

LEGAL NOTICE NO. 70

REPUBLIC OF TRINIDAD AND TOBAGO

THE PUBLIC HEALTH ORDINANCE, CH. 12 NO. 4

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 105 AND CONFIRMED BY THE
PRESIDENT UNDER SECTION 167 OF THE PUBLIC HEALTH ORDINANCE

THE PUBLIC HEALTH [2019 NOVEL CORONAVIRUS
(2019-nCoV)] (NO. 5) REGULATIONS, 2021

1. These Regulations may be cited as the Public Health [2019 Novel
Coronavirus (2019-nCoV)] (No. 5) Regulations, 2021. Citation

2. In these Regulations—

Interpretation

“face covering” means a covering of any type which covers the
nose, mouth and chin of the person wearing it;

“motor car” means a motor vehicle which is registered to carry no
more than five persons;

“raft-up” means the roping together of a number of small vessels
to form a raft-like structure; and

“vessel” means any ship, boat, barge, lighter or raft and any
other description of craft, whether used in navigation or not,
but does not include government vessels.

3. (1) During the period specified in regulation 17, a person shall not, Public
gatherings
without reasonable justification—

(a) be found at any public place where the number of persons
gathered, at any time, exceeds ten;

(b) participate in any group contact sports; or

(c) participate in any team sports, except with the approval of
the Minister.

(2) Subregulation (1)(c) shall, in relation to recreational team sports
be limited to participants of no more than twenty-two athletes, where such
sports are conducted outside of a building.

(3) Subregulations (1)(b) and (c) shall not apply to athletic or sporting
teams approved by the Minister who are in training or participating in
contact or team sports, at the national or international level.

4. (1) For the purposes of controlling and preventing the spread of the Restriction of
certain
activities
2019 Novel Coronavirus (2019-nCoV), it shall be an offence, during the
period specified in regulation 17, for any person to—

(a) be found at or in any river, stream, pond, spring or similar
body of water or any public pool for recreational purposes;

(b) operate a dancehall licensed under the Theatres and
Dancehalls Act; Chap. 21:03

(c) operate a party boat or club;

(d) hold public parties or public fetes;

- (e) have a public or private pre-school, early childhood education centre open for classes in such places;
- (f) operate a day-care or pre-school for children for the care or education of young children;
- (g) operate a water park or amusement park;
- (h) allow the amenity of consumption of drinks at bars, its premises or precincts; or
- (i) allow roadside consumption of any product provided by a street vendor selling food or drink,

except where authorised by the Minister.

(2) Notwithstanding subregulation (1)(a), tours of the Buccoo Reef, Speyside or the Caroni Bird Sanctuary shall be permitted where the tour does not exceed fifty per cent of the ordinary capacity of a tour.

(3) A bar or street vendor may provide take-away service to its customers.

(4) A restaurant or food court—

- (a) may only provide fifty per cent dine in-services to its customers in groups of not more than ten persons; and
- (b) shall not sell or provide alcohol to its dine in-services customers.

(5) Notwithstanding subregulation (1)(e), a public or private pre-school, early childhood education centre may provide classes to its students by electronic or such other means as may be approved by the Minister.

(6) A primary school, secondary school, tertiary institution or other post-secondary institution may—

- (a) as far as practicable, provide classes to its students by electronic or such other means;
- (b) provide classes to certain groups, forms or classes of students at primary, secondary, post-secondary or tertiary institutions; or
- (c) where classes such as practical, laboratory or other classes cannot be done by electronic means, the post-secondary or tertiary institution may conduct such classes in person by such means,

as the Minister may approve.

(7) Notwithstanding subregulation (6) educational establishments may be open for the purpose of conducting any examination as the Minister may permit.

(8) A religious or ecclesiastical organisation or any other religious organisation may conduct religious meetings, services, funerals, weddings, christenings, baptisms or such other religious gatherings where the gathering of persons at any place used for that purpose does not exceed fifty per cent of the allowed capacity of the place.

(9) A maximum of fifty per cent of the allowed capacity of a building is permitted in the following places:

- (a) a club, as defined in section 2 of the Registration of Clubs Act;
- (b) a theatre licensed under the Theatres and Dancehalls Act;
- (c) a theatre licensed under the Cinematograph Act;

- (d) a common gaming house or betting office licensed under the Gambling and Betting Act; and
- (e) a gym or fitness centre.

