

THE
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SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

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No. 71

No. 69

THE DISASTER RISK MANAGEMENT ACT

**THE DISASTER RISK MANAGEMENT (ENFORCEMENT MEASURES)
(No. 4) ORDER, 2020**

WHEREAS the Minister responsible for disaster preparedness and emergency management has given written notice to the Prime Minister that Jamaica appears to be threatened with or affected by the SARS - CoV-2 (Coronavirus COVID-19), and that measures apart from or in addition to those specifically provided for in the Disaster Risk Management Act should be taken promptly:

AND WHEREAS on March 13, 2020, the Prime Minister by Order declared the whole of Jamaica to be a disaster area:

NOW THEREFORE:

In exercise of the powers conferred upon the Prime Minister by section 26(2) of the Disaster Risk Management Act, and every other power hereunto enabling, the following Order is hereby made:—

1. This Order may be cited as the Disaster Risk Management (Enforcement Measures) (No. 4) Order, 2020, and shall take effect on the 22nd day of April, 2020.

(iv) 876-542-6007; or

(v) 876-542-6006,

and shall provide to that Ministry the residential address where that person can be located, and all other information required by that Ministry for the purposes of measures to combat the risk of transmission of the SARS-CoV-2 (Coronavirus COVID-19).

5.—(1) A person in Jamaica who develops a respiratory illness or flu-like symptoms and who may have had contact with someone who—

- (a) has travelled to a country affected by the SARS - CoV-2 (Coronavirus COVID-19); or
- (b) is infected with the SARS - CoV-2 (Coronavirus COVID-19) or has been exposed to a person so infected,

shall forthwith inform the Ministry with responsibility for health and wellness (at any means of contact specified in paragraph 4(4)) and comply with all applicable directions given, and requirements imposed by, the Medical Officer (Health), a public health officer or a nurse registered under the Nurses and Midwives Act.

(2) A person in Jamaica who tests positive for the SARS - CoV-2 (Coronavirus COVID-19) shall be quarantined at a facility designated by the Government, or such other place designated by the Medical Officer (Health).

6.—(1) During the period from April 22, 2020, to May 6, 2020, commencing at 6:00 pm on April 22, 2020, and ending at 6:00 am on May 6, 2020, each person shall remain at an abode or place of residence (which includes the yard) during the hours from 6:00 pm each day to 6:00 am on the following day, except as otherwise permitted under the Second Schedule.

(2) A person permitted under the Second Schedule to leave their abode or place of residence shall produce satisfactory proof of identification as a person referenced in the Second Schedule, on being requested to do so by an authorized officer, at any time between the hours of 6:00 pm to 6:00 am during the period from April 22, 2020, to May 6, 2020.

(3) Between the hours of 6:00 pm to 6:00 am during the period from April 22, 2020, to May 6, 2020, the employer of a person referenced in sub-paragraph (2) shall, if the person would otherwise have to take public transportation, ensure that transportation is provided to the person between the place of employment and the person's abode or place of residence.

7.—(1) Subject to paragraph 5(2), a person who is ill with the SARS - CoV-2 (Coronavirus COVID-19), a respiratory illness or a flu-like illness, shall, except for the purpose of seeking urgent medical attention—

- (a) remain in quarantine at a facility designated by the Government or such other place as may be designated by an authorized officer (which may be the person's abode or place of residence (excluding the yard)); and

(2) During the period from April 22, 2020, to May 6, 2020, the operating hours for all businesses shall be no earlier than 8:00 am, and no later than 4:00 pm. each day.

(3) During the period from April 22, 2020, to May 6, 2020, no more than 10 persons at a time shall be permitted to be in any one area of a barber shop or hair salon, and no more than 2 of those persons shall be clients waiting to be served in that area.

(4) During the period from April 22, 2020, to May 6, 2020, petroleum filling stations may open only between the hours of 6:00 am and 6:00 pm, but may sell nothing other than petrol between the hours of—

- (a) 6:00 am and 8:00 am; and
- (b) 4:00 pm and 6:00 pm.

