

PUBLIC HEALTH ORDINANCE, 1967

***PUBLIC HEALTH (CORONAVIRUS)(TEMPORARY PROVISIONS) REGULATIONS,
2020***

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PUBLIC HEALTH ORDINANCE, 1967

PUBLIC HEALTH (CORONAVIRUS)(TEMPORARY PROVISIONS)
REGULATIONS, 2020

In exercise of the powers conferred by section 21(2) of the Public Health Ordinance, 1967, the Governor makes the following Regulations:

PART 1
PRELIMINARY

Citation

1. These Regulations may be cited as the Public Health (Coronavirus)(Temporary Provisions) Regulations, 2020.

Interpretation

2. (1) In these Regulations—
- “**aircraft**” means an aircraft making an inbound international voyage;
- “**Bahamas Agreement**” means the agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America Concerning the Extension of the Bahamas Long Range Proving Ground by the Establishment of Additional Sites in Ascension Island, done in Washington on 25 June 1956;
- “**biological sample**” includes a sample of a person’s respiratory secretions or blood, by appropriate means including by swabbing of the nasopharyngeal cavity;
- “**captain**” means the pilot in command of an aircraft making an inbound international voyage;
- “**Chief Immigration Officer**” means the person from time to time appointed to that role under section 13 of the Entry Control (Ascension) Ordinance, 2007;
- “**child**” means a person under the age of 18 years;
- “**Coronavirus**” means the virus known as “Wuhan novel Coronavirus (COVID-19) (2019-nCoV)”;
- “**Health Part of the Aircraft General Declaration**” means a document in the form from time to time prescribed by the International Civil Aviation Organisation and as set out in Annex 9 to the International Health Regulations (2005);

“inbound international voyage” means a journey by an aircraft or vessel which is bound for Ascension and for which the previous port of call was outside Ascension (including St Helena);

“infected area” means any area (including a country) which the Administrator has declared, by notice published on the public notice board and on www.ascension.gov.ac, as an area where—

- (a) there is known or thought to be sustained human-to-human transmission of Coronavirus; or
- (b) from which there is a high risk of importation of infection or contamination via travel from that area to Ascension;

“isolation” in relation to a person means the separation of that person from others in such a manner as to prevent infection or contamination (with Coronavirus), and which may take place—

- (a) in that person’s home;
- (b) in a hospital; or
- (c) at another suitable place;

“Magistrate” has the same meaning as in the Magistrate’s Court (Ascension) Ordinance, 1968

“Maritime Declaration of Health” means a document in the form set out in Annex 8 to the International Health Regulations (2005);

“master” means the officer in command of a vessel;

“public health officer” means a person appointed under regulation 3;

“public notice board” means the notice board outside the office of the Administrator;

“public place” means any premises or other place in Ascension which is open to the public, or to a section of the public;

“relevant authority” means—

- (a) in respect of an inbound aircraft, the Chief Immigration Officer;
- (b) in respect of an inbound vessel, the Harbour Master;

“reported person” means person to whom regulation 7(5) refers;

“responsible adult” means, in relation to a child, a person with parental responsibility for the child (within the meaning of the Children Welfare Ordinance, 2011), or a person who has custody or charge of the child for the time being;

“screening requirements” means the requirements set out in regulation 12;

“symptoms consistent with Coronavirus” means any one or more of a fever, a dry cough, or shortness of breath;

“vessel” means any vessel making an inbound international voyage.

(2) In these Regulations, a reference to infection or contamination, however expressed, is a reference to infection or contamination with Coronavirus, and related expressions are to be construed accordingly.

Public health officers

3. (1) For the purposes of these Regulations, the Administrator may, on the advice of the Senior Medical Officer, by notice in writing appoint such persons as public health officers as may be required.

- (2) An appointment under sub-regulation (1) may—
 - (a) permit the public health officer to perform only certain functions or to exercise only certain powers;
 - (b) apply limitations and conditions to the functions and powers to which the public health officer is permitted to perform or exercise.

