

The Attorney General Falkland Islands

<u>AGG24</u>

The Attorney General's Guidance on the Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021

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Contents

1. Introduction	3
2. Requirement to provide information	4
3. Negative test requirement	5
4. Transport from arrival to quarantine	
5. Quarantine	8
6. Exemptions	<u>11</u>
7. Test and release	<u>13</u>
8. Requirements on operators	15
9. Enforcement Powers	<u>16</u>
10. Appeals	17
11. Children	18
12. Review	<u>19</u>

1. Introduction

- Covid-19 or coronavirus is an infectious and contagious disease which is caused by the SARS-CoV-2 virus. The virus has rapidly spread across the globe and the World Health Organisation has identified the coronavirus as a public health emergency of international concern and characterised it as a pandemic.
- 2. The Falkland Islands has so far been successful in limiting the spread of coronavirus infection in the general population. It remains important to have in place measures that reduce the risk of coronavirus being inadvertently transmitted to the general population by those entering the Falkland Islands from overseas. It is necessary to require people entering the Falkland Islands to quarantine for a period of time to ensure that the risk of inadvertently spreading infection is kept as low as possible.
- The Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021 ("the Regulations") contain provisions to manage the risk caused by coronavirus. A copy of the Regulations can be found at: <u>https://www.legislation.gov.fk/view/html/inforce/2021-08-24/fisl-2021-16</u>
- 4. Anyone arriving in the Falkland Islands, whether by sea or air, is subject to the requirements set out in the Regulations. The public health need for the requirements is reviewed at least once every two months, to ensure that the requirements are not in place for any longer than is reasonably necessary.
- 5. The purpose of this document is to provide guidance on the requirements set out in the Regulations.

2. Requirement to provide information

Passenger information

- 1. Whether travelling by air or sea, everyone must provide the "passenger information" in accordance with regulation 6 and schedule 1 on or before arriving in the Falkland Islands. This is usually done by completing **Form IDC5**.
- 2. The passenger information should ordinarily be provided 72 hours in advance to the Chief Medical Officer. There are very limited exemptions from the requirement to provide the information 72 hours in advance.
- 3. The passenger information includes —

Personal details—

- (a) full name;
- (b) nationality;
- (c) date of birth;
- (d) passport or other international travel document reference number and expiry dates; and
- (e) email or other correspondence address.

Journey details-

- (a) the operator they are travelling with or through which their booking was made;
- (b) the travel booking reference (if applicable and known);
- (c) the method of travel and flight number or ticket number (if applicable and known);
- (d) the country and region they are travelling from;
- (e) the country or countries they have been in during the period of 14 days immediately before the person's arrival in the Falkland Islands;
- (f) the date, or planned date, as appropriate, of their arrival in the Falkland Islands;
- (g) the date of intended departure from the Falkland Islands, if known; and
- (h) whether they are connecting through the Falkland Islands to a destination outside the Falkland Islands and, if so -
 - (i) their final destination; and
 - (ii) the method of travel and flight number or ticket number (if applicable and known) of their onward journey.

People required to stay in quarantine -

- (a) address of the person's place of quarantine;
- (b) confirmation that the person is entitled or permitted to stay at that place for the period of quarantine;
- (c) names and (if known) dates of birth of any other persons with whom the person will share accommodation, including sanitary and other facilities, during the period of quarantine;

- (d) confirmation that persons referred to in subparagraph (c) who are aged 16 years or over consent to be in quarantine with the person;
- (e) if the person has requested facilitated accommodation, that fact;
- (f) a telephone number in the Falkland Islands; and
- (g) the name and telephone number of an emergency contact.

Person who is not required to quarantine ("exempt person") -

- (a) address at which the person will stay for the period of 9 days after the date on which the person arrives; and
- (b) a telephone number in the Falkland Islands.

A person who provides information on behalf of another-

- (a) full name;
- (b) contact details: and
- (c) relationship to the other person.

How to provide the information

4. The passenger information may be provided on Form IDC5 by post or email as follows—

If arriving by air

Send the completed form to the Falkland Islands Government Office, Falkland House, 14 Broadway London SW1H 0BH

(email: <u>travel@falklands.gov.fk</u>).