(5) During the period from April 22, 2020, to May 6, 2020, all public transportation for which a licence is required under the Transport Authority Act shall operate only between the hours of 5:00 am and 7:00 pm, but—

- (a) no passengers shall be in any such transportation during the hours of—
 - (i) 5:00 am to 6:00 am; and
 - (ii) 6:00pm to 7:00pm;
- (b) the provision of such public transportation—
 - (i) by motor car, shall be limited to one person less than the maximum number of persons allowed to be carried under the relevant licence; or
 - (ii) by bus shall be limited to seated passengers only; and
- (c) each person who is a driver or passenger of such public transportation shall—
 - (i) produce photo identification in the form required under paragraph 6(2) upon being required to do so by an authorized officer; and
 - (ii) wear a mask fitted to that person so as to cover the person's nose and mouth.

(6) During the period from April 22, 2020, to May 6, 2020, the following shall remain closed—

- (a) all bars, nightclubs and other places of amusement: and
- (b) all public beaches (whether licensed under the Beach Control Act or not), water attractions (including rivers and falls) and other attractions.

(7) In sub-paragraph (6), “place of amusement” means any place open to the public, whether for a fee or free of charge, for the purpose of entertainment and (without limit to the generality of the foregoing) includes a cinema, dance hall, club, open air dance venue, amusement arcade, any place where a coin operated amusement machine is open to the public, a festival, discotheque, roller disco, or skate rink.

- (b) as far as is reasonably practicable, ensure that all employees, customers, visitors and staff at the business maintain physical distancing of no less than 182.88 centimetres (or 6 feet) from each other.

(8) The requirements of sub-paragraph (7)(b) shall not apply in respect of any service or employment specified in item 1, 2, 3, 4, 7, 8, 9, 12, 13, 14, 15, 16 or 17 of the Third Schedule.

13.—(1) During the period from April 22, 2020 to May 6, 2020, all businesses in the business processing outsourcing sector shall remain closed, except that—

- (a) key employees involved in the maintenance of critical information communication technology for any such business, and so designated in writing by the Director-General, may go to the premises of the business for that purpose; and
- (b) employees involved in key support services for any such business, and so designated in writing by the Director-General (being global logistics, medical services, banking or other financial services, or telecommunications or other utilities services), may go to the premises of the business for that purpose,

if after conducting an inspection of the premises the Director-General certifies in writing in the Form set out as Form 2 of the First Schedule that the business is cleared for limited activity as described in sub-paragraphs (a) and (b).

(2) After the period from April 22, 2020 to May 6, 2020, a business in the business processing outsourcing sector shall be permitted to completely re-open only if, after an inspection conducted by the Director-General, the Director-General certifies, in writing in the form set out as Form 2 of the First Schedule, that the business is cleared to completely re-open.

(3) The Director-General shall not clear any business for limited activity or complete re-opening under this paragraph unless the Director-General is satisfied, after consultation with the Medical Officer (Health), that—

- (a) the criteria set out in sub-paragraph (5) will be complied with by the business; and
- (b) in the case of clearance for limited activity, the persons that will be admitted to the premises of the business at any one time during the period referred to in sub-paragraph (1) will, notwithstanding sub-paragraph (5)(i)—
 - (i) not exceed one person for every 81 square feet;
 - (ii) all recreational rooms, meeting rooms and training rooms at the premises of the business shall remain closed; and
 - (iii) such persons will be subject to distancing requirements that ensure that as far as reasonably practicable each person remains not less than 2.74 metres (or 9 feet) apart while at the premises.

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- (m) immediately on the operator becoming aware that a person at the business premises has tested positive for the SARS - CoV-2 (Coronavirus COVID-19), the business premises are closed and the Ministry with responsibility for health and wellness informed of the closure and that the person has tested positive, indicating any information that the operator may have that the person was in contact with another person who tested positive for the SARS - CoV-2 (Coronavirus COVID-19);
 - (n) where the business is closed pursuant to sub-paragraph (m), the business does not re-open until the premises are sanitized and the Ministry with responsibility for health and wellness approves in writing the re-opening; and
 - (o) the name of every employee who fails to comply with the requirements of this paragraph, together with the residential address where that employee can be located and that employee's telephone number, is reported to the Ministry with responsibility for health and wellness and suspended from work at the business.

(6) An operator of a business to which this paragraph applies shall furnish a report daily to the Director-General, specifying whether the operator is in compliance with the provisions of this paragraph.

(7) The Director-General shall forward a copy of each report furnished under sub-paragraph (6) to the Medical Officer (Health), who shall take any appropriate action that may be required.