Chap. 11:19

(10) The service of food or drinks to be consumed on the premises is prohibited at the places listed in subregulation (9)(a) and (b) except with the approval of the Minister.

(11) The service of alcohol on the premises is prohibited at the places listed in subregulation (9)(a), (b), (c) and (d).

(12) Where a person causes, without reasonable excuse, any vessel, being operated in the waters of Trinidad and Tobago, to be raft-up with another vessel for recreational purposes, he commits an offence.

5. (1) Subject to subregulation (2), all retail business establishments shall only be open until 10.00 p.m. everyday unless permitted otherwise by the Minister.

Hours of
operation or
time to be on
beaches

(2) Bars shall only be open to the public from 8.00 a.m. to 10.00 p.m. everyday unless permitted otherwise by the Minister.

(3) Casinos, theatres and cinemas shall only be open to the public from 8.00 a.m. to 10.00 p.m. everyday unless permitted otherwise by the Minister.

(4) Clubs and gyms shall only be open to the public from 5.00 a.m. to 10.00 p.m. everyday unless permitted otherwise by the Minister.

(5) A person shall only be on a beach during the hours 6.00 a.m. to 6.00 p.m. on any day.

6. (1) No person shall, without reasonable excuse, travel in a vehicle or vessel without wearing a face mask, face shield or face covering in a manner which covers his nose, mouth and chin.

Requirement
to wear a face
mask, face
shield or face
covering
when in a
vehicle or
vessel

(2) Where the person under this regulation is a child accompanied by an individual who has responsibility for the child, the individual shall provide and ensure that the child has and wears the face mask, face shield or face covering as required by this regulation.

(3) Subregulations (1) and (2) do not apply—

- (a) to a child who is under the age of eight;
- (b) where a person is in the vehicle or vessel alone; or
- (c) where a person is allocated a cabin, berth or other similar accommodation, at any time when they are in that accommodation alone.

(4) For the purposes of subregulation (1), the circumstances in which a person has a reasonable excuse include those where—

- (a) the person cannot put on, wear or remove a face mask, face shield or face covering—
 - (i) because of any physical or mental illness or impairment, or disability; or
 - (ii) without severe distress;

- (b) the person is travelling with, or providing assistance to, another person and such other person relies on lip reading to communicate with the first person;
 - (c) the person removes their face mask, face shield or face covering to avoid harm or injury, or the risk of harm or injury, to himself or others;
 - (d) the person is travelling to avoid injury, or to escape a risk of harm, and does not have a face mask, face shield or face covering with him;
 - (e) if it is reasonably necessary for the person to eat or drink, the person removes his face mask, face shield or face covering to eat or drink;
 - (f) the person has to remove his face mask, face shield or face covering to take medication;
 - (g) a request is made of the person to remove his face mask, face shield or face covering temporarily for security and identification purposes, if necessary, for the purpose of receiving services; or
 - (h) the circumstances provided for in guidelines issued by the Ministry of Health.
- (5) A person who contravenes this regulation commits an offence and is liable to a fixed penalty fine set out in Schedule 2, in addition to such administrative fees as may be determined by the Chief Justice under section 21A of the Summary Courts Act, and on failure to pay the fixed penalty, may be liable on summary conviction to a fine of five thousand dollars and to a term of imprisonment of three days.
- (6) Sections 105A to 105H of the Act apply to an offence under this regulation and—
- (a) the relevant fixed penalty notice shall be in the form set out as Form A in Schedule 1; and
 - (b) the relevant fixed penalty shall be the fine specified in Schedule 2.
- (7) For the purposes of section 105A(6) of the Act, a person filing an appeal shall use the form set out as Form B in Schedule 1.
7. (1) No person shall, without reasonable excuse—
- (a) be in a public space, including a beach; or
 - (b) be in a place mentioned in regulation 4(2), (4), (5), (6), (8) or (9), without wearing a face mask, face shield or face covering in a manner which covers his mouth, nose and chin.
- (2) Where the person under this regulation is a child accompanied by an individual who has responsibility for the child, the individual shall provide and ensure that the child has and wears the face mask, face shield or face covering as required by this regulation.
- (3) The owner or operator of any business which provides goods or services to the public shall ensure that a member of the public is not permitted entry to, or otherwise remains within, any enclosed space

within the premises of the business unless, the member of the public is wearing a face mask, face shield or face covering, in a manner which covers his mouth, nose and chin.

