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SCHEDULE

2021

*Emergency Powers (COVID-19) (No. 3)
Regulations*

SRO. 36

GRENADA

STATUTORY RULES AND ORDERS NO. 36 OF 2021

IN EXERCISE OF THE POWERS CONFERRED UNDER SECTION 4 OF THE EMERGENCY POWERS ACT, CHAPTER 88 FOR THE PURPOSES OF SECTION 17 OF THE CONSTITUTION, THE CABINET OF GRENADA MAKES THE FOLLOWING REGULATIONS—

(Gazetted 3rd September, 2021).

1. Citation and commencement.—(1) These Regulations may be cited as the

EMERGENCY POWERS (COVID-19) (NO. 3) REGULATIONS, 2021.

(2) These Regulations shall come into force on the 4th day of September, 2021 and expire at 11:59 p.m. on the 21st day of September, 2021.

2. Scope and application.—(1) These Regulations shall not apply in the case of a medical emergency.

(2) Regulation 4 shall not apply in the case of a person who is travelling out of the jurisdiction, in respect of the date of travel.

(3) Where there is any inconsistency between the provisions of these Regulations and the Public Health (COVID-19) Regulations, 2020, the provisions of these Regulations shall prevail to the extent of the inconsistency.

3. Definitions. In these Regulations—

“curfew period” means the period of curfew under regulation 4 (1) and (2);

“essential worker” means—

- (a) a member of the Royal Grenada Police Force;
- (b) a worker of the National Disaster Management Agency, or any person authorised by the National Disaster Management Agency;
- (c) an officer of Her Majesty’s Prison;
- (d) an officer of the Custom and Excise Division;

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- (e) an officer of the Accountant-General's Division;
 - (f) an officer of the Ministry of Social Services;
 - (g) an officer of the Office of the Prime Minister;
 - (h) an officer of the Ministry of National Security;
 - (i) an officer of the Ministry of Agriculture;
 - (j) a worker, director or manager of waste disposal and sanitation companies;
 - (k) a worker, director or manager of any hospital or health care, medical, residential care establishment or facility;
 - (l) a worker, director or manager of the Airports Authority and Ports Authority;
 - (m) an officer essential to the operations of the water sector or the electricity sector;
 - (n) an officer essential to the operations of the telecommunication sector or any other sector encompassing the provision of electronic communications;
 - (o) an officer essential to the operations of any print or electronic media house;
 - (p) a private caregiver for the elderly or disabled, as authorised in writing by the Commissioner of Police; and
 - (q) a registered or *bona fide* fishermen or farmer, as authorised in writing by the Commissioner of Police;
 - (r) the Registrar of the Supreme Court, the Resident Judges of the Supreme Court and the Magistrates;
 - (s) the workers of the Government Printer;
 - (t) a worker or officer of any other Department or Ministry or officer or category of officers or workers as—

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- (i) in the case of public officers, directed by the Secretary to the Cabinet;
 - (ii) in any other case, approved in writing by the Commissioner of Police,

and any other officer or category of officers as directed by the Secretary to the Cabinet;

“grocery store” includes a supermarket and a shop that sell groceries.

4. Restriction on freedom of movement.—(1) Subject to sub-regulation (2), beginning at 7:00 p.m. on the 4th day September, 2021 a curfew shall be imposed daily from the hours of 7:00 p.m. and ending at 5:00 a.m. the following day, and during this period every person shall remain confined to their place of residence (inclusive of their yard space) to avoid contact outside of his or her household, except as provided in these Regulations or as may be authorised in writing by the Commissioner of Police in consultation with the Chief Medical Officer.

(2) Notwithstanding sub-regulation (1), there shall be a curfew during the following periods—

- (a) from 5:00 p.m. on Friday the 10th day of September, 2021 to 5:00 a.m. on Monday 13th September, 2021;
- (b) from 5:00 p.m. on Friday the 17th day of September, 2021 to 5:00 a.m. on Monday 20th September, 2021,

and during those periods every person shall remain confined to their place of residence (inclusive of their yard space) to avoid contact outside of his or her household, except—

- (i) for the purposes of being vaccinated or tested for COVID-19;
- (ii) as provided in these Regulations; or
- (iii) as may be authorised in writing by the Commissioner of Police in consultation with the Chief Medical Officer.

