

CAYMAN ISLANDS



CUSTOMS AND BORDER CONTROL (AMENDMENT) BILL, 2021

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A BILL FOR AN ACT TO AMEND THE CUSTOMS AND BORDER CONTROL ACT (2021 REVISION) IN ORDER TO PROVIDE IN CERTAIN CIRCUMSTANCES FOR MANDATORY VACCINATION; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Border Control and Labour (BCL)



Memorandum of OBJECTS AND REASONS

This Bill seeks to amend the Customs and Border Control Act (2021 Revision) (the “principal Act”) in order to provide in certain circumstances for mandatory vaccination, and for incidental and connected purposes.

Clause 1 provides the short title and commencement of the legislation.

Clause 2 amends section 2 of the principal Act to provide definitions for certain words used throughout the legislation, including the words “approved vaccine course”, “medical certificate” and “vaccination certificate”.

Clause 3 amends the principal Act to insert proposed new sections 110A and 110B.

The proposed new section 110A provides for additional requirements in respect of applications which are made under section 90, 94(2), 94(8) or 110 of the principal Act.

The proposed new section stipulates that, unless exempted by the Medical Officer of Health under section 110B, certain categories of persons will be required to provide, in addition to any documentary evidence, information or prescribed fee required with an application —

- (a) in the case of a person who has completed an approved vaccine course, a vaccination certificate;
- (b) in the case of a person who has been vaccinated with a vaccine course which is not an approved vaccine course, a declaration which is signed by the person and which states that the person will comply with any directions of the Medical Officer of Health given with regard to vaccination; or
- (c) in the case of an unvaccinated person —
 - (i) a declaration which is signed by the person and which states that the person will complete an approved vaccine course within a specified period and that the person will comply with any directions as are provided by the Medical Officer of Health with regard to vaccination; or
 - (ii) a medical certificate.

The proposed new section also provides that where a person who has not completed an approved vaccine course fails to comply with the undertakings given in the declaration, the Cabinet or the Director, as applicable, shall revoke the relevant permission to land in, enter into, remain in or attend an educational institution in the Islands.

The proposed new section 110B provides, among other things, for the power of the Medical Officer of Health to grant exemptions from the requirement to provide a vaccination certificate, a declaration or a medical certificate on the grounds that an emergency situation or an exceptional circumstance exists.

The proposed new section further provides that where the Medical Officer of Health exempts a person, the Medical Officer of Health, at least once every three months, shall provide the Cabinet with a report on the exemptions granted under this section.

Finally, the proposed new section provides that where a person fails to comply with any conditions imposed by the Medical Officer of Health when granting the exemption, the person commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.

Clause 4 amends section 133 of the principal Act to empower the Cabinet to make regulations providing for any matter or thing relating to mandatory vaccination under the principal Act.



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(AMENDMENT) BILL, 2021**

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ENACTED by the Legislature of the Cayman Islands.

Short title and commencement

- (1) This Act may be cited as the Customs and Border Control (Amendment) Act, 2021.
- (2) This Act comes into force immediately after the *Immigration (Transition) (Amendment) Act, 2021* comes into force.

Amendment of section 2 of the Customs and Border Control Act (2021 Revision) - interpretation

- The *Customs and Border Control Act (2021 Revision)*, in this Act referred to as the “principal Act”, is amended by inserting, in the appropriate alphabetical sequence, the following definitions —

“**approved vaccine course**” means a vaccination course which is approved in accordance with the *Public Health Act (2021 Revision)* to prevent or suppress any notifiable disease under Part 6 of the *Public Health Act (2021 Revision)*;

“**medical certificate**” means a certificate —

- (a) which certifies that vaccination would be injurious to the health of a person who is eligible to be vaccinated in accordance with the *Public Health Act (2021 Revision)*;
- (b) which is —
 - (i) in the case of a person who is applying to land in or enter into the Islands, signed by a medical doctor in the person’s country; and
 - (ii) in the case of a person who resides in the Islands and who is applying to remain in the Islands, signed by a registered medical practitioner who is a medical doctor referred to under Schedule 4 of the *Health Practice Act (2021 Revision)*; and
- (c) which is approved by the Medical Officer of Health;

