



Prepared by: **WHITE & CASE**

IFRC Review of Emergency Decrees: ANGUILLA

AS AT 11 MAY 2020

NB: It was difficult to find any recent legislation online. Legislation mentioned in this review is that set out in press releases on the Anguilla COVID-19 dedicated webpages (<https://beatcovid19.ai>) or notified to CDEMA (<https://www.cdema.org/covid19>).

Overview

Anguilla has had 3 confirmed COVID-19 cases, the first on the 26 March 2020, and no fatalities. There have been 40 days since the last reported case.¹

It is not entirely clear what legislation is in place but there appear to be three principal sets of measures:

- (a) the Emergency Powers (COVID-19 Border Control) Regulations 2020 (also called the Emergency Powers (Border Security and Control) Regulations 2020) ('Border Control Regulations') made under the Emergency Powers Act;²
- (b) the Public Health (Temporary Closures and Suspensions) (No 3) Regulations 2020 made under the Public Health Act ('Temporary Closure Regulations');³ and
- (c) the Public Health (Temporary Restrictions on Public Gatherings) Regulations 2020, also made under the Public Health Act ('Public Gatherings Regulations').⁴ It appears as if these regulations supercede the earlier Public Health (Temporary Restrictions on Movement of People and Public Gatherings) Regulations, 2020⁵ although these appear not to have been expressly revoked.

The Border Control Regulations established a joint task force for border control and security, commanded by the Commissioner of Police,⁶ and prohibited the operation of vessels in Anguilla waters during what was the period of 9 April to 21 April.⁷ It is not clear if this period has been extended. The prohibition does not apply to vessels licensed to transport cargo or

¹ Source: WHO 15 May 2020.

² <http://www.gov.ai/laws/E045-Emergency%20Powers%20Act/>

³ <http://www.gov.ai/laws/P125-00-Public%20Health%20Act/>

⁴ <https://beatcovid19.ai/public-health-temporary-restrictions-on-public-gatherings-regulations-2020/>

⁵ <https://beatcovid19.ai/public-health-temporary-restrictions-on-movement-of-people-and-people-gatherings-regulations-2020/>

⁶ Border Control Regulations, section 2.

⁷ Border Control Regulations, section 3(1).

used for emergency services or for the transportation of emergency personnel and equipment.⁸ The Commissioner of Police may also grant permission for other vessels to operate.⁹

The Temporary Closure Regulations prohibited the entry or departure of aircraft and vessels to or from any place in Anguilla.¹⁰ The prohibition did not apply to aircraft or vessels licensed for the transportation of cargo or used for emergency services or for the transportation of emergency personnel and equipment.¹¹ The Commissioner of Police may also grant permission for other vessels to operate.¹² The prohibition was to be until 12 May. The Regulations also closed all schools until 28 April. It is not clear if these periods have been extended or if the Regulations are still in force.

The Public Gatherings Regulations prohibit assemblies or meetings of more than 25 persons in a public or private place as well as banning smaller gatherings such as social and sporting events, except to attend churches, weddings and funerals, for work and in schools.¹³ Social and physical distancing must be maintained where a gathering is permitted or where an establishment is open.¹⁴

The earlier Public Health (Temporary Restriction on Movement of People and Public Gatherings) Regulations, 2020 also imposed restrictions on movement but, as mentioned, although these appear not to have been expressly repealed, as their provisions on public gatherings have been superseded by the Public Gatherings Regulations, but the measures on movement have not been repeated, it would seem that the restrictions no longer apply. Standing measures include the Public Health Act 1981,¹⁵ under which the majority of regulations have been made. There is also the Quarantine Act¹⁶ under which the Quarantine (Maritime) Regulations¹⁷ and Quarantine (Air) Regulations¹⁸ are made.

There are also the Anguilla Emergency Powers Act¹⁹ and the UK Emergency Powers (Overseas Territories) Order 2017,²⁰ both of which enable regulations to be made where a state of emergency is declared.

⁸ Border Control Regulations, section 3(2).

⁹ Border Control Regulations, section 3(3)

¹⁰ Temporary Closure Regulations, section 1(1).

¹¹ Temporary Closure Regulations, section 1(2).

¹² Border Control Regulations, section 3(3)

¹³ Public Gatherings Regulations, s. 2

¹⁴ Public Gatherings Regulations, ss 3 and 4.

¹⁵ <http://agc.gov.ms/wp-content/uploads/Public-Health-Act.pdf>

¹⁶ <http://www.gov.ai/laws/Q005-00-Quarantine%20Act/>

¹⁷ [http://www.gov.ai/laws/Q005-03-Quarantine%20\(Maritime\)%20Regulations/](http://www.gov.ai/laws/Q005-03-Quarantine%20(Maritime)%20Regulations/)

¹⁸ [http://www.gov.ai/laws/Q005-02-Quarantine%20\(Air\)%20Regulations/](http://www.gov.ai/laws/Q005-02-Quarantine%20(Air)%20Regulations/)

¹⁹ <http://www.gov.ai/laws/E045-Emergency%20Powers%20Act/>

²⁰ <https://www.legislation.gov.uk/uksi/2017/181/made>

The Disaster Management Act ('DMA')²¹ provides for the appointment of a Director of Disaster Management²². The functions of the Director include preparing the Anguilla National Disaster Management Plan.²³

The DMA also establishes the National Disaster Advisory Committee²⁴ and National Disaster Management Committee.²⁵

The Advisory Committee comprises the Governor (or Deputy Governor), the Chief Minister or his representative and such other persons appointed by the Governor from among Government Ministers, private sector officials and other members of the Anguillan community as the Governor thinks fit.²⁶

The National Disaster Management Committee, in addition to representatives of Anguilla's ministries and emergency services, includes "such other persons or organizations, as the Governor thinks fit, who volunteer or are required by law to perform functions related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters."²⁷

The Anguilla National Disaster Plan (February 2012) is accessible at:

<http://www.ddmaxa.org/documents/Anguilla%20National%20Disaster%20Plan.pdf>

Anguilla is a member of the Caribbean Disaster Emergency Management Agency ('CDEMA') and the Caribbean Public Health Agency ('CARPHA').