Note

The flight booking policy on the Ministry of Defence flight from the United Kingdom is that the flight booking will not be confirmed until the information is provided. The passenger information should be provided via the operator of a commercial transport service (this does not include the Ministry of Defence flight from the United Kingdom)

If arriving by sea

Provide the completed form to the Customs and Immigration Service (email: shipsclearance@customs.gov.fk).

Who can provide the information?

5. A travel agent may provide the information on your behalf. A person who is travelling with a child or, if the child is travelling unaccompanied, a person who has parental responsibility for the child or who has custody or charge of the child for the time being, should provide the passenger information for the child. A commercial transport service operator should provide the information on behalf of the people travelling with them.

Changes to information

- 6. If the person is not able to provide some of the information requested or the information changes between the date it was provided and the date on which the person arrives in the Falkland Islands, they must give the missing or changed information to the Chief Medical Officer, King Edward Memorial Hospital, Stanley, Falkland Islands FIQQ 1ZZ (email: <u>Surveillance@kemh.gov.fk</u> or telephone +500 2800 as soon as reasonably practicable).
- 7. Failure to provide the information or update it where necessary is a criminal offence and may result in prosecution.

3. Negative test requirement

- 1. In accordance with regulation 7 and schedule 2, a person arriving by air must possess on arrival a valid notification of a negative result from a qualifying test taken by that person.
- 2. If the person is a child, aged 6 or over, the person with responsibility for the child must possess a valid notification of a negative result from a qualifying test taken by that child.
- 3. Notification can be possessed physically or digitally. The notification must include, in English or Spanish, the following information—
 - (a) the name of the person from whom the sample was taken;
 - (b) that person's date of birth or age;
 - (c) the negative result of the test;
 - (d) the date the test sample was collected or received by the test provider;
 - (e) the name of the test provider sufficient to contact that provider;
 - (f) a statement —
 (i) that the test was a polymerase chain reaction test; or
 (ii) of the name of the device that was used for the test.
- 4. A qualifying test is a viral detection test (a nucleic acid amplification test or a viral antigen test) for current infection approved or authorised by the relevant national authority for the detection of SARS-CoV-2.
- 5. In the case of a person travelling on a flight which departs from the United Kingdom the test sample must be taken from the person no more than **five days** before the person's arrival in the Falkland Islands.
- 6. In the case of a person travelling on a flight departing from any other country the test sample must be taken no more than **three days** before the person's arrival in the Falkland Islands.
- 7. Children under the age of 6 and air crew are not required to possess notification of negative test results.

4. Transport from arrival to quarantine

- 1. A person arriving in the Falkland Islands must travel directly to their place of quarantine. The person may travel to their quarantine address in:
 - (a) designated transport (which includes harbour launches for arrivals from sea);
 - (b) an emergency vehicle; or
 - (c) a private vehicle.
- 2. Unless staying in Mount Pleasant Complex, Mare Harbour or a Camp (East Falkland) address, anyone arriving is encouraged to use the Government designated transport to travel to their quarantine address. A charge is made for this service.
- 3. If a person arriving in the Falkland Islands arranges their own transport, others may only share the same vehicle if required to quarantine for the same period so a person can, for example give a lift to another person arriving at the airport on the same flight or the same day, even if they are spending quarantine in separate accommodation. Anyone else in the car must stay in quarantine either at the same place as the person or another place of quarantine.
- 4. The Principal Immigration Officer has the power to designate transport for the use of people arriving. Designations must be published in the *Gazette*.
- 5. Breach of the travel requirements either by a person or anyone else travelling in the same vehicle is a criminal offence and may result in prosecution.