14.—(1) No information shall be published which discloses the identity of—

- (a) a person who has tested positive for, or who is suspected to have, the SARS - CoV-2 (Coronavirus COVID-19), or another person who is a family member of that person; or
- (b) a person conducting any health examination, contact tracing or health investigation, in respect of any person mentioned in paragraph (a),

without that person's express consent, and an authorized officer may at any time make a direction to that effect.

(2) No person shall be within 30.48 metres (or 100 feet) of a person who is being tested for the SARS - CoV-2 (Coronavirus COVID-19) or a person who is conducting such testing, and an authorized officer may at any time make a direction to that effect.

15.—(1) Notwithstanding paragraphs 6, 10(1) to (3) and 12(6) of this Order, this paragraph shall apply, during the period beginning from 5:00 am on April 22, 2020, and ending at 6:00 am on April 28, 2020, in respect of the entire area of the parish of St. Catherine.

(2) Subject to sub-paragraph (3), during the period specified in sub-paragraph (1), each person who is in the parish of St. Catherine shall remain at an abode or place of residence (which includes the yard) in St. Catherine, except as provided in sub-paragraphs (3) and (4).

(ii) Sunday, April 26, 2020; and

(iii) Tuesday, April 28, 2020,

for the delivery of stock to the businesses permitted to operate under sub-paragraph (9)(b),

if the person intending to travel into or out of the parish submits to a temperature check by an authorized officer and the person's temperature when so checked does not give rise to a reasonable suspicion that the person is ill.

(7) During the period specified in sub-paragraph (1), the employer of a person carrying on a duty specified in the Third Schedule shall ensure that—

- (a) the person is issued with appropriate identification for the purposes of paragraph (6)(2); and
- (b) if the person would otherwise have to take public transportation, transportation is provided to the person between the place of employment and the person's abode or place of residence.

(8) During the period specified in sub-paragraph (1)—

- (a) an employee who is required to remain at an abode or place of residence under sub-paragraph (2) and is able to work from there shall do so; and
- (b) if an employee fails to attend at the employee's place of employment as a result of any provision of this paragraph, the failure shall not count against the person's leave entitlements, and no adverse consequences shall be imposed on the employee because of the failure, unless otherwise agreed between the employer and employee.

(9) During the period specified in sub-paragraph (1)—

- (a) no visitors shall be allowed in any correctional centre or police station within the parish of St. Catherine;
- (b) hospitals, and health centres operated by the Government, may maintain their normal hours of business;
- (c) medical centres, and doctors' offices (including dental practices) may only open during the hours of 8:00 am to 4:00 pm, but may, in the case of a medical emergency, open beyond those hours;
- (d) markets may operate only on Saturday, April 25, 2020, during the hours of 6:00 am to 4:00 pm;
- (e) pharmacies may only operate between the hours of 8:00 am and 4:00 pm, but on—

(i) Thursday, April 23, 2020;

(ii) Sunday, April 26, 2020; and

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- (vi) Monday, April 27, 2020; and
 - (vii) Tuesday, April 28, 2020—
 - (A) for the purpose of restocking and making external deliveries;
 - (B) but not for the admission or service of customers at the business; and
 - (h) all other businesses located in the parish shall remain closed.
- (10) During the period referred to in sub-paragraph (1), the operator of a place of business in the parish of St. Catherine shall—
- (a) as far as reasonably practicable, ensure that distance markers are clearly placed, at least 182.88centimetres (or 6 feet) apart at the business, indicating where each customer must stand while waiting to be admitted for the conduct of business, while waiting to be served and while waiting for checkout; and
 - (b) regulate the number of persons that may be permitted inside the premises of the business at any one time, by permitting one person for every fifty square feet (50ft.²), but not exceeding ten persons in any one area at a time, and subject to the distancing requirements specified in sub-paragraph (a).
- (11) For the avoidance of doubt, paragraphs 2 to 5, 7, 8, 9, 10(4) to (7), 12(1) to (5) and (7) and (8), 13 and 14 of this Order remain applicable in the parish of St. Catherine.
- 16.—(12) The Disaster Risk Management (Enforcement Measures) (No. 3) Order, 2020, is revoked

FIRST SCHEDULE, *contd.*

FORM 2

(Paragraph 13(2))

Certification by Director-General of Office of Disaster Preparedness and Emergency Management, that business is cleared for limited activity or to re-open

