

Direction No. 5 of the Committee for Health & Social Care issued under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2020

This Direction is issued by the Committee for Health & Social Care, in exercise of its powers under regulation 13(1)(a) and (b) of the above Regulations and following consultation with the Medical Officer of Health:-

1. Prohibition on entering and remaining on premises.

(1) A person shall not enter or remain on any premises of a type set out in Part 1 of the First Schedule.

(2) Paragraph (1) shall not apply to –

(a) an essential worker who –

(i) subject to social distancing, enters or remains on premises for the purpose of discharging his or her work functions, and

(ii) where undertaking delivery work, observes the requirements set out in the Third Schedule,

(b) other than in the case of premises referred to in paragraph 10 of Part 1 of the First Schedule –

(i) the owner or occupier of the premises,

(ii) any person who usually works at or on the premises or who is responsible for the management of the premises,

and who, subject to social distancing, enters or remains on the premises solely for the purpose of –

(A) securing them,

(B) carrying out or having carried out essential maintenance or repair work to the premises, or

- (C) taking measures to ensure that the premises can continue to be used for the purpose for which they were used immediately before 25th March, 2020,
- (c) in the case of premises referred to in paragraph 10 of Part 1 of the First Schedule –
 - (i) the owner or occupier of the premises, any person who usually works at or on the premises or who is responsible for the management of the premises, and
 - (ii) any person who is residing lawfully at or on the premises,
- (d) any person authorised by the Committee or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Committee or Medical Officer of Health, as the case may be, shall specify, and
- (e) the persons in the circumstances and subject to the conditions described in the Fourth Schedule.

2. Prohibition on events, gatherings and meetings of more than 2 persons

- (1) The owner or occupier of any premises must not allow an event, gathering or meeting consisting of more than 2 persons, to take place at or on the premises.
- (2) A person must not organise or hold an event, gathering or meeting consisting of more than 2 persons to take place at or on any premises.
- (3) A person must not participate in an event, gathering or meeting of more than 2 persons, which is taking place at or on any premises.

3. Exemption from paragraph 2.

The prohibition under paragraph 2 shall not apply:

- (a) where the event, gathering or meeting involves persons who enter or remain on premises in circumstances where paragraph 1(1) does not apply further only to its disapplication under paragraph 1(2),

- (b) where the event, gathering or meeting consists only of members of the same household and takes place in a dwelling,
- (c) where the event, gathering or meeting –
 - (i) consists only of members of the same household,
 - (ii) takes place outside a dwelling, and
 - (iii) is allowed, organised or participated in, for any of the following purposes –
 - (A) shopping for basic necessities, for example food and medicine,
 - (B) walking, cycling, running, sea swimming or taking part in other open sea activities for the purpose of health and welfare for up to 2 hours every day provided that if sea swimming or sea activities are undertaken they may be undertaken with one other person (who is not a member of the same household) present, for safety reasons, provided social distancing is observed and maintained,
 - (C) attending a medical or dental appointment,
 - (D) obtaining any product from a pharmacy, or
 - (E) providing care or to help a vulnerable person,
- (d) where the event, gathering or meeting –
 - (i) is of a type described in the Fifth Schedule,
 - (ii) consists of persons –
 - (A) of a type described in the Fifth Schedule,
 - (B) who are attending the event, gathering or meeting for the purpose, and subject to the conditions, set out in that Schedule, and
 - (iii) involves –

- (A) maintenance of social distancing by, and
- (B) the provision of adequate handwashing facilities for,

persons attending the event, gathering or meeting, or

- (e) where the event, gathering or meeting is authorised by the Committee or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Committee or Medical Officer of Health, as the case may be, shall specify.

