

TURKS AND CAICOS ISLANDS
PUBLIC AND ENVIRONMENTAL HEALTH (COVID-19)(ARRIVING PASSENGERS HEALTH CLEARANCE)
REGULATIONS 2020

(Legal Notice of 2020)

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PUBLIC AND ENVIRONMENTAL HEALTH (COVID-19)(ARRIVING PASSENGERS HEALTH CLEARANCE) REGULATIONS 2020

(Legal Notice of 2020)

MADE by the Governor under section 62(1) of the Public and Environmental Health Ordinance for giving effect to any recommendations made by the of Public and Environmental Health Board.

Citation, commencement and expiry

1. These Regulations may be cited as the Public and Environmental Health (COVID-19)(Arriving Passengers Health Clearance) Regulations 2020 and shall come into operation on 22 July 2020 and shall expire at the end of two years from the date of commencement.

Interpretation

2. In these Regulations—

“child” means a person under the age of eighteen years;

“COVID-19” means the disease known as the novel Coronavirus;

“National Health Insurance Plan” means the National Health Insurance Plan established under section 3 of the National Health Insurance Ordinance;

“passenger” means any person arriving in the Islands in any ship or aircraft other than as a member of the crew;

“PCR COVID-19 test” means a polymerase chain reaction test for the qualitative detection of nucleic acid from SARS-CoV-2;

“port of entry” means an airport or seaport;

“quarantine” means—

(a) staying in a place of quarantine as the Chief Medical Officer may determine, which may be—

(i) the house or accommodation in Islands at which the person to be quarantined resides; or

(ii) a place designated by the Chief Medical Officer as a place of quarantine; and

(b) complying during the period of quarantine with such health measures as the Chief Medical Officer may specify as necessary to limit or prevent the spread of COVID-19.

“resident” means a person who has legal and ordinary residence in the Islands in accordance with the Immigration Ordinance;

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

“TCI Assured Travel Authorisation” means an authorisation given to a person once that person has registered on the TCI Assured Travel Authorisation registration portal and have completed the required forms and actions;

“Travel Authorisation Form” means the form located on the Turks and Caicos Islands Tourist Board website that a person who intends to travel to the Islands is required to complete;

“Turks and Caicos Islands Tourist Board website” means the Turks and Caicos Islands Tourist Board uniform resource locator or internet address located at <http://turksandcaicostourism.com/travelauthorization>;

“visitor” has the meaning assigned to it in the Immigration Ordinance.

Purpose and application

3. (1) These Regulations are made for the purpose of reducing the risk of COVID-19 importation into the Islands and to manage the risk of community transmission on the Islands.

(2) These Regulations apply to all persons travelling into the Islands, including residents.

(3) The measures under these Regulations are subject to review and may be varied.

Pre-departure requirements

4. (1) Every person intending to travel to the Islands shall seventy-two hours prior to departing for the Islands—

(a) apply for travel authorisation by completing the Travel Authorisation Form set out on the Turks and Caicos Islands Tourist Board website by providing personal details including but not limited to—

- (i) contact information, including name, address, date of birth, nationality;
 - (ii) passport number;
 - (iii) type of transport;
 - (iv) flight information, including date of travel, date of departure, airline, flight number;
 - (v) intended address(es) throughout their stay in the Islands;
 - (vi) details of travel within the fourteen days before arrival in the Islands;
 - (vii) declaration of health, including disclosure of symptoms, previous COVID-19 positive test results and close contact with known infected individuals;
- (b) upload approved documentary evidence of a negative Polymerase Chain Reaction (PCR COVID-19) test from an accredited laboratory, as provided in regulation 5 undertaken no more than five days prior to travel to the Islands; and
- (c) upload proof of health or travel insurance cover, as provided in regulation 6; and
- (d) obtain a TCI Assured Travel Authorisation.

(2) Every person arriving in the Islands shall produce a copy of his TCI Assured Travel Authorisation (printed or electronic) and the original copy of the negative PCR COVID-19 test result to an immigration officer and a health officer at the port of entry.

(3) Every person arriving in the Islands shall complete and submit to a health officer at the port of entry, a health screening questionnaire for COVID-19.

