

CAYMAN ISLANDS



**Public Health Act
(2021 Revision)**

CONTROL OF COVID-19 REGULATIONS, 2021

(SL 26 of 2021)

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CAYMAN ISLANDS**Public Health Act
(2021 Revision)****CONTROL OF COVID-19 REGULATIONS, 2021
(SL 26 of 2021)**

In exercise of the powers conferred by section 34 of the Public Health Act (2021 Revision), the Cabinet makes the following Regulations —

Citation and commencement

1. (1) These Regulations may be cited as the Control of Covid-19 Regulations, 2021.
- (2) These Regulations come into force on 22nd March, 2021.

Definitions

2. In these Regulations —

“**approved laboratory**” means —

- (a) United Kingdom Accreditation Service (UKAS) accredited laboratories;
- (b) the National Health Service of the United Kingdom;
- (c) Joint Commission (JC) accredited laboratories;
- (d) Joint Commission International (JCI) accredited laboratories;
- (e) International Organization for Standardization (ISO) accredited laboratories;
- (f) Commission on Office Laboratory Accreditation (COLA) accredited laboratories;
- (g) National Public Health laboratories; or

(h) other government approved providers;

“**approved vaccine course**” means a vaccination programme which is approved by the Chief Medical Officer for use against the virus;

“**Caymanian**” has the meaning assigned by section 2 of the *Immigration (Transition) Act (2021 Revision)*;

“**customs and border control officer**” means a public officer appointed under section 6 of the *Customs and Border Control Act (2021 Revision)* and includes any police officer or other person assisting the Customs and Border Control Service in any assigned matter;

“**negative polymerase chain reaction (PCR) test**” means a test which shows that the person in respect of whom the test was administered had a swab taken from the upper airways which gave a negative result by polymerase chain reaction (PCR) testing for the detection of the virus;

“**resident**” means a person who has legal and ordinary residence in the Islands in accordance with the *Immigration (Transition) Act (2021 Revision)*;

“**ship**” means every description of vessel used in navigation;

“**tourist visitor**” has the meaning assigned by section 2 of the *Immigration (Transition) Act (2021 Revision)*;

“**vaccination certificate**” means a document which evidences that the person in respect of whom the document is issued was administered an approved vaccine course; and

“**virus**” means the virus known as SARS-CoV-2 which causes the disease known as Covid-19.

Restrictions on arrival of persons to the Islands who are not vaccinated against the virus to control the spread of the virus

3. (1) For the purpose of the control of the spread of the virus, subject to paragraph (5) and notwithstanding any other law, a person who has not completed an approved vaccine course for the virus, who is ten years of age or older, and who wishes to enter the Islands shall —
- (a) be tested by a polymerase chain reaction (PCR) test for the virus no more than seventy-two hours prior to the departure of the person’s flight to the Islands; and
 - (b) upon arrival in the Islands —
 - (i) provide a customs and border control officer with a medical certificate which —
 - (A) shows that the person had a negative polymerase chain reaction (PCR) test no more than seventy-two hours prior to the departure of the person’s flight to the Islands; and



- (B) specifies the name and address of the approved laboratory where the test was performed; and
 - (ii) comply with the directions of the Medical Officer of Health with regard to any further testing for the virus.
- (2) Subject to paragraph (5) and notwithstanding any other law, where a person under paragraph (1) arrives in the Islands that person shall, for the purposes of these Regulations, be required by a customs and border control officer, in respect of the person or the person's dependants —
- (a) to complete a medical and travel questionnaire in such form as is provided by the Medical Officer of Health; and
 - (b) to undergo a medical examination if the customs and border control officer considers that a medical examination is necessary.
- (3) Subject to paragraph (5), where a person under paragraph (1) arrives in the Islands, if —
- (a) the person is a Caymanian or resident of the Islands, the person shall, for such period from the date of arrival as may be determined by the Medical Officer of Health, which period shall be no less than fourteen days, for the purpose of surveillance by the Medical Officer of Health —
 - (i) remain at a private residence or such other place of isolation as specified by the Medical Officer of Health; and
 - (ii) be subject to such directions as are provided by the Medical Officer of Health;
 - (b) the person is a tourist visitor or other visitor, the person shall, for such period from the date of arrival as may be determined by the Medical Officer of Health, which period shall be no less than fourteen days, for the purpose of surveillance by the Medical Officer of Health —
 - (i) be managed by the Medical Officer of Health at a place specified by the Medical Officer of Health; and
 - (ii) be subject to such directions as are provided by the Medical Officer of Health; and
 - (c) the person tests positive for the virus or shows respiratory symptoms or symptoms of the virus, the person shall be managed at a place and in such manner as specified by the Medical Officer of Health until the Medical Officer of Health determines that the person is no longer a health risk to the public.
- (4) Where, upon arrival in the Islands, a person under paragraph (1) is allowed to isolate at a private residence in accordance with paragraph (3) and there are other occupants who reside at the private residence who intend to stay at the residence during the period of isolation with the person, those occupants shall, for the purpose of the control of the spread of the virus, and for such period as

may be determined by the Medical Officer of Health, which period shall be no less than fourteen days, be subject to such directions as are provided by the Medical Officer of Health.

- (5) Paragraphs (1), (2) and (3) do not apply to the crew of any ship or aircraft but for the purpose of the prevention, control or suppression of the spread of the virus —
- (a) a crew member of a ship or aircraft which arrives in the Islands after the date of commencement of these Regulations shall comply with the directions of the Medical Officer of Health with regard to isolation and any testing and health monitoring; and
 - (b) where a crew member of a ship or aircraft which arrives in the Islands after the date of commencement of these Regulations is allowed to isolate at a private residence and there are other occupants who reside at the private residence who intend to stay at the residence during the period of isolation with the crew member, the other occupants shall also comply with the directions of the Medical Officer of Health with regard to isolation and any testing and health monitoring.
- (6) A person who contravenes this regulation commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years.

Restrictions on arrival of persons to the Islands who are vaccinated against the virus to control the spread of the virus

4. (1) For the purpose of the control of the spread of the virus, subject to paragraph (7) and notwithstanding any other law, a person who wishes to enter the Islands and who has, at least fourteen days prior to the person's proposed date of arrival in the Islands, completed an approved vaccine course for the virus shall —
- (a) be tested by a polymerase chain reaction (PCR) test for the virus no more than seventy-two hours prior to the departure of the person's flight to the Islands;
 - (b) upon arrival in the Islands, provide a customs and border control officer with —
 - (i) a vaccination certificate; and
 - (ii) a medical certificate which —
 - (A) shows that the person had a negative polymerase chain reaction (PCR) test no more than seventy-two hours prior to the departure of the person's flight to the Islands; and
 - (B) specifies the name and address of the approved laboratory where the test was performed; and



- (c) upon arrival in the Islands, comply with the directions of the Medical Officer of Health with regard to any further testing for the virus.
- (2) Subject to paragraph (7) and notwithstanding any other law, where a person under paragraph (1) arrives in the Islands that person shall, for the purposes of these Regulations, be required by a customs and border control officer, in respect of the person or the person's dependants —
 - (a) to complete a medical and travel questionnaire in such form as is provided by the Medical Officer of Health; and
 - (b) to undergo a medical examination if the customs and border control officer considers that a medical examination is necessary.
 - (3) Subject to paragraphs (5) and (6), where a person under paragraph (1) who satisfies the criteria set out in that paragraph arrives in the Islands, the person shall —
 - (a) remain in isolation for a period of not less than ten days at a private residence or such other place of isolation as specified by the Medical Officer of Health; and
 - (b) be subject to such directions as are provided by the Medical Officer of Health until the person receives a negative result in relation to the polymerase chain reaction (PCR) test administered to the person upon the person's arrival in the Islands.
 - (4) For the purpose of paragraph (3), the Medical Officer of Health shall only permit a person under paragraph (1) who satisfies the criteria set out in that paragraph to isolate at a private residence at which there are other occupants, where —
 - (a) the other occupants at that private residence have completed an approved vaccine course and at least fourteen days have elapsed since the completion of each occupant's approved vaccine course; and
 - (b) the other occupants at the private residence also comply with the directions of the Medical Officer of Health, including directions with regard to testing for the virus.
 - (5) Where a person under paragraph (1) arrives in the Islands, if the person tests positive for the virus or shows respiratory symptoms or symptoms of the virus, the person shall be managed at a place and in such manner as specified by the Medical Officer of Health until the Medical Officer of Health determines that the person is no longer a health risk to the public.
 - (6) Where a person under paragraph (1) who arrives in the Islands ("the vaccinated person") intends to isolate with an unvaccinated person, the vaccinated person shall, for such period from the date of arrival as may be determined by the Medical Officer of Health, which period shall be no less than fourteen days, for the purpose of surveillance by the Medical Officer of Health —

- (a) remain at a private residence or such other place of isolation as specified by the Medical Officer of Health; and
 - (b) be subject to such directions as are provided by the Medical Officer of Health.
- (7) Paragraphs (1), (2) and (3) do not apply to the crew of any ship or aircraft but for the purpose of the prevention, control or suppression of the spread of the virus —
- (a) a crew member of a ship or aircraft which arrives in the Islands after the date of commencement of these Regulations shall comply with the directions of the Medical Officer of Health with regard to isolation and any testing and health monitoring; and
 - (b) where a crew member of a ship or aircraft which arrives in the Islands after the date of commencement of these Regulations is allowed to isolate at a private residence and there are other occupants who reside at the private residence who intend to stay at the residence during the period of isolation with the crew member, the other occupants shall also comply with the directions of the Medical Officer of Health with regard to isolation and any testing and health monitoring.
- (8) A person who contravenes this regulation commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years.
- (9) For the purpose of paragraph (6), “**unvaccinated person**” means —
- (a) in relation to a person who arrives in the Islands, a person who has not at least fourteen days prior to the person’s date of arrival in the Islands, completed an approved vaccine course; and
 - (b) in relation to a person who is already in the Islands —
 - (i) a person who has not completed an approved vaccine course; or
 - (ii) a person who has completed an approved vaccine course, but in respect of whom fourteen days have not elapsed since the person completed the approved vaccine course.