5. Quarantine

- 1. People arriving in the Falkland Islands will be given a notice **IDC5** that sets out the main requirements of quarantine.
- 2. Any person who is in quarantine must stay at their place of quarantine for the whole period of quarantine. An overnight stay in Stanley is permitted if the person intends to spend the rest of their quarantine in Camp (on East Falkland). A person arriving by sea may begin their period of quarantine on board a vessel, but complete the period at a different address ashore.
- 3. The Chief Executive, after consultation with the Chief Medical Officer, may approve or require a change of quarantine address. This power will be exercised only in exceptional circumstances, for example to enable the Chief Executive to make best use of government-facilitated accommodation. The Chief Executive may specify any measures to be complied with by a person when changing accommodation to reduce the risk of spreading coronavirus infection.
- 4. The place of quarantine must be
 - a) Accommodation that is suitable for quarantine purposes
 - b) Includes living accommodation and bathroom and other facilities (kitchen etc) that are not shared with anyone who isn't in quarantine for the same period.
- 5. If any person shares any part of the accommodation of a person who is required to quarantine because they are a person returning from abroad, they are also required to stay in quarantine for exactly the same period of time whether that is with the returning person or in some other place. People living on board a vessel are considered to be sharing accommodation, and no other person must board the ship during the period of quarantine (with limited exceptions).
- 6. If for any reason any person cannot arrange their own accommodation or stay in the intended place of quarantine, the Government will provide or facilitate the provision of suitable accommodation for them ("facilitated accommodation"). Facilitated accommodation is limited. If facilitated accommodation is required, the person should discuss this with the KEMH, their travel agent or with the Falkland Islands Government Office, Falkland House, 14 Broadway London SW1H 0BH email: travel@falklands.gov.fk.
- 7. Charges apply for the provision of facilitated accommodation. There may also be charges for the provision of services such as meals, WIFI connection and personal laundry.
- 8. The Government's policy is that visitors and people travelling to the Falklands to work for private companies should make their own quarantine arrangements. Government employees will be provided with suitable accommodation by the FIG Housing Department, if returning from an overseas trip on Government business.

- 9. Any other returning residents (that is, anyone who has Falkland Islands Status, PRP or a permit that is not a visitor's permit) who do not have access to suitable quarantine accommodation should contact the FIG Housing Department for advice: email housing@pwd.gov.fk or call +500 27193.
- 10. If accommodation is provided by the FIG Housing Department, there is a flat rate service charge per person for the quarantine period. This covers the use of fuel, limited internet and telephone provision, linen changing and deep cleaning on leaving the property. This service charge will be waived for returning residents who cannot make their own quarantine arrangements.
- 11. There is no financial support available to people who cannot work while in quarantine. If being in quarantine at home means that other members of your household will not be able to do their usual work outside of the home, then the better option would be to quarantine separately away from your household. Accommodation may in some circumstances also be provided for a person who needs to move out of accommodation before a returning person arrives.
- 12. A person who is in quarantine must stay within the boundaries of their place of quarantine. Subject to the guidance below and any reasonable requirements of the proprietor, they may move freely within their accommodation and any associated stairs, passageway, garden, yard, garage or outhouse etc. even if that is shared with others living in separate accommodation e.g. common areas of a block of flats.
- 13. Failure to comply with the requirement to quarantine is a criminal offence that may result in prosecution.
- 14. Where the accommodation is an apartment or a room in a hostel, hotel or bed and breakfast accommodation or other residential institution that includes common parts the proprietor or manager of the accommodation will want to consider how best to keep a person in quarantine apart from other people who also use the common parts or working in the establishment to minimise the risk of transmitting infection. It is recommended that advice is sought from the Chief Medical Officer on the arrangements. Due consideration must be given to the need of different groups of people arriving at the accommodation at different times to be quarantined separately.
- 15. The period of quarantine is 10 days. The period is calculated by reference to the date of arrival of the person.
- 16. The day of arrival is included in the calculation if the person arrives before 9am and for people arriving before this time, quarantine will conclude at midnight ninth day after the day of arrival.

- 17. In any other case, the day of arrival is excluded and quarantine expires at midnight on the tenth day.
- 18. Anyone else sharing accommodation with a person must stay in quarantine for the same period. If a new person moves into the accommodation during the period of quarantine, the period of quarantine is extended to 10 days after day of arrival of the new person.
- 19. The only reasons for people to leave a place of quarantine before the end of the quarantine period are—
 - (a) in order to leave the Falkland Islands, provided that they do so directly;
 - (b) to travel between two places of quarantine as directed in accordance with the Regulations;
 - (c) on the advice of a registered medical practitioner, to seek medical assistance or to comply with a direction or requirement under the Infectious Diseases Control (Coronavirus) Regulations 2020;
 - (d) to fulfil a legal obligation, including to attend court or satisfy bail conditions, or to participate in legal proceedings;
 - (e) to avoid injury or illness, or to escape a risk of harm; or
 - (f) in exceptional circumstances.

People in quarantine should seek advice from the hospital on telephone: 28000 or the police on telephone: 28100 before leaving their quarantine accommodation wherever possible and if not, contact the hospital or police as soon as possible after leaving the accommodation.

