their parents, or one of their parents, to continue existing arrangements for access to, and contact between the child and their parent or parents (and for the purposes of this paragraph, “**parent**” includes a person who has parental responsibility for, or care of, the child);
 - (m) in the case of a minister of religion or worship leader, to go to their place of worship;
 - (n) to change the place where they are living if it is reasonably necessary to do so;
 - (o) to avoid injury or illness or to escape risk of harm;
 - (p) to donate blood; and
 - (q) to leave the Falkland Islands, provided that they do so directly.
- (4) For the purposes of subregulation (2)(b), prior approval may be given subject to such conditions as may be reasonably necessary to prevent, protect against, delay or otherwise control the transmission of coronavirus including, but not limited to, conditions relating to—
- (a) the provision of information to assist in tracing other persons with whom the person has been in recent contact;
 - (b) the wearing of personal protective equipment; or
 - (c) testing for coronavirus antibodies or other indications of recent exposure to, or recent or current infection with, the disease.
- (5) For the purposes of subregulation (2), the place where a person is living includes premises where the person lives together with any garden, yard, passage, stair, garage, outhouse or similar place associated with the premises.

12. Restrictions on movement - specified areas

(1) This regulation applies where a declaration gives effect to the restrictions under regulation 11 during an emergency period only in respect of a specified area or areas within the Falkland Islands.

(2) During an emergency period a person must not enter or leave the area or areas specified in the declaration unless —

- (a) they have reasonable excuse to do so;
- (b) in a case where the area or any part of the area specified includes an area listed in Schedule 5, they have prior approval of the Commander British Forces South Atlantic Islands or a person nominated for the purposes of providing such approval by the Commander British Forces South Atlantic Islands; or
- (c) the person has the prior approval of a qualified medical practitioner, for the purposes of visiting another person (“A”) who is reasonably believed to be dying, and the person is —
 - (i) a member of A’s household;
 - (ii) a close family member of A; or
 - (iii) a friend of A.

(3) For the purposes of subregulation (2)(a) reasonable excuse includes anything that is a reasonable excuse for leaving the place where one is living under regulation 11(3), if that thing cannot reasonably be done without entering or leaving the relevant specified area.

(4) For the purposes of subregulation (2)(b), prior approval may be given subject to such conditions as may be reasonably necessary to prevent, protect against, delay or otherwise control the transmission of coronavirus including, but not limited to, conditions relating to—

- (a) the provision of information to assist in tracing other persons with whom the person has been in recent contact;
- (b) the wearing of personal protective equipment; or
- (c) testing for coronavirus antibodies or other indications of recent exposure to, or recent or current infection with, the disease.

13. Restrictions on gatherings

During an emergency period that has effect in relation to this regulation by way of a declaration, a person must not participate in a gathering of more than two people in a public place except —

- (a) where all persons in the gathering are members of the same household;
- (b) where the gathering is essential for work or the provision of essential voluntary, charitable or other public support services;

- (c) to attend a funeral; or
- (d) where reasonably necessary —
 - (i) to assist another to change the place where they are living if it is reasonably necessary to do so;
 - (ii) to provide care or assistance to a vulnerable person;
 - (iii) to provide emergency assistance;
 - (iv) to participate in legal proceedings or fulfil a legal obligation; or
 - (v) in relation to a child who does not live in the same household as their parents, or one of their parents, to continue existing arrangements for access to, and contact between the child and their parents (and for the purposes of this paragraph, “parent” includes a person who has parental responsibility for, or care of, the child).

14. Enforcement

- (1) A relevant person may take such action as is reasonably necessary to enforce any requirement or restriction imposed by regulations 6 to 10.
- (2) Where a relevant person (“A”) considers a person (“B”) is contravening a requirement in regulations 6 to 10, A may give a notice to B (“a **prohibition notice**”) requiring B to stop contravening the requirement.
- (3) Where a relevant person considers that a person is outside the place where they are living without a reasonable excuse under regulation 11(2)(a) or prior approval under regulation 11(2)(b) or (c), in contravention of regulation 11 (restrictions on movement), the relevant person may —
 - (a) direct the person to return to the place where they are living; or
 - (b) remove that person to the place where they are living.
- (4) A relevant person exercising the power in subregulation (3)(b) may use reasonable force, if necessary, in the exercise of the power.
- (5) Where a child is, without reasonable excuse under regulation 11(2)(a) or prior approval under regulation 11(2)(b) or (c), outside the place where they are living, whilst in the company of a person who has responsibility for the child —
 - (a) the relevant person may direct the person to take the child to the place where the child is living; and;
 - (b) the person must, so far as is reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to or in respect of the child.