There appears to be no Anguillan Red Cross Act, but an MOU between the Government of Anguilla and the ARC is mentioned in the National Disaster Plan.²⁸

1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

No specific mechanism appears to have been created for COVID-19. It is therefore assumed that the standing arrangements under the DMA and the National Disaster Plan will apply.

As noted, the DMA provides that the National Disaster Management Committee should contain "such other persons or organisations as the Governor thinks fit who volunteer or are required by law to perform functions related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters".²⁹

²¹ <http://www.gov.ai/laws/D027-Disaster%20Management%20Act/>

²² DMA, s 2.

²³ DMA, s 8.

²⁴ DMA, s 5.

²⁵ DMA, s 6.

²⁶ DMA, s 5(1).

²⁷ DMA, s 6(1).

²⁸ Anguilla National Disaster Plan, p 32.

²⁹ DMA, s 6.

The Anguilla Red Cross is expressly mentioned in the National Disaster Plan for example as a member of the Community Services Sub- Committee as well as having the following roles assigned:

“Subject to the MoU between the GoA and the Anguilla Branch of the British Red Cross to:

- 43.1 Assist with First Aid training.
- 43.2 Provide First Aiders to emergency shelters.
- 43.3 Provide first aid to disaster/emergency victims and assist medical personnel.
- 43.4 Provide relief supplies (clothes and food) and assist with distribution.
- 43.5 Mobilise volunteers in support of the Incident response
- 43.6 Liaise with and make arrangements for external assistance from the International Federation of Red Cross Societies.
- 43.7 Assist with tracing of missing persons.”³⁰

Under the National Response Plan, which forms part of the National Disaster Plan, the Red Cross features as part of the Operations Group within the Emergency Management Command Structure.³¹

Anguilla is a member of CDEMA and CARPHA. The National Disaster Plan states that “under the international disaster system, CDEMA and all external assistance will be co-ordinated via the United Nations Regional Co-ordinator in Barbados. This co-ordination embraces all resources (response teams and materials) offered by foreign governments, international agencies, NGOs and the United Kingdom Government.” The Plan also records the role of the UK Government in assisting during and after disasters and emergencies and making available resources. Depending on post disaster needs, these resources may be made available to Anguilla after consultation with the Governor’s office, NEOC, CDEMA and the UN co-ordinator in Barbados.³²

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

There is no explicit mention in the emergency measures. There are potentially roles for the RC in particular under the DMA through the National Disaster Management Committee and the National Plan (see above).

³⁰ Anguilla National Disaster Plan, p32.

³¹ Anguilla National Response Plan, p 7. <http://ddmaxa.org/documents/Anguilla%20National%20Response%20Plan.pdf>

³² Anguilla National Disaster Plan, p 20.

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

No express exceptions appear to have been made.

The prohibition on entry, however, does not apply to aircraft or vessels licensed for the transportation of cargo or those used for emergency services or for the transportation of emergency personnel or equipment.³³

There appear to be no specific quarantine provisions so the Quarantine Act and regulations made under it may continue to be the main legislation.

The Anguilla Government website says that cargo movements – both sea and air - will not be restricted from entering Anguilla. Although passenger movements from French St. Martin are closed, cargo movements are not included. Similarly, containers continue to depart from the Port of Miami.³⁴

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

It appears that there are now only limited restrictions in place and no restrictions on movement within Anguilla. Social and physical distancing rules apply and there are the restrictions on public gatherings but otherwise it seems that exceptions are not necessary. However, this is qualified by the fact that it has been difficult to identify all the potentially applicable laws.

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

None could be located.

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

Not expressly. However essential services appear no longer to be specified as it is not necessary for these services to be distinguished. A list of services that were exempt from the restrictions on movement (in effect essential services) was contained in the earlier Public Health (Temporary Restriction on Movement of People and Public Gatherings) Regulations,

³³ Temporary Closure Regulations, section 1(2).

³⁴ See <https://beatcovid19.ai/>

2020. That list did not include the RC, but that list no longer appears to be in force and/or necessary as it is not present in the Public Gatherings Regulations.

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).

The Government of Anguilla has taken steps to guard against price gouging in the wake of the COVID-19 pandemic by making the Distribution of Goods and Prices Act (Maximum Price Order) Regulations 2020³⁵ which will expire on 9 July 2020. It lists a number of commodities including medical supplies and provides, by reference to a formula, the maximum price that may be charged.

8. Have restrictions been adopted or put in place that ban the export of protective medical equipment?

No provision of this nature appears to have been made.

9. Is there support available for charities or other not-for-profit organisations in any economic support packages?

No specific package for charities could be found online. Temporary unemployment or underemployment assistance is being made available but no packages for businesses were apparent online.

Financial support packages have been introduced to provide salary support for employees across all business sectors and one-off grants for eligible businesses in the tourism sector.³⁶

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³⁵ [https://beatcovid19.ai/downloads/Distribution-and-Price-of-Goods-\(Maximum-Price-Order\)-Regs-2020.pdf](https://beatcovid19.ai/downloads/Distribution-and-Price-of-Goods-(Maximum-Price-Order)-Regs-2020.pdf)

³⁶ <https://beatcovid19.ai/anguilla-supporttemporary-unemployment-underemployment-assistance/>