

CAYMAN ISLANDS



**Public Health Law
(2002 Revision)**

**PUBLIC HEALTH (PREVENTION,
CONTROL AND SUPPRESSION OF
COVID-19) (TICKET) REGULATIONS, 2020**

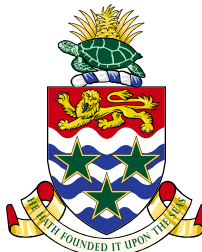
(SL 32 of 2020)

Supplement No. 2 published with Legislation Gazette No. 24 dated 6th April, 2020.

PUBLISHING DETAILS



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**PUBLIC HEALTH (PREVENTION, CONTROL
AND SUPPRESSION OF COVID-19) (TICKET)
REGULATIONS, 2020**

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Arrangement of Regulations

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**PUBLIC HEALTH (PREVENTION, CONTROL
AND SUPPRESSION OF COVID-19) (TICKET)
REGULATIONS, 2020**

(SL 32 of 2020)

In exercise of the powers conferred by section 34 of the Public Health Law (2002 Revision) the Cabinet makes the following Regulations —

Citation and commencement

1. (1) These Regulations may be cited as the Public Health (Prevention, Control and Suppression of Covid-19) (Ticket) Regulations, 2020.
- (2) These Regulations come into force on 7th April, 2020.

Tickets for offences under the Public Health (Prevention, Control and Suppression of Covid-19) Regulations, 2020

2. (1) When an offence appears to have been committed contrary to regulation 3, 4, 5, 6, 7, 8 or 8A of the *Public Health (Prevention, Control and Suppression of Covid-19) Regulations, 2020*, notwithstanding that certain penalties for such offences are by those Regulations expressed to be mandatory, a constable or a special constable may instead serve on the alleged offender a ticket in the form set out in Schedule 1.
- (2) Where an offence referred to in Columns 1 and 2 of Schedule 2 is committed, the penalty in Column 3 applies.

- (3) Where the summary of an offence contained in Column 1 of Schedule 2 differs from the substantive creation of the offence in the provision concerned, the provision creating the offence shall prevail and no person may be acquitted on the basis that there is a conflict between the summary of the offence contained in Column 1 of Schedule 2 and the substantive provision.
- (4) Where a person is served with a ticket under paragraph (1), the payment of the penalty stated in the ticket no later than twenty-eight days after being served discharges the person from liability upon conviction for the offence set out in the ticket.
- (5) Payment of a ticket under these Regulations shall be made to the Clerk of the Court and the fine under the ticket, unless otherwise expressly stated, forms part of the general revenue of the Islands.

Service and payment of ticket

3. (1) A constable or a special constable who serves a ticket shall complete and sign a certificate of service stating that the ticket was, on the date set out in the certificate, served on the person whom the constable or the special constable had reason to believe committed the offence and the certificate shall be evidence that, on the date set out in the certificate, a ticket was served on the person whom the constable or the special constable had reason to believe committed the offence.
- (2) Upon being served a ticket, a person may —
 - (a) pay the total amount set out in the ticket;
 - (b) enter a “not guilty” plea in accordance with regulation 4; or
 - (c) attend the summary court on the date set out in the ticket and enter a plea.

Trial after not paying ticket or not agreeing to ticket

4. (1) A person who is served with a ticket and who wishes to enter a “not guilty” plea may request a trial by signing the request for trial in the ticket and delivering the ticket to the Clerk of the Court within twenty-eight days of being served with the ticket and the Clerk of the Court shall enter a plea of “not guilty”.
- (2) As soon as practicable after a person requests a trial under paragraph (1), the Clerk of the Court shall notify the Commissioner of the request, request the duplicate ticket, fix the time and place of the trial and notify the defendant and the prosecution of the time and place of the trial.
- (3) A person who has been served with a ticket and has not paid the total amount set out in the ticket in accordance with regulation 3, nor entered a “not guilty” plea in accordance with paragraph (1), shall attend at the court on the date specified in the ticket, which shall be no earlier than thirty-eight days after the date that the ticket was served on the person and the notice of the court date in the ticket shall be notice to the defendant and the prosecution of the same.



