ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER Q5

QUARANTINE ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 7/2010, in force 1 November 2010
Act 25/2020, in force 24 August 2021

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QUARANTINE ACT

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QUARANTINE ACT

Interpretation

1. In this Act—

"aerodrome" includes both land and water aerodromes;

"aircraft" includes any machine which can derive support in the atmosphere from the reactions of the air and is intended for aerial navigation;

"commander" includes any person for the time being in charge or command of an aircraft;

"master" includes any person for the time being in charge or command of a ship;

"port" includes any place at which ships arrive or from which they depart;

"ship" includes a vessel or boat.

References to "this Act"

2. References hereinafter made to "this Act" are deemed to include a reference to any regulations, rules or orders in force by virtue thereof.

Establishment of Quarantine Authority and staff

3. (1) For the purposes of this Act, there shall be a Quarantine Authority in Anguilla.

(2) The Quarantine Authority in Anguilla shall be such person as may be appointed by the Governor.

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(3) The Governor may appoint Health Officers, Visiting Officers, quarantine guards and such other employees and servants as may be necessary for the purposes of this Act.

(4) Health Officers and Visiting Officers shall, in the exercise of their powers and the performance of their duties under this Act, act under the general or special direction and control of the Quarantine Authority.

Regulations

4. (1) The Governor in Council may make regulations, with respect to Anguilla, including the ports and coastal waters thereof, for preventing—

(a) danger to public health from ships or aircraft, or persons or things therein, arriving at any place; and

(b) the spread of infection, by means of any ship or aircraft about to leave any place, or by means of any person or thing about to leave any place in any ship or aircraft.

(2) Without prejudice to the generality of the powers conferred by subsection (1), regulations under that subsection may, for the purposes therein set forth, make provision for all or any of the following matters—

(a) the collection and transmission of epidemiological and sanitary information;

(b) the signals to be displayed by ships or aircraft;

(c) the questions to be answered and information (whether oral or documentary) to be supplied by masters, commanders and other persons who are or have been on board any ship or aircraft or are desirous of boarding any ship or aircraft;

(d) the detention of ships or aircraft and of persons who and things which are or have been on board them;

(e) the destruction of things which are or have been on board ships or aircraft;

(f) the duties to be performed by masters, commanders and other persons who are or have been on board ships or aircraft or who are desirous of boarding any ship or aircraft;

(g) authorising the making of charges and providing for the recovery of charges and expenses;

(h) the enforcement of the regulations;

(i) the conferring on appropriate officers of powers to board ships and aircraft and to enter premises.

(3) Regulations made under subsection (1) shall be laid before the House of Assembly if the House of Assembly is then sitting or, if it is not then sitting, at the next sitting of the House of Assembly, and if a resolution is passed by the House of Assembly at such sitting that the regulations or any of them shall be annulled they shall thenceforth be void but without prejudice to the validity of any thing previously done thereunder or to the making of any new regulations.

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Power to make rules

5. (1) Subject to the provisions hereinafter contained, the Quarantine Authority may make rules for implementing or carrying into effect any regulations in force by virtue of section 4 and for supplementing any such regulations as regards any matters for which the Quarantine Authority may deem it expedient to provide with a view to carrying into effect the purposes set forth in subsection (1) of that section.

(2) Without prejudice to the generality of the powers conferred by subsection (1), rules under that subsection may, for the purposes therein set forth, make provision for all or any of the following matters—

(a) regulating the grant or withdrawal of pratique;

(b) regulating the issue of bills of health, certificates, and other documents;

(c) the governance of quarantine mooring stations, anchorages and berthing places, and of places where persons or things are detained or taken for examination and of places used for the observation or isolation of persons;

(d) the sanitation of ports and aerodromes and their surroundings, including measures for keeping them free from rodents, mosquitoes and other vectors of disease;

(e) fixing the charges sanctioned by regulations in force by virtue of section 4 and providing for their incidence.

(3) The power to make rules under this section shall be without prejudice to any power to make regulations under section 4, but rules shall not have any force or effect if and to the extent that they are at any time inconsistent with any regulations in force by virtue of section 4.

(4) Rules made by the Quarantine Authority under this section shall not have any force or effect unless they are approved by the Governor in Council, and, in approving any rules, the Governor in Council may make any amendments thereto which he may deem desirable.

Power to make orders in emergency

6. (1) When in the opinion of the Quarantine Authority an emergency exists, the Quarantine Authority may by order direct special measures to be taken during the continuance of that emergency for any of the purposes specified in sections 4 and 5, and any such order shall have effect notwithstanding anything to the contrary in any regulations or rules in force by virtue of those sections.

(2) An order made under subsection (1) may be varied or rescinded by order of the Governor.

Offences and penalties

7. (1) Any person who—

(a) refuses to answer or knowingly gives an untrue answer to any inquiry made under the authority of this Act, or intentionally withholds any information reasonably required of him by any officer or other person acting under the authority of this Act, or knowingly furnishes to any such officer or other person any information which is false;

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(b) refuses or wilfully omits to do any act which he is required to do by this Act, or refuses or wilfully omits to carry out any lawful order, instruction or condition made, given or imposed by any officer or other person acting under the authority of this Act; or

(c) assaults, resists, wilfully obstructs, or intimidates any officer or other person acting under the authority of this Act, or offers or gives a bribe to any officer or person in connection with his powers or duties under this Act, or being such officer or person, demands, solicits or takes a bribe in connection with his powers or duties under this Act, or otherwise obstructs the execution of this Act;

is guilty of an offence and is liable on summary conviction to a fine of $38,400 or to a term of imprisonment of 6 months or to both.

(2) Any person who is guilty of any other offence against this Act is liable on summary conviction to a fine of $38,400 or to a term of imprisonment of 6 months or to both.

Rewards to informers

8. The Governor may direct that any part of any fine recovered in respect of any offence against this Act shall be paid to any person who has given information leading to the conviction of the offender.

Expenses and charges

9. (1) The expenses of the administration of this Act shall be defrayed out of the Consolidated Fund.

(Act 7/2010, s. 26)

(2) Notwithstanding subsection (1), the Quarantine Authority may require persons who are detained, quarantined or in isolation pursuant to this Act to pay in part, or in full, the expenses incurred by the Quarantine Authority in detaining, quarantining or isolating them.

(Act 25/2020, s. 2)

(3) All expenses and charges payable to the Quarantine Authority under this Act may be sued for and recovered by the Authority or by any Health Officer before any court of competent jurisdiction, and a certificate purporting to be under the hand of the Quarantine Authority to the effect that the expenses or charges sued for are due and payable shall be received in evidence and shall be sufficient evidence of the facts therein stated, unless the contrary is shown.

(4) Any sum received or recovered by the Quarantine Authority in payment of expenses or charges payable to the Authority under this Act shall be forthwith paid by the Authority into the Consolidated Fund.

(Act 7/2010, s. 26)

Duty and power of the police

10. (1) It shall be the duty of every member of the Police Force to enforce (using force if necessary) compliance with this Act and with any order, instruction or condition lawfully made, given or imposed by any officer or other person under the authority of this Act; and for such purpose any member of the Police Force may board any ship or aircraft and may enter any premises without a warrant.

(2) Any member of the Police Force may arrest without a warrant any person whom he has reasonable cause to believe to have committed any offence against this Act.

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(3) In this section, the expression "member of the Police Force" includes a member of any police organization constituted by law who has the general powers of a member of the Police Force.

Citation

11. This Act may be cited as the Quarantine Act, Revised Statutes of Anguilla, Chapter Q5.

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