



Prepared by: British Red Cross

## IFRC Review of Emergency Decrees: BERMUDA

AS AT 8 MAY 2020

### Overview

Bermuda's has had 115 confirmed COVID-19 cases, the first on 18 March, and 7 fatalities. There have been 3 days since the last reported case.<sup>1</sup>

A proclamation was issued on 1 April 2020 under section 14(3) of Bermuda's Constitution declaring that a state of emergency exists in Bermuda.<sup>2</sup> The proclamation has been extended until 30 June 2020 pursuant to a resolution of both Houses of the Legislature.

Before the state of emergency was proclaimed, though, on 7 February 2020 Bermuda had amended its Public Health Act 1949 and Quarantine (Maritime and Air) Regulations 2017 to add COVID-19 to the list of communicable diseases in each of those measures.<sup>3</sup>

A number of quarantine and travel ban orders have been made. Currently a person is prohibited from entering Bermuda unless the person is:

- (a) a Bermuda believer,
- (b) a Bermuda resident or dependent with permission to reside in Bermuda,
- (c) a crew member of a cargo or commercial aircraft; a cargo ship, or an aircraft operating for the purpose of giving medical attention, delivering medical supplies to Bermuda, or airlifting a patient to or from Bermuda, which crew shall be taken to include any medical personnel on the flight, or

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<sup>1</sup> Source: WHO 8 May 2020.

<sup>2</sup> [https://www.gov.bm/sites/default/files/egazette\\_documents/SKM\\_C45820040117120.pdf](https://www.gov.bm/sites/default/files/egazette_documents/SKM_C45820040117120.pdf)

<sup>3</sup> Quarantine (Communicable Disease) Order 2020 BR 9/2020 [http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Quarantine%20\(Communicable%20Disease\)%20Order%202020.pdf](http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Quarantine%20(Communicable%20Disease)%20Order%202020.pdf) and Public Health (Communicable Disease) Order 2020, BR 8/2020, [http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Public%20Health%20\(Communicable%20Disease\)%20Order%202020.pdf](http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Public%20Health%20(Communicable%20Disease)%20Order%202020.pdf)

(d) has written permission of the Quarantine Authority to enter Bermuda.<sup>4</sup>

The general measures under the Quarantine (Maritime and Air) Regulations 2017<sup>5</sup> continue to apply, but more specific quarantine requirements are imposed under the Quarantine (COVID-19) Order 2020 and the Quarantine (Incoming Traveller) Order 2020.

Under the Quarantine (COVID-19) Order 2020<sup>6</sup> every person arriving in Bermuda shall place themselves under quarantine for a period of not less than 14 days.<sup>7</sup> During quarantine the person must wear a mask when outside an aircraft or ship, stay in a place of quarantine that has been designated by a Health Officer; and stay at least one metre away from any other person.<sup>8</sup> A person required to be quarantined shall not:

(a) leave the aircraft or ship, or designated place of quarantine except to return to the airport or a seaport to depart from Bermuda; or

(b) use public transportation or taxis, be in a public place, visit a private dwelling or health care or residential care facility.<sup>9</sup>

In addition, under the Quarantine (Incoming Traveller) Order 2020<sup>10</sup> every person entering Bermuda by commercial aircraft, private jet or ship shall, upon being landed in Bermuda, be placed in quarantine with a health officer assigned to each traveller. Quarantine is for a period not exceeding 14 days and shall be at a place approved by the Quarantine Authority.<sup>11</sup> There are exceptions from the compulsory quarantine for:

(a) crew members of (i) a cargo or commercial aircraft; (ii) a cargo ship or (iii) an aircraft operating for the purpose of giving medical attention, delivering medical supplies to Bermuda, or airlifting a patient to or from Bermuda, which crew shall be taken to include any medical personnel on the flight;

(b) a person who has written permission of the Quarantine Authority to enter Bermuda;