(6) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation 11(1) the relevant person may direct a person who has responsibility for the child to ensure, so far as reasonably practical, that the child complies with that restriction.

(7) For the purposes of this regulation, an individual has responsibility for a child if the individual—

- (a) has custody or charge of the child for the time being; or
- (b) has parental responsibility for the child within the meaning of the Children Ordinance 2014.

(8) A relevant person may only exercise the power in subregulation (3), (5) or (6) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with regulation 11 (restrictions on movement).

(9) Where a relevant person considers that a person has entered or left a specified area, or is seeking to enter or leave a specified area without reasonable excuse under regulation 12(2)(a) or prior approval under regulation 12(2)(b) or (c), in contravention of regulation 12 (restrictions on movement – specified areas), the relevant person may —

- (a) direct a person to comply with the applicable regulation by remaining in, returning to, leaving or not entering a specified area, as the case may be.
- (b) to secure compliance with the applicable regulation, remove a person from or to a specified area.

(10) A relevant person exercising a power in subregulation (9)(b) to remove a person to or from a specified area respectively may use reasonable force, if necessary, in exercise of the power.

(11) Where a child, without reasonable excuse under regulation 12(2)(a) or prior approval under regulation 12(2)(b) or (c), has entered or left a specified area whilst in the company of a person who has responsibility for the child —

- (a) the relevant person may direct the person to take the child to the place where the child is living; and;
- (b) the person must, so far as is reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to or in respect of the child.

(12) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation 12(2) the relevant person may direct a person who has responsibility for the child to ensure, so far as reasonably practical, that the child complies with that restriction.

(13) A relevant person may only exercise the power in subregulation (9), (11) or (12) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with regulation 12.

(14) Where a relevant person considers that three or more people are gathered together in contravention of regulation 13 (restrictions on gatherings), the relevant person may —

- (a) direct the gathering to disperse;
- (b) direct any person in the gathering to return to the place where they are living; and
- (c) remove any person in the gathering to the place where they are living.

(15) A relevant person exercising the power in subregulation (14)(c) to remove a person in a gathering to a place where they are living may use reasonable force, if necessary, in exercise of the power.

(16) Where a person who is gathering in contravention of regulation 13 is a child accompanied by an individual who has responsibility for the child —

- (a) the relevant person may direct that individual to take the child to the place where the child is living; and
- (b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to the child.

(17) Where a relevant person has reasonable grounds to believe that the child is repeatedly failing to comply with the restriction in regulation 13, the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.

(18) A relevant person may only exercise the power in subregulation (14), (16), or (17) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with regulation 13.

(19) A relevant person exercising a power under subregulation (3), (5), (6), (9), (11), (12), (14), (16) or (17) may give the person concerned any reasonable instruction they consider to be necessary.

15. Offences and penalties

(1) A person who —

- (a) contravenes a requirement or restriction in regulations 6 to 13; or
- (b) fails to comply with a prohibition notice given under regulation 14(2),

commits an offence.

(2) A person who, without reasonable excuse, obstructs a person carrying out a function under regulation 14 commits an offence.

(3) An offence under this regulation is punishable on conviction by a fine not exceeding level 4 on the standard scale, or imprisonment not exceeding 3 months, or both.

- (4) If an offence under this regulation committed by a body corporate is proved —
- (a) to have been committed with the consent or connivance of an officer of the body; or
 - (b) to be attributable to any neglect on the part of such an officer;

the officer (as well as the body corporate) commits the offence and is liable to be prosecuted.

- (5) Section 44 of the Criminal Procedure and Evidence Ordinance 2014 applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included —

- (a) to maintain public health; and
- (b) to maintain public order.

PART 3 – EXPIRY OF REGULATIONS

16. Expiry of Regulations

- (1) These Regulations expire at the end of the period of twelve months beginning with the day on which they come into force.
- (2) Subregulation (1) does not affect the validity of anything done pursuant to these Regulations before they expire.