(3) Freedom of movement may be exercised—

- (a) from 5:00 a.m. to 6:59 p.m. each day in accordance with these Regulations, subject to paragraph (b); and

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- (b) at no time in the periods specified under sub-regulation (2) during which periods there shall be no movement, except as provided therein.

(4) Notwithstanding sub-regulations (1) and (2), an essential worker is permitted freedom of movement for the purpose of undertaking a service essential to their operations.

(5) Notwithstanding sub-regulations (1) and (2), the Commissioner of Police in consultation with the Chief Medical Officer may grant written permission to a person or business to operate during the curfew period.

5. Shelter in place. In an effort to prevent the spread of COVID-19, every person shall remain confined to their place of residence (inclusive of their yard space) to avoid contact outside of their family except—

- (a) essential workers reporting to work;
- (b) workers reporting to work in accordance with regulation 9 or 10;
- (c) for essential travel to an establishment, business or office exempted under regulation 9 (1);
- (d) all Members of Parliament, the Attorney-General and the Director of Public Prosecution;
- (e) for outdoor exercise, whether alone or together with family members living under the same roof, not exceeding an hour and a half per day between the hours of 5:00 a.m. to 6:00 p.m.

6. Requirement to wear masks in public.—(1) No person shall, without reasonable excuse, be in a public space without wearing a face mask, face shield or face covering in a manner that covers his or her mouth, nose and chin.

(2) No person shall, without reasonable excuse, be in a motor vehicle with another person outside of his or her household without wearing a face mask, face shield or face covering in a manner that covers his or her mouth, nose and chin.

(3) Where the person under this regulation is a child accompanied by an individual who has responsibility for the child, the individual shall provide and ensure that the child has and wears the face mask, face shield or face covering as required by this regulation.

(4) The owner or operator of any business, establishment or office which provides goods or services to the public shall ensure that a member of the public is not permitted entry to, or does not otherwise remain within, any enclosed space within the premises of the business, establishment or office, unless the member of the public is wearing a face mask, face shield or face covering, in a manner that covers his or her mouth, nose and chin.

(5) Sub-regulations (1) to (4) shall not apply to—

- (a) children under seven years of age;
- (b) an employee or agent of the person responsible for the business, establishment or office within an area designated for the employee or agent and not for public access, or within or behind a physical barrier, if there is no other person in the area and subject to such guidelines made by the Ministry of Health; and
- (c) those circumstances provided for in guidelines made by the Ministry of Health.

(6) For the purposes of sub-regulations (1) and (2), the circumstances in which a person has a reasonable excuse include where—

- (a) the person cannot put on, wear or remove a face mask, face shield or face covering—
 - (i) because of any medical, physical or mental illness or impairment, or disability that inhibits his or her ability to wear a face mask, face shield or face covering; or
 - (ii) without severe distress;
- (b) the person is travelling with, or providing assistance to, another person and such other person relies on lip-reading to communicate with the first person;
- (c) the person removes his or her face mask, face shield or face covering to avoid harm or injury, or the risk of harm or injury, to himself or herself or others;
- (d) the person is travelling to avoid injury, or to escape a risk of harm, and does not have a face mask, face shield or face covering with him or her;

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- (e) if it is reasonably necessary for the person to eat or drink, the person removes his or her face mask, face shield or face covering to eat or drink;
 - (f) the person has to remove his or her face mask, face shield or face covering to take medication;
 - (g) a request is made of that person to remove his or her face mask, face shield or face covering temporarily for security and identification purposes if necessary for the purpose of receiving services; or
 - (h) the circumstances are provided for in guidelines issued by the Ministry of Health.

(7) Subject to the exemptions in sub-regulation (5) (b), an employee shall wear a face mask, face shield or face covering when working in an enclosed public space.

(8) Sub-regulation (1) does not apply to a person on a beach, river or public park, if he or she maintains physical distancing of no less than six feet (6 ft.) to any person outside of his or her household.