(c) a child under the age of 18 years; or

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<sup>4</sup> Quarantine (Travel Ban) (No 2) Order 2020 BR 15/2020, [http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Quarantine%20\(Travel%20Ban\)%20\(No.%202\)%20Order%202020.pdf](http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Quarantine%20(Travel%20Ban)%20(No.%202)%20Order%202020.pdf) as amended by Quarantine (Travel Ban) (No 2) Amendment Order 2020, BR 24/2020, [http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Quarantine%20\(Travel%20Ban\)%20\(No.%202\)%20Amendment%20Order%202020.pdf](http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Quarantine%20(Travel%20Ban)%20(No.%202)%20Amendment%20Order%202020.pdf)

<sup>5</sup> [http://www.bermudalaws.bm/laws/Annual%20Laws/2017/Statutory%20Instruments/Quarantine%20\(Maritime%20and%20Air\)%20Regulations%202017.pdf](http://www.bermudalaws.bm/laws/Annual%20Laws/2017/Statutory%20Instruments/Quarantine%20(Maritime%20and%20Air)%20Regulations%202017.pdf)

<sup>6</sup> [http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Quarantine%20\(COVID-19\)%20Order%202020.pdf](http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Quarantine%20(COVID-19)%20Order%202020.pdf)

<sup>7</sup> Quarantine (COVID-19) Order 2020, reg 3.

<sup>8</sup> Quarantine (COVID-19) Order 2020, reg 4(1).

<sup>9</sup> Quarantine (COVID-19) Order 2020, reg 4(2).

<sup>10</sup> [http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Quarantine%20\(Incoming%20Traveller\)%20Order%202020.pdf](http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Quarantine%20(Incoming%20Traveller)%20Order%202020.pdf)

<sup>11</sup> Quarantine (Incoming Traveler) Order 2020, reg 2.

(d) subject to conditions set out in the Order, a person on a ship in transit.<sup>12</sup>

If an incoming traveller placed in quarantine is found to test positive for COVID-19, they shall continue under quarantine at a place approved by the Quarantine Authority for an extended period that shall not exceed 14 days from the end of the initial quarantine period.<sup>13</sup>

A person subject to quarantine may be placed under public health supervision, active monitoring or isolation where a Public Health Officer or medical practitioner determines that such person is suffering from COVID-19. Supervision etc is for such additional period as a Public Health Officer or medical practitioner may determine to be necessary to prevent the person from infecting or contaminating others.<sup>14</sup>

The Public Health (COVID-19) Regulations 2020<sup>15</sup> provide for the temporary establishment of isolation hospitals, enable the imposition of active monitoring or public health supervision of individuals, compulsory examination or screening and placement in isolation if an individual is suffering from or suspected of suffering from COVID-19.

Under the Emergency Powers Act, Bermuda has made a number of regulations requiring individuals to shelter in place, but these have now been replaced by the Emergency Powers (COVID-19 Continuing Precautions) Regulations 2020 ('Precautions Regulations').<sup>16</sup> These Regulations continue to impose a night-time curfew (10 pm to 6am), except for persons listed in Schedule 1 to the Regulations who are exempt.<sup>17</sup> The Precautions Regulations prohibit groups of 10 or more from gathering;<sup>18</sup> continue the closure of colleges, schools, and nursery and day care facilities (other than those approved for essential services workers)<sup>19</sup> and churches and religious establishments (with exceptions such as for funerals with a maximum of 10 mourners);<sup>20</sup> and prohibit visitors to any place of quarantine or isolation, patients in a hospital, except with permission from the hospital, persons in a residential care establishment or facility, and detainees in a correctional facility. There are though exceptions for a member of the clergy and immediate family members in the event of an imminent expectation of the end of life.<sup>21</sup>

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<sup>12</sup> Quarantine (Incoming Traveler) Order 2020, reg 3.

<sup>13</sup> Quarantine (Extension of Quarantine) Order 2020 BR 35 / 2020 <http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Quarantine%20>

<sup>14</sup> Quarantine (Incoming Traveler) Order 2020, reg 5.