6. Exemptions

1. The exemptions are provided for by regulation 12 and Schedule 3, together with Directions made under the Regulations, in particular the Exemptions (Quarantine and Test Notification) Direction No. 1.

Full exemptions

- 2. The following people are fully exempt from the requirement to quarantine but still have to provide the passenger information
 - A Crown servant or military contractor, if the Crown servant or military contractor has been in quarantine in the United Kingdom at Ministry of Defence facilities for a period of at least 10 days ending immediately before their arrival in the Falkland Islands.
 - Aircrew, where such crew have travelled to the Falkland Islands in the course of their work and were a member of the flight crew or cabin crew of an aircraft, or travelled for the purpose of assisting in the medical evacuation of a patient from the Falkland Islands by air.
 - People arriving from an Overseas Territories who were in the territory for more than 10 consecutive days immediately before arriving in the Falkland Islands (including time spent travelling in certain circumstances).
 - People arriving on a clean vessel and other people arriving from sea who meet similar specified requirements.

"Clean vessel" means a vessel that --

- (a) has been at sea for more than 10 consecutive days:
- (b) during the period at sea has not arrived in any place other than an Overseas Territory

(c) during the period at sea has not reported any person as showing symptoms of coronavirus; and

(d) during the period at sea has only been boarded by people from, and people or members of the crew have only boarded, other vessels that meet the criteria in paragraphs (a) to (c).

"Crown servant" means any member of the naval, military or air forces of the Crown and any person employed in the civil service of the Crown in right of the Government of the United Kingdom;

"Military contractor" means any person who is not a Crown servant but who provides, or is employed in the provision of, goods or services for the purposes of the Government of the United Kingdom in the Falkland Islands.

Partial exemptions

- 3. The following are exempt from the requirement to quarantine for the purposes of their work, but only to the extent necessary for the person to perform their employment or other contractual obligations
 - A Crown servant or military contractor, if in accordance with arrangements agreed with the Chief Medical Officer, the Commander British Forces South Atlantic Islands has informed the Crown servant or military contractor in writing that the work cannot be undertaken whilst the person is in guarantine and –
 - in the case of a Crown servant, that person is required to undertake work essential to the United Kingdom Government within 10 days of their arrival; or
 - in the case of a military contractor, that person is required to undertake work which is necessary to the delivery of work essential to the United Kingdom Government within 10 days of their arrival.
 - A government contractor.
 - A legal practitioner who has travelled to the Falkland Islands for the purpose of presiding at, or representing any party in proceedings before any court in the Falkland Islands and such proceedings are listed for trial within 10 days after the legal practitioner's arrival in the Falkland Islands.
 - A health or care professional who is required to undertake work as such within 10 days of their arrival.

"work essential to the United Kingdom Government" means work related to national security and defence activities of the Government of the United Kingdom in the Falkland Islands, including work related to –

- the size, shape, organisation, logistics, order of battle, deployment, operations, state of readiness and training of the armed forces of the Crown;
- the weapons, stores or other equipment of those forces and the invention, development, production and operation of such equipment and research relating to it;
- defence policy and strategy and military planning and intelligence; and
- plans and measures for the maintenance of essential supplies and services that are or would be needed in time of war.

"government contractor" means a person with specialist technical skills-

 whose specialist technical skills are required by the Falkland Islands Government for essential or emergency works or services (including commissioning, maintenance and repairs, response to security threats and safety checks) to any plant, machinery, infrastructure or other essential public services including information technology or electronic telecommunications networks and services;

- who is required to undertake such works or services within 10 days of arrival in the Falkland Islands; and
- who has travelled to the Falkland Islands to fulfil contractual obligations or warranty specifications or otherwise to commence, resume or complete work for, or provide services to, the Falkland Islands Government.
- 4. Time spent at sea by people on board a vessel which meets criteria akin to a clean vessel is treated as part of the period of quarantine for the purposes of the Regulations.

Other controls

- 5. Even if a person is exempt from the legal requirement to quarantine, they may be asked by their sponsor to comply with other requirements to minimise the risk of spread of infection. This is likely to include being tested for the virus, being required to wear a mask or other protective equipment.
- 6. Anyone who has a limited exemption from quarantine because of the emergency or otherwise essential nature of their work must stay in quarantine at their accommodation outside working hours and keep contact with others during working hours to a minimum. Sponsoring Government Departments and the Commander British Forces South Atlantic Islands will ensure that arrangements are in place for this and that appropriate guidance is given to all exempted people before they travel to the Islands. Further advice can be sought from the Chief Medical Officer on appropriate measures to reduce the risk of spreading infection.

