

Open Agenda

Copy No:

No: 39/2020

Memorandum for Executive Council

SUBJECT

PUBLIC HEALTH (AMENDMENT) BILL 2020

Memorandum by the Chairman of the Public Health Committee

ADVICE SOUGHT

- 1) **Council is asked to consider and advise whether the Public Health (Amendment) Bill, 2020, should be printed, published and presented as Government Business at the next formal meeting of the Legislative Council. A copy of the Bill is at Annex A.**

BACKGROUND & CONSIDERATIONS

- 2) The Public Health (Prevention of Formidable Diseases) (Coronavirus) Regulations (“**Coronavirus Regulations**”) were enacted on 3 April 2020.
- 3) The Coronavirus Regulations created a number of criminal offences. Some of those offences have punishments of up to 12 and 18 months imprisonment. The level of punishment for these offences was requested by all Elected Members (not just ExCo Members).
- 4) Pursuant to the Interpretation Ordinance 1968, unless specified in the enabling Ordinance, the maximum sentences of imprisonment allowed in any Regulation is 6 months. Therefore, at present although the Coronavirus Regulations state a maximum sentence of imprisonment of up to 18 months the maximum that can be imposed is actually only 6 months.
- 5) The Public Health Amendment Bill, 2020, inserts an enabling provision into the Principal Ordinance which allows for periods of imprisonment up to 18 months in subsidiary Regulations.
- 6) As the Coronavirus Regulations are made under the Public Health Ordinance this means that for contravention of relevant offences sentences of imprisonment up to 12 or 18 months can now be imposed.

FINANCIAL IMPLICATIONS

- 7) No new financial implications.

ECONOMIC IMPLICATIONS

- 8) No new implications.

This document is the property of the St. Helena Government; it is protected by copyright laws and by the Official Secrets Acts.

The unauthorised possession or copying of the document may result in civil or criminal penalties.

Open Agenda

CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES	9) N/A
PUBLIC/SOCIAL IMPACT	10) The proposed Bill will not give rise to any additional public/social impact as it only fixes a technical error.
ENVIRONMENTAL IMPACT	11) The proposed Bill will not have any environmental impact.
PREVIOUS CONSULTATION/ COMMITTEE INPUT	12) The Bill has been approved by the Public Health Committee.
PUBLIC REACTION	13) The Bill fixes a technical error so there should not be any adverse public reaction.
PUBLICITY	14) The decision will be covered in the radio briefing following the meeting. If agreed to be presented as Government business at the next formal meeting of the Legislative Council the Bill will be published via the normal process ahead of this Meeting.
SUPPORT TO STRATEGIC OBJECTIVES	15) Indirectly supports the ‘Altogether Healthier’ National Goal and Strategic Objective 5.1 – Improve the health of the Community.
LINK TO SUSTAINABLE ECONOMIC DEVELOPMENT PLAN GOALS	16) N/A
OPEN/CLOSED AGENDA ITEM	17) This paper is recommended for the open agenda.

DFT

Corporate Support
Corporate Services

27th May 2020

This document is the property of the St. Helena Government; it is protected by copyright laws and by the Official Secrets Acts.

The unauthorised possession or copying of the document may result in civil or criminal penalties.