Offence of providing false medical certificate or false vaccination certificate

5. (1) A person who, in the purported discharge of the requirement under regulation 3(1)(b)(i) or 4(1)(b)(ii), provides a customs and border control officer with a false or forged medical certificate commits an offence and is liable, on summary conviction, to a fine of ten thousand dollars and to imprisonment for two years.
- (2) A person who, in purported compliance with regulation 4(1)(b)(i), provides a customs and border control officer with a false or forged vaccination certificate commits an offence and is liable, on summary conviction, to a fine of ten thousand dollars and to imprisonment for two years.



Power to exempt persons from compliance with regulations 3 and 4

6. (1) Subject to paragraph (2), the Medical Officer of Health may exempt a person or category of persons from any of the requirements in regulations 3 and 4.
- (2) A person who is exempted under paragraph (1) —
- (a) shall comply with the directions of the Medical Officer of Health with regard to isolation and any additional health monitoring for the purpose of the prevention, control or suppression of the spread of the virus; and
- (b) who tests positive for the virus or shows respiratory symptoms or symptoms of the virus shall be managed at a place and in such manner as specified by the Medical Officer of Health,
- until the Medical Officer of Health determines that the person is not a health risk to the public.
- (3) Where the Medical Officer of Health exempts a person or category of persons from any of the requirements in regulation 3 or 4, the Medical Officer of Health shall ensure that, within seven days of the granting of the exemption, the Cabinet is notified of the nature of the exemption and the person or category of persons to whom the exemption has been granted.
- (4) A person who contravenes paragraph (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years.

Powers, duties and functions of the Medical Officer of Health

7. (1) In carrying out powers, duties and functions under these Regulations, the Medical Officer of Health has all the powers, duties and functions specified in Part VI of the Act and shall exercise any other relevant powers, duties and functions specified —
- (a) under regulation 12 of the *Public Health (Communicable Diseases) Regulations (1997 Revision)* which a medical officer would otherwise be required to exercise; and
- (b) under the *Public Health (Quarantine) Regulations (2021 Revision)* which a quarantine officer would otherwise be required to exercise.
- (2) Subject to paragraph (1)(b), the *Public Health (Quarantine) Regulations (2021 Revision)* shall apply for the purposes of these Regulations with any necessary modifications.
- (3) Where a person is found to have presented a false or forged vaccination certificate under these Regulations, the person, shall, from a date and for such period as may be determined by the Medical Officer of Health, for the purpose of surveillance by the Medical Officer of Health, remain at a place of isolation specified by the Medical Officer of Health and be subject to such directions as are provided by the Medical Officer of Health.

Police powers

8. (1) A police officer may require a person to answer any questions to enable the police officer to ascertain who the person is and whether the person is complying with these Regulations, and where the person does not satisfy the police officer that they are complying with these Regulations, the police officer may —
- (a) detain the person and inform the Medical Officer of Health or a person designated by the Medical Officer of Health of the fact that a person has been so detained; and
 - (b) convey the person to a facility of quarantine or isolation, if so directed by the Medical Officer of Health.
- (2) The powers in paragraph (1) may be exercised where a person is at any place.
- (3) For the purposes of exercising the powers in paragraph (1), a police officer may enter any place or facility of quarantine or isolation, including a private residence so designated under these Regulations, or multi-dwelling premises in which such a private residence is located.
- (4) A police officer may use reasonable force, if necessary, in the exercise of the powers under this regulation.

Responsibility for costs associated with isolation or quarantine

9. If a person is required by the Medical Officer of Health to stay in a facility of isolation or quarantine, the person shall be liable to pay for any costs associated with the person's accommodation in such a facility.

Medical certificate or vaccination certificate may be submitted by electronic means

10. (1) For the purposes of these Regulations, where a person is required to submit a medical certificate or a vaccination certificate, the certificate may be recorded in electronic form and sent by electronic means.
- (2) For the purposes of this regulation, “**electronic**” has the meaning assigned by section 2 of the *Electronic Transactions Act (2003 Revision)*.

Repeal of the Control of Covid-19 (No.3) Regulations, 2020

11. The *Control of Covid-19 (No.3) Regulations, 2020* are repealed.



Expiry

12. These Regulations cease to have effect at the end of the period of one year beginning on the day on which they come into force or at such other date as may be specified by Cabinet and notified in the *Gazette*.

Made in Cabinet the 11th day of March, 2021.

Kim Bullings
Clerk of the Cabinet