(3) Before appointing a person as a public health officer, the Administrator must be satisfied that the person to be appointed is competent to perform the functions and exercise the powers to which the appointment relates, but no court shall enquire into the Administrator's decision in that regard.

(4) A person appointed as a public health officer must act in accordance with the advice and instructions given by the Senior Medical Officer.

- (5) The following persons are deemed to be appointed as a public health officers:
 - (a) medical practitioners;
 - (b) any person employed by the Ascension Island Government in the capacity of nurse, nursing sister or nursing team leader.

Senior Medical Officer may delegate

4. (1) The Senior Medical Officer may delegate to a medical practitioner any power in these Regulations that is expressed to be exercisable exclusively by the Senior Medical Officer.

- (2) A delegation under sub-regulation (1) may be made orally or in writing, but an oral delegation must be confirmed in writing as soon as is reasonably practicable, and must include—
 - (a) the date and time on which the delegation took or takes effect;
 - (b) the powers to which it applies;
 - (c) any limitation or conditions to which it is subject;
 - (d) the period for which the delegation is valid.

(3) The omission from a written delegation of any of the information specified in sub-regulation (2)(b), (c), or (d) does not render the delegation invalid.

PART 2 INBOUND AIRCRAFT AND VESSELS

Duties of passengers and crew to report symptoms

5. (1) Any person ("P") aboard an inbound international voyage who is suffering from symptoms consistent with Coronavirus must, as soon as is reasonably practicable after the symptoms become apparent—

- (a) if P is a passenger, report that fact and confirm their identity to a crew member;
- (b) if P is a crew member, report that fact to the captain or master.

(2) Where P is a child, the obligation in sub-regulation (1) falls jointly on all responsible adults accompanying the child.

(3) Any crew member who receives a report of a passenger suffering from symptoms consistent with Coronavirus must without delay report that fact to the captain or master, and provide the identity of the passenger.

Duties of captain and master during inbound international voyage

6. (1) The captain or master of an inbound international voyage must ensure that—
- (a) all crew members are briefed as to their obligations under regulation 5(1)(b) and (3) either before joining the aircraft or vessel, or in any event before the start of the voyage;
 - (b) all passengers are informed of their obligations under regulation 5(1)(a) and (2) at the start of the voyage;
 - (c) all passengers are thereafter reminded of their obligations under regulation 5(1)(a) and (2) on a regular basis and—
 - (i) in respect of an inbound aircraft, not less than one hour;
 - (ii) in respect of an inbound vessel, not less than three hours;before the aircraft or vessel is due to arrive in Ascension.

(2) The captain or master must instruct all crew members to make enquiries of passengers during the voyage as to whether any passenger is suffering from symptoms consistent with Coronavirus, and that such enquiries must also be made immediately after, or as soon as reasonably practicable after,—

- (a) passengers are informed of their obligations in accordance with sub-regulation (1)(b); and
- (b) the reminder required by sub-regulation (1)(c)(i) or (ii), as the case may be.

Duty of captains and masters to report symptomatic and potentially contaminated persons

7. (1) The captain or master of an inbound international voyage must report to the relevant authority—

- (a) if there is one or more persons aboard reported to be suffering from symptoms consistent with Coronavirus, the identity of any such persons and of any person who may be potentially contaminated by a symptomatic person (“**a positive report**”); or
- (b) if paragraph (a) does not apply, that there are no persons aboard reported to be suffering from symptoms consistent with Coronavirus (“**a negative report**”).

(2) The report required under sub-regulation (1) must be made—

- (a) in the case of an inbound aircraft, not less than 30 minutes;
- (b) in the case of an inbound vessel, not less than two hours,

before the aircraft or vessel is due to arrive in Ascension, and may be made in the form of the Health Part of the Aircraft General Declaration or a Maritime Declaration of Health.