7. Physical distancing and sanitisation protocols for establishments.—(1)
Every establishment shall—

- (a) ensure that all customers and staff maintain physical distancing of no less than six feet (6ft.) in or outside their business, establishment or office;
- (b) determine the number of persons that may be permitted in the business, establishment or office at any one time by permitting one person for every thirty square feet (30 sq. ft.) of store space;
- (c) place distance markers six feet (6 ft.) apart, indicating where each customer must stand on a line at a checkout point; and
- (d) place distance markers six feet (6 ft.) apart on the outside of the business, establishment or office, indicating where customers must stand while waiting to enter the business, establishment or office.

(2) Every business, establishment or office, including operators of motor omnibuses, hiring cars and taxis, shall administer or ensure sanitisation of the hands of every person upon entry into the business, establishment or office.

(3) Employees of a hospital or health care, medical, residential care establishment or facility and members of the Royal Grenada Police Force shall take reasonable steps to comply with the requirements under sub-regulations (1) and (2), unless it is reasonably impracticable.

8. Work remotely from home.—(1) A business, establishment and office may continue its business operations by allowing its employees to work remotely from home utilising virtual means, unless their employees are permitted to work under regulation 9 or 10 or their employees are essential workers.

(2) Where a business is unable to continue its business operations by its employees working remotely from home, the business shall suspend or cease its operations.

9. Operation of establishments, businesses and offices.—(1) Every establishment, business and office shall remain closed except for the following—

- (a) offices of the Government, Statutory Bodies and State-owned Enterprises;
- (b) wholesale or retail grocery stores and commercial bakeries, operating between the hours of 6:00 a.m. and 5:00 p.m.;
- (c) manufactures and suppliers, which may operate between the hours of 6:00 a.m. and 5:00 p.m.;
- (d) offices of registered medical practitioners, dental practitioners and opticians, operating between the hours of 6:00 a.m. and 5:00 p.m. and by appointment only;
- (e) hospitals and medical facilities;
- (f) medical supply establishments, operating between the hours of 6:00 a.m. and 5:00 p.m.;
- (g) pharmacies, operating between the hours of 6:00 a.m. and 5:00 p.m. and with only pick-up and delivery services;
- (h) gas stations, operating between the hours of 6:00 am. and 5:00 p.m.;
- (i) hardware stores, operating between the hours of 6:00 a.m. and 5:00 p.m. and with only pick-up and delivery services;

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- (j) hotels, the restaurants of which may offer only takeaway or room service;
 - (k) banks, credit unions and money services businesses, operating between the hours of 6:00 a.m. and 5:00 p.m.;
 - (l) commercial ports and related businesses, operating between the hours of 6:00 a.m. and 5:00 p.m., subject to any variation by the Ports Authority;
 - (m) airports;
 - (n) commercial courier flights;
 - (o) food vendors and restaurants offering drive-thru or takeaway services only, operating between the hours of 6:00 a.m. and 5:00 p.m.;
 - (p) registered or *bona fide* fishermen, farmers and butchers engaged in their business;
 - (q) veterinarians engaged in their trade, operating between the hours of 6:00 a.m. and 5:00 p.m.;
 - (r) accountants engaged in their trade, operating between the hours of 6:00 a.m. and 5:00 p.m. and by appointment only;
 - (s) insurance companies, operating between the hours of 6:00 a.m. and 5:00 p.m. and by appointment only;
 - (t) law offices and attorneys-at-law engaged in their trade, operating between the hours of 6:00 a.m. and 5:00 p.m. and by appointment;
 - (u) works of construction for urgent plumbing, electrical, roof repairs or other emergency repairs for a home or business, and other works of construction as authorised by the Permanent Secretary with responsibility for Works in accordance with all conditions to such authorisation;
 - (v) laundromats, operating between the hours of 6:00 a.m. and 5:00 p.m.;
 - (w) landscapers and gardeners engaged in their business, operating between the hours of 6:00 a.m. and 5:00 p.m.;
 - (x) flower shops, operating between the hours of 6:00 a.m. and 5:00 p.m. and with only pick-up and delivery services;

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- (y) companies offering payday loans, operating between the hours of 6:00 a.m. and 5:00 p.m.;
 - (z) businesses licensed to provide security guard services;
 - (aa) the Saint George's University;
 - (bb) such other businesses or undertakings as may be specifically exempted in writing by the Commissioner of Police,

provided that the owner or operator of the establishment specified in paragraphs (a) to (bb) shall—

- (i) comply with physical distancing and sanitisation protocols in accordance with regulation 7;
- (ii) comply with any other conditions imposed by the Commissioner of Police on the direction of the Cabinet;
- (iii) comply with the requirements to wear masks in accordance with regulation 6; and
- (iv) be subject to regulation 4 (2).

(2) If the manager, owner, other person in charge or employee of any establishment, business or office exempted under sub-regulation (1), aids, abets or facilitates the contravention of these Regulations, the establishment shall be immediately closed without prejudice to any other penalty in law.

(3) There shall be no consumption of alcohol in or in the vicinity of any shop, grocery store or establishment or in any public place.

10. West Indies Associated States Supreme Courts and Magistrate's Courts.—

(1) Subject to the Practice Directions of the Eastern Caribbean Supreme Court, the West Indies Associated States Supreme Court shall remain accessible and shall adhere to physical distancing and sanitisation protocols in accordance with regulation 7.

(2) Subject to rules or notices made or issued pursuant to the Magistrates Act, Chapter 177, the Magistrate's Court shall remain accessible and—

- (a) shall adhere to physical distancing and sanitisation protocols in accordance with regulation 7, including the conduct of virtual hearings; and

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- (b) the persons employed within the public service shall work remotely from home as far as reasonably practicable.

11. Education instruction.—(1) Educational institutions may only operate as authorised by the Minister with responsibility for Education which may include operations remotely by utilising virtual means.

- (2) All day-care centres shall be closed.

(3) For the avoidance of doubt, sub-regulation (1) does not restrict any activity referred to therein by electronic or virtual means.

(4) This regulation shall not apply in respect of the campus of the Saint George's University.

12. Religious instruction.—(1) All places of religious instruction shall be closed.

(2) For the avoidance of doubt, sub-regulation (1) does not restrict any activity referred to therein by electronic or virtual means.

13. Restriction on social activities and funerals.—(1) No person shall host or attend any social activity of any description, including a wedding.

- (2) No person shall host or attend a funeral ceremony—

- (a) hosting more than twenty persons in addition to the officiant and essential mortuary staff; or
- (b) commencing earlier than 9:00 a.m., concluding later than 12 noon, or lasting for more than one hour.

(3) For the avoidance of doubt, there shall be no wakes or happy hour activities.

14. Restriction on beaches and rivers.—(1) Subject to regulation 4 (2), beaches and rivers may be accessed as follows—

- (a) between the hours of 5:00 a.m. and 10:00 a.m., except in a period specified under regulation 4 (2);
- (b) for swimming and exercise only; and

- (c) with every person maintaining physical distancing of no less than six feet (6 ft.) to any person outside of his or her household.

- (2) There shall be no picnic, party or other gathering at a beach or river.

15. Restriction on domestic travel.—(1) In respect of travel between the island of Grenada and the island of Carriacou, no person shall offer for hire or seek to travel on any vessel, whether by air or by sea, except—

- (a) for transport of freight;
- (b) in the case of a person who is travelling out of the jurisdiction; or
- (c) for travel essential for trade,

and with the approval of the Ports Authority or the Airport Authority, as the case may be.

- (2) In respect of travel between the island of Grenada and the island of Carriacou, no person shall enter a vessel unless he or she has subjected himself or herself to a rapid test and the result of the rapid test is negative.

- (3) For the purposes of this regulation, “rapid test” means an IgM/IgG rapid test conducted to diagnose whether a person has been infected with SARS-CoV-2 or COVID-19.

- (4) For the avoidance of doubt, this regulation does not apply to travel between the island of Carriacou and the island of Petit Martinique.

16. Restriction on road traffic.—(1) No person shall drive a vehicle on any public or private road except for a purpose exempted under regulation 2 (2) or 5.

- (2) The Royal Grenada Police Force shall have powers to stop any vehicle and inquire as to the purposes for which that vehicle is being utilised, and to arrest anyone found in violation of this restriction.

- (3) For the purposes of this regulation, “vehicle” includes a motor vehicle or motorbike.

17. Public transportation.—(1) For the avoidance of doubt, regulations 6 (2) and 7 shall apply in respect of every motor omnibus, hiring car and taxi, and every person travelling in any motor omnibus, hiring car or taxi shall practise good hand hygiene and proper sanitary behaviour and wear a face mask, face shield or face covering.