THE DISASTER RISK MANAGEMENT ACT

The Disaster Risk Management (Enforcement Measures) (No. 4) Order, 2020

To: All authorized officers

This confirms that _____, operating
(name of business)

at _____ is cleared for
(address of business)

Partial re-opening during the period _____

For the following activities: _____
(description of service or activity)

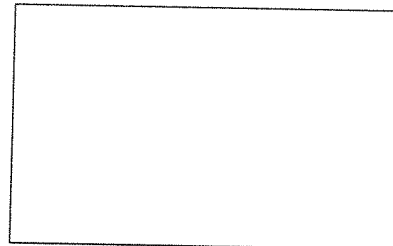
Conducted by the designated persons indicated on the attached list.
[attach list]

Complete re-opening on the _____ day of _____, 20____.

An inspection of the premises was conducted and, after consultation with the Medical Officer (Health), I am satisfied that the criteria set out in paragraph 14 of the Disaster Risk Management (Enforcement Measures) (No. 4) Order, 2020, will be met.

Dated this _____ day of _____, 2020.

Director-General



FIRST SCHEDULE, *contd.*

FORM 4

(Second and Fourth Schedules)

Designation of Exempt Service or Activity Under Item 32 of the Second Schedule or Item 39 of the Fourth Schedule by Minister with Responsibility for National Security

THE DISASTER RISK MANAGEMENT ACT

The Disaster Risk Management (Enforcement Measures) (No. 4) Order, 2020

To: All authorized officers

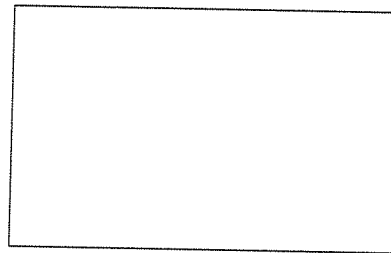
This confirms that _____, is a
(name of exempt person)

person who has duties in respect of _____,
(description of service or activity)

which is hereby designated as an exempt service or activity for the purposes of the Disaster Risk Management (Enforcement Measures) (No. 4) Order, 2020.

Dated this _____ day of _____, 2020.

Minister of National Security



FIRST SCHEDULE, *contd.*

FORM 6

(Fourth Schedule)

*Designation under Item 12 or 32 of the Fourth Schedule by
Permanent Secretary, Chief Personnel Officer, Head of Department
or Agency, or Governor of the Bank of Jamaica*

THE DISASTER RISK MANAGEMENT ACT

The Disaster Risk Management (Enforcement Measures) (No. 4)

Order, 2020

To: All authorized officers

For the period from the day of _____, 2020, to the day of _____, 2020,

this confirms that _____, of
(Name of employee)

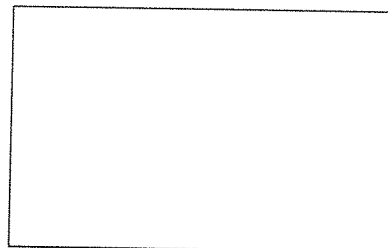
_____ in the parish of St. Catherine,
(address)

is employed to the _____ in duties for the
(Ministry/Department/Agency/Bank of Jamaica)

purposes of the Fourth Schedule of the Disaster Risk Management (Enforcement Measures) (No. 4) Order, 2020.

Dated this _____ day of _____, 2020.

Permanent Secretary/
Chief Personnel Officer/
Head of Department or Agency/Governor



SECOND SCHEDULE, *contd.*

16. Any attorney-at-law attending at police stations or lock-ups, or appearing before a court, for the purposes of legal representation of a client of that attorney-at-law, or attending to a client of the attorney-at law in the case of an emergency arising due to the SARS – CoV-2 (Coronavirus COVID-19) pandemic.
17. Persons employed in the maintenance of the infrastructure for the provision of business process outsourcing services and persons who fall under paragraph 13(1)(b).
18. Persons employed to the media (such as journalists, television or radio presenters, camera operators, announcers, engineers, technicians and newspaper delivery personnel).
19. Persons employed to businesses providing private security.
20. Persons employed to the Jamaica Printing Services Limited.
21. Persons employed to the Toll Authority established under the Toll Roads Act.
22. Persons employed to courier services.
23. Persons employed in the bauxite or alumina industries.
24. Persons engaged in the transportation of manufactured products.
25. Persons employed to Factories as defined in the Factories Act.
26. Mayors and Councillors of Municipal Corporations.
27. Persons employed to the Independent Commission of Investigations.
28. Persons employed to the Cabinet Office, the Office of the Prime Minister, the Ministry with responsibility for finance and the public service, Tax Administration Jamaica, the Accountant General's Department or eGov Jamaica Limited.
29. Members of the personal staff of the Governor-General.
30. Persons designated in writing, in the Form set out as Form 3 of the First Schedule, by the Speaker of the House of Representatives as persons whose duties include responding to emergency matters requiring the attention of a member of the House of Representatives.
31. The Director-General of the Office of Disaster Preparedness and Emergency Management and persons authorised in writing by the Director-General.
32. Persons employed in any service or activity designated in writing, in the form set out as Form 4 of the First Schedule, by the Minister with responsibility for national security, with the prior approval of the Cabinet, as an exempt service or activity under this sub-paragraph,

FOURTH SCHEDULE

(Paragraph 15)

Duties for which a Person is Excepted from Remaining Within an Abode or Place of Residence in the Parish of St. Catherine Under Paragraph 15

1. Duties as a holder of any of the following offices—
 - (a) Governor-General;
 - (b) office as a member of either House of Parliament;
 - (c) office as a member of the Judiciary.
2. Employment concerning the provision of health and hospital services.
3. Employment concerning the provision of water by the National Water Commission or by suppliers regulated by the Office of Utilities Regulation or contracted by the Local Authority.
4. Employment concerning the manufacture or processing, of food, medical supplies or sanitization products, within the parish of St. Catherine.
5. Employment concerning the transportation, distribution, retail delivery, or packaging, of food, medical supplies or sanitization products.
6. Duties as correctional services officers, immigration officers or customs officers.
7. Duties as an employee of a business providing private security.
8. Employment in the provision of electricity, public works, sanitation, firefighting, civil aviation, or telecommunications.
9. Duties as a member of any of the security forces or the municipal police.
10. Duties as a Mayor or Councillor, or the Chief Executive Officer, Chief Technical Officer or Inspector of the Poor, of a Municipal Corporation or City Municipality.
11. Duties as a Permanent Secretary, or the Chief Personnel Officer of the Offices of the Services Commissions.
12. Employment in the Cabinet Office or the Office of the Prime Minister, or as an employee of a Ministry, Department or Agency of the Government who is designated in writing in the form set out as Form 6 of the First Schedule, by the Permanent Secretary of the Ministry, the Chief Personnel Officer or the Head of the Department or Agency (as the case may require) to be key personnel involved in the operations of the Ministry, Department or Agency of the Government.
13. Duties as any of the following persons employed in services connected with oil-refining and with the loading, distribution or transportation of petroleum fuel, liquefied natural gas or any renewable energy source—
 - (a) employees of Petrojam with identification marked “essential services”;

SECOND SCHEDULE, *contd.*

27. Duties of employment in the transportation of agricultural produce or livestock or employment in the poultry industry (including catching crew, poultry processing plant staff and the staff of feed mills).

28. Duties in respect of the urgent need to care for livestock, fish or other animals, or crops.

29. Duties as an employee of a court.

30. Persons involved in the hearing of emergency matters before a court, as determined by that court.

31. Duties as an excise officer employed by Tax Administration Jamaica.

32. Duties as an employee of the Bank of Jamaica designated in writing in the form set out as Form 6 of the First Schedule, by the Governor of the Bank of Jamaica, or a person authorised by the Governor to make such designations, to be key personnel of the Bank of Jamaica.

33. During the hours of 7:00 am and 5:00 pm, duties as an employee of a business permitted to operate under paragraph 15(9)(b), (c), (d), (e), (f) or (g).

34. Duties of employment to the media (such as journalists, television or radio presenters, camera operators, announcers, engineers, technicians and newspaper delivery personnel).

35. Duties of employment in the bauxite and alumina industries.

36. Duties as an employee of Food for the Poor, or the Red Cross, involved in packaging and distributing supplies.

37. Duties as a member of the personal staff of the Governor-General.

38. Duties as an employee of a "bank" or "financial institution" as defined in the Banking Services Act.

39. Any service or activity designated in writing, in the Form set out as Form 4 of the First Schedule, by the Minister with responsibility for national security, with the prior approval of the Cabinet, as an exempt service or activity.

Dated this 21st day of April, 2020.

ANDREW HOLNESS
Prime Minister.