(3) If, after having made a report in accordance with sub-regulation (1), the captain or master becomes aware of information which indicates that the report is no longer accurate, the captain or master must make a further report to the relevant authority before any passenger or crew member is permitted to disembark.

(4) In the event of a positive report, the relevant authority may request that the captain or master secures from the passengers or crew (or any group of passengers or crew specified by the relevant authority), prior to disembarkation, such further information as the relevant authority may specify, insofar as the captain or master is reasonably able to do so.

(5) The captain or master must inform any person (“P”) who is the subject of a positive report under this regulation (or, if P is a child, a person who is a responsible adult in relation to P)—

- (a) that the authorities in Ascension have been, or will be, informed of P’s identity and alerted to the fact that P is either suffering from symptoms consistent with Coronavirus or is potentially contaminated; and
- (b) that P must not disembark on arrival until given permission to do so by or on behalf of the captain or master, or by a public health officer,

and such a person is a “reported person” for the purposes of this Part and Part 3.

(6) P remains a reported person for 14 days after P’s arrival in Ascension, or until P departs Ascension (whichever is sooner).

Permission required for disembarkation

8. (1) Except in an emergency, the captain or master must not permit any reported person (“P”) to disembark in Ascension unless—

- (a) the relevant authority informs the captain or master that P may be given permission to disembark; or
- (b) a public health officer has given P permission to disembark.

(2) P must not disembark until P (or if P is a child, a person who is a responsible adult in relation to P) has been given permission to do so by or on behalf of the captain or master, or by a public health officer.

PART 3 ASSESSMENT, SCREENING, ISOLATION AND RESTRICTIONS

Persons in respect of whom powers may be exercised

9. (1) The powers in the following regulations may be exercised in respect of a person (“P”) where P falls into one or more of the categories in this regulation:

- (a) regulation 10 (Detention for the purposes of assessment and screening etc.);
- (b) regulation 11 (Assessment and screening);
- (c) regulation 13 (Compulsory isolation);
- (d) regulation 14 (Restrictions short of compulsory isolation).

- (2) Category A is that P is a reported person.
- (3) Category B is that P—
 - (a) has arrived in Ascension on an inbound international voyage; and
 - (b) has left, or a public health officer has reasonable grounds to suspect P has left, an infected area within the 14 day period immediately preceding the date of P’s arrival in Ascension.
- (4) Category C is that a public health officer—
 - (a) has reasonable grounds to suspect that P is, or may be, infected or contaminated with Coronavirus; and
 - (b) considers that there is a risk that P might infect or contaminate others.
- (5) Category D is that in the opinion of a medical practitioner—
 - (a) P’s age or general state of health; and
 - (b) the prevailing conditions in Ascension,are such that P is likely to be at high risk of contracting Coronavirus, or at a high risk of medical complications if P were to do so.

Assessment and screening

Detention for the purposes of assessment and screening, etc.

10. (1) A public health officer may, for the purposes of assessment and screening under regulation 11, or for the purpose of the imposition of restrictions short of compulsory isolation under regulation 13, impose on a person (“P”) a requirement to be detained until the later of—

- (a) the end of the period of 48 hours beginning with the time from which P’s detention under this regulation begins;
- (b) such time as any screening requirements imposed on or in relation to P under regulation 11(2) have been complied with and the assessment referred to in that regulation carried out in relation to P;
- (c) such time as any restriction short of compulsory isolation has been imposed on P.

(2) Where P is detained under sub-regulation (1), a public health officer may require P to move to a suitable place.

Assessment and screening

11. (1) In relation to a person (“P”), a public health officer may carry out an assessment of—

- (a) whether P presents or could present a risk of infecting or contaminating others;
- (b) whether, in consequence of a P’s age or general state of health, P is at high risk of contracting Coronavirus, or at a high risk of medical complications if P were to do so.

(2) For the purpose of informing an assessment under sub-regulation (1), a public health officer may (orally or in writing) impose on or in relation to P one or more screening requirements.