SCHEDULE 1 – VULNERABLE PERSONS

regulation 3

1. Persons with chronic or long-term conditions at high risk of developing serious illness in the event of becoming infected with coronavirus and who been advised by a qualified medical practitioner to self-isolate during an emergency period, including persons with —

- (a) respiratory diseases, such as asthma, chronic obstructive pulmonary disease, emphysema or bronchitis;
- (b) heart disease, such as heart failure;
- (c) kidney disease;
- (d) liver disease, such as hepatitis;
- (e) neurological conditions, such as Parkinson’s disease, motor neurone disease, multiple sclerosis, or cerebral palsy;
- (f) diabetes;
- (g) problems with the spleen, such as sickle cell disease or removal of the spleen;
- (h) a weakened immune system as the result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy; or
- (i) being seriously overweight, with a body mass index of 40 or above.

2. Persons with any other illness (including a temporary illness), physical or mental impairment, learning disability, addiction or mental health condition who require nursing or other personal care, support and assistance to maintain a reasonable standard of health and well-being during an emergency period or any part of such period.

**SCHEDULE 2 – FOOD AND DRINK PREMISES SUBJECT TO CLOSURE
(CONSUMPTION ON PREMISES)**

regulation 6

1. Restaurants, including restaurants and dining rooms in hotels or members' clubs.
2. Cafes, including workplace canteens.
3. Bars, including bars in hotels or members' clubs.
4. Public houses.

SCHEDULE 3 – NON-ESSENTIAL FUNCTIONS SUBJECT TO CLOSURE

regulation 7

1. Cinemas.
2. Nightclubs.
3. Museums and galleries.
4. Nail, beauty, hair salons and barbers.
5. Pet grooming services.
6. Massage and other personal services.
7. Tattooing and piercing services.
8. Indoor fitness studios, gyms, swimming pools, spas, bowling alleys or soft play areas or other indoor leisure centres or facilities.
9. Playgrounds, sports courts and outdoor gyms.
10. Outdoor markets (except for livestock markets and stalls selling food).
11. Car showrooms.

SCHEDULE 4 – BUSINESSES PROVIDING SERVICES OR OFFERING GOODS FOR SALE OR HIRE NOT SUBJECT TO RESTRICTION

regulation 9

1. Food retailers, including food markets, supermarkets, convenience stores, corner shops and any business providing meals or hot or cold food or drink for consumption off the premises.
2. Homeware, building supplies and hardware stores.
3. Fuel stations.
4. Vehicle repair and garage services.
5. Transport providers.
6. Vehicle hire businesses.
7. Banks, credit unions, saving clubs, cash points and undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by means of cash or cheques which are made payable to customers.
8. The Post Office.
9. Laundrettes and dry cleaners.
10. Medical or health services, including services relating to mental health.
11. Storage and distribution facilities, including delivery drop off or collection points in the premises of a business.
12. The Sure stores at Mount Pleasant Complex and in Stanley.
13. Childcare providers and nurseries.

**SCHEDULE 5 – AREAS OCCUPIED BY THE MINISTRY OF DEFENCE OF THE
UNITED KINGDOM GOVERNMENT**

regulations 11 and 12

1. Mount Pleasant Complex (“MPC”) – East Falkland.
2. Headquarters British Forces South Atlantic Islands – East Falkland.
3. East Cove Port and West Jetty – East Falkland.
4. Petroleum Storage Depot – East Falkland.
5. Gemma’s Gulch waste management site – East Falkland.
6. Joint Service Signals Unit site – East Falkland.
7. Radio Control Site – East Falkland.
8. Mount Alice Remote Radar Head – West Falkland.
9. Mount Byron Remote Radar Head – West Falkland.
10. Fox Bay Remote Helicopter Refuelling Site – West Falkland.
11. Mount Kent Remote Radar Head– East Falkland.
12. Ministry of Defence site at Bush Rincon.
13. Receivers West: Building number: 35.4.2 – approximately 1.5km along Darwin Road on March Ridge, 2km from main gate MPC to site by road.
14. Receivers East: Building number: 35.4.1 – approximately 1km along Darwin Road on March Ridge, 1.5km from main gate MPC to site by road.
16. Transmitters West: Building number: 35.4.3 – approximately 2km along Stanley Road on March Ridge, 2.5km from main gate MPC to site by road.
17. Transmitters East: Building number: 35.4.4 – approximately 2.5km along Stanley Road on March Ridge, 3km from main gate MPC to site by road.