(2) No person shall eat or drink while travelling in any motor omnibus, hiring car or taxi.

(3) Operators of motor omnibuses, hiring cars and taxis may only operate as authorised by the Commissioner of Police acting on the direction of the Cabinet.

(4) In this regulation, “motor omnibus”, “hiring car” and “taxi” have the meanings assigned under the Road Traffic Act, Chapter 289A.

18. Restriction on visitation. No person shall visit or be permitted to visit—

- (a) any place of quarantine or isolation station;
- (b) a patient in a hospital or residential care establishment or facility, including an elderly nursing home;
- (c) a hospital; or
- (d) a detainee in a prison.

19. Mandatory reporting and isolation.—(1) Any person who is exhibiting any flu-like symptoms shall immediately notify a police station in his or her parish in accordance with the Parish Boundaries Act, Chapter 224.

(2) Any person who has observed that any other person is exhibiting flu-like symptoms shall notify a police station in his or her parish in accordance with the Parish Boundaries Act, Chapter 224.

(3) Any person who knowingly makes a false report for the purposes of sub-regulation (2) shall be guilty of an offence.

(4) Any person who is asked by any official of the Ministry of Health to submit himself or herself to any testing for COVID-19 shall submit to such testing.

(5) Any person who is directed by the Ministry of Health to submit himself or herself to self-isolation or quarantine shall comply with the direction.

(6) For the purposes of this regulation, the Ministry of Health shall be contacted using the COVID-19 Helplines at telephone number 458-4787 or 538-4787.

20. Powers of the Chief Medical Officer. Where it appears to the Chief Medical Officer that a business, establishment or office is not complying with the protocols under the Public Health (COVID-19) Regulations, 2020, SRO No. 59 of 2020, the

Chief Medical Officer may direct the closure of the business or establishment for a period not exceeding seven business days, to facilitate the training of the management and staff in order to ensure that the business, establishment or office complies with the Public Health protocols.

21. Duty and powers of Police Force.—(1) It shall be the duty of every police officer to enforce (using reasonable force if necessary) compliance with these Regulations and with any order, instruction or condition lawfully made, given or imposed by any officer or other person under the authority of these Regulations, and for such purpose any police officer may enter any premises without a warrant.

(2) Any police officer may arrest without a warrant any person whom he or she has reasonable cause to believe has committed an offence against these Regulations.

22. Penalty.—(1) A person who contravenes or fails to comply with these Regulations, or any direction for the purposes of these Regulations, shall be guilty of an offence and, on summary conviction, is liable to a fine not exceeding one thousand dollars and to imprisonment for a term not exceeding twelve months.

(2) Without prejudice to sub-regulation (1), a person who commits an offence is liable on service of a fixed penalty notice by a police officer, if the person so chooses, to a fixed penalty of five hundred and fifty dollars.

23. Fixed penalty notice.—(1) Where a police officer has reason to believe that a person has committed an offence specified under regulation 22 (1), the police officer may direct the person to state his or her true name and place of residence and serve upon the person a fixed penalty.

(2) A person who refuses to comply with sub-regulation (1) commits an offence.

(3) Where a police officer has served a fixed penalty notice upon a person, the police officer shall—

- (a) charge the person with the commission of an offence; and
- (b) notify the person that, if he or she does not wish to be prosecuted for the alleged offence in court, he or she may pay to the clerk of the Magistrate's Court in the district in which the offence was committed the fixed penalty prescribed for the offence in the fixed penalty notice within the time specified.

(4) A person upon whom a fixed penalty notice is served may decline to be dealt with under regulations 23 to 27 and where he or she fails to pay the fixed penalty within the time specified in the fixed penalty notice, or within such further time as may be allowed in a particular case, his or her conduct constitutes a declination to be dealt with under regulations 23 to 27.

(5) A police officer shall serve a fixed penalty notice personally upon a person alleged to have committed an offence specified under regulation 22 (2) and shall send a duplicate of the fixed penalty notice to the Magistrate's Court of the district in which the offence is alleged to have been committed.

(6) Where the fixed penalty is not paid within the time specified in accordance with regulation 25 (2), the duplicate sent to the Magistrate's Court under sub-regulation (5) shall constitute a complaint laid before the Magistrate to institute proceedings in accordance with the Criminal Procedure Code, Chapter 72B.

