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No. S 317

INFECTIOUS DISEASES ACT 1976

INFECTIOUS DISEASES (COVID-19 ACCESS RESTRICTIONS AND CLEARANCE) (AMENDMENT NO. 8) REGULATIONS 2022

In exercise of the powers conferred by section 73(1) of the Infectious Diseases Act 1976, the Minister for Health makes the following Regulations:

Citation and commencement

1. These Regulations are the Infectious Diseases (COVID-19 Access Restrictions and Clearance) (Amendment No. 8) Regulations 2022 and come into operation on 19 April 2022.

Amendment of regulation 2

2. Regulation 2 of the Infectious Diseases (COVID-19 Access Restrictions and Clearance) Regulations 2021 (G.N. No. S 273/2021) (called in these Regulations the principal Regulations) is amended —

(a) by inserting, immediately after the definition of “nationwide approved vaccine” in paragraph (1), the following definition:

““nightclub” means any place or premises (whether or not an open-air area or part of a hotel, club, retail food and drinks establishment, bar, retail shopping centre or casino) —

(a) where an occupier thereof uses to carry on a business consisting principally of —

(i) the provision of facilities for the purposes of dancing by customers to —

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- (A) continuous live music presented by performers present in person performing there, after disregarding reasonable intervals between acts or performances; or
 - (B) continuous recorded music presented either personally by an individual (such as a disc jockey) employed or engaged to do so, or by any other means, after disregarding reasonable intervals between sets of recorded music; and
- (ii) the sale or supply of liquor for immediate consumption while the facilities and entertainment mentioned in sub-paragraph (i) are provided;
- (b) where the predominant activity at the place or premises when carrying on that business is dancing by the customers; and
 - (c) where that business is carried on at the place or premises primarily during hours after sunset, or is or may reasonably be characterised as a nightclub, cabaret or discotheque;”;
- (b) by deleting the words “, but not a nightclub or hostessing club” in paragraph (c) of the definition of “retail liquor business” in paragraph (1); and

(c) by inserting, immediately after paragraph (4), the following paragraphs:

“(5) For the purposes of these Regulations, an individual is treated as having a 24-hour clearance only if he or she is and to the extent certified under regulation 7 as having a 24-hour clearance and that 24-hour clearance is current.

(6) To avoid doubt, the definition of “nightclub” in paragraph (1) does not prevent any place or premises that is a nightclub from being a retail food and drinks establishment or a bar during any period when the predominant activity taking place in the place or premises is not dancing by the customers.”.

Amendment of regulation 4

3. Regulation 4(1) of the principal Regulations is amended by inserting, immediately after the words “a cleared status certificate”, the words “or a certificate under regulation 7 as having a 24-hour clearance”.

New regulation 7

4. The principal Regulations are amended by inserting, immediately after regulation 6, the following regulation:

“24-hour clearance

7.—(1) Where —

- (a) an individual has registered with an approved test provider to undergo any approved test or tests;
- (b) an individual undergoes the approved test or tests; and
- (c) the individual’s test result is treated as negative for SARS-CoV-2,

the individual may be certified by the Director or a recognised medical practitioner to have a 24-hour clearance as follows:

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- (d) starting the time the individual first attends in the view of the approved test provider (or any agent thereof) to start undergoing the approved test the test result of which shows negative for SARS-CoV-2;
 - (e) ending 24 hours after the time in sub-paragraph (d).
- (2) Despite certification under paragraph (1), an individual is not regarded as having a 24-hour clearance that is current as follows:
- (a) any time after the end of the 24 hours certified for the individual under paragraph (1);
 - (b) any time after the individual undergoes any approved test that is an antigen rapid test (or the first of any such approved tests if there is more than one) that is performed by or under the direction or supervision of an approved test provider within the 24-hour period certified for the individual under paragraph (1) and the test result of the antigen rapid test shows the presence of SARS-CoV-2 in that individual;
 - (c) any time after the cancellation under paragraph (3) of the certification.
- (3) The Director may cancel any certification under paragraph (1) stating that an individual has a 24-hour clearance if —
- (a) before the end of the 24-hour period certified for the individual under paragraph (1) —
 - (i) the individual undergoes an approved test that is a polymerase chain reaction test; and
 - (ii) the individual's test result shows the presence of SARS-CoV-2 in that individual and that is not an atypical finding for SARS-CoV-2; or
 - (b) the Director of Medical Services is satisfied that it is in the interest of the health and safety of the individual to do so.”

