

GUERNSEY STATUTORY INSTRUMENT

2021 No.

**The Emergency Powers (Coronavirus) (Population Management) (Guernsey) Regulations, 2021**

*Made*

*28<sup>th</sup> January, 2021*

*Coming into operation*

*29<sup>th</sup> January, 2021*

*Laid before the States*

**WHEREAS** there are one or more persons within the Bailiwick, or who may enter the Bailiwick, who may be infected with Severe Acute Respiratory Syndrome Coronavirus 2, resulting in the occurrence of an emergency within the meaning of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012<sup>a</sup>;

**AND WHEREAS** one or more persons within the Bailiwick have died after being infected with Severe Acute Respiratory Syndrome Coronavirus 2;

**AND WHEREAS** a new and fast-spreading variant of Severe Acute Respiratory Syndrome Coronavirus 2 has recently been detected in the United Kingdom;

**AND WHEREAS** there is reason to believe there may be community transmission of Severe Acute Respiratory Syndrome Coronavirus 2 within the Bailiwick;

**AND WHEREAS** the Civil Contingencies Authority ("**the Authority**") (having consulted the Medical Officer of Health in respect of the risk to public health created thereby

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<sup>a</sup> Order in Council No. XIV of 2012; amended by Ordinance No. IX of 2016; and No. II of 2017.

and by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and in respect of the measures necessary to prevent or slow the spread of infection) is satisfied that the conditions set out in section 13 of the Law are satisfied, and that the following regulations contain only provisions which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency referred to above;

**AND WHEREAS** the Authority is satisfied that the effect of the following regulations is in due proportion to that emergency, and that they are compatible with the Convention rights within the meaning of section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000<sup>b</sup>;

**NOW THEREFORE THE AUTHORITY**, in exercise of the powers conferred upon it by sections 12(1), 14 and 19 of the Law, and of all other powers enabling it in that behalf, hereby makes the following regulations: –

**Population Management Law: Employment Permits.**

1. (1) The holder of an Employment Permit may, during the period of validity of that Permit –

- (a) be resident without being employed,
- (b) be employed by an employer other than the employer or category of employer specified in the Permit, and
- (c) be employed by the employer or category of employer specified in the Permit on a part-time basis.

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<sup>b</sup> Order in Council No. XIV of 2000; amended by No. I of 2005; Ordinance No. XXXVII of 2001; No. XXXIII of 2003; No. XX of 2015; No. IX of 2016; No. XXVI of 2018; and G.S.I. No. 27 of 2006.

(2) Without prejudice to the generality of paragraph (1), the holder of an Open Market Employment Permit may, during the period of validity of that Permit, be accommodated at a dwelling or property other than -

- (a) the dwelling specified on the face of the Permit, or
- (b) a property inscribed in Part B or Part C,

as the case may be.

(3) To the extent necessary to give effect to paragraphs (1) and (2) -

- (a) Employment Permits (including the conditions set out therein) shall be deemed to be varied, and
- (b) the provisions of the Population Management Law, any Ordinance and subordinate legislation made under that Law, and any other enactment, shall be deemed to be modified,

and Employment Permits, and those provisions, shall have effect accordingly.

(4) For the avoidance of doubt, this regulation shall not affect the period of validity of any Certificate or Permit issued or granted under the Population Management Law, nor the calculation of time for any purpose under that Law.

(5) The Administrator may issue guidance in respect of this regulation.

(6) In this regulation –

**"the Administrator"** means the Administrator of Population

Management under the Population Management Law,

"**Employment Permit**" has the meaning given by section 20(1) of the Population Management Law,

"**Open Market Employment Permit**" has the meaning given by section 20(2) of the Population Management Law,

"**Part B**" and "**Part C**" mean those Parts of the Open Market Housing Register, and

"**the Population Management Law**" means the Population Management (Guernsey) Law, 2016<sup>99</sup>.

**Citation.**

2. These Regulations may be cited as the Emergency Powers (Coronavirus) (Population Management) (Guernsey) Regulations, 2021.

**Extent.**

3. These Regulations shall have effect in the island of Guernsey.

**Commencement.**

4. These Regulations shall come into force on 29<sup>th</sup> January, 2021.

Dated this 28th day of January, 2021



P. T. R. FERBRACHE  
Chairman of the Civil Contingencies Authority

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<sup>99</sup> Order in Council No. VI of 2016; as amended by No. IV of 2018; Ordinance No. VII of 2017; and Ordinance No. XXVII of 2018.

For and on behalf of the Authority

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are emergency regulations made by the Civil Contingencies Authority under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 ("the Law"). They are made on the occurrence of an emergency, within the meaning of the Law, in the Bailiwick, arising from the urgent need to prevent, control or mitigate the spread of the virus Severe Acute Respiratory Syndrome Coronavirus 2 and the disease caused thereby, COVID-19 (referred to together in these regulations as coronavirus). They are prefaced with a statement by the Civil Contingencies Authority, as required by section 12(2) of the Law. COVID-19 was made a notifiable disease for the purposes of the Public Health Ordinance, 1936 on 10th February 2020.

These Regulations provide for the deemed variance of all Employment Permits issued under the Population Management (Guernsey) Law, 2016, to allow the holder to be resident without being employed, to be employed by a different employer from that specified in the Permit, and to be employed on a part-time basis; and for the modification of the Population Management (Guernsey) Law, 2016 and other legislation to the extent necessary to give effect to this. The Regulations also have the effect of disapplying, in respect of Open Market Employment Permits, the condition that the holder be accommodated in the particular dwelling specified on the face of the holder's Permit or in a property inscribed in Part B or Part C of the Open Market Housing Register (as the case may be).

These Regulations come into force on 29<sup>th</sup> January, 2021, and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.