Screening requirements

12. (1) For the purposes of these Regulations, the screening requirements on or in relation to a person (“P”) are requirements to the effect that P must—

- (a) answer questions about P’s health or other relevant circumstances (including travel history and information about other individuals with whom P may have had contact);
- (b) produce any documents which may assist a public health officer in assessing P’s health;
- (c) at such time and place as a public health officer may specify, allow a public health officer to take a biological sample of P or provide such a sample; and
- (d) provide sufficient information to enable P to be contacted immediately by a public health officer during such period as the public health officer may specify, where the public health officer considers that such provision of information is necessary in order to reduce or remove the risk of P infecting or contaminating others.

(2) Where P is a child and is accompanied by a responsible adult, the responsible adult must—

- (a) ensure that P answers questions in accordance with sub-regulation (1)(a);
- (b) answer the questions if P is unable to do so or cannot reliably do so;
- (c) produce any documents required under sub-regulation (1)(b) on P’s behalf;
- (d) allow a public health officer to take a biological sample of P or provide such a sample; and
- (e) provide information where required by a public health officer under sub-regulation (1)(d).

Compulsory isolation and restrictions short of compulsory isolation

Compulsory isolation

13. (1) The Senior Medical Officer may require P to be kept in compulsory isolation if condition A or B is met.

(2) Condition A is that the Senior Medical Officer—

- (a) has reasonable grounds to suspect that P is, or may be, infected or contaminated; and
- (b) considers that it is necessary and proportionate to isolate P in order to reduce or remove the risk of P infecting or contaminating others.

(3) Condition B is that the Senior Medical Officer—

- (a) is of the opinion that P’s age or general state of health, and the prevailing conditions in Ascension, are such that P is at high risk of contracting Coronavirus, or at a high risk of medical complications if P were to do so; and
- (b) considers that it is necessary and proportionate to isolate P in order to reduce or remove the risk of P becoming infected or contaminated by others.

(4) Where sub-regulation (1) applies, the Senior Medical Officer may additionally impose on or in relation to P one or more screening requirements.

Restrictions short of compulsory isolation

14. (1) A public health officer may (orally or in writing) impose on or in relation to a person (“P”) such restrictions short of compulsory isolation as the public health officer considers necessary and proportionate—

- (a) in respect of a person to whom regulation 9(2), 9(3) or 9(4) applies, in order to reduce or remove any risk of P infecting or contaminating others;
- (b) in respect of a person to whom regulation 9(5) applies, to protect P from the risk of infection or contamination by others.

(2) Restrictions that may be imposed under sub-regulation (1) include restrictions as to—

- (a) P’s residence, including requiring P temporarily to live somewhere other than P’s usual home;
- (b) P’s travel within Ascension, including restrictions on the purposes for which journeys may be made;
- (c) P’s access to specified public places or public places generally;
- (d) P’s activities, including social activities and in relation to P’s work;
- (e) P’s contact with others (other than by means of telephone or the internet),

and may be subject to such conditions and exceptions as the public health officer considers necessary in the circumstances.

(3) Where sub-regulation (1) applies, the public health officer may additionally impose on or in relation to P one or more screening requirements.

(4) Restrictions and requirements imposed under this regulation may not be imposed for a period exceeding 14 days beginning with the day on which the restriction or requirement is first imposed unless—

- (a) P is a person to whom regulation 9(5) applies; or
- (b) there has been a material change of circumstances such that an extension is necessary and proportionate.

(5) A public health officer may (orally or in writing)—

- (a) vary any restriction or requirement imposed under this regulation; and
- (b) impose on P any additional restriction or requirement.

(6) Before imposing or varying a restriction or requirement under this regulation, a public health officer must—

- (a) inform P (or where P is a child, a person who is a responsible adult in relation to P) of the restriction or requirement, or variation thereof, that the public health officer is minded to impose or make; and
- (b) have regard to any relevant representations by P (or, where P is a child, a person who is a responsible adult in relation to P) as to its suitability.