4. Interpretation

In this Direction –

"**Committee**" means the States of Guernsey Committee for Health & Social Care,

an "**essential worker**" means a worker –

- (a) of a type, or who works in a business of a type, described in the Second Schedule, and
- (b) who, if undertaking deliveries, observes the requirements set out in the Third Schedule,

"**hand washing facilities**" includes facilities that enable the use of hand sanitising products,

"**intoxicating liquor**" has the same meaning as it does for the purposes of the Liquor Licensing Ordinance, 2006,

"**licensed premises**" has the same meaning as it does for the purposes of the Liquor Licensing Ordinance, 2006,

a person occupies a dwelling as a "**member of the same household**" as another person if -

- (a) that person –

- (i) normally occupies the dwelling, or
 - (ii) is occupying the dwelling on a temporary basis for reasons associated with the risk to public health caused by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and
- (b) that person is related to the other members of the household (by blood, marriage or adoption) or is treated by members of that household as a member of the household,

the "**notification requirement**" means a requirement –

- (a) to notify the Director of Environmental Health and Pollution Regulation and the Medical Officer of Health by completion and electronic submission of the Business Notification Form accessible via the States of Guernsey GOV.GG website, and
- (b) to notify those office holders of any change in the details submitted in the Business Notification Form,

"**social distancing**" in relation to a person ("P") means, wherever reasonably practicable, the observance and maintenance by P of a distance of at least 2 metres from another person, other than a person who is a member of P's household, and

"**vulnerable person**" includes -

- (a) a person under the age of 18 years, and
- (b) a person above the age of 18 years who, by reason of mental or other disability, age, illness, or other situation is permanently or for the time being unable to take care of him or herself, or to protect him or herself against significant harm or exploitation.

5. **Application.**

This Direction applies throughout the Bailiwick.

6. **Duration.**

This Direction has effect from Saturday 25th April, 2020 until 2359 hours on 8th May, 2020.

FIRST SCHEDULE

Paragraph 1

PART 1

Premises

1. Licensed premises.
2. Cinemas and theatres.
3. Restaurants, cafes, takeaways and kiosks.
4. Retail outlets, other than those essential retail outlets set out in Part 2.
5. Libraries.
6. Community and youth centres.
7. Indoor and outdoor leisure facilities.
8. Community places within parks.
9. Places of worship.
10. Hotels, guest houses, any other premises used for the purpose of the provision of sleeping accommodation, board, lodging or board and lodging for reward and campsites.

PART 2

Paragraph 3

Essential retail outlets

Retail and wholesale premises of the following types, or from which the following types of business are conducted -

1. Retail and wholesale sale of food, beverages (including intoxicating liquor) and newspapers.
2. Retail sale of household consumer products necessary to maintain the safety and sanitation of residences and businesses.
3. Pharmacies/chemists and retailers providing pharmaceuticals, pharmaceutical or dispensing services.
4. Fuel stations and heating fuel providers.
5. Retail sale of essential items for the health and welfare of animals, including animal feed and medicines, animal food, pet food and animal supplies including bedding.
6. Laundries
7. Banks, loan agencies, insurance brokers and post offices.

SECOND SCHEDULE

Paragraph 4

Essential worker

Private sector

- Businesses and workers ESSENTIAL to the functioning of any activity necessary to:

o Ensure the continuing supply and accessibility of food and other essential goods including

- ⊙ Supermarkets and grocery stores
- ⊙ Air and sea freight transport
- ⊙ Stevedores and other necessary port management activities
- ⊙ Freight operators

o Ensure the continuing supply and accessibility of veterinary and animal health and husbandry services

o Ensuring continuing health and community care services including

- ⊗ GP surgeries/medical practices
 - ⊗ Pharmacies
 - ⊗ Residential and nursing homes
 - ⊗ Private and third sector agencies providing care services in a home or other setting (including the care of animals)
 - ⊗ Volunteers that provide services to those in need (Meals on Wheels, Samaritans, etc)
 - ⊗ Those responsible for management of the deceased or services celebrating, commemorating or otherwise recognising the life and/or death of a person

- o Those essential to law and order
 - ⊗ Advocates and staff

- o Those providing private school services and daytime childcare
 - ⊗ Private primary and secondary schools
 - ⊗ Nurseries and day-care services

- o Maintain critical national infrastructure (essential staff)
 - ⊗ Utilities (water, electricity, gas, oil, post)
 - ⊗ Telecoms providers (essential staff required to deliver mobile and fixed line telecommunication services)
 - ⊗ Coastal defences

- o Maintain public transport
 - ⊗ Bus operators and school transport providers

- o Public service broadcasters and other mainstream news media

- o Banking services
 - ⊗ Staff that are critical to providing branch-based services to enable cash and other financial transactions
 - ⊗ Staff involved in maintaining critical economic infrastructure that requires on-site systems access

- o Services that ensure the cleanliness and hygiene of working environments that can be undertaken while adhering to social distancing guidelines

Private sector employers falling within the above categories should determine which roles are essential to the ability to maintain critical services.

Public service

- Workers ESSENTIAL to the DELIVERY OF CRITICAL SERVICES by:

- ⊗ Courts and Judicial Services
- ⊗ Health and Social Care
- ⊗ Education
- ⊗ Emergency Services (Law Enforcement, Ambulance, Fire and Coastguard)
- ⊗ Prison
- ⊗ Law Officers
- ⊗ States Works
- ⊗ Guernsey Waste
- ⊗ Ports
- ⊗ Regulatory roles directly related to financial stability and banking supervision
- ⊗ Treasury
- ⊗ Social Security

Additionally –

- (a) any ancillary staff from the private or public sectors who are essential to supporting the States of Guernsey's response to COVID-19,
- (b) in the case of Alderney, civil servants or office holders specified by the Policy and Finance Committee of the States of Alderney, and
- (c) in the case of Sark, civil servants or office holders specified by the Policy and Finance Committee of the Chief Pleas of Sark.

THIRD SCHEDULE

Paragraphs 1 and 4

Requirements for deliveries

1. Goods must be packed for delivery by no more than two people in line with social distancing and hygiene guidelines, including the wearing of gloves.
2. Deliveries must take place as part of a planned itinerary, and goods must not be sold by delivery drivers to other parties.
3. Deliveries must be undertaken by no more than one person wearing gloves.
4. A 70% alcohol hand gel should be rubbed on the gloves between deliveries.
5. Delivered goods must be left on the doorsteps of premises or in an agreed outside place – there must be no direct customer interaction.

FOURTH SCHEDULE

Paragraph 1(2)(e)

Disapplication of prohibition on entering and remaining on premises

When exercising rights under this Schedule, repair and maintenance personnel, construction workers, outdoor workers, Members of the States and property workers must adopt practices designed to minimise, wherever possible and practical, risks to health, including –

- (a) maintenance of social distancing,
 - (b) regular washing of hands, and
 - (c) such other measures as –
 - (i) may be indicated in the following paragraphs, and
 - (ii) the Committee or Medical Officer of Health may from time to time specify in guidance.
1. **Essential emergency home and building repair and maintenance**

Plumbers, electricians, roofers, scaffolders and all others ("**repair and maintenance personnel**") who reasonably and necessarily provide essential emergency home and building repair and maintenance services.

2. **Construction and building with no household contact**

(1) Construction workers and/or trades persons ("**construction workers**") working in teams of no more than 5 persons and regulatory officials, subject to the conditions in subparagraph (2).

(2) The conditions are that –

(a) no more than 2 construction workers are present on any premises, except where–

(i) the workers are all members of the same household, or

(ii) works are undertaken within specific areas or zones which are intended to maintain and, where possible, maximise social distancing, in which case up to 5 personnel may be present,

(b) works do not involve close physical contact with members of the public or the owner or occupier of the premises where the works are undertaken,

(c) the works usually undertaken by the persons attending cannot be carried out satisfactorily without their attendance at the premises, and

(d) the notification requirement is satisfied.

(3) For the purpose of this paragraph a "**regulatory official**" includes any person who discharges a building control, planning, public health or environmental health function.

3. **Outdoor work**

(1) Workers working outdoors ("**outdoor workers**") providing services such as gardening and window cleaning services, subject to the conditions in subparagraph (2).

- (2) The conditions are that –
- (a) the provision of any service does not involve close physical contact with members of the public or the owner or occupier of any premises where the services are provided,
 - (b) workers operate within specific areas or zones which are intended to maintain and, where possible, maximise social distancing, and
 - (c) the notification requirement is satisfied.

4. Attendance by States Members at Sir Charles Frossard House for purposes of remote meetings of the States

Members of the States who enter and remain on the premises known as Sir Charles Frossard House ("SCFH") for the purposes of attending remote meetings of the States of Deliberation.

5. Property transactions

(1) Individual workers ("**property workers**"), who enter and remain on premises, for the purpose of listing, viewing or surveying those premises in connection with the sale or lease of, or any other transaction relating to, the premises, subject to the conditions in subparagraph (2) or (3), as the case may be.

(2) Where the premises have been unoccupied for at least 7 days prior to entry, the conditions are that –

- (a) property workers observe and adopt the practices and measures specified in any code of practice issued by the Committee under this paragraph, and
- (b) the notification requirement is satisfied.

(3) Where the premises do not fall within subparagraph (2), the conditions are that –

- (a) they are not occupied by anyone who is known -
 - (i) to have Covid-19 symptoms, or had have Covid-19 symptoms within the immediately preceding 48 hour period,

- (ii) to be subject to compulsory isolation under the Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey) Regulations, 2020, or
 - (iii) to be awaiting the results of testing for infection with Covid-19, and
- (b) entry takes place whilst the usual occupants of those premises are not present,
 - (c) property workers observe and adopt the practices and measures specified in any code of practice issued by the Committee under this paragraph, and
 - (d) the notification requirement is satisfied.

FIFTH SCHEDULE

Paragraph 3(d)

Disapplication of prohibition on events, gatherings and meetings

The following provisions of this Schedule apply subject to such other measures as the Committee or Medical Officer of Health may from time to time specify in guidance.

1. Essential workers and customers etc.

An event, gathering or meeting of essential workers who are attending the event, gathering or meeting solely for the purpose of discharging their work functions, together with –

- (a) customers, patients and other persons in receipt of goods or services from the workers in question, and
- (b) suppliers to the premises from which the functions are carried out.

2. Essential retail outlets

An event, gathering or meeting, at or on a retail outlet of a type set out in Part 2 of the First Schedule, attended by persons who –

- (a) usually work at or on the premises, or
- (b) are customers or suppliers of the outlets, and

are present solely for the purpose of selling, purchasing and providing goods and services of a type usually sold, purchased or provided in the course of a business operated from the outlet in question.

3. Opticians, optometrists and audiologists

An event, gathering or meeting, at or on premises used for the business of optician, optometrist or audiologist, attended by persons who –

- (a) usually work at the premises, or
- (b) are customers, clients or patients of the business, and

are present for the purpose of the provision or receipt of essential emergency treatment.

4. Office premises

(1) An event, gathering or meeting of no more than 5 persons, at or on office premises, subject to the conditions in subparagraph (2).

(2) The conditions are that –

- (a) the persons attending –
 - (i) usually work at the premises, or
 - (ii) are members of the same household,
- (b) the attendance of those persons is necessary for the functioning of the business carried out from the premises in question,
- (c) the work usually undertaken by those persons cannot be carried out satisfactorily without their attendance at the premises,
- (d) the persons attending operate within specific areas or zones which are intended to maintain and, where possible, maximise social distancing, and

- (e) the notification requirement is satisfied.

5. Maintenance, repairs etc. of cars, motorcycles, bicycles and boats

(1) An event, gathering or meeting at premises used for the purpose of car, motorcycle, bicycle and/or boat maintenance, repair or building, subject to the conditions in subparagraph (2).

(2) The conditions are that –

- (a) wherever possible, maintenance and other services are provided by one person per vehicle or boat,
- (b) no more than 2 vehicle and boat maintenance or repair personnel are present on any premises from which maintenance and other services are provided, except where–
 - (i) the personnel are all members of the same household, or
 - (ii) the services are provided within specific areas or zones which are intended to maintain and, where possible, maximise social distancing, in which case up to 5 personnel may be present,
- (c) vehicles and boats are suitably cleaned before and after completion of work, and
- (d) the notification requirement is satisfied.

6. Building wholesale and supply

(1) An event, gathering or meeting, of no more than 5 persons (excluding customers present in accordance with subparagraph (2)(e)), at or on premises used for the business of building wholesale and supply, subject to the conditions in subparagraph (2).

(2) The conditions are that –

- (a) the persons attending –
 - (i) usually work at the premises, or

- (ii) are members of the same household,
- (b) the attendance of those persons is necessary for the functioning of the business operated from the premises in question,
- (c) the work usually undertaken by those persons cannot be carried out satisfactorily without their attendance at the premises,
- (d) the persons attending operate within specific areas or zones which are intended to maintain and, where possible, maximise social distancing,
- (e) no more than 2 customers are present on the premises at any one time, further to prior agreement, and
- (f) the notification requirement is satisfied.



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Deputy Heidi J R Soulsby
President of the Committee for Health & Social Care
24th April 2020

Explanatory Note

Direction No. 5 is made by the Committee *for* Health & Social Care on 24th April, 2020 further to powers conferred on it by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2020 as made by the Civil Contingencies Authority under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012.

It has been made following consultation with the Medical Officer of Health. It replaces and largely repeats, but with amendment, provisions included in previous Directions

made by the Committee. A key change is the introduction of a notification requirement which must be satisfied by businesses wishing to resume business as from 25th April 2020 under the new exemptions (or disapplications) introduced by the Direction. Notification is to be made to the Director of Environmental Health and Pollution Regulation and the Medical Officer of Health by completion and electronic submission of a Business Notification Form accessible via the States of Guernsey GOV.GG website. Changes to information notified on the Form must be reported to the offices of Environmental Health and Public Health as soon as possible following any change.

The purpose of the Direction remains prevention of the further introduction and spread within the Bailiwick of the Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19.

In brief summary, the Direction (see numbered section 1 below) prohibits persons from entering and remaining on certain premises (as set out in Part 1 of the First Schedule to the Direction) and (number 2 below) attending events, gatherings and meetings of more than 2 persons.

1. The prohibition on entering and remaining on premises relates to premises of the types set out in Part 1 of the First Schedule (e.g. licensed premises, cinemas theatres, restaurants, cafes, takeaways and kiosks non-essential retail outlets, libraries, community and youth centres, indoor and outdoor leisure facilities, community places within parks, places of worship and hotels, guest houses and any other premises used for the purpose of the provision of sleeping accommodation, board, lodging or board and lodging for reward and campsites). The prohibition however has several exceptions. The key exceptions are as follows:-

- (a) essential retail outlets of the types set out in Part 2 of the First Schedule, such as premises from which the business of the retail and/or wholesale sale of food, beverages and newspapers is conducted,
- (b) premises whilst essential workers are present for the purposes of their work and subject to the requirements set out in the Third Schedule relating to delivery work,
- (c) other than in the cases of hotels and guest houses, owners or occupiers of premises and any person who usually works at or on the premises or who is responsible for the management of the premises and who enters or remains on the premises solely for the purpose of securing them, carrying out or having carried out essential maintenance or repair work to the premises, or taking measures to ensure that the premises can

continue to be used for the purpose for which they were used immediately before 25th March, 2020,

- (d) in the cases of hotels and guest houses, owners or occupiers, any person who usually works at or on the premises or who is responsible for the management of the premises and any person who is residing lawfully at or on the premises,
- (e) any person authorised by the Committee or the Medical Officer of Health for such purpose and for such duration as the Committee or Medical Officer of Health, as the case may be, shall specify, and
- (f) persons referred to in the circumstances and subject to the conditions described in the Fourth Schedule.

However, in each case, the Direction is intended to ensure that any individual who does enter and remain on premises observes "social distancing". That is defined as maintaining a distance of at least 2 metres from another person. In addition the prohibition on events, gatherings and meetings of more than 2 persons (see paragraph 2 of the Direction) applies to individuals who usually work at or on the premises or who are responsible for the management of the premises, unless further exemption applies under paragraph 3.

2. The prohibition on attending events, gatherings and meetings of more than 2 persons, places obligations on certain persons who might be in a position to organise or attend events etc. In particular:-

- (a) owners and/ or occupiers of any premises must not allow an event, gathering or meeting consisting of more than 2 persons, to take place at or on their premises,
- (b) a person must not organise or hold an event, gathering or meeting consisting of more than 2 persons to take place at or on any premises, and
- (c) a person must not participate in an event, gathering or meeting of more than 2 persons, which is taking place at or on any premises.

3. There are several exemptions from the prohibition described above. They are set out in paragraph 3 of the Direction. In very general terms, they are as follows:-

- (a) where the event, gathering or meeting involves people who enter or remain on premises in circumstances where paragraph 1(1) (prohibition

on entering and remaining on premises) further to its disapplication under paragraph 1(2) does not apply,

- (b) where the event, gathering or meeting consists only of members of the same household and takes place in a dwelling,
- (c) where the event, gathering or meeting consists only of members of the same household, takes place outside a dwelling and is allowed, organised or participated in, for a number of specific purposes (e.g. to go shopping, walking, cycling, running, sea swimming or taking part in other open sea activities for up to 2 hours every day, attending a medical or dental appointment, obtaining any product from a pharmacy, or providing care or to help a vulnerable person),
- (d) where the event, gathering or meeting is of a type described in the Fifth Schedule to the Direction, consists of the persons described in that Schedule and which involves the maintenance of social distancing and the provision of adequate handwashing facilities, or
- (e) where the event, gathering or meeting is authorised by the Committee or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Committee or Medical Officer of Health, as the case may be, shall specify.

4. An "essential worker" means a worker of a type, or who works in a business of a type, described in the Second Schedule to the Direction.

5. The Third Schedule sets out a list of measures that essential workers must observe whilst undertaking delivery work.

6. The Fourth Schedule incorporates into the Direction, five specific circumstances in which the prohibition on entering and remaining on premises under paragraph 1(1) is disapplied. These relate to (1) essential emergency home and building repair and maintenance workers, (2) construction workers and trades persons, (3) outdoor workers, (4) Members of the States who enter and remain on Sir Charles Frossard House for the purposes of attending remote meetings of the States of Deliberation and (5) workers involved in property transactions (e.g. house sales).

7. The Fifth Schedule is given effect under paragraph 3(d) of the Direction and disapplies some specific events, gatherings and meetings from the general prohibition on attendance at events, gatherings and meetings. These include gatherings and meetings involving the following individuals: -

- essential workers and persons receiving goods or services from those essential workers,
- in the case of the essential retail outlets of the types set out in Part 2 of the First Schedule, persons who usually work at or on the outlet or are customers or suppliers of the outlet and are present solely for the purpose of selling, purchasing and providing goods and services of a type usually sold, purchased or provided in the course of a business operated from the outlet in question,
- persons at or on premises used for the business of optician, optometrist or audiologist and who usually work at the premises, are customers, clients or patients of the business and are present for the purpose of the provision or receipt of essential emergency treatment,
- office staff (limited to a maximum of 5 individuals) on office premises who usually work at the premises, whose attendance is necessary for the functioning of the business operated from the premises in question, who cannot otherwise carry out their work and where areas are established intended to maintain and where possible maximise social distancing,
- mechanics, boat repairers and others on premises used for the purpose of car, motorcycle, bicycle and/or boat maintenance, repair or building, subject to conditions which include that wherever possible repair and other services are provided by one person per vehicle or boat, and
- workers (limited to a maximum of 5 individuals) involved in building wholesale and supply on premises used for business of that type and who usually work at the premises, plus up to 2 customers present at any one time by prior arrangement and other conditions similar to those referred to in relation to office staff and office premises above.

In each case the disapplication under the Fifth Schedule applies in conjunction with and subject to guidance issued by the Committee or Medical Officer of Health.

8. The Direction will remain in place until 2359 hours on 8th May, 2020 unless revoked before that time. It has effect throughout the Bailiwick.

9. Guidance has been issued by or on behalf of the Committee *for* Health & Social Care as to the manner in which it is intended that the Direction will be applied and interpreted.