- (4) Subregulations (1) to (3) shall not apply to—
 - (a) children under eight years of age;
 - (b) employees and agents of the person responsible for the business within an area designated for them and not for public access, or within or behind a physical barrier, subject to such guidelines made by the Ministry of Health; and
 - (c) those circumstances provided for in guidelines made by the Ministry of Health.
- (5) For the purposes of subregulation (1), the circumstances in which a person has a reasonable excuse include those where—
 - (a) the person cannot put on, wear or remove a face mask, face shield or face covering—
 - (i) because of any medical, physical or mental illness or impairment, or disability which inhibits their ability to wear a face mask, face shield or face covering; or
 - (ii) without severe distress;
 - (b) the person is travelling with, or providing assistance to, another person and such other person relies on lip reading to communicate with the first person;
 - (c) the person removes his face mask, face shield or face covering to avoid harm or injury, or the risk of harm or injury, to himself or others;
 - (d) the person is travelling to avoid injury, or to escape a risk of harm, and does not have a face mask, face shield or face covering with him;
 - (e) if it is reasonably necessary for the person to eat or drink, the person removes his face mask, face shield or face covering to eat or drink;
 - (f) the person has to remove his face mask, face shield or face covering to take medication;
 - (g) a request is made of that person to remove his face mask, face shield or face covering temporarily for security and identification purposes if necessary for the purpose of receiving services; or
 - (h) the circumstances provided for in guidelines issued by the Ministry of Health.
- (6) Subject to the exemptions in subregulation (4)(b), an employee shall wear a face mask, face shield or face covering when working in an enclosed public space.
- (7) A person who contravenes this regulation commits an offence and is liable to a fixed penalty fine set out in Schedule 2, in addition to Schedule 2 such administrative fees as may be determined by the Chief Justice under

Chap. 4:20	<p>section 21A of the Summary Courts Act, and on failure to pay the fixed penalty, may be liable on summary conviction to a fine of five thousand dollars and to a term of imprisonment of three days.</p> <p>(8) Sections 105A to 105H of the Act apply to an offence under this regulation and—</p> <p>(a) the relevant fixed penalty notice shall be in the form set out as Form A in Schedule 1; and</p> <p>(b) the relevant fixed penalty shall be the fine specified in Schedule 2.</p> <p>(9) For the purposes of section 105A(6) of the Act, a person filing an appeal shall use the form set out as Form B in Schedule 1.</p>
Form A	
Schedule 2	
Form B	
Public transportation restrictions	<p>8. (1) During the period specified in regulation 17, a person who provides public transport in a motor vehicle shall not carry, where the motor vehicle is—</p> <p>(a) a motor car, not more than seventy-five per cent; or</p> <p>(b) every other type of motor vehicle, not more than sixty-five per cent,</p> <p>of the number of passengers for which the motor vehicle is licensed to carry.</p> <p>(2) The seating requirements for maxi-taxis shall be in accordance with Schedule 3.</p>
Business places	<p>9. Small and large businesses shall comply with the guidelines for Small and Large Businesses issued by the Ministry of Health.</p>
Closure of air and sea ports	<p>10. All air and sea ports or any place where an aircraft or ship or vessel can land shall, except in relation to air and sea cargo, remain closed to the arrival or departure of aircraft or ships or other vessels carrying passengers unless permitted by the Minister with responsibility for national security.</p>
Requirement on private medical laboratories and medical practitioners	<p>11. (1) Notwithstanding the fact that the Caribbean Public Health Agency (CARPHA) has not yet approved any private medical laboratory to do testing for the 2019 Novel Coronavirus (2019-nCoV), where a private medical laboratory or a medical practitioner does such testing on a person or a medical practitioner refers a person for such testing and the result of such testing is a positive result, the private medical laboratory or medical practitioner and the person so tested shall immediately report and forward the results to the Chief Medical Officer and the Regional Health Authority of the area in which the person to whom the results apply resides or works.</p> <p>(2) Where a private medical laboratory, medical practitioner or a person fails to report and forward results to the Chief Medical Officer and the Regional Health Authority in accordance with subregulation (1), the owner or operator of the private medical laboratory, medical practitioner or the person, as the case may be, commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for six months.</p>

12. (1) Where the result of a test conducted by the Caribbean Public Health Agency (CARPHA) or by a private medical laboratory under regulation 11 shows that a person is suffering from the 2019 Novel Coronavirus (2019-nCoV), the Minister of Health may give such directions as he thinks fit, for—

Quarantine
and
treatment of
persons
suffering
from
2019-nCoV

- (a) the restraint, segregation and isolation of that person or any other person who, by exposure to infection from that person, is likely to suffer from the 2019 Novel Coronavirus (2019-nCoV);
- (b) the removal of a person referred to in paragraph (a) to a public hospital or a designated facility; or
- (c) the curative treatment of a person referred to in paragraph (a).

(2) The Minister of Health may give a direction under subregulation (1) where, in his discretion, he considers it necessary to do so—

- (a) for the purposes of preventing or controlling the spread of the 2019 Novel Coronavirus (2019-nCoV);
- (b) in the interests of the person in relation to whom the direction is given; or
- (c) in the interests of the public health system.

(3) Where the Minister of Health gives a direction under subregulation (1), the person in relation to whom the direction is given shall be informed—

- (a) of the reason for giving the direction;
- (b) of the period during which the person is likely to be required to remain at a public hospital or a designated facility for observation, surveillance or curative treatment; and
- (c) that it is an offence to fail to comply with the direction or to obstruct a medical practitioner, a nurse, a member of staff at a public hospital or a designated facility or a member of staff of a public or private ambulance service from carrying out the direction.

(4) A person who—

- (a) fails to comply with a direction under subregulation (1); or
- (b) obstructs a medical practitioner, a nurse, a member of staff at a public hospital or a designated facility or a member of staff of a public or private ambulance service from carrying out a direction under subregulation (1),

commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for a term of six months.

Self-
quarantine

13. (1) The Minister of Health may give such directions as he thinks fit for the self-quarantine of any person who is likely to suffer or is suffering from the 2019 Novel Coronavirus (2019-nCoV).

(2) The Minister of Health may give a direction under subregulation (1) where, in his discretion, he considers it necessary to do so—

- (a) for the purposes of preventing or controlling the spread of the 2019 Novel Coronavirus (2019-nCoV);
- (b) in the interests of the person in relation to whom the direction is given; or
- (c) in the interest of the public health system.

(3) A direction under subregulation (1) shall—

- (a) be in writing;
- (b) require the person to be self-quarantined at specified place; and
- (c) specify the address of the specified place.

(4) Where the Minister of Health gives a direction under subregulation (1), the person in relation to whom the direction is given shall be informed—

- (a) of the reason for giving the direction;
- (b) of the period during which the person is likely to be self-quarantined; and
- (c) that it is an offence to fail to comply with the direction or to obstruct a medical practitioner, a nurse, a member of staff at a public hospital or a designated facility or a member of staff of a public or private ambulance service or other health care from carrying out the direction.

Offences

14. A person who contravenes regulations 3 to 5, 8, 10 and 13 commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for six months.

Minister may
issue
guidelines

15. The Minister of Health may, for the purposes of the operation of these Regulations, issue such guidelines as he may deem necessary and breach of such guidelines shall not constitute an offence.

Revocation of
L.N. No. 58 of
2021

16. The Public Health [2019 Novel Coronavirus (2019-nCoV)] (No. 4) Regulations, 2021 is revoked.

Duration

17. These Regulations shall have effect from 21st February, 2021 to 4th April, 2021.

Public Health [2019 Novel Coronavirus (2019-nCoV)] (No. 5)
Regulations, 2021

173

SCHEDULE 1—FORM A



REPUBLIC OF TRINIDAD AND TOBAGO

A

Sections 105, 105A, 105B and 105C

PUBLIC HEALTH FIXED PENALTY NOTICE

DATE AND TIME	dd/mm/yyyy	20	a.m./p.m.
LOCATION			
VIOLATION:	<input type="checkbox"/> Failure to wear mask* in public	<input type="checkbox"/> Failure to wear mask* in a vehicle	<input type="checkbox"/> Failure to wear mask* in a vessel
	<input type="checkbox"/> Failure to ensure child wears mask* in public	<input type="checkbox"/> Failure to ensure child wears mask* in a vehicle	<input type="checkbox"/> Failure to ensure child wears mask* in a vessel
VIOLATOR INFORMATION:			
Name			
Sex <input type="checkbox"/> male <input type="checkbox"/> female			
Date of Birth dd/mm/yyyy			
Address (Line 1)			
(Line 2)			
(Line 3)			
(Line 4)			
Phone number(s)			
Email			
ID-DP/PP/ID card			
ID-other			
Number of previous violations <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> More than 3			
IF UNDER 18, PARENTAL INFORMATION			
Name of Responsible Adult			
Address			
Phone number (s)			
Email			
ID of Adult (DP/PP/ID)			
I, affirm that the personal information I have provided is accurate. Signed:			
PENALTY			
Fixed penalty amount			
Details of violation			
POLICE OFFICER INFORMATION			
Name			
Rank and Number			
Signature of Officer			

HOW TO PAY THIS FINE

This penalty must be paid to the District Courts or if the violator is under the age of 18, to the Children Court.

To get instructions on how to pay, contact the Court by:

Telephone: **224-5182**

Or Email: health.fine@tlawcourts.org

Or go to the website:
<https://CourtPay.tlawcourts.org>

TO BE COMPLETED BY VIOLATOR WHEN BEING PAID:

Name:

Date:

Amount:

If you pay this fine within 14 days of the date of the notice, you may appeal to the Magistrate in the District.
Sec. 105A (6)

*** In this form "mask" means face mask, face shield or face covering.**

If you fail to pay the fixed penalty before the end of fourteen (14) days from the above date you are hereby required to appear before the District Court/Children Court on **Tuesday** the day of, 20 at 9.00 a.m. as the defendant in the matter. You are expected to appear by virtual hearing. To make arrangements for this, **you are required to contact the court on or before the Thursday prior to the date of hearing.** It is your responsibility to make arrangements to ensure your appearance. **If you fail to appear an order may be made in your absence.**

If you are under the age of 18, you must be accompanied by your Parent/guardian/person with responsibility for you, who is also responsible for ensuring that arrangements are made for you to appear. **If you fail to appear an order may be made in your absence.**

COURT LOCATIONS: Trinidad North District Court: Corner of St Vincent and Duke Streets, Port of Spain *Trinidad South District Court: Court Street, San Fernando *Tobago District Court: Bacolet Street, Scarborough *Children Court North: 6, Elizabeth St, St. Clair, Port of Spain *Children Court South: Corner of Delhi and Fyzabad Main Rd *Children Court Tobago: Bacolet Street, Scarborough.

*Public Health [2019 Novel Coronavirus (2019-nCoV)] (No. 5)
Regulations, 2021*

SCHEDULE 1—FORM B



REPUBLIC OF TRINIDAD AND TOBAGO

PUBLIC HEALTH ORDINANCE CHAPTER 12 No. 4

NOTICE OF APPEAL OF FIXED PENALTY NOTICE

[Pursuant to section 105A (6)]

TAKE NOTICE that the applicant (being the person to whom the Fixed Penalty Notice was issued/being an interested party/parent/guardian/person with the responsibility for the child) hereby appeals to the Magistrate/Children Court Master against the decision of the Constable who issued the Fixed Penalty Notice.

Signed:

Name:

Date:

TICKET NO.: PH		TICKET PAYMENT RECEIPT NO.:	
DATE AND TIME	dd/mm/yyyy	20	a.m./p.m.
LOCATION			
VIOLATION:	<input type="checkbox"/> Failure to wear mask* in public	<input type="checkbox"/> Failure to wear mask* in a vehicle	<input type="checkbox"/> Failure to wear mask* in a vessel
	<input type="checkbox"/> Failure to ensure child wears mask* in public	<input type="checkbox"/> Failure to ensure child wears mask* in a vehicle	<input type="checkbox"/> Failure to ensure child wears mask* in a vessel
APPLICANT INFORMATION:			
Name			
Sex <input type="checkbox"/> male <input type="checkbox"/> female			
Date of Birth dd/mm/yyyy			
Address (Line 1)			
(Line 2)			
(Line 3)			
(Line 4)			
Phone number(s)			
Email			
ID-DP/PP/ID card			
ID-other			
Number of previous violations <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> More than 3			
IF UNDER 18/PERSON WITH DISABILITY, PARENT/GUARDIAN/PERSON WITH RESPONSIBILITY:			
Name of Responsible Adult			
Address			
Phone number (s)			
Email			
ID of Adult DP/PP/ID)			
<p>I, affirm that the personal information I have provided is accurate.</p> <p>Signed:</p>			
POLICE INFORMATION:			
Name			
Rank and Number			

* In this form "mask" means face mask, face shield or face covering.

