

---

**Afkondigingsblad  
van Sint Eustatius**

---



**Jaargang:** 2020

**Nummer:** 48

**Uitgifte:** 08.09.2020

---

**Ordinance of October 20th, 2020, no 899/GEZ, prohibition of the use and sale of alcohol on the 21 of October 2020 (election) for the territory of St. Eustatius (Emergency Ordinance prohibition of the consumption and sale of alcohol October 19th, 2020)**

---

The Government Commissioner of St. Eustatius, under Article 18 of the Revised (Government) Provision act St. Eustatius, acting in lieu of the Island Governor,

having regard to article 179 of the Wet Openbare Lichamen Bonaire, St. Eustatius en Saba (Public Entities Bonaire, St. Eustatius and Saba act);

Whereas

- we are in the midst of a COVID-19 pandemic, which also endangers the public health of St. Eustatius;
- in pursuance of the Wet publieke gezondheid ('Public Health Act'), it is of importance to safeguard the safety and public health of the people of St. Eustatius, and that the Government Commissioner of St. Eustatius based on the aforementioned act is in charge of combatting an epidemic of an infectious disease belonging to group A of infectious diseases;
- that in order to prevent the spreading of the virus, measures have been taken to ensure social distancing;
- elections will be held for the first time on Wednesday 21 October 2020, since the Temporary act Task neglect St. Eustatius in 2018;
- public order and safety are also to be guaranteed during the elections, for a peaceful and orderly election, and to prevent further spread of the Corona virus during the elections;
- that when consuming alcohol, people are not always alert to consider the Covid-19 measures, which can lead to spreading of the virus;
- that persons who are in a state of drunkenness, can endanger the public health and safety due to escalations which can lead to public order incidents;
- it is important that the measures taken to prevent the further are also taken into consideration;
- the interest of free enterprise is important, however the interest of public safety prevails and the prohibition is of a temporary nature;

**Decides** to adopt the following general binding rules for the temporary prohibition of sales of alcohol, due to maintenance of the public health, order and safety:

**Article 1 Scope of application**

This Ordinance is applicable to the territory of St. Eustatius.

## **Article 2 Definitions**

For the purposes of this Regulation and the provisions based on it, it is understood that:

- alcoholic beverage: weak as well as strong alcoholic beverages as defined in the “Vergunningswet-BES” (Bar, Hotel and Restaurant act BES);
- food and beverage outlets: establishments where food, drinks and alcohol are sold and consumed locally on the premises and may serve meals to be consumed on the premises and which also may provide live entertainment or contests involving strength or skill and may provide electronic games or pool tables.

## **Article 3 Prohibition of Alcohol sales and consumption**

1. It is prohibited for any food and beverage outlets to sell or distribute, any type of alcoholic beverages for remuneration whether the payment is direct or indirect for the purpose of consumption other than on site (take-away/delivery).
2. Establishments in hotels where food and beverages are sold for hotel guests, may only sell alcoholic beverages through room service taking into account the measures as described in the Emergency ordinance COVID-19 St. Eustatius October 15th, 2020;

## **Article 4 Following instructions**

Any and all instructions for the enforcement of this Ordinance given by the police and by the Royal Netherlands Marechaussee and by public servants designated by the Government Commissioner to do so, must be followed promptly and immediately.

## **Article 5 Supervision**

Encumbered with the supervision on compliance with this Ordinance are the Police officers and the Royal Netherlands Marechaussee and public servants designated for this purpose by the competent authority.

## **Article 6 Penal provision**

1. Any act in violation of the rules given by virtue of this ordinance will result in an offence.
2. An offence will be punished with a term of imprisonment not exceeding three months or a monetary fine of the second category.

## **Article 7 Implementation**

This Ordinance takes effect immediately on October 20th, 2020 at 18:00 hours and remains in full force and effect up to Thursday the 22nd of October 2020, at 18:00 hours.

## **Article 8 Reference title**

This Ordinance is referred to as: Emergency Ordinance prohibition alcohol sale St. Eustatius October 20th, 2020.

Adopted in St. Eustatius on October 20th, 2020

The Government Commissioner,

Mr. M.L.A. van Rij

This Ordinance was brought to the cognisance of the Island Council, the Kingdom Representative for the Public Entities Bonaire, St. Eustatius and Saba and the Public Prosecutor, Head of the Court in the First Instance on October 20th, 2020.

## **Explanatory note**

General explanatory notes to Emergency Alcohol Ordinance St. Eustatius October 20<sup>th</sup>, 2020

In February 2018 the Government of the Dutch Kingdom, issued a Temporary task neglect St. Eustatius act, which have been replaced by the Revised (Government) Provision Act St. Eustatius, in which the local government was relieved from their function and the regular governing processes were set aside temporarily. After more than two years of working together to build back up and strengthen the governmental core of St. Eustatius, the first step will be taken to gradually restore the democratic governing process on the island. This will be done by holding the first Island Council election since the local government was relieved of their function. On St. Eustatius this is a great occasion for celebration and it is known that during this period alcohol consumption is increased.

As is known we are at present in the midst of a COVID-19 pandemic. This pandemic has also affected life on St. Eustatius. As a result thereof since March this year we have been under restricted measures safeguarding public health and safety, in order to combat and contain possible spreading of the virus in our community.

It is known that persons under the influence of alcohol are less likely to adhere to rules and regulations. Seeing that there will be much more movement of persons, and even small and big agglomerations of persons in different locations as a result of the elections it is important that public health, order and safety are guaranteed on election day. In doing this, we contribute towards preventing the spread of the Covid-19 virus.

Article by article

### **Article 2**

For the sake of consistency and in order to avoid confusion, the same definition as used for alcoholic beverages in the Bar, Hotel and Restaurant act BES is used, and for the definition of Food and beverage outlets that of the Emergency Ordinances COVID-19 is used.

### **Article 3**

This article tackles the sale of alcoholic beverages for consumption off site, on site is already prohibited by the Emergency Ordinance COVID-19 St. Eustatius October 15<sup>th</sup>, 2020.

An exemption is made for the sale and consumption of alcoholic beverages by Hotel guests, which will only be allowed through room service, taking into account the measures as described in the Emergency Ordinance COVID-19 St. Eustatius October 15<sup>th</sup>, 2020. (Social distancing, use of mask by personnel)