

## IFRC Review of Emergency Decrees: SAINT CHRISTOPHER AND NEVIS

### Overview

A proclamation of a state of public emergency was made by the Governor General of Saint Christopher and Nevis<sup>1</sup> on 27 March 2020 and another proclamation was made on 7 April, to enable the state of emergency to be extended until 18<sup>th</sup> April.<sup>2</sup> The National Assembly has approved the state of emergency and extended it for a maximum of 6 months.<sup>3</sup>

A number of time limited Emergency Powers Regulations have been made under the Emergency Powers Act.<sup>4</sup> At the time of writing, the last version available online was the Emergency Powers (COVID-19) (No 5) Regulations 2020<sup>5</sup> ('the Emergency Powers Regulations') which are due to expire on 25<sup>th</sup> April, although presumably they will be replaced by new regulations when they too expire.

The Emergency Powers Regulations impose a curfew, subject to exceptions contained in the regulations or as approved by the Commissioner of Police.<sup>6</sup> Every person is confined to their place of residence except for essential workers or for essential travel for medical emergency.<sup>7</sup> All businesses are closed except for businesses specified in the Regulations, some of which may open for specified hours and all of which must observe social distancing protocols.<sup>8</sup> All religious and educational institutions are closed and there are restrictions on social gathering.<sup>9</sup> There are restrictions on international and domestic travel,<sup>10</sup> restrictions on visits to places of quarantine, hospitals or care or nursing homes and prison.<sup>11</sup> Retail liquor licences are suspended<sup>12</sup> and face masks must be worn outdoors.<sup>13</sup>

In addition, Public Health (Quarantine) Regulations ('Quarantine Regulations')<sup>14</sup> have been made which enable the establishment of screening stations and authorise the surveillance,

---

<sup>1</sup> In this review abbreviated to St Kitts and Nevis.

<sup>2</sup> [https://aglcskn.info/documents/Annual-Laws/2020/SRO%2011%20of%202020%20State%20of%20Emergency%20Proclamation%20\(No.%202\).pdf](https://aglcskn.info/documents/Annual-Laws/2020/SRO%2011%20of%202020%20State%20of%20Emergency%20Proclamation%20(No.%202).pdf)

<sup>3</sup> <https://www.thestkittsnevisobserver.com/parliament-votes-to-extend-state-of-emergency-up-to-6-months/>

<sup>4</sup> <https://ndmd.kn/disaster-management/emergency-power-act/>

<sup>5</sup> <https://ndmd.kn/disaster-management/emergency-powers-covid-19-no-5-regulations/>

<sup>6</sup> Emergency Powers Regulations, reg 3.

<sup>7</sup> Emergency Powers Regulations, reg 8.

<sup>8</sup> Emergency Powers Regulations, reg 6.

<sup>9</sup> Emergency Powers Regulations, regs 9 and 10.

<sup>10</sup> Emergency Powers Regulations, regs 11 and 12.

<sup>11</sup> Emergency Powers Regulations, reg 13.

<sup>12</sup> Emergency Powers Regulations, reg 14.

<sup>13</sup> Emergency Powers Regulations, reg 15

<sup>14</sup> [https://aglcskn.info/documents/Annual-Laws/2020/SRO%202%20of%202020%20Public%20Health%20\(Quarantine\)%20Regulations,%202020.pdf](https://aglcskn.info/documents/Annual-Laws/2020/SRO%202%20of%202020%20Public%20Health%20(Quarantine)%20Regulations,%202020.pdf), amended by [https://aglcskn.info/documents/Annual-Laws/2020/SRO%208%20of%202020%20Public%20Health%20\(Quarantine\)%20\(Amendment\)%20Regulations.pdf](https://aglcskn.info/documents/Annual-Laws/2020/SRO%208%20of%202020%20Public%20Health%20(Quarantine)%20(Amendment)%20Regulations.pdf)

removal, quarantine or isolation of any person at a place or health facility;<sup>15</sup> requests to be made for a person to remain outside St Kitts and Nevis;<sup>16</sup> authorise the closure of schools and churches; and require social distancing.<sup>17</sup>

The Emergency Powers Regulations are made under the Emergency Powers Act;<sup>18</sup> the Quarantine Regulations under section 10 of the Public Health Act (Cap, 9.21).<sup>19</sup> There is also a Quarantine Act which makes enabling provision for the imposition of quarantine measures.<sup>20</sup>

There is a general National Disaster Management Act 1998 ('NDMA') which makes provision for national disaster preparedness and response and establishes the National Disaster Management Agency.<sup>21</sup>

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

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

Yes, although not in the emergency measures themselves.

Instead, it is assumed that reliance will be placed on the arrangements under the standing NDMA. This establishes the National Disaster Management Agency. One of the Agency's functions is to 'liaise with persons and organisations within and without St Kitts for the purpose of exchanging information and facilitating the harmonisation of the policies of such persons and organisations with those of the Government relating to the prevention and mitigation of, preparedness for, response to, and recovery from, disasters and emergencies.'<sup>22</sup>

There is a National Disaster Management Council, comprising Ministers, the Cabinet Secretary and Director-General of the National Disaster Management Agency, which is advised by a National Disaster Advisory Committee. The Committee is appointed by the Prime Minister but must include the Disaster Co-ordinator of the National Red Cross Society.<sup>23</sup>

---

<sup>15</sup> Quarantine Regulations, regs 10 and 11

<sup>16</sup> Quarantine Regulations, reg 13.