(7) Where P is employed in Ascension and a public health officer proposes to impose or vary a restriction or requirement under this regulation in relation to P’s work, or which is likely to affect P’s work, then the public health officer must—

(a) so far as is reasonably practicable, inform P’s employer of the restriction or requirement that the public health officer is minded to impose, and

(b) have regard to any relevant representations by P’s employer as to its suitability.

(8) Where a restriction or requirement under this regulation is imposed on or in relation to a child, or varied in relation to a child, a person who is a responsible adult in relation to the child must secure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(9) Where a public health officer orally imposes a restriction or requirement on P under this regulation, or orally varies such a requirement or restriction, the public health officer must provide P (or where P is a child, a person who is a responsible adult in relation to P) with a written notification of the restriction or requirement that has been imposed or varied.

(10) A written notification issued under sub-regulation (9) must include a statement to the effect that it is a criminal offence for a person to fail without reasonable excuse to comply (or in respect of any responsible adult, to fail, without reasonable excuse, to secure that the child complies) with any restriction or requirement set out in it, but the absence of such a statement does not render the notice invalid.

Detention and isolation: additional provisions

15. (1) A public health officer must notify a person (“P”) (or, where P is a child, a person who is a responsible adult in relation to P), of the information in sub-regulation (2) as soon as is reasonably practicable after—

(a) P’s detention under regulation 10 starts; or

(b) the Senior Medical Officer decides to keep P in compulsory isolation under regulation 13.

(2) The information that must be provided in accordance with sub-regulation (1) is—

(a) the fact of P’s detention or compulsory isolation;

(b) the powers under which P is detained or kept in compulsory isolation;

(c) the reason for P’s detention or compulsory isolation;

(d) the next steps that may be taken and by whom;

(e) in respect of compulsory isolation, the obligation to keep the need for P’s compulsory isolation under review; and

(f) the penalty for—

(i) absconding, or attempting to abscond, from detention or isolation under regulation 23(1)(b);

(ii) providing false or misleading information intentionally or recklessly under regulation 25(1);

(iii) obstructing a person carrying out a function under these Regulations under regulation 25(2);

Detention and isolation etc: wellbeing and reviews

16. (1) This regulation applies to a person (“P”) whilst P is—

(a) detained under regulation 10 or kept in compulsory isolation under regulation 13; or

(b) subjected to restrictions short of compulsory isolation under regulation 14.

(2) The Administrator must have due regard to P's well-being.

(3) Where P has been subject to a measure specified in sub-regulation (1) for a continuous period exceeding 14 days, the Administrator must review the continued application of that measure by reference to the provisions of the relevant regulation—

(a) as soon as possible after the 14-day period has elapsed; and

(b) after each subsequent interval of 48 hours thereafter.

Detention and isolation: review by Magistrate

17. (1) A person ("P") who is detained under regulation 10 or kept in compulsory isolation under regulation 13 may make an application to the Magistrate to determine the lawfulness of P's detention or isolation.

(2) An application under this regulation must be determined—

(a) promptly;

(b) on judicial review principles;

(c) without an oral hearing unless, in the opinion of the Magistrate, an oral hearing is necessary in the interests of justice.

(3) Where an oral hearing takes place in accordance with sub-regulations (2)(c)—

(a) the hearing may be held by means of a telephone conference or other similar means of electronic communication; and

(b) P is entitled to be represented by a legal advisor or other representative.

(4) When determining an application under this regulation, the Magistrate may either—

(a) dismiss the application, or

(b) make a declaration that the P's detention or compulsory isolation is unlawful.

(5) There is no right of review or appeal from the determination of an application under this regulation.

(6) The determination of application under this regulation does not prevent P from bringing a civil claim in respect of P's detention or compulsory isolation.

Requirements and restrictions: groups

18. (1) The powers in regulations 10, 11, 13 and 14 include powers to impose a requirement or restriction in relation to a group of persons.

