

LEGAL NOTICE No. 189

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. 9) REGULATIONS, 2022

1. These Regulations may be cited as the Public Health [2019 Novel
Coronavirus (2019-nCoV)] (No. 9) Regulations, 2022. Citation

2. In these Regulations—

Interpretation

“Act” means the Public Health Ordinance;

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

“medical clinic” means an organised medical service which
provides diagnostic, preventative and therapeutic services on
an out-patient basis, including dental services; and

“Medical Officer” means a medical practitioner in the service
of the Government or in the employ of a Regional Health
Authority established under the Regional Health Authorities
Act.

Chap. 29:05

3. (1) No person shall, without reasonable excuse, be at a—

Requirement
to wear masks
in private or
public hospital
Chap. 29:03

(a) private hospital registered under the Private Hospitals Act;

(b) public hospital; or

(c) private or public medical clinic,

without wearing a facemask, 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) 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 that 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.

Schedule 2

Chap. 4:20

(4) 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 for a term of three days.

(5) A person who wishes to challenge the issuance of a Fixed Penalty Notice under this regulation may, upon payment of the relevant penalty, appeal to a Magistrate in the District in which the fixed penalty notice was issued.

(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

Form A
Schedule 1

(b) the relevant fixed penalty shall be the fine specified in Schedule 2.

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.

Form B
Schedule 1

4. During the period specified in regulation 12, the Minister of Health may issue guidelines to any trade, profession, business or service, activity or public gathering, Ministry may issue guidelines

5. For the purpose of carrying passengers, all air and sea ports or any place where an aircraft or ship or vessel can land shall be open to the arrival or departure of aircraft or ships or other vessels carrying such passengers unless the Minister with responsibility for national security, issues directives in respect of such places, including for such places to be closed. Closure of air and sea ports

6. (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. Requirement on private medical laboratories and medical practitioners

(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.

Quarantine
and treatment
of persons
suffering from
2019-nCoV

7. (1) Where the result of a test conducted by the Caribbean Public Health Agency (CARPHA) or by a private medical laboratory under regulation 6 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—

- (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.

8. (1) The Minister of Health may give such directions as he thinks ^{Self-quarantine} 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 a 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 professional from carrying out the direction.

9. A person who contravenes regulation 8, commits an offence and is ^{Offences} liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for six months.

10. The Minister of Health may, for the purpose of the operation of ^{Minister may} these Regulations, issue such guidelines as he may deem necessary and ^{issue} breach of such guidelines shall not constitute an offence. ^{guidelines}

11. The Public Health [2019 Novel Coronavirus (2019-nCoV)] (No. 8) ^{Revocation of} Regulations, 2022 are revoked. ^{L.N. No. 140}
^{of 2022}

12. These Regulations shall have effect from 20th September, 2022 ^{Duration} to 31st December, 2022.

Public Health [2019 Novel Coronavirus (2019-nCoV)] (No. 9) Regulations, 2022

ORIGINAL

SCHEDULE 1—FORM A



REPUBLIC OF TRINIDAD AND TOBAGO
THE PUBLIC HEALTH ORDINANCE, CH. 12 No. 4

A
(Sections 105, 105A, 105B and 105C)

PUBLIC HEALTH FIXED PENALTY NOTICE

DATE AND TIME		dd/mm/yyyy	a.m./p.m.	
LOCATION				
VIOLATION	<input type="checkbox"/> Failure to wear mask* in a public hospital or private hospital	<input type="checkbox"/> Failure to wear mask* in a public or private medical clinic	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@ttlwcourts.org Or go to the website: https://CourtPay.ttlwcourts.org	
	<input type="checkbox"/> Failure to ensure child wears mask* in a public hospital or private hospital	<input type="checkbox"/> Failure to ensure child wears mask* in a public or private medical clinic		
VIOLATOR INFORMATION	Name	Telephone: 224-5182		
	Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female	Or Email: health.fine@ttlwcourts.org
	Date of Birth	dd/mm/yyyy	Or go to the website: https://CourtPay.ttlwcourts.org	
	Address (Line 1)	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).		
	(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 INFO	Name of Responsible Adult	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 Street, St. Clair Port-of-Spain *Children Court South: Corner Delhi and Fyzabad Main Road *Children Court Tobago: Bacolet Street, Scarborough *In this form "mask" means face mask, face shield or face covering		
	Address			
	Phone number(s)			
	Email			
	Adult's (DP/PP/ID)			
I affirm that the personal information I have provided is accurate.				
Signed:				
PENALTY	Fixed Penalty Amount			
	Details of violation			
POLICE INFO	Name			
	Rank and Number			
	Officer's Signature			
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 this 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 years, 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.				

SCHEDULE 1—FORM B



REPUBLIC OF TRINIDAD AND TOBAGO
PUBLIC HEALTH ORDINANCE CH. 12 No. 4

Sections 105, 105A, 105B and 105C

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 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	a.m./p.m.
LOCATION			
VIOLATION	<input type="checkbox"/> Failure to wear mask* in a public hospital or private hospital	<input type="checkbox"/> Failure to wear mask* in a public or private medical clinic	
	<input type="checkbox"/> Failure to ensure child wears mask* in a public hospital or private hospital	<input type="checkbox"/> Failure to ensure child wears mask* in a public or private medical clinic	
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			
I affirm that the personal information I have provided is accurate.			
Signed:			
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**

A. I/[patient]/[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] face mask, face shield or face covering to eat/drink.

B. (Provide reasons in relation to breach of regulation 3.)

- I removed [my/his/her] face mask, face shield or face covering to take medication;
- [I/he/she] removed [my/his/her] 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

(Regulations 3 and 4)

No	OFFENCE	ENACTMENT	FIXED PENALTY
1	Failure to wear mask in a public hospital or private hospital	Regulation 4	\$2,000.00
2	Failure to wear mask in a public clinic or private medical clinic	Regulation 4	\$2,000.00
3	Failure to ensure that a child wears a mask in a public hospital or private hospital	Regulation 4	\$1,000.00
4	Failure to ensure that a child wears a mask in a public clinic or private medical clinic	Regulation 4	\$1,000.00

Made this 18th day of September, 2022.

T. DEYALSINGH
Minister of Health