

*Government Notice No. 58 of 2020*

## **THE PUBLIC HEALTH ACT**

### **Regulations made by the Minister under section 79 of the Public Health Act**

#### **PART I – PRELIMINARY**

##### **1. Short title**

These regulations may be cited as the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020.

##### **2. Interpretation**

In these regulations –

“child” means a person under the age of 18;

“coronavirus” means the virus known as Wuhan novel coronavirus (2019-nCoV);

“hospital” –

(a) means a State-controlled medical institution which provides medical or surgical treatment for in-patients or out-patients; and

(b) includes a health centre;

“infected” means suffering from, or in the incubation stage of, or contaminated with, the coronavirus;

“high-risk country” means any country which the Prime Minister has declared, by notice published in the Gazette, as a country

from which there is a high risk of importation of infection with coronavirus;

“isolation” means the segregation and the separation from, and interdiction of communication with, persons who are infected with coronavirus;

“medical practitioner” means a person registered as a general practitioner or specialist under section 20 of the Medical Council Act;

“parent”, in relation to a child –

- (a) means his father, mother, legal guardian or caregiver;
- (b) means his stepfather or stepmother; and
- (c) includes any other person who has the custody, or is in control, of the child;

“quarantine” means the separation from persons who may be infected with coronavirus;

“screening assessment” means the assessment referred to in regulation 9.

### **3. Application of regulations**

(1) These regulations shall be in addition to, and not in derogation from, the Quarantine Regulations 1953.

(2) In the event of any conflict or inconsistency between these regulations and the Quarantine Regulations 1953, these regulations shall prevail.

## **PART II – PERSONS INFECTED OR SUSPECTED OF BEING INFECTED WITH CORONAVIRUS**

### **4. Person infected with coronavirus**

(1) Where a person is infected with coronavirus, a medical practitioner, not below the rank of Regional Public Health Superintendent, shall cause the person to be isolated.

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(2) Where a person is isolated pursuant to paragraph (1), the medical practitioner –

- (a) shall cause the person to undergo a screening assessment; and
- (b) may impose a restriction or condition on the person.

**5. Person suspected of being infected with coronavirus**

(1) Where a medical practitioner, not below the rank of Regional Public Health Superintendent, has reasonable grounds to believe that a person may be infected with coronavirus, the medical practitioner shall cause the person to be quarantined.

(2) Where a person is quarantined pursuant to paragraph (1), the medical practitioner –

- (a) shall cause the person to undergo a screening assessment; and
- (b) may impose any restriction or condition on the person.

**6. Person arriving to Mauritius from high-risk country**

(1) Where a person has arrived in Mauritius on an aircraft or a ship from a high-risk country, a medical practitioner, not below the rank of Regional Public Health Superintendent, shall cause the person to be quarantined.

(2) Where a person is quarantined pursuant to paragraph (1), the medical practitioner –

- (a) shall cause the person to undergo a screening assessment; and
- (b) may impose any restriction or condition on the person.

## **7. Person having had contact with another person infected with coronavirus**

(1) Where a medical practitioner, not below the rank of Regional Health Director, has reasonable grounds to believe that a person may have had contact with a person infected with coronavirus, the medical practitioner shall cause the person to be quarantined.

(2) Where a person is quarantined pursuant to paragraph (1), the medical practitioner –

- (a) shall cause the person to undergo a screening assessment; and
- (b) may impose any restriction or condition on the person.

## **8. Place of quarantine or isolation**

For the purposes of these regulations –

- (a) a place of quarantine or isolation shall be designated by the Minister;
- (b) in relation to a person, a place of quarantine may include that person's home.

## **PART III – SCREENING ASSESSMENT AND IMPOSITION OF RESTRICTIONS AND CONDITIONS**

### **9. Screening assessment**

(1) Where a person has been isolated or quarantined pursuant to regulation 4, 5, 6 or 7, a medical practitioner shall, in order to assess whether the person presents, or could present, a risk of infecting other persons with coronavirus –

- (a) carry out a screening assessment on the person; or
- (b) carry out such other assessment as may be necessary in relation to the person.

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- (2) For the purpose of paragraph (1)(a), a screening assessment requires the person to –
- (a) answer questions about his health or other relevant circumstances, including travel history and information about other persons with whom he may have travelled or had contact;
  - (b) produce any document which may assist the medical practitioner to assess his health;
  - (c) allow the medical practitioner to take his biological sample, including a sample of his respiratory secretions or blood by appropriate means or by swabbing his nasopharyngeal cavity, or to provide such a sample; and
  - (d) provide his contact details or such other sufficient information so that he may be contacted immediately.
- (3) Where the person is a child, the parent of the child shall –
- (a) ensure that the child answers questions in accordance with paragraph (2)(a);
  - (b) answer the questions where the child is unable to do so or cannot reliably do so;
  - (c) produce any document, required under paragraph (2)(b), on the child’s behalf;
  - (d) allow a medical practitioner to take a biological sample of the child, including a sample of his respiratory secretions or blood by appropriate means or by swabbing his nasopharyngeal cavity, or to provide such a sample; and
  - (e) provide such information as required under paragraph (2)(d).