<sup>15</sup> [http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Public%20Health%20\(COVID-19\)%20Regulations%202020.pdf](http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Public%20Health%20(COVID-19)%20Regulations%202020.pdf), amended by the Public Health (COVID-19) Amendment Regulations 2020 BR 19/2020 [http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Public%20Health%20\(COVID-19\)%20Amendment%20Regulations%202020.pdf](http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Public%20Health%20(COVID-19)%20Amendment%20Regulations%202020.pdf)

<sup>16</sup> [http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Emergency%20Powers%20\(COVID-19%20Continuing%20Precautions\)%20Regulations%202020.pdf](http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Emergency%20Powers%20(COVID-19%20Continuing%20Precautions)%20Regulations%202020.pdf)

<sup>17</sup> Precautions Regulations, reg 3.

<sup>18</sup> Precautions Regulations, reg 4.

<sup>19</sup> Precautions Regulations, reg 6.

<sup>20</sup> Precautions Regulations, reg 7.

<sup>21</sup> Precautions Regulations, reg 15.

Certain businesses must continue to remain closed, for example bars and clubs and restaurant dine in services. However, an increasing number of businesses are now permitted to trade, including restaurants for dine out services;<sup>22</sup> retail stores for collection and deliveries only with customers not permitted to enter the premises;<sup>23</sup> and permitted businesses.<sup>24</sup>

The Precautions Regulations also record that under s 5 of the Emergency Powers Act 1963 any provision of law which is inconsistent with the Precautions Regulations shall be of no effect while those Regulations remain in force.<sup>25</sup>

The Precautions Regulations will cease to have effect on 31 May 2020 unless extended by resolution of both Houses of Assembly.<sup>26</sup>

Other regulations require employers to make arrangements to allow employees to work remotely so far as reasonably practicable<sup>27</sup> and also for enabling Public Health Officers or the Chief Medical Officer to give directions in relation to workers in residential care and nursing homes.<sup>28</sup>

Standing legislation which may be relevant includes the Public Health Act 1946, the Quarantine Act 2017 and the Quarantine (Maritime and Air) Regulations 2017.

Bermuda does not appear to have any standing legislation dealing specifically with disaster or emergency management, other than the Emergency Powers Act 1963. This is purely an enabling Act in that it permits the Governor to make such regulations as appear necessary or expedient for securing the public safety, the welfare and defence of Bermuda, the maintenance of public order and the suppression of mutiny, rebellion and riot and for maintaining supplies and services essential to the life of the community.<sup>29</sup>

An Emergency Measures Organisation,<sup>30</sup> which is part of the Bermuda National Security Ministry, has responsibility for preparing all government departments and non-government agencies for severe weather events and other disasters and coordinating emergency response and recovery.

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

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<sup>22</sup> Precautions Regulations, reg 11.

<sup>23</sup> Precautions Regulations, reg 10.

<sup>24</sup> Precautions Regulations, reg 9.

<sup>25</sup> Precautions Regulations, reg 20.

<sup>26</sup> Precautions Regulations, reg 22.

<sup>27</sup> Occupational Safety and Health (COVID-19) Temporary Regulations 2020 BR 28 / 2020 , [http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Occupational%20Safety%20and%20Health%20\(COVID-19\)%20Temporary%20Regulations%202020.pdf](http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Occupational%20Safety%20and%20Health%20(COVID-19)%20Temporary%20Regulations%202020.pdf)

<sup>28</sup> Residential Care Homes and Nursing Homes Amendment Regulations 2020, <http://www.bermudalaws.bm/laws/Annual%20Laws/2020/Statutory%20Instruments/Residential%20Care%20Homes%20and%20Nursing%20Homes%20Amendment%20Regulations%202020.pdf>

<sup>29</sup> Emergency Powers At 1963, s 3.

<sup>30</sup> <https://www.gov.bm/department/emergency-measures-organisation>

There appears no national emergency response mechanism either generally or for the COVID-19 pandemic. However, the Emergency Measures Organisation appears to be co-ordinating the response and its role includes preparing non-government agencies.