Amendment of regulation 9

5. Regulation 9 of the principal Regulations is amended —

(a) by inserting, immediately after paragraph (2), the following paragraphs:

“(2A) Subject to regulation 13 but without affecting paragraphs (1) and (2), an individual must not intentionally enter a restricted place that is a nightclub during a restricted period of the nightclub if —

(a) the individual does not have a 24-hour clearance when entering; and

(b) the individual —

(i) knows that he or she does not have a 24-hour clearance when entering the nightclub during that restricted period; or

(ii) is reckless as to whether he or she has a 24-hour clearance when entering the nightclub during that restricted period.

(2B) Subject to regulation 13, an individual must not intentionally remain in a restricted place that is a nightclub at any time during a restricted period of the restricted place if —

(a) the individual —

(i) knows that he or she stops having a 24-hour clearance while within the nightclub during that restricted period; or

(ii) is reckless as to whether he or she continues having a 24-hour clearance while within the nightclub during that restricted period; and

(b) the individual stops having a 24-hour clearance while within the nightclub during that restricted period.

(2C) Paragraphs (2A) and (2B) do not apply to an individual entering or remaining in a restricted place that is a nightclub solely for any of the following purposes:

- (a) to seek a contract of employment or contract for service with the occupier of the restricted place;
- (b) to deliver goods or provide services connected to the business of the occupier carried on at the place;
- (c) to work as a contractor or an employee for or with the occupier of the restricted place to provide services in connection with the business of the occupier carried on at the place.”; and

(b) by deleting the words “or (2)” in paragraph (3) and substituting the words “, (2), (2A) or (2B)”.

Amendment of regulation 10

6. Regulation 10 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “a cleared status” in paragraph (1)(b), the words “or a cleared status and 24-hour clearance (as the case may be)”;
- (b) by inserting, immediately after the words “entrant’s cleared status” in paragraphs (1)(c) and (2)(b), the words “or entrant’s cleared status and 24-hour clearance (as the case may be)”;
- (c) by inserting, immediately after the words “a digital cleared status certificate” in paragraphs (3), (4) and (5), the words “or a digital 24-hour clearance certificate”;

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- (d) by inserting, immediately after the words “entrant’s cleared status” in paragraphs (3) and (4), the words “or entrant’s 24-hour clearance”; and
 - (e) by inserting, immediately after the words “the digital cleared status certificate” wherever they appear in paragraphs (4)(b) and (c) and (5), the words “or the digital 24-hour clearance certificate”.

Amendment of regulation 11

7. Regulation 11(2) of the principal Regulations is amended —

- (a) by deleting the word “and” at the end of sub-paragraph (a)(ii); and
- (b) by inserting, immediately after sub-paragraph (iii) of sub-paragraph (a), the following sub-paragraph:

“(iv) where the restricted place is a nightclub, entry to and remaining within the nightclub during the restricted period is allowed only to individuals with a cleared status and a 24-hour clearance and that entering or remaining within the nightclub during the restricted period when without a cleared status and a 24-hour clearance cleared status is an offence; and”.

Amendment of regulation 12

8. Regulation 12(1) of the principal Regulations is amended by inserting, immediately after the words “entrant’s cleared status” in sub-paragraph (b), the words “or entrant’s cleared status and 24-hour clearance (as the case may be)”.

Amendment of Part 1 of Second Schedule

9. Part 1 of the Second Schedule to the principal Regulations is amended by inserting, immediately after item 21, the following item:

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22. Any nightclub or karaoke lounge.	The time the nightclub or karaoke lounge is open for business.
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*[G.N. Nos. S 310/2021; S 324/2021; S 367/2021;
S 396/2021; S 513/2021; S 542/2021; S 590/2021;
S 620/2021; S 682/2021; S 768/2021; S 774/2021;
S 863/2021; S 908/2021; S 991/2021; S 9/2022;
S 49/2022; S 69/2022; S 91/2022; S 102/2022;
S 180/2022; S 226/2022]*

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