<sup>17</sup> Quarantine Regulations, reg 14.

<sup>18</sup> <https://aglcskn.info/documents/Annual-Laws/2020/SRO%206%20of%202020%20State%20of%20Emergency%20Proclamation.pdf>

<sup>19</sup> <https://aglcskn.info/documents/Act02and09TOC/Ch%209.21%20Public%20Health%20Act.pdf>

<sup>20</sup> <https://ndmd.kn/disaster-management/quarantine-act/>

<sup>21</sup> <https://ndmd.kn/disaster-management/national-disaster-management-act/>

<sup>22</sup> NDMA, s.5(2)(h).

<sup>23</sup> NDMA, s.10.

There is a St Kitts and Nevis National Disaster Plan (2013)<sup>24</sup> to which the national RC contributed and in which the national RC is described as a national emergency organisation.

There will also be regional cooperation and coordination through CDEMA and CARPHA.

**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 roles for the national RC and NGOs under the NDMA and standing arrangements (see above).

**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 Emergency Powers Regulations closed all air and sea ports and prevent visitors entering and disembarking ‘for any reason’.<sup>25</sup> However, the restriction does not apply to cargo flights or cargo ships, emergency medical flights or emergency flights approved by the Air Ports Authorities so there may be a discretion to permit relief flights or ships and personnel.

There are prohibitions on inter island private commercial transport and driving vehicles other than for essential services.<sup>26</sup>

There appears to be no compulsory quarantining but that may be down to the relevant regulations not having been located. The Quarantine Regulations would appear to authorise the surveillance, removal, quarantine or isolation of any person at a place or health facility designated by the Minister.<sup>27</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)?**

Again, although there is no express exception for RC or humanitarian organisations, the restrictions do not apply to disaster management services<sup>28</sup> (the RC is described as a national emergency organisation – see above) or to any hospital, health care or medical facility.<sup>29</sup>

---

<sup>24</sup> <https://ndmd.kn/disaster-management/st-kitts-nevis-national-disaster-plan/>

<sup>25</sup> Emergency Powers Regulations, reg 11.

<sup>26</sup> Emergency Powers Regulations, reg 12 but read with regs 5, 6 and 8.

<sup>27</sup> Quarantine Regulations, reg 11.

<sup>28</sup> Emergency Powers reg 8(2)(d).

<sup>29</sup> Emergency Powers reg 8(2)(f).

**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?**

No provision of this nature appears to have been made yet. Reliance seems to be placed on pre-existing measures and arrangements which appear to be principally contained in the Customs Act 2014 (cap 20:04).<sup>30</sup> The Act does not contain any specific provision for the importation of medical aid.

The St Kitts and Nevis Customs Department has published a temporary waiver of taxes for the COVID-19 Outbreak, although it is not clear if a customs service charge is still payable for sanitisers and PPE.<sup>31</sup>

In addition, the Quarantine Regulations state that 'pursuant to section 10(c)(iii) of the Public Health Act, the emergency supply chain action plan will guide the forecasting, procurement, importing, stockpiling or issuing of relevant medical supplies necessary for preventing, mitigating, controlling or suppressing an epidemic or spread of any infectious, communicable, notifiable or other disease,'<sup>32</sup> although no action plan could be found online.

**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, the list of businesses that may remain open include hospitals and medical facilities and such other business or undertakings as may be specifically exempted, in writing, by the Commissioner of Police (as long as social distancing protocols are maintained)<sup>33</sup>

Essential workers include [so the list is not exhaustive], essential officers of any hospital health care or medical facility and any disaster management services.<sup>34</sup> As mentioned above, the RC is categorised as a national emergency organisation under the NDMA.

**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?**

<sup>30</sup> <https://aglcskn.info/documents/Act17TOC/Ch%2020.04%20Customs%20Act.pdf>

<sup>31</sup> <https://www.skncustoms.com/pdf1/COVID19.pdf>

<sup>32</sup> Quarantine Regulations, reg 9.

<sup>33</sup> Emergency Powers Regulations, reg 6.

<sup>34</sup> Emergency Powers, reg 8(2).

No provision of this nature appears to have been made yet. Reliance seems to be placed on the pre-existing arrangements which appear to be principally under the Customs Act.<sup>35</sup> The Act does not contain any specific prohibition on exportation of PPE although there is power for the Minister to add specific items to the list of prohibited exports by order.<sup>36</sup>

**Simon Whitbourn**  
**Knightwood Legal**

**20 April 2020**

---

<sup>35</sup> [https://customs.gov.ag/resources/pdf/The\\_Customs\\_\(Control%20and%20Management\)\\_Act\\_No\\_3\\_of\\_2013.pdf](https://customs.gov.ag/resources/pdf/The_Customs_(Control%20and%20Management)_Act_No_3_of_2013.pdf)

<sup>36</sup> <https://aglcskn.info/documents/Act17TOC/Ch%2020.04%20Customs%20Act.pdf>