- (4) The Commissioner shall, within forty-eight hours of the expiration of the twenty-eight day period after a ticket is served, file with the Clerk of the Court every ticket that remains unpaid after twenty-eight days of having been served.
- (5) A ticket filed with the Clerk of the Court is evidence of the facts alleged in the ticket without proof of the signature of the person appearing to have completed the ticket or the person on whom the ticket was served.
- (6) Except as otherwise provided, a notice or document required or authorized to be given or delivered under this regulation may be given or delivered personally by registered mail or electronically.
- (7) Evidence that a notice or document required or authorized to be given or delivered to a person under this regulation was sent by registered mail to the person at the last known place of abode or business address appearing on a ticket or electronically, is sufficient evidence that the notice or document was given or delivered to the person unless the contrary is proved.
- (8) A person who is convicted of an offence in a trial requested under paragraph (1) or in a trial as a result of a failure to pay the total amount set out in the ticket in accordance with regulation 3, is liable on summary conviction to a fine of one thousand dollars and to imprisonment for a term of six months.
- (9) The ticket, for the purposes of a trial, is deemed to be a complaint within the meaning of section 14 of the *Criminal Procedure Code (2019 Revision)*.
- (10) Notwithstanding anything in law to the contrary, where the ticket remains unpaid at the expiration of the time specified for the payment of the ticket or where the person served requests a trial, the ticket shall be deemed to be a summons in accordance with section 15 of the *Criminal Procedure Code (2019 Revision)*.
- (11) Proceedings in respect of an offence deemed to be instituted by a ticket under these Regulations shall not be listed for hearing in court unless —
 - (a) the Commissioner delivers or causes to be delivered the duplicate of the ticket with a certificate stating that the payment of the ticket has not been received within the twenty-eight day period within which it was payable; and
 - (b) a period of ten days has elapsed from the last day on which the ticket penalty was payable.
- (12) Where the ticket is not paid within the time specified in the ticket or the person served requests a trial, proceedings in respect of the offence specified in the ticket shall be in accordance with the procedure set out for Category C offences under the *Criminal Procedure Code (2019 Revision)*.

Expiry

5. These Regulations cease to have effect at a date as may be specified by Cabinet and notified in the *Gazette*, in any other official Government website or official means of communication.



SCHEDULE 1

(regulation 2(1))

TICKET UNDER THE PUBLIC HEALTH (PREVENTION, CONTROL AND SUPPRESSION OF COVID-19) REGULATIONS, 2020

Tick one only:

Ticket served upon alleged offender (*details below*)

Name: _____
Date of birth: _____ Post office box _____
Address: _____
Phone: _____ (work) _____ (home)
Work address: _____

You are summoned to appear in the Summary Court at George Town /Cayman Brac
at _____ a.m. on the _____ day of _____, 20 _____

or in the alternative produce this ticket to the Clerk of Court at any time during office hours
before the above date and pay to the Clerk of Court the sum of \$ _____ in respect of the
following offences committed by you

at _____

on the _____ day of _____ 20 _____

Offence: _____ Regulation: \$ _____

Offence: _____ Regulation: \$ _____

Offence: _____ Regulation: \$ _____

Offence: _____ Regulation: \$ _____

Date of issue: _____ Time _____ am/pm

Place: _____

Reporting Officer signature (rank and no.): _____



SCHEDULE 2*(regulation 2(2))***TICKET OFFENCES AND FINES UNDER THE PUBLIC HEALTH
(PREVENTION, CONTROL AND SUPPRESSION OF COVID-19)
REGULATIONS, 2020**

Column 1 Offence	Column 2 Relevant Regulation of the Public Health (Prevention, Control and Suppression of Covid-19) Regulations, 2020 (“the Regulations”)	Column 3 Fine
1. Not restricting number of customers in a place of business so that at any one time each customer is able to distance himself or herself at least six feet or two metres from any other person.	Regulation 3(2) of the Regulations	\$250
2. Not maintaining a distance of at least six feet or two meters from another person.	Regulation 3(3) of the Regulations	\$250
3. Holding a public meeting, procession or festive ceremony contrary to the Regulations.	Regulation 4(1) of the Regulations	\$750
4. Opening an establishment, institution, business, organisation or office which is not exempt.	Regulation 5(1)(a) of the Regulations	\$750



<p>5. Opening an establishment, institution, business, organisation or office which is exempt outside of the specified hours.</p>	<p>Regulation 5(1)(b) and (c) of the Regulations</p>	<p>\$750</p>
<p>6. Permitting a convenience store or minimart to have more than six customers at any one time.</p>	<p>Regulation 5(3) of the Regulations</p>	<p>\$750</p>
<p>7. Carrying out any activity or operation set out in regulation 6(1) of the Regulations.</p>	<p>Regulation 6(1)</p>	<p>\$500</p>
<p>8. Permitting a visit to, or visiting, the following places i.e. — (a) a place or facility of quarantine or isolation; (b) a detainee in a prison or place of detention; or (c) a patient in a health care facility.</p>	<p>Regulation 7(1)</p>	<p>\$500</p>
<p>9. Permitting a visit to, or visiting, a residential home care facility, without the written permission of the Medical Officer of Health.</p>	<p>Regulation 7(1A)</p>	<p>\$500</p>
<p>10. Without lawful authority, remaining in a place other than the confines of the person's place of residence, inclusive of the person's yard space.</p>	<p>Regulation 8(1)</p>	<p>\$500</p>

<p>11. Undertaking essential travel other than on a day prescribed in regulation 8A(2) to any of the following places i.e. —</p> <p>(a) a supermarket;</p> <p>(b) a convenience store or minimart;</p> <p>(c) a retail bank, a building society or a credit union;</p> <p>(d) a gas or refilling station to refuel a motor vehicle; or</p> <p>(e) such other public places as may be specified by the Competent Authority and notified in the <i>Gazette</i>, in any other official Government website or official means of communication.</p>	<p>Regulation 8A</p>	<p>\$500</p>
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Made in Cabinet the 3rd day of April, 2020.

Kim Bullings
Clerk of the Cabinet

