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IFRC Review of Emergency Decrees: TURKS AND CAICOS ISLANDS (TCI)

AS AT 15 MAY 2020

Overview

The Turks and Caicos Islands (TCI) has had 12 confirmed COVID-19 cases, the first on the 26 March 2020, and 1 fatality. There have been 16 days since the last reported case.¹ TCI is now beginning to relax its lockdown restrictions.

A state of emergency was originally declared by the Governor on 20 March 2020² which has subsequently been extended, the latest proclamation being made under the Emergency Powers Ordinance³ and the Emergency Powers (Overseas Territories) Order 2017⁴ on 2 May.⁵

Control measures were first put in place on 10 March 2020⁶ and a series of instruments have been made since. It is understood that the principal COVID-19 measures are now found in the following:

- Emergency Powers (COVID-19) (No 4) Regulations 2020,⁷ as amended by the Emergency Powers (COVID-19) (No 4) (Amendment) Regulations 2020⁸ and Emergency Powers (COVID-19) (No 4) (Amendment) (No 2) Regulations 2020 ('the COVID-19 Regulations');⁹
- Public and Environmental Health (Control Measures) (COVID-19) Regulations 2020 ('the Control Regulations');¹⁰ and
- Public and Environmental Health (Testing of COVID-19) Regulations 2020 ('the Testing Regulations').¹¹

There are also a series of measures designed to deal with the economic consequences of the pandemic as well as enabling the import of key goods including:

¹ Source: WHO 15 May 2020.

² <http://online.fliphtml5.com/fizd/fqzw/>

³ <http://online.fliphtml5.com/fizd/avob/>

⁴ <https://www.legislation.gov.uk/ukxi/2017/181/contents/made>

⁵ <https://online.fliphtml5.com/fizd/pzki/#p=2>

⁶ <http://online.fliphtml5.com/fizd/ygom/>

⁷ <https://online.fliphtml5.com/fizd/aahn/>

⁸ <https://online.fliphtml5.com/fizd/qowy/>

⁹ <https://online.fliphtml5.com/fizd/msqb/>

¹⁰ <http://online.fliphtml5.com/fizd/ygom/#p=2>

¹¹ <https://online.fliphtml5.com/fizd/ffmi/>

- Emergency Powers (COVID-19) (Economic Relief Measures) Regulations 2020,¹² as amended by Emergency Powers (COVID-19) (Economic Relief Measures) (Amendment) Regulations 2020;¹³
- Emergency Powers (COVID-19) (Financial Services) Regulations 2020;¹⁴
- Emergency Powers (COVID-19) (Waiver of Customs Processing Fee) Regulations 2020;¹⁵ and
- Customs (COVID-19) (Duty Exemption) Order 2020.¹⁶

The COVID-19 Regulations impose a night time curfew between 8pm and 5am until 25 May 2020 during which time every person must remain confined to their place of residence.¹⁷ Essential travel to and from a doctor or hospital and essential workers who are directed to report to work are exempt.¹⁸ “Essential workers” include officers of the Emergency Medical Services Department, Public Health, and any hospital, health care or medical facility.¹⁹ ID must be carried by essential workers.²⁰ Face masks must be worn in public.²¹

All establishments, institutions, businesses, offices stores and organisations must suspend operations to the general public, except for those specified.²² The specified businesses include: wholesale or retail grocery stores, food delivery services, doctors’ offices, hospitals or medical facilities, pharmacies, medical supply establishments, commercial ports and related businesses, ferry services for emergency cases, commercial aviation and airports for local (i.e. intra-TCI) flights.²³ Other specified business may begin to reopen from 11 May during prescribed times,²⁴ but all businesses must remain closed on Sundays except for a limited number including doctors’ offices, hospitals or medical facilities, ferry services for emergency cases, commercial aviation and airports.²⁵ Open businesses etc must restrict the numbers inside their premises and maintain social distancing.

All airports and seaports remain closed to regional and international flights and ships. No person is permitted to enter or transit through TCI.²⁶ Cruise ports will remain closed until 30 June 2020.²⁷ However, these restrictions do not apply to:

- (a) cargo flights or cargo ships,
- (b) courier flights,
- (c) medevac flights,

¹² <http://online.fliphtml5.com/fizd/zxjw/>

¹³ <https://online.fliphtml5.com/fizd/zwry/>

¹⁴ <http://online.fliphtml5.com/fizd/cwjh/>

¹⁵ <http://online.fliphtml5.com/fizd/wddp/>

¹⁶ <http://online.fliphtml5.com/fizd/wddp/>

¹⁷ COVID-19 Regulations, reg 3(1).

¹⁸ COVID-19 Regulations, reg 3(2).

¹⁹ COVID-19 Regulations, reg 3(3) {although numbered 3(2)}.

²⁰ COVID-19 Regulations, reg 3(3).

²¹ COVID-19 Regulations, reg 4.

²² COVID-19 Regulations, reg 7(1).

²³ COVID-19 Regulations, reg 7(2).

²⁴ COVID-19 Regulations, reg 7(3).

²⁵ COVID-19 Regulations, reg 7(4).

