

GUERNSEY STATUTORY INSTRUMENT

ENTITLED

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* G.S.I. No. 12 of 2021; as amended by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) (Amendment) Regulations, 2021 (G.S.I. No. 17 of 2021). See also the Deputy Bailiff (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 122); the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (No. VII of 2010). These Regulations have been revoked by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2021 (G.S.I. No. ** of 2021).

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ENTITLED

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021

ARRANGEMENT OF REGULATIONS

PART I

SCREENING, ASSESSMENT, AND POWERS TO DETAIN ETC, AND CONTROLS ON TRAVEL INTO THE BAILIWICK

1. Decisions of MOH and the Authority to impose restrictions and requirements.
2. Detention of persons by the MOH.
3. Imposition of restrictions and requirements: general.
4. Prohibition of non-essential travel.
5. Requirement to self-isolate on arrival in the Bailiwick.
6. Requirement to self-isolate on arrival in the Bailiwick: supplementary.
7. Screening requirements.
8. Imposition of further restrictions and requirements.
9. Self-isolation of persons suspected to be infected with coronavirus.
10. Detention or self-isolation: additional provisions.
11. Restrictions or requirements in respect of groups.
12. Variation and revocation of restrictions and requirements.
13. Initial detention of persons to enable screening and assessment.
14. Offences and enforcement.
15. False or misleading information.
16. Interpretation of this Part: general.
17. Definition of "self-isolate".

PART II

CONTROL OF PREMISES, GATHERINGS ETC., AND MOVEMENT OF PERSONS

18. Power to give directions.
19. Procedure, variation and revocation.
20. Alderney and Sark.
21. Enforcement.
22. Offences.
- 22A. Modification of Fixed Penalties Law.
23. Interpretation of this Part.

PART III
REGISTRATION OF DEATHS AND STILL-BIRTHS

Legislation extending to the Bailiwick except for registration of deaths and still-births in Alderney

24. Modification of the Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey.

Legislation extending to Alderney

25. Modification of the Loi relative aux certificats de Décès et aux Enterrements.

PART IV
MODIFICATIONS TO LEGISLATION RELATING TO CREMATIONS IN
GUERNSEY

26. Modification of legislation relating to cremation.

PART V
STATES OF DELIBERATION AND CHIEF PLEAS OF SARK

27. Modification of the Reform Law.
28. Modification of the Sark Reform Law.

PART VI
SCHOOLS

29. Power of Medical Officer of Health to close schools.

PART VII
MISCELLANEOUS AND FINAL

30. Modification of legislation relating to mental health.
31. Population Management Law: Employment Permits.
32. Guernsey Financial Services Commission: officers appointed as Senior Decision Makers.
33. Court of Appeal.
34. Modification of the Driving Licences Ordinance.
35. Offences by legal persons and unincorporated bodies.
36. Revocation and savings.
37. Interpretation.
38. Citation.
39. Extent.

40. Commencement.

SCHEDULE 1 Essential Travel Permits.

SCHEDULE 2 Exception to requirement to self-isolate on arrival in the
Bailiwick: Critical Workers.

SCHEDULE 3 Modification of legislation relating to mental health.

Explanatory Note.

REPEALED

(Made on 4th February, 2021.)

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021

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^a;

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

^a Order in Council No. XIV of 2012; amended by Ordinance No. IX of 2016; and No. II of 2017.

the Convention rights within the meaning of section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000^b;

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: –

PART I

SCREENING, ASSESSMENT, AND POWERS TO DETAIN ETC, AND
CONTROLS ON TRAVEL INTO THE BAILIWICK

Decisions of MOH and the Authority to impose restrictions and requirements.

1. (1) Subject to paragraph (3), the Medical Officer of Health ("the MOH") may not impose a restriction or requirement under this Part unless the MOH has sought the advice of Her Majesty's Procureur in relation to the appropriateness and proportionality of the proposed requirement or restriction, and has taken account of that advice.

(2) Subject to paragraph (3), the Civil Contingencies Authority ("the Authority") may not impose a requirement under regulation 6(2) unless the Authority has sought the advice of the MOH in relation to the appropriateness of the proposed requirement and has taken account of that advice.

(3) Neither the requirement in paragraph (1) nor the requirement in paragraph (2) applies where the MOH or the Authority (as the case may be) considers that, in all the circumstances, it would be impracticable to comply with it.

(4) Where the MOH imposes a restriction or requirement under

^b 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.

these Regulations without seeking the advice of Her Majesty's Procureur, in reliance on paragraph (3), the MOH shall, as soon as reasonably practicable, give notice that he or she has done so to Her Majesty's Procureur.

(5) Where the Authority imposes a requirement under regulation 6(2) without seeking the advice of the MOH, in reliance on paragraph (3), the Authority shall, as soon as reasonably practicable, give notice that it has done so to the MOH.

Detention of persons by the MOH.

2. (1) This regulation applies where the MOH has reasonable grounds to believe that a person ("P") –

- (a) is, or may be, infected or contaminated with, or is suspected or confirmed to be suffering from, coronavirus, and there is a risk that P might infect or contaminate others, or
- (b) has arrived in the Bailiwick by air or sea and has left an infected area within the 14 day period immediately preceding the date of P's arrival in the Bailiwick.

(2) Where paragraph (1)(a) or (b) is met in relation to P, the MOH may, for the purposes of screening, assessment or the imposition of any restriction or requirement under regulation 3, impose on P a requirement to be detained until the later of –

- (a) the end of the period of 48 hours beginning with the time from which P's detention under this regulