

*Public Health Act 1997*

**DIRECTION UNDER SECTION 16**

*(Passenger Vessels – No. 1)*

I, MARK VEITCH, the Director of Public Health, in pursuance of section 16 of the *Public Health Act 1997* ("the Act"), in order to manage the threat to public health posed by the notifiable disease known as COVID-19 ("the disease"), direct that, commencing on 11 June 2021 –

- (a) a person must wear a fitted face covering while he or she –
  - (i) is in such part of the terminal that is indoors and is open to passengers, or other members of the public, at the time the person is at the terminal; or
  - (ii) is in a communal area of a vessel while the vessel –
    - (A) is at the terminal; or
    - (B) is in coastal waters after departing from, or before arriving at, the terminal; or
  - (iii) is in a vehicle that is on or within –
    - (A) the terminal; or
    - (B) a vessel while the vessel is at the terminal or is in coastal waters; and
  
- (b) paragraph (a) does not apply in respect of the following persons:
  - (i) a child who has not attained the age of 12 years;
  - (ii) a person who –
    - (A) holds a medical certificate, or other documentation by a medical practitioner within the meaning of the *Acts Interpretation Act 1931*, that certifies that the person has a physical, or mental health, illness, condition or disability that makes the wearing of a fitted face covering unsuitable; and
    - (B) produces a legible copy of the medical certificate, or other documentation, if requested to do so by a person in authority at the terminal;

- (iii) a person who –
  - (A) holds an exemption, or is a person within a class of persons specified in an exemption, from the requirements of paragraph (a) that is given by the Director of Public Health or his or her delegate; and
  - (B) produces a legible copy of the exemption if requested to do so by a person in authority at the terminal; and
  
- (c) paragraph (a) does not apply to a person in following circumstances if the person wears a fitted face covering as soon as is practicable after the relevant circumstances end:
  - (i) the person removes the fitted face covering to communicate with a person who is deaf, or has impaired hearing, and visibility of the mouth is essential for the communication;
  - (ii) the wearing of the fitted face covering would create a risk to the health or safety of the person;
  - (iii) the person removes the fitted face covering to enable clear enunciation, or visibility of the mouth, as part of his or her employment or training;
  - (iv) the person is orally consuming food, drink or medicine;
  - (v) the person is undergoing medical care, or treatment, that is unable to be provided while the person wears a fitted face covering;
  - (vi) the person –
    - (A) is employed, or engaged, to work at the terminal or on a vessel; and
    - (B) while so employed or engaged, is in an area of the terminal, or vessel, that is not open to passengers or other members of the public;
  - (vii) the person is requested to remove the fitted face covering, by a person in authority at the terminal, or on the vessel, to ascertain or confirm the identity of the person;
  - (viii) the person may lawfully remove, or is lawfully required to remove, the fitted face covering;

- (ix) the person is in a vehicle that is being used to provide a private passenger service, or a passenger transport service, within the meaning of the *Passenger Transport Services Act 2011*;
  - (x) such other circumstances that are specified in an exemption, from the requirements of paragraph (a), that is given by the Director of Public Health or his or her delegate; and
- (d) a person, other than a person to whom paragraph (b) applies, must carry a fitted face covering while he or she –
- (i) is in such part of the terminal that is indoors and is open to passengers, or other members of the public, at the time the person is at the terminal; or
  - (ii) is in a communal area of a vessel while the vessel –
    - (A) is at the terminal; or
    - (B) is in coastal waters after departing from, or before arriving at, the terminal; or
  - (iii) is in a vehicle that is on or within –
    - (A) the terminal; or
    - (B) a vessel while the vessel is at the terminal or is in coastal waters; and
- (e) in this direction –
- (i) **Company** has the same meaning as in the *TT-Line Arrangements Act 1993*; and
  - (ii) **communal area**, in relation to a vessel, means all areas of the vessel other than –
    - (A) an outdoor area on the vessel; or
    - (B) a cabin in the vessel if the only persons in that cabin are persons who have paid to sleep in that cabin while on the vessel; or
    - (C) an indoor area on the vessel that is not open to passengers or other members of the public; and

- (iii) **fitted face covering** means a covering, other than a shield, that fits securely around the face and is designed, or made, to be worn over the nose and mouth to provide protection against infection; and
- (iv) **person in authority**, in relation to a terminal or vessel, includes –
  - (A) an authorised officer within the meaning of the Act; and
  - (B) an authorised officer within the meaning of the *Emergency Management Act 2006*; and
  - (C) a person employed or engaged by the Company for the purpose of monitoring safety, and security, at the terminal or vessel; and
- (v) **premises** has the same meaning as in the Act; and
- (vi) **coastal waters** has the same meaning as in the *Marine and Safety Authority Act 1997*; and
- (vii) **terminal** means a facility operated by the Company for the purposes of passenger transport; and
- (viii) **vessel** means a vessel, within the meaning of the *Marine and Safety Authority Act 1997*, operated by the Company for the purposes of passenger transport.

Dated: 9 June 2021

Signed: 

Director of Public Health