(2) For those purposes the following regulations have effect as follows:

(a) in regulation 9(3), references to P are references to each person in the group;

(b) in regulation 9(4), references to P are references to each person in the group who has arrived on the same aircraft or vessel and left the same area;

(c) in regulation 10(1), the reference to "a person" is to be read in accordance with paragraphs (a) and (b), and the power to impose a requirement to be detained is to

be read as a power to impose that requirement on any one or more of the persons in the group in question;

- (d) in regulation 11(1), the reference to “a person” is to be read in accordance with paragraphs (a) and (b) and in the rest of that regulation, references to P are references to one or more of the persons in the group in question;
- (e) in regulation 13(1), the reference to “a person” is to be read in accordance with paragraphs (a) and (b) and in regulation 13(2), references to P are references to one or more of the persons in the group in question.
- (f) in regulation 14(1), the reference to “a person” is to be read in accordance with paragraphs (a) and (b), and in the rest of that regulation, references to P are references to one or more of the persons in the group in question.

PART 4

EVENTS, GATHERINGS AND PUBLIC PLACES

Administrator’s powers in respect of events, gatherings and public places

19. (1) Subject to sub-regulation (7), the Administrator may, on the advice of the Senior Medical Officer, by notice in writing and for such period as the Administrator considers necessary in the circumstances—

- (a) impose a prohibition or restriction relating to the holding of a specific event or gathering, or events and gatherings generally, in all or any part of Ascension;
- (b) direct that any premises or other place which is open to the public, or to a section of the public, be closed or that access to it be restricted;
- (c) impose any other measure concerning the use of public places as the Administrator considers necessary in all of the circumstances, including restrictions on the activities that may take place there and requirements in respect of hygiene;
- (d) impose restrictions on travel within Ascension including restrictions on the purposes for which journeys may be made.

(2) Before imposing a measure under sub-regulation (1), the Administrator must be satisfied that any such measure—

- (a) is necessary in the interests of public health;
- (b) is proportionate to the purpose that is sought to be achieved by imposing it; and
- (c) is to be imposed for no longer than is necessary for that purpose.

(3) Before issuing or varying a notice which includes a direction under sub-regulation (1) which relates to premises, the Administrator must—

- (a) inform the occupier or occupiers, (if any) of the premises of the closure, restriction or other measure that the Administrator is minded to impose, including its proposed duration; and
- (b) have regard to any relevant representations by the occupier or occupiers.

(4) The measures in a notice issued under sub-regulation (1) may be subject to such conditions and exceptions as the Administrator considers appropriate in the circumstances.

- (5) A notice issued under sub-regulation (1)—
- (a) must state that failure, without reasonable excuse, to comply with the measures set out in it is a criminal offence;
 - (b) must be published on the public notice board and communicated to the public by such other means as the Administrator considers appropriate in the circumstances;
 - (c) where it relates to premises, must as soon as is reasonably practicable after it is issued—
 - (i) be affixed or otherwise displayed at any entrances to the premises; and
 - (ii) be provided to the occupier or occupiers (if any) of the premises.

(6) Where a notice issued under sub-regulation (1) relates to premises which are the subject of—

- (a) a business permit (or an exemption from the need to have a business permit); or
 - (b) a land occupancy permit which permits business to be carried on there,
- the Administrator must review the continued necessity of the closure or restriction imposed by it not less than once every 14 days.

(7) A notice issued under sub-paragraph (1) does not apply—

- (a) in respect of land or premises occupied by Her Majesty's armed forces, so as to prevent necessary operational activity, including movement between the land or premises, by—
 - (i) members of Her Majesty's armed forces;
 - (ii) contractors engaged by or on behalf of Her Majesty's armed forces;
 - (iii) persons in the service of the Crown in right of Her Majesty's Governments of the United Kingdom;
- (b) in respect of land or premises occupied pursuant to the Bahamas Agreement and which constitutes a "Site" within the meaning of Article IV of that Agreement, so as to prevent necessary operational activity, including movement between the land or premises, by—
 - (i) members of the United States armed forces;
 - (ii) any other person employed by, or under contract with, the Government of the United States of America or a contractor of that Government.