**10. Imposition of restrictions and conditions**

(1) Where, further to the assessment made under regulation 8, a medical practitioner, not below the rank of Regional Public Health Superintendent, considers that it is necessary and proportionate to reduce or remove the risk of the person infecting other persons with coronavirus, the medical practitioner may impose, orally or in writing, any restriction or condition on or in relation to the person.

(2) A medical practitioner, not below the rank of Regional Public Health Superintendent, may –

- (a) in addition to the restrictions and conditions imposed on a person pursuant to paragraph (1); or
- (b) where a person quarantined or isolated has been released,

impose, orally or in writing, on that person one or more of the conditions specified in paragraph (3) where he considers that it is necessary and proportionate to reduce or remove the risk of the person infecting other persons with coronavirus.

(3) The conditions under paragraph (2) shall be for the person to –

- (a) supply information to a medical practitioner which may assist in assessing his health;
- (b) allow a medical practitioner to take his biological sample, including a sample of his respiratory secretions or blood by appropriate means or by swabbing his nasopharyngeal cavity, or to provide such a sample; and
- (c) comply with any other specified condition or to take any other specified measure.

(4) The conditions or measures which may be specified under paragraph (3)(c) include –

- (a) a restriction on his travel;
- (b) a restriction on his daily activities;
- (c) a restriction to be in contact with specified persons.

(5) The period for which a restriction is imposed under paragraph (4) shall not exceed 14 days beginning with the day on which the restriction is imposed.

(6) A restriction or condition imposed under this regulation may be varied.

(7) Where a restriction or condition is imposed on or in relation to a child, the parent of the child shall ensure that the child complies with the restriction or condition, insofar as the parent is reasonably able to do so.

(8) Where a restriction or condition is imposed orally on a person, or a restriction or condition imposed is orally varied, that person or, in the case of a child, the parent of that child shall, as soon as reasonably practicable, be provided with a written notification of the restriction or condition that has been imposed or varied.

## **11. Right to be informed**

Where a person is quarantined or isolated under these regulations, a medical practitioner, not below the rank of Regional Public Health Superintendent shall, as soon as is reasonably practicable, inform the person –

- (a) the reason of him being quarantined or isolated;
- (b) the powers under which he is quarantined or isolated;
- (c) the next steps that may be taken and by whom;

- (d) the penalty for –
  - (i) absconding, or attempting to abscond, from the place where he is being quarantined or isolated;
  - (ii) providing false or misleading information;
  - (iii) obstructing a person in the discharge of his functions pursuant to these regulations.

#### **PART IV – ENFORCEMENT**

### **12. Police powers**

- (1) Every police officer –
  - (a) shall enforce compliance with these regulations and with any order, instruction or condition lawfully made, given or imposed by a person under the authority of these regulations;
  - (b) may board any ship or aircraft and enter any premises without a warrant for the purposes of enforcing compliance with these regulations.

(2) Without prejudice to the generality of the powers under paragraph (1), where a person is quarantined or isolated under these regulations, a police officer may do any of the following –

- (a) take the person to a suitable place, specified by a medical practitioner not below the rank of Regional Public Health Superintendent, for the person to be quarantined or isolated;
- (b) keep the person in detention.

(3) Where a person absconds from the place he is being quarantined or isolated, a police officer may take the person into custody and return the person to the place where he was being quarantined or isolated, or take the person to another suitable place

specified by a medical practitioner not below the rank of Regional Public Health Superintendent.

- (3) A police officer may –
  - (a) use reasonable force, if necessary, in the exercise of his powers under these regulations;
  - (b) arrest, without a warrant, any person whom he has reasonable cause to believe has committed any offence under these regulations.

### **13. Restricted area**

(1) The Minister may, where he considers it necessary or expedient in the interest of public health, order that measures be taken to control the movement and conduct of persons in any hospital, place of quarantine or isolation or any other area.

(2) The Minister may, by Order, declare any area under paragraph (1) to be a restricted area.

(3) The Commissioner of Police may authorise a person to enter and leave a restricted area.

(4) Any person who enters or leaves a restricted area except in accordance with an authorisation under paragraph (3) shall commit an offence.

- (5) A police officer or a member of the armed forces may –
  - (a) arrest a person whom he finds attempting to enter a restricted area if he has reason to suspect that the person has not been authorised under paragraph (3);
  - (b) arrest a person who is in a restricted area without permission for such time as may be necessary to ensure his orderly removal from the restricted area; and
  - (c) remove a person who is in a restricted area without permission.

(6) A police officer or a member of the armed forces shall have the same powers under paragraph (5) where a person breaches any measure that has been taken to control the movement and conduct of persons in any hospital.