(4) A visitor who fails to produce a TCI Assured Travel Authorisation may be refused leave to enter the Islands by an immigration officer.

(5) A visitor or resident who fails to produce the TCI Assured Travel Authorisation as required under subregulation (2), shall be subject to a fine of \$3,000 by the Director of Immigration.

(6) The fine under subregulation (5) shall be payable to the Government.

Pre-departure COVID-19 test

5. (1) The negative PCR COVID-19 result obtained for purposes of regulation 4(1)(b) shall be set out on the official documentation of the laboratory that conducted the COVID-19 test, which documentation shall state—

- (a) the name, address, telephone number and email address of the laboratory at which the PCR COVID-19 test was conducted;
- (b) the date the PCR COVID-19 test was conducted;
- (c) the full names, date of birth and address of the person tested for PCR COVID-19;
- (d) the results of the PCR COVID-19 test conducted in relation to that person.

(2) Where a person has a negative PCR COVID-19 result as required in regulation 4(1)(b), the person shall carry the test results with him when travelling to the Islands and shall give the test results to a health officer.

Health insurance policy

6. Every visitor and every resident who is not a beneficiary under the National Health Insurance Plan who intends to travel to the Islands shall be required, at the time he is submitting the Travel Authorisation Form as provided under regulation 4(1)(c), to also provide evidence of the person's health insurance policy that includes insurance coverage for—

- (a) COVID-19 medical costs; and
- (b) full hospitalisation, doctors' visits, prescriptions and air ambulance.

Carrier's liability for persons without proper documents

7. (1) It shall be the duty of the owner of the ship or aircraft in or from which a person disembarks, to satisfy himself that such person is in possession of a TCI Assured Travel Authorisation to travel to the Islands.

(2) The Director of Immigration shall fine the owner of the ship or aircraft, in respect of the person under subregulation (1) who fails to produce the TCI Assured Travel Authorisation, the sum of \$3,000.

(3) The fine under subregulation (2) shall be payable to the Government.

(4) A fine shall not be payable in respect of a person who is shown by the owner of the ship or aircraft to have produced the

required document or documents to the owner or his employee or agent when embarking on the ship or aircraft for the voyage or flight to the Islands.

Exemption

8. (1) The following persons are exempt from the requirement under regulation 4(1)(b) to submit approved documentary evidence of a negative PCR COVID-19 test—

- (a) a crew member of a cargo or commercial aircraft arriving in the Islands for the purposes of his work who is expected to be on the Islands for less than twenty-four hours;
- (b) a crew member of a cargo ship arriving in the Islands for the purposes of his work who is expected to be on the Islands for less than twenty-four hours;
- (c) children under the age of ten years;
- (d) an aircraft operating for the purpose of giving medical attention, delivering medical supplies to the Islands, or airlifting a patient to or from the Islands, which crew shall be taken to include any medical personnel on the flight;
- (e) a person offering to provide emergency aid in times of crisis;
- (f) a person who has written permission of the Chief Medical Officer to enter the islands; and
- (g) a person who disembarks from an aircraft at an airport, in-transit to or for purposes of connecting to a flight to a destination outside the Islands:

Provided that such persons shall be subject to screening, temperature checks and clinical examination on arrival in the Islands.

(2) A person to whom this regulation applies shall comply with public health supervision requirements as stipulated by the Chief Medical Officer.

Wearing of face mask

9. Every person, except for a child under the age of two years, shall wear a face mask or face covering, covering his nose and mouth, when disembarking and when inside the terminal.

Screening on arrival

10. (1) Every person arriving in the Islands shall be subject to screening and temperature check, which may result in further clinical examination.

(2) Every person arriving in the Islands shall adhere to all protocols relevant to the port of entry.

Screening requirements

11. (1) For the purposes of these Regulations, the screening and clinical examination requirements, in relation to a person are requirements to the effect that a person shall—

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

(2) Where the person is a child and is accompanied by a responsible adult, the responsible adult shall—

- (a) ensure that the child answers questions in accordance with subregulation (1)(a);
- (b) answer the questions if the child is unable to do so or cannot reliably do so;
- (c) produce any documents, required under subregulation (1)(b), on behalf of the child;
- (d) allow a health officer or nurse, to take a biological sample of the child, including a sample of the child's respiratory secretions or blood, by

appropriate means including by swabbing the child's nasopharyngeal cavity, or phlebotomy to provide such a sample; and

- (e) provide information where required by a health officer or nurse under subregulation (1)(d).