PART 5 ENFORCEMENT AND OFFENCES

Police powers

Enforcement

20. (1) Where a requirement is imposed on a person ("P") to be detained under regulation 10 or kept in compulsory isolation under regulation 13, a police officer may do any of the following:

- (a) take P to a suitable place, specified by a public health officer for P's detention or compulsory isolation;
- (b) keep P in detention or compulsory isolation.

(2) Where P absconds from detention under regulation 10 or compulsory isolation imposed under regulation 13, a police officer may take P into custody and return P to the place of detention or compulsory isolation, or take P to another suitable place specified by a public health officer.

(3) Where a police officer has reasonable grounds to suspect that a P is in a public place in contravention of a restriction imposed on P under regulation 14(1), the police officer may do any of the following:

- (a) question P as to any restriction that has been imposed on P under regulation 14(1) and as to P's presence in that place;
- (b) advise P as to the restriction in question and what it requires of P;
- (c) direct P to leave the public place (or, in the case of a child, direct any person who appears to the officer to be a responsible adult in relation to P to remove P from the public place);
- (d) if necessary, remove P from the public place to P's home or other suitable place.

(4) Where a police officer has reasonable grounds to suspect that P is attending an event or gathering or is in any public place in contravention of a measure set out in a notice issued under regulation 19, the police officer may do any of the following:

- (a) if P is the driver or passenger of a conveyance, direct the driver to stop the conveyance;
- (b) question P as to P's presence in that place or the purpose of P's journey;
- (c) advise P as to the measure in question and what it requires of P;
- (d) direct P to leave the event or gathering, or to leave the public place (or, in the case of a child, direct a person who appears to the officer to be a responsible adult in relation to P to remove P from the event, gathering or public place);
- (c) if necessary, remove P from the event or gathering, or from the public place to P's home or other suitable place.

(5) Where a police officer has reasonable grounds to suspect that an event or gathering is taking place or that a public place is being accessed in contravention of a measure set out in a notice issued under regulation 19, the police officer may—

- (a) in respect of a gathering or event,
 - (i) enter without a warrant any place where the event or gathering is suspected to be taking place, including a person's home, that the police officer would be permitted to enter with a warrant;
 - (ii) if necessary, direct any person at the event or gathering to disperse (save for the occupier or occupiers of any premises in which the event or gathering is taking place);
- (b) in respect of a public place—
 - (i) enter the public place without a warrant;
 - (ii) advise the occupier or occupiers (if any) as to the requirements of the relevant measure;
 - (iii) direct the occupier or occupiers (if any) to take such steps as the police officer considers necessary to bring about compliance with the relevant measure;
 - (iv) if necessary, direct any person in the public place to disperse (save for the occupier or occupiers).

(6) In sub-regulations (3) and (4), where P is a child, a power to question or advise may be exercised in respect of any person who appears to the officer to be a responsible adult in relation to P.

(7) A police officer may use reasonable force, if necessary, in the exercise of a power under this regulation.

Detention by a police officer to enable assessment and screening

21. (1) This regulation applies if a police officer has reasonable grounds to believe that—

- (a) a person (“P”) is, or may be, infected or contaminated;
- (b) there is a risk that P might infect or contaminate others; and
- (c) it is necessary to direct, remove or detain P in the interests of P or for the protection of other persons.

(2) A police officer may, for the purposes of assessment and screening under regulation 11—

- (a) direct P to go immediately to a hospital or other suitable place specified in the direction;
- (b) remove P to a hospital or other suitable place; or
- (c) if P is already at a hospital or other suitable place, keep P at that place or remove P to another hospital or other suitable place.

(3) The power in sub-regulation (2) may be exercised where P is at any place.

(4) For the purpose of exercising the power in sub-regulation (2), a police officer may enter without a warrant any place that the police officer would be permitted to enter with a warrant.

(5) Before exercising the power in sub-regulation (2) the police officer must—

- (a) so far as reasonably practicable, consult a public health officer and have due regard to the views of the public health officer and any information provided by the public health officer in relation to P; and
- (b) where it has not been possible for consultation to be carried out under paragraph (a)
 - (i) consult a public health officer as soon as reasonably practicable after the power in sub-regulation (2) has been exercised; and
 - (ii) have due regard to the views of the public health officer and any information provided by the public health officer in relation to P.

(6) A person removed to or kept in a hospital or other suitable place under this regulation may be detained there.

(7) A police officer or a public health officer or a person authorised by either of them for the purposes of this sub-regulation, may take a person detained in a hospital or other suitable place to another hospital or other suitable place.

(8) A person taken to a hospital or other suitable place under sub-regulation (7) may be detained there.

(9) A police officer may use reasonable force, if necessary, in the exercise of a power under this regulation.

(10) A person who is detained pursuant to this regulation may be detained for a total period not exceeding 24 hours from—

- (a) in a case where the person is removed to a hospital or other suitable place, the time when the person arrives at that place; or
- (b) in a case where the person is kept at a hospital or other suitable place, the time when the police officer decides to keep the person at that place.

Offences

Offences relating to Part 2 (Inbound aircraft and vessels)

22. (1) A person who fails to comply with an obligation under regulation 5 commits an offence.

(2) A person who fails without reasonable excuse to comply with an obligation under regulation 6 commits an offence.

(3) A person (“P”) commits an offence if P fails without reasonable excuse—

- (a) to provide a report in accordance with regulation 7(1);
- (b) to provide a further report in accordance with regulation 7(3) when circumstances require;
- (c) to provide such further information as the relevant authority may request in accordance with regulation 7(4).

(4) A person who without reasonable excuse permits a reported person to disembark in contravention of regulation 8(1) commits an offence.

(5) A person who without reasonable excuse disembarks otherwise than with permission, in contravention of regulation 8(2), commits an offence.

(6) An offence specified in—

- (a) sub-regulation (1) is punishable by a fine not exceeding £1,000;
- (b) sub-regulation (2), (3), (4) or (5) is punishable by a fine not exceeding £5,000.

Offences relating to Part 3 (Assessment, screening, isolation and restrictions)

23. (1) A person (“P”) commits an offence if P—

- (a) fails, without reasonable excuse, to comply with a restriction or requirement imposed under regulation 10(1), 10(2), 11(2), 14(1) or 14(3);
- (b) absconds, or attempts to abscond, from detention under regulation 10 or compulsory isolation under regulation 13.

(2) A responsible adult who fails without reasonable excuse to comply with regulation 12(2) or 14(8) commits an offence.

(3) A person who without reasonable excuse fails to comply with a direction given by a police officer under regulation 20(3) commits an offence.

(4) An offence specified in this regulation is punishable by a fine not exceeding £5,000.

Offences relating to Part 4 (Events, gatherings and public places)

24. (1) A person who without reasonable excuse contravenes the provisions of a notice issued under regulation 19(1) commits an offence.

(2) A person who without reasonable excuse fails to comply with a direction given by a police officer under regulation 20(4) or 20(5) commits an offence.

(3) An offence specified in this regulation is punishable by a fine not exceeding £5,000.

General offences

25. (1) A person who provides false or misleading information intentionally or recklessly to any person carrying out a function under these Regulations commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

(3) An offence specified in this regulation is punishable by a fine not exceeding £5,000, or by imprisonment for six months, or both.

PART 6 FINAL PROVISIONS

Transitional provisions

26. Part 2 does not apply to any inbound vessel which departed its last port of call before these Regulations came into force.

Expiry

27. (1) These Regulations cease to have effect at the end of the period of two years beginning on the day on which they come into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they cease to have effect.

Made this 17th day of April 2020.

Philip Rushbrook
Governor of Ascension