#### **14. Curfew order**

(1) Subject to paragraphs (2) and (4), the Minister may, where he is satisfied that it is necessary or expedient for the purposes of preventing the spread of coronavirus, by a curfew order, direct that, within Mauritius or within such area and during such hours as may be specified in the curfew order, no person or class of persons shall remain outdoors.

(2) The Commissioner of Police may issue to a person a permit for the purpose of subsection (1) and may attach to the permit such conditions as he thinks fit to impose and may cancel the permit.

(3) Any person who contravenes –

(a) any provision of a curfew order;

(b) any condition to which a permit is issued under paragraph (2),

shall commit an offence.

(4) Paragraph (1) shall not apply to a person who is present at such a place within an area referred to in paragraph (1) or is otherwise outdoors in breach of paragraph (1) where he shows that his presence is necessary at such place, being a place to be specified under an Order made by the Minister, in order to enable him to have access to premises where he may avail himself of medical treatment, essential supplies, foodstuff, medicine or any other item essential for his subsistence or livelihood.

**15. Obligations under contract of employment for services**

No person shall enter or be given access to premises where the sole purpose is to purchase or avail himself of services or goods in the premises unless such access is to fulfil his obligations under a contract of employment or services.

**16. Closing of trade premises and restrictions of their activities**

(1) Where it appears to the Minister that premises are being used for any purpose or in any manner which may lead to the spread of coronavirus, he may, by General Notice, order that the premises be closed or remain closed or not to admit customers therein as may be reasonably necessary to prevent the spread of coronavirus.

(2) Where a General Notice has been issued under this regulation, a police officer or a member of armed forces may, without prejudice to any proceedings which may be taken against a person acting in breach of the notice, take such steps and use such force as may be necessary to ensure compliance with the notice.

(3) Any person who, while a General Notice under this regulation is in force, enters or is found upon any premises affected by the notice, shall commit an offence.

**17. Powers of entry of Sanitary Authority**

(1) The Sanitary Authority and any officer who may be specially deputed and authorised in writing by the Sanitary Authority may, during the day or at night –

- (a) enter and inspect any premises where he may have reasonable grounds to believe that coronavirus exists or has recently existed;
- (b) enter on any premises to exercise such supervision and control where he may have reasonable grounds to believe that coronavirus exists or has recently existed;

- (c) enter on any premises to enforce these regulations; and
- (d) enter any common lodging house.

(2) The Sanitary Authority may examine any person found on the premises with a view to ascertaining whether that person is suffering, or has recently suffered, from coronavirus.

(3) The Sanitary Authority may, in the exercise of its powers under this regulation, be accompanied by the Police.

#### **PART IV – MISCELLANEOUS**

### **18. Unlawful exposure to coronavirus**

Any person who –

- (a) knowing that he is infected with coronavirus, wilfully or negligently exposes himself in such manner as to be likely or liable to spread the infectious disease in any street, public place, public building, shop, inn, hotel, church, or other place used, frequented or occupied in common by persons, other than the members of the family or household to which he belongs;
- (b) being in charge of a person who is infected with coronavirus, exposes the person in the manner referred to in paragraph (a);
- (c) being the occupier of a dwelling and knowing that a person who was infected with coronavirus has died in it, fails to take reasonable steps to prevent other persons, other than members of his household, from coming in contact with the body of the person;
- (d) knowing that he is infected with coronavirus –

- (i) handles, conveys, or otherwise comes in contact with any food, dairy produce, aerated water or other article intended for consumption;
- (ii) carries on any trade or occupation in such manner as to be likely or liable to spread the infectious disease,

shall commit an offence.

### **19. Offences**

- (1) Where, pursuant to regulation 4, 5, 6 or 7, a person –
  - (a) refuses to be isolated or quarantined;
  - (b) refuses to undergo a screening assessment; or
  - (c) fails to comply with a restriction or condition,

he shall commit an offence.

- (2) Any person who –
  - (a) absconds, or attempts to abscond, from the place where he is isolated or quarantined;
  - (b) provides false or misleading information whilst being quarantined or isolated; or
  - (c) obstructs, whilst being isolated or quarantined, a person in the discharge of his functions under these regulations;
  - (d) without lawful authority, enters or remains in a restricted area;

- (e) breaches any measures that have been taken to control the movement and conduct of persons in any hospital under regulation 13,

shall commit an offence.

(3) Any person who contravenes these regulations shall, on conviction, be liable to a fine not exceeding 500 rupees and to imprisonment for a term not exceeding 6 months.

## **20. Consequential amendment**

The Quarantine Regulations 1953 are amended, in regulation 2 –

- (a) by deleting the definition of “isolation” and “quarantine”;
- (b) by inserting, in the appropriate alphabetical order, the following new definitions –

“isolation” means the segregation and the separation from, and interdiction of communication with, persons who are infected with coronavirus;

“quarantine” means the separation from persons who may be infected with coronavirus;

## **21. Commencement**

These regulations shall come into operation on 20 March 2020.

Made by the Minister on 20 March 2020.

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