[over]

****Reason(s) for Appealing the Fixed Penalty Notice**

I/[other named person]/[child] was unable to [put on]/[wear] a mask/face shield/face covering] for one or more of the reasons set out below.

- ☐ Due to a medical, physical or mental illness or impairment, or disability which inhibits my/his/her ability to wear a face mask, face shield or face covering.
- ☐ I/he/she was travelling with/providing assistance to, a person who relies on lip reading to communicate with me/him/her.
- ☐ I removed my face mask, face shield or face covering/he/she/removed his/her face mask, face shield or face covering to avoid harm or injury/or avoid the risk of harm or injury, to me/himself/herself/others.
- ☐ I/he/she was travelling to avoid injury/to escape a risk of harm, and I/he/she did not have a face mask, face shield or face covering with me/him/her at the time.
- ☐ I/he/she removed my/his/her mask, face shield or face covering to eat/drink.
- ☐ I removed my/his/her face mask, face shield or face covering to take medication.
- ☐ I/he/she removed my face mask, face shield or face covering temporarily for security and identification purposes as this was necessary for the purpose of receiving services.
- ☐ Other circumstances provided for in guidelines issued by the Ministry of Health.

****Select all reasons relevant to your application**

Please set out brief particulars for your record(s) for appeal in the area provided below.

Evidence in support of application:

SCHEDULE 2

Regulation 6 and 7

No	Offence	Enactment	Fixed Penalty
1	Failure to wear a mask in vehicle or vessel	Regulation 6	\$1000.00
2	Failure to ensure child wears a mask in vehicle or vessel	Regulation 6	\$1000.00
3	Failure to wear a mask in public	Regulation 7	\$1000.00
4	Failure to ensure a child wears a mask in public	Regulation 7	\$1000.00

SCHEDULE 3

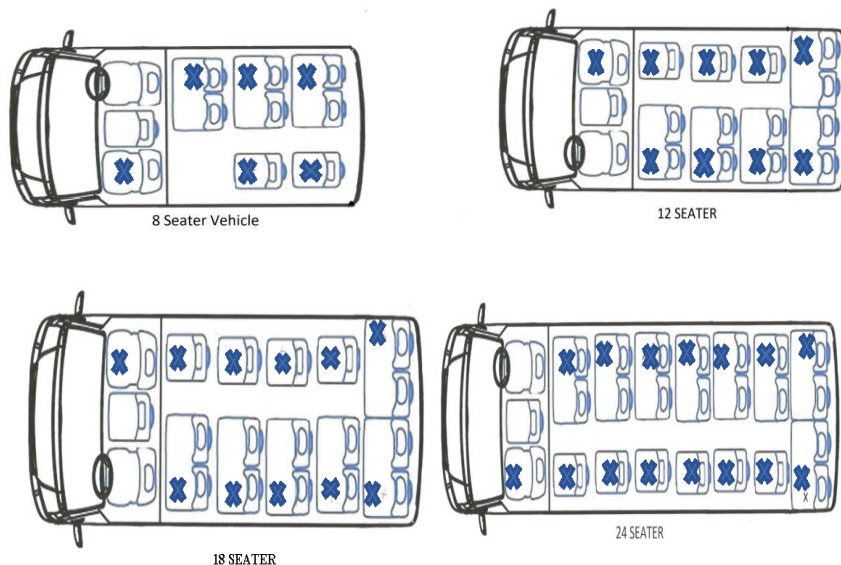
Regulation 8

Public transportation vehicles may be allowed to transport only as many passengers as can be afforded window-seating, in accordance with the size and make of the vehicle.

This guideline therefore would preclude the occupation of any middle-seat spaces in any vehicle with seating extending across the width of the passenger cabin.

In all instances, passengers are to be required to wear face-coverings (preferably masks) for the duration of their journey; and windows are to be kept fully opened, as far as practicable, to allow for optimal circulation of air through the vehicle.

The following diagrams set out the seating requirements for maxi taxis with **X** indicating where passengers are to be seated:



Made this 21st day of February, 2021.

T. DEYALSINGH
Minister of Health