²⁶ COVID-19 Regulations, reg 8(1).

²⁷ COVID-19 Regulations, reg 8(3).

(d) technical stops,
(e) emergency flights approved by the Civil Aviation Authority and the Airports Authority,
(f) naval vessels, although no personnel are allowed on or off, and
(g) flights carrying emergency services response staff involved in COVID-19 pandemic response (medical personnel, new police recruits etc), although such staff must be placed under quarantine in a specified place for a period of 14 days and be monitored by a health officer.²⁸

The Chief Medical Officer has a general power to require a person to remain at home or a place of quarantine for surveillance for 14 days²⁹ and screening requirements are set out.³⁰ All educational establishments are closed and religious places of worship were closed until 10 May.³¹ Social activities are prohibited except for funerals which may be attended by 10 immediate family members.³² Use of public transport is prohibited except for essential travel or by essential workers, although transport between the smaller islands is unrestricted provided that physical distancing is maintained.³³

Visits to places of quarantine, to patients in hospital or a residential care facility are prohibited. Limited visitation is permitted to a detainee in a detention centre, prison or police cell if physical distancing is maintained.³⁴ The Governor is also given the power to requisition property and essential services.³⁵

The Testing Regulations set out the requirements under which testing for COVID-19 is to be undertaken in TCI and for authorising testers. Overall responsibility is given to the Chief Medical Officer and testing must be undertaken in accordance with the Regulations.

The Control Regulations prohibit a flight originating from an infected country from landing in TCI³⁶ and cruise ships entering TCI if there is a passenger who has travelled through an infected country in the previous 21 days.³⁷ No visitor is permitted to enter TCI if they have been in an infected country within the last 21 days³⁸ and TC Islanders or residents are subject to screening, examination and quarantine for 14 days if they have travelled in an infected country.³⁹ A health practitioner, health officer or any person who may have had direct contact with a person suspected of having the virus or with bodily fluids of such a person shall, on assessment, be subject to quarantine for a minimum of 14 days.⁴⁰ The list of infected countries was set out in the Public and Environmental Health (Infected Countries)

²⁸ COVID-19 Regulations, reg 8(2).

²⁹ COVID-19 Regulations, reg 9.

³⁰ COVID-19 Regulations, reg 10.

³¹ COVID-19 Regulations, reg 16.

³² COVID-19 Regulations, reg 15.

³³ COVID-19 Regulations, reg 17.

³⁴ COVID-19 Regulations, reg 19

³⁵ COVID-19 Regulations, regs 20 and 21.

³⁶ Control Regulations, reg 3.

³⁷ Control Regulations, reg 4.

³⁸ Control Regulations, reg 5.

³⁹ Control Regulations, reg 6.

⁴⁰ Control Regulations, reg 7.

(COVID-19) Notice 2020,⁴¹ although this may now have been overtaken by the virus spreading to a far wider range of countries.

Standing measures include the Emergency Powers Ordinance,⁴² the Emergency Powers (Overseas Territories) Order 2017⁴³ and the Public and Environmental Health Ordinance⁴⁴ under which the majority of subsidiary legislation has been made.

The Disaster Management Ordinance ('DMO')⁴⁵ provides for the establishment of the Department of Disaster Management and Emergencies (the national coordinating body for disaster management),⁴⁶ a National Disaster Management Organisation,⁴⁷ an Executive Policy Committee,⁴⁸ a National Disaster Advisory Committee,⁴⁹ a National Operations Group⁵⁰ and Island committees and community groups.⁵¹ There is also a National Emergency Operations Centre.⁵² A representative of the TCI Red Cross is a member of the National Disaster Advisory Committee⁵³ and National Operations Group⁵⁴ whose function is to coordinate disaster response and relief efforts and provide necessary technical direction for the response phase.⁵⁵

The Department of Disaster Management and Emergencies must prepare a National Disaster Management Plan and Strategy.⁵⁶ TCI's plans can be found at <https://www.gov.tc/ddme/resources/plans>, including its draft National Disaster Management Plan (NDMP) 2018.⁵⁷

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

The TCI Red Cross is established under the Turks and Caicos Islands Red Cross Ordinance 2012.⁵⁸ Its objects include "to work for the improvement of health, for the prevention of disease and for the prevention and alleviation of human suffering in the Islands and throughout the world."⁵⁹

⁴¹ <http://online.fliphtml5.com/fizd/byvj/#p=2>

⁴² <http://online.fliphtml5.com/fizd/avob/>

⁴³ <https://www.legislation.gov.uk/ukxi/2017/181/contents/made>

⁴⁴ <http://online.fliphtml5.com/fizd/azxz/>

⁴⁵ <http://online.fliphtml5.com/fizd/sdvb/>

⁴⁶ DMO, ss 5 to 26.

⁴⁷ DMO, ss 27 to 29.

⁴⁸ DMO, ss 28 and 29.

⁴⁹ DMO, ss 30 to 33.

⁵⁰ DMO, ss 34 and 35

⁵¹ DMO, ss 36 to 39.

⁵² DMO, ss 40 to 42.