7. Test and release

- 1. People can be released from quarantine before the 10-day period expires if they return negative test results at set stages of the quarantine or are determined to be a convalescent case.
- 2. There are different requirements depending on whether a person has been vaccinated, or has not been vaccinated and depending on the vaccination status of other people they are in quarantine with. People who consent to be tested and who return negative results on day 2 and then on day 5, or on day 8 (depending on which criteria the person meets), will be released from quarantine before the end of the 10-day period; provided those they are in quarantine with similarly test negative on day 5 or day 8.
- 3. The criteria set out below will determine whether a person is tested on Day 2 and Day 5, or whether they are tested on Day 2 and Day 8.
- 4. Testing in relation to arrivals by air is administered under the direction or supervision of the King Edward VII Memorial Hospital. Testing in relation to a person in quarantine on a vessel must be carried out by the ship's doctor or other person designated by the ship's master and trained in the administration of tests.

A person must not leave quarantine until they are informed by the King Edward VII Memorial Hospital that they are released as a result of returning negative tests

Test and Release - Day 2 and Day 5

People will be released from quarantine before 10 days if they meet the following requirements:

- They have completed the full course of vaccination with the Oxford- AstraZeneca, Pfizer, Moderna or Janssen vaccines (or any other vaccine approved by the Medicines and Healthcare products Regulatory Agency of the United Kingdom Government).
- They are not in quarantine with a person who has not been vaccinated.
- They test negative for coronavirus on day 2 of quarantine or they are a convalescent case (see below).
- They test negative for coronavirus on day 5 of quarantine or they are a positive convalescent case.
- all other people who are in quarantine with them test negative for coronavirus on day 5 of quarantine or are a convalescent case.

Test and Release - Day 2 and Day 8

Peoplewill be released from quarantine before 10 days if they meet the following requirements:

- They have not been fully vaccinated, or they have been fully vaccinated but they are in quarantine with a person who has not been fully vaccinated.
- They test negative for coronavirus on day 2 of quarantine or they are a convalescent case (see below).
- They test negative for coronavirus on day 8 of quarantine or they are a positive convalescent case.
- all other people who are in quarantine with them test negative for coronavirus on day 8 of quarantine or are a convalescent case.
- 5. **"Convalescent Case"** means a person who:

(a) is able to provide evidence that they were infected by coronavirus not more than 90 days before the day on which the person arrives in the Falkland Islands;

(b) meets one of the following criteria:

(i) the person has had no symptoms of coronavirus and is able to provide evidence that they were infected by coronavirus at least 14 days before the day on which the person arrives in the Falkland Islands;

(ii) the person has had no symptoms of coronavirus for a period of 4 days ending on the day on which the person arrives in the Falkland Islands, and is able to provide evidence that they were infected by coronavirus at least 10 days before the day on which the person arrives in the Falkland Islands; and

(c) I who the Chief Medical Officer is satisfied, on the basis of a medical assessment in relation to the person, is satisfied the person poses no or a very small risk of infecting others with coronavirus.

6. **Children under the age of 6** are not required to undergo a test for coronavirus for the purposes of test and release.

8. Requirements on operators

1. An operator must ensure that a person who arrives in the Falkland Islands on a commercial transport service (not including a commercial transport service provided by the United Kingdom Ministry of Defence) is provided with the following information:

ESSENTIAL INFORMATION TO ENTER THE FALKLAND ISLANDS FROM OVERSEAS

Everyone entering the Falkland Islands by air from overseas (including Falkland Islands status holders, residents, and United Kingdom Ministry of Defence personnel) must provide proof of a negative COVID-19 test taken —

(a) no more than five days before departure if you are travelling from the United Kingdom; or

(b) no more than three days before departure if you are travelling from another country.

You must also complete form IDC5 before arrival.