“**Medical Officer of Health**” has the meaning assigned by section 2 of the *Public Health Act (2021 Revision)*;

“**registered medical practitioner**” means a person registered to practise medicine under the *Health Practice Act (2021 Revision)*; and

“**vaccination certificate**” means a document which evidences that the person in respect of whom the document is issued completed an approved vaccine course no later than fourteen days before an application is made under this Act in respect of such person;”

Insertion of sections 110A and 110B – requirement for mandatory vaccinations for persons under this Part; exemptions by the Medical Officer of Health

3. The principal Act is amended by inserting after section 110 the following sections —

“Requirement for mandatory vaccinations for persons under this Part

110A. (1) Subject to section 110B, a person to whom the sections specified in subsection (2) apply, in addition to any documentary evidence, information or prescribed fee required, shall provide the Cabinet or the Director, as applicable, with —

- (a) a vaccination certificate relating to that person;
- (b) in the case of a person who has been vaccinated with a vaccine course which is not an approved vaccine course, a declaration which is signed by the person and which states that the person will comply with any directions of the Medical Officer of Health given with regard to vaccination; or



- (c) in the case of an unvaccinated person —
 - (i) a declaration which is signed by the person and which states that —
 - (A) in the case of a person applying to land in, enter into or attend an educational institution in the Islands, the person will complete an approved vaccine course and provide the Cabinet or the Director, as applicable, with a vaccination certificate —
 - (AA) within forty days of being granted permission to land in, enter into or attend an educational institution in the Islands;
 - (BB) within forty days of the date of the person's landing in or entry into the Islands; or
 - (CC) within such other period as directed by the Medical Officer of Health;
 - (B) in the case of a person applying to remain in the Islands, the person will complete an approved vaccine course and provide the Cabinet or the Director, as applicable, with a vaccination certificate within forty days of being granted permission to remain in the Islands or within such other period as directed by the Medical Officer of Health; and
 - (C) the person will comply with any directions as are provided by the Medical Officer of Health with regard to vaccination; or
 - (ii) a medical certificate.
- (2) The sections to which subsection (1) relates are as follows —
 - (a) section 90;
 - (b) section 94(2);
 - (c) section 94(8); and
 - (d) section 110.
- (3) Subject to section 110B, the Cabinet or the Director, as applicable, shall not consider an application under any of the sections specified in subsection (2), if the application is not accompanied by —
 - (a) a vaccination certificate;
 - (b) a declaration referred to under subsection (1)(b) or (c)(i); or
 - (c) a medical certificate,as applicable.

- (4) Where a person referred to under subsection (1), unless otherwise exempted in accordance with subsection (1)(c)(ii) or section 110B, fails —
- (a) to complete an approved vaccine course in accordance with subsection (1)(c)(i)(A) or (B); or
 - (b) to comply with any directions as are provided by the Medical Officer of Health with regard to vaccination in accordance with subsection (1)(b) or (c)(i)(C),
- the Cabinet or the Director, as applicable, shall revoke the relevant permission to land in, enter into, remain in or attend an educational institution in the Islands.

Exemptions by the Medical Officer of Health

- 110B.** (1) A person to whom the sections specified in section 110A(2) apply is not required to provide a vaccination certificate, a declaration or a medical certificate where the Medical Officer of Health grants an exemption to the person from the requirement to provide such vaccination certificate, declaration or medical certificate on the grounds that an emergency situation or an exceptional circumstance exists.
- (2) A person who is exempted in accordance with subsection (1) shall comply with any conditions imposed by the Medical Officer of Health when granting an exemption.
- (3) Where the Medical Officer of Health exempts a person in accordance with subsection (1), the Medical Officer of Health shall notify the Cabinet of —
- (a) the grant of the exemption;
 - (b) the nature of the exemption; and
 - (c) the person to whom the exemption has been granted.
- (4) The Medical Officer of Health, at least once every three months, shall provide the Cabinet with a report on any exemptions granted under this section.
- (5) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.”.



Amendment of section 133 - general regulations

4. The principal Act is amended in section 133(1) by inserting after paragraph (b) the following paragraph —

“(ba) any matter or thing relating to mandatory vaccination under this Act;”.

Passed by the Parliament the day of , 2021.

Speaker

Clerk of the Parliament