⁵³ DMO, s 30(1)

⁵⁴ DMO, s 34(1).

⁵⁵ DMO, s 35(1)

⁵⁶ DMO, s 7(1)(b).

⁵⁷ <https://drive.google.com/file/d/10mqsp2z8oF9PQ4La8rfUJNcJlgwKNYzw/view>

⁵⁸ <http://online.fliphtml5.com/fizd/auon/#p=4>

⁵⁹ Turks and Caicos Islands Red Cross Ordinance 2012, s 4(1)(b).

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 DMO and the National Disaster Management Plan will apply.

As noted, the DMO provides that the National Disaster Advisory Committee⁶⁰ and National Operations Group⁶¹ should include representatives of the TCI Red Cross. The National Disaster Management Plan refers throughout to the roles and responsibilities of the TCI Red Cross, including its role of support agency for public health and medical services.⁶²

TCI is a member of CDEMA and CARPHA through which there will be regional coordination and its relationship with the United Kingdom means that there will also be coordination of response with and through the UK.

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 DMO through the National Disaster Advisory Committee and the National Operations Group and in accordance with the National Disaster Management Plan. (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?

All airports and seaports remain closed to regional and international flights and ships. No person is permitted to enter or transit through TCI.⁶³ Cruise ports will remain closed until 30 June 2020.⁶⁴

However, these restrictions do not apply to:

- (a) cargo flights or cargo ships,
- (b) courier flights,
- (c) medevac flights,
- (d) technical stops,
- (e) emergency flights approved by the Civil Aviation Authority and the Airports Authority,
- (f) naval vessels, although no personnel are allowed on or off, and
- and
- (g) flights carrying emergency services response staff involved in COVID-19 pandemic response (including medical personnel), although such staff must be placed under

⁶⁰ DMO, s 30(1)

⁶¹ DMA, s 6.

⁶² National Disaster Management Plan, p 26.

⁶³ COVID-19 Regulations, reg 8(1).

⁶⁴ COVID-19 Regulations, reg 8(3).

quarantine in a specified place for a period to 14 days and be monitored by a health officer.⁶⁵

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)?

There are no express exceptions. Essential workers are permitted to travel despite the curfew. Essential workers include officers of the Emergency Medical Services Department, Public Health or of any hospital, health care or medical facility.⁶⁶ That may not extend to RC personnel or volunteers and it is noted that there is no provision to enable specific exemptions to be granted to those who are not listed as essential workers.

However, the curfew is now only between 8 pm and 5 am,⁶⁷ so movement during the rest of the day appears unrestricted. Intra-island travel, though restricted, is allowed for cargo flights or ships and emergency response staff.⁶⁸

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?

Exemptions from import duties have been granted for certain essential food stuffs and medical supplies including cleaning supplies, disinfectants, facial masks, shields and goggles.⁶⁹

Under the Customs (COVID-19) (Duty Exemption) Order 2020 the same range of goods are exempted from the normal customs processing fee.⁷⁰

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. Essential workers include officers in the Emergency Medical Services Department, Public Health or of any hospital, health care or medical facility.⁷¹ That may not extend to RC personnel or volunteers and it is noted that there is no provision to enable specific exemptions to be granted to those who are not listed as essential workers.

Nor is the RC expressly mentioned in the lists of businesses etc which are either allowed to open now or will be allowed to reopen.⁷² However, medical facilities and medical supply

⁶⁵ COVID-19 Regulations, reg 8(2).

⁶⁶ COVID-19 Regulations, reg 3(2) [3(3)].

⁶⁷ See COVID-19 Regulations, reg 3(1).

⁶⁸ COVID-19 Regulations, reg 8(2).

⁶⁹ Customs (COVID-19)(Duty Exemption) Order 2020 <http://online.fliphtml5.com/fizd/exav/#p=3>

⁷⁰ <http://online.fliphtml5.com/fizd/wddp/>

⁷¹ COVID-19 Regulations, reg 3(2) [3(3)].

⁷² COVID-19 Regulations, reg 7.

establishments are specified as businesses etc that are able to operate⁷³ (subject to maintaining social distancing protocols etc) and the range of businesses etc that were able to open from 11 May, albeit for limited hours is now extensive.⁷⁴

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

The measures are covered 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 online. The TCI Government has announced a stimulus package which includes a variety of cash grants, waivers, and reductions on tariffs and stamp duties. For example, the following grants are available:

- Hospitality (hotel, watersports, transportation, etc) are eligible to receive a one-off payment of \$1,200.
- Self-employed persons are eligible to receive a one-off payment of \$1,200, if they are a British Overseas Territories Citizen (Turks and Caicos Citizenship).
- Micro, Small and Medium Enterprises (MSME) are eligible for cash grants of up to \$5,000, if the majority of the business is held by persons with Turks and Caicos Islander Status.
- Social Enhancement Aid Stimulus - up to \$200 per month for up to 3 months.

Stamp duty rates have been reduced by 50%.

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⁷³ COVID-19 Regulations, reg 7(2).

⁷⁴ COVID-19 Regulations, reg 7(3).