Quarantine

12. (1) A person suspected of having been exposed to, or having symptoms of, or tested positive for COVID-19 shall be placed under quarantine in a specified place for a period of fourteen days or such longer period until that person is found to have a negative PCR COVID-19 result or unless approved for medical repatriation, and shall be monitored by a health officer for COVID-19 during such period.

(2) Where a parent or responsible adult having charge of a child under the age of ten years is required to be placed under quarantine under these Regulations, the child shall also be required to be placed under quarantine together with the parent or responsible adult.

Cost of treatment

13. A visitor or a resident referred to in regulation 6(2) who is made subject to quarantine or hospitalisation shall bear the costs of all treatment received and the costs for accommodation and board.

Children

14. A responsible adult who has responsibility for child shall, so far as reasonably practicable, secure that the child complies with any direction, instruction, requirement or restriction given to or imposed on the child under these Regulations.

Duty to provide information

15. (1) The Chief Medical Officer may, request any person to provide the Chief Medical Officer with such information the Chief Medical Officer considers necessary to assess what precautions should be taken to prevent the spread of Covid-19 in the Islands.

(2) A person who is requested to provide information to the Chief Medical Officer in accordance with subregulation (1) shall provide the information so requested.

Application to Justice of the Peace

16. (1) Where a person has failed to comply with an order by the Chief Medical Officer or a health officer made under these Regulations, to take the necessary precautions to prevent the transmission in the Islands of COVID-19, the Chief Medical officer or a health officer may make an application to a Justice of the Peace that the person has failed to comply with the requirements.

(2) Where the Justice of the Peace is satisfied with the application made under subregulation (1), he may, order that the person who has failed to comply with the requirements—

- (a) be taken into custody and be placed in quarantine at a designated place;
- (b) be examined by a medical practitioner or health officer to ascertain whether or not the person is infected with COVID-19; or
- (c) be treated for COVID-19, where on examination of such person it is found that he is infected with COVID-19.

Authority to apprehend

17. (1) An order made under regulation 16 is authority for the Chief Medical Officer or a health officer to direct a police officer to—

- (a) locate and apprehend the person who is the subject of the order; and
- (b) deliver the person who is the subject of the order to the place of quarantine named in the order, or to a medical practitioner for examination.

(2) The police officer shall do all things reasonably able to be done to locate, apprehend and deliver the person to the place of quarantine specified in the order.

(3) The police officer who apprehends a person who is the subject of an order pursuant to subregulation (2) shall promptly—

- (a) inform the person of the reasons for the apprehension and of the person's right to retain and instruct counsel without delay; and
- (b) inform the person where the person is being taken.

(4) An order made under regulation 16 is authority to detain the person who is the subject of the order in the place of quarantine named in the order and to care for and examine the person and to treat the person for COVID-19 in accordance with

generally accepted medical practice for such period as the Chief Medical Officer or health officer shall determine.

Passenger information

18. Passenger information collected under these Regulations for entry screening purposes shall be used and disclosed in accordance with the privacy policy published on the TCI Assured Travel Authorisation portal.

Offence

19. Any person who—

- (a) gives false information when completing the Travel Authorisation Form under regulation 4; or
- (b) otherwise contravenes the provisions of these Regulations,

commits an offence and is liable on summary conviction to a fine of five thousand dollars or to a term of imprisonment for three months, or to both.

Guidelines

20. A relevant public authority may issue guidelines to supplement or provide for further clarification of these Regulations.

Application of statutory requirements

21. Every person while in the Islands shall comply with applicable requirements under—

- (a) the Public Environmental Health Ordinance; and
- (b) the Emergency Powers (COVID-19)(No. 5) Regulations 2020.

Revocation

22. The Public and Environmental Health(Control Measures)(COVID-19) Regulations 2020 are revoked.

MADE this _____ day of July 2020.

NIGEL DAKIN
GOVERNOR

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations put in place certain measures considered necessary for persons travelling to the Islands to manage and control the spread of COVID-19 (Coronavirus).