(7) A fixed penalty notice shall be signed by the police officer and shall be in the manner specified under the Schedule, specifying the following—

- (a) the date, time and place of service of the fixed penalty notice;
- (b) the provision of these Regulations creating the offence alleged, and such particulars of the offence as are required under these Regulations;
- (c) the amount of the fixed penalty;
- (d) the time within which the fixed penalty may be paid in accordance with regulation 25 (2); and
- (e) the clerk of the Magistrate's Court to whom, and the address at or to which, the fixed penalty may be paid or remitted.

24. Payment of fixed penalty.—(1) Payment of the fixed penalty shall be made to the clerk of the Magistrate's Court as stated in the fixed penalty notice, and shall be dealt with in the same manner as payment of a fine imposed for an offence under the Criminal Procedure Code, Chapter 72B.

(2) Payment of the fixed penalty shall be accompanied by the fixed penalty notice which shall be completed by the person in the manner prescribed.

25. Payment of fixed penalty precludes prosecution. —(1) A person upon whom a fixed penalty notice is served may pay the fixed penalty in accordance with the fixed penalty notice.

(2) The time within which a fixed penalty is payable is thirty-one days from the date of the fixed penalty notice.

(3) Where the fixed penalty is paid in accordance with the fixed penalty notice, no person shall then be liable to be convicted for the offence for which the fixed penalty notice was served and the complaint laid before the Magistrate shall be null and void.

26. Certificate of payment or non-payment of fixed penalty. In any proceedings for an offence specified under regulation 22 (2), a certificate that payment of the fixed penalty was or was not made to the clerk of the Magistrate's Court by the date specified in the certificate shall, if the certificate purports to be signed by such clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

27. Consequence of failure to pay. Where a fixed penalty is not paid within the time specified in accordance with regulation 25 (2), proceedings in respect of the offence specified in the fixed penalty notice shall thereafter proceed in the manner prescribed by the Criminal Procedure Code, Chapter 72B.

28. Repeal and transitional provisions. —(1) The Emergency Powers (COVID-19) (No. 2) Regulations, 2021, SRO No. 35 of 2021 is hereby repealed.

(2) Every approval granted under regulation 7 of the Emergency Powers (COVID-19) (No. 2) Regulations, 2021 is hereby revoked.

(3) For the avoidance of doubt, there remains in effect a curfew from 9:00 p.m. on the 3rd day of September, 2021 and ending 5:00 a.m. on the 4th day of September, 2021.

SCHEDULE

Emergency Powers Act, Chapter 88

Notice of Opportunity to Pay Fixed Penalty

Take Notice that, I,
 (Rank) (Number) (Name of Police Officer)

have reason to believe that an offence, particulars of which are given overleaf, has been committed. The fixed penalty for the offence is
(penalty in words and figures)

If this amount is paid to the Clerk of the Magistrate's Court within thirty-one (31) days from the date of this notice, that is to say, not later than no proceedings will be taken and any liability to conviction of the offence will be discharged. The offence carries a maximum fine of \$

In paying the fixed penalty, the following conditions shall be observed—

- (1) The fixed penalty shall be accompanied by this notice.
- (2) Where payment of the fixed penalty is made otherwise than in conformity with the regulations made under the Emergency Powers Act, the Clerk shall as soon as practicable after payment return the amount paid to the sender, and thereafter proceedings in respect of the alleged offence shall begin.
- (3) Payment of the fixed penalty shall be made or remitted to—

“The Clerk of the Magistrate’s Court” at the following address—

(State name and address of court)

This notice was given at

on _____, 20_____, at _____ a.m./p.m.
(state date) (state time)

2021

*Emergency Powers (COVID-19) (No. 3)
Regulations*

SRO. 36

PARTICULARS OF OFFENCE

At a.m./p.m. on the day of , 20..... at

.....
.....

you

.....
.....

contrary to

(state specific regulation/section contravened)

of the

(state Regulations or SRO Number/Act)

.....

Signature of Police Officer.

Made this 3rd day of September, 2021.

KIM FREDERICK

Secretary to the Cabinet (Ag.).

GRENADA

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