**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 nor are any responsibilities assigned to the RC.

**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?**

Yes. Although the LF Wade International Airport is closed to all commercial flights, the Bermuda Civil Aviation Authority has authorised an exemption to permit any commercial operator engaged in relief, humanitarian or medical evacuation missions to conduct such flights without requiring permission of the Governor of Bermuda, subject to conditions. The conditions are that the requirements set down by the Government of Bermuda, Ministry of Health, with respect to quarantine periods and other restrictions are to be strictly followed. The exemption is valid until 31 July 2020.<sup>31</sup>

The mandatory quarantine of incoming travellers does not apply to a crew member of a cargo or commercial aircraft, a cargo ship, or an aircraft operating for the purpose of giving medical attention, delivering medical supplies to Bermuda, or airlifting a patient to or from Bermuda, including any medical personnel on the flight. Nor do they apply to any person who has the written permission of the Quarantine Authority to enter Bermuda.<sup>32</sup>

Ships also appear to be permitted to transit through Bermuda waters, provided the ship is anchored or berthed at a location approved by the Quarantine Authority. The crew must remain confined to the ship for the duration of the transit stop and the ship must fly a yellow quarantine flag. The ship must also comply with prescribed conditions if the ship is required to shift anchorage because of weather conditions or other circumstances.<sup>33</sup>

**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)?**

Not expressly. Although there is no express exception for RC or humanitarian organisations, the list of persons exempt from the curfew includes “Any registered health professional, ambulance driver or crew, or staff of a healthcare facility (whether employed by the Bermuda Hospitals Board, registered residential care or nursing home, or otherwise), and other staff of the Bermuda Hospitals Board or the Ministry of Health.” The Minister of

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<sup>31</sup> Bermuda CAA, 22/4/20, General Exemption to the AN (OT) O 2013, [https://www.bcaa.bm/sites/default/files/Web%20Docs/Regulations/ExemptionDeviation\\_GeneralExemption\\_A135\\_COVID19\\_reissue.pdf](https://www.bcaa.bm/sites/default/files/Web%20Docs/Regulations/ExemptionDeviation_GeneralExemption_A135_COVID19_reissue.pdf)

<sup>32</sup> Quarantine (Incoming Traveller) Order 2020, para 3.

<sup>33</sup> Quarantine (Incoming Traveller) Order 2020, para 4.

National Security, subject to any conditions or limitations as may be imposed, may also give written permission for any other person to be exempt from the curfew.<sup>34</sup>

**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?**

Reliance would appear to be placed on pre-existing measures and arrangements in customs legislation. It should be noted that the IFRC is an approved organisation for the purposes of end use relief under the Customs Tariff Act 1970 (together with UN agencies).<sup>35</sup>

**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?**

No. However, the list of permitted businesses in the Precautions Regulations includes “office of a registered health professional, clinic, hospital or other health facility (including a veterinary surgery)”.<sup>36</sup> Retail stores may also now open between 7am and 9pm provided no customers are permitted to enter the premises and for the collection of goods only.<sup>37</sup>

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

The measures in force are outlined above.

**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. The Bermuda Government and Bermuda Economic Development Corporation is offering general support packages for SME businesses, see: <https://bedc.bm/bedcs-covid-19-precautions-updates/>

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<sup>34</sup> Precautions Response, reg 3(2) and Schedule 1, paras 6 and 12.)

<sup>35</sup> Customs Tariff (Approved Organizations) Notice 2016, BR 77/2016  
[http://www.bermudalaws.bm/laws/Annual%20Laws/2016/Statutory%20Instruments/Customs%20Tariff%20\(Approved%20Organizations\)%20Notice%202016.pdf](http://www.bermudalaws.bm/laws/Annual%20Laws/2016/Statutory%20Instruments/Customs%20Tariff%20(Approved%20Organizations)%20Notice%202016.pdf) and see <https://www.gov.bm/imported-goods-end-use-relief>

<sup>36</sup> Precautions Regulations, regs 9 and 2.

<sup>37</sup> Precautions Regulations, reg 10.