- 2. Operators are required to provide this information to people at the booking stage, before departure, at check-in and onboard. It is a requirement to display the information on website and mobile applications and to provide the information orally in the case of telephone bookings.
- 3. Operators must ensure that a person who has a booking to travel to the Falkland Islands provides the required person information in accordance with regulation 6 (ordinarily 72 hours in advance). Where people provide this information to the operator, the operator must provide this information to the Chief Medical Officer.
- 4. Operators must inform people of the negative test requirement and ensure that people are in possession of valid notification in accordance with regulation 7.
- 5. It is a criminal offence for operators not to comply with the regulations, punishable by a fine up to £4,000.

9. Enforcement Powers

Police powers to enforce quarantine

- 1. Health Service staff will check on the welfare of all individuals in quarantine shortly after arrival. If they are unable to make contact using the details given, they will likely refer the matter to the police for investigation. A follow up call will be made either by the police or our Social Welfare team to a randomly selected sample of those in quarantine. Health Service staff will also be in touch to arrange swabbing both for a person who is in quarantine and anyone else who is sharing the same accommodation who is in quarantine.
- 2. Under regulation 20, police officers, immigration officers and other authorised persons have powers to enforce quarantine. In particular, they can direct anyone who is outside the accommodation where they should be in quarantine to return to that accommodation (regulation 21(1)(a)); they can remove a person to their quarantine accommodation (regulation 21(1)(b)); or, if necessary, they can remove a person to quarantine accommodation provided by the Government (regulation 20(1)(c)).

Offences

- 3. It is an offence to—
 - (a) fail or refuse without reasonable excuse to comply with regulation 6 (requirement to provide information);
 - (b) intentionally or recklessly provide false or misleading information under regulation 6 (requirement to provide information);
 - (c) without reasonable excuse, contravene a requirement in regulation 7 (requirement for arrivals by air to provide notification of negative test result);
 - (d) contravene a requirement in regulation 8 (transport to place of quarantine) or 9 (quarantine);
 - (e) without reasonable excuse fail to comply with a direction or other requirement of an authorised person under regulation 20 (enforcement of quarantine); or
 - (f) without reasonable cause, wilfully obstruct any person carrying out a function under these Regulations.

Penalties

4. An offence under the Regulations is punishable by up to 3 months imprisonment or a £2000 fine.

10. Appeals

Grounds for appeal

1. A person who is required to stay in quarantine has the right to appeal to the Magistrate's Court under regulation 23 on compassionate grounds or because quarantine is not necessary in their case to prevent the spread of infection or proportionate in their particular circumstances.

Powers of the court

- 2. On hearing an appeal, the court may
 - a) confirm or modify the requirement to stay in quarantine;
 - b) order other measures to be taken by the person to reduce the risk of that person spreading infection; or
 - c) exempt the person from the requirement.

11. Children

- 1. The Regulations, including the enforcement powers, apply to children under 18 years old as well as adults. It is the responsibility of the person who is travelling with the child, or if the child is unaccompanied, the person who has legal parental responsibility for the child, to provide the required information about the child.
- 2. Anyone who has parental responsibility, or who is looking after a child, must ensure the child stays in quarantine.
- 3. For the purposes of test and release, children under the age of 6 are not required to undergo a test for coronavirus for the purposes of test and release.

Police obligations before enforcing the Regulations against children

4. Police officers who are concerned about a child not staying in quarantine should try to identify the person who is looking after the child or who has parental responsibility to enforce the quarantine requirements. If they can't find that person or the person cannot, or refuses to, ensure the child stays in quarantine, the police can enforce the Regulations directly against the child.

12. Review

- 1. The requirement to quarantine affects important constitutional rights, it is important that they are kept under regular review and ended the moment they are no longer needed. For this reason, the Chief Medical Officer must review the requirements at least every 2 months and report to the Government if the opinion is formed that a change is required, or the requirements or any part of them are no longer needed.
- 2. As part of that review process, the Chief Medical Officer will consult the Director of Emergency Services, the Social Services Department, the Royal Falkland Islands Police and the Commander British Forces South Atlantic Islands, to ensure that the impact of the Regulations is properly understood and will also review the current status of the pandemic around the world and, in particular, in countries with direct links to the Falkland Islands.
- 3. Any emerging international guidance about quarantine or the incubation period of the disease will be considered as well as the results of testing in the Falkland Islands and information regarding the operation of quarantine locally and any other relevant information.

Document Control

Further copies of this document and information about alternative languages and formats are available from the Law and Regulation Directorate.

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This document is also available online at: http://www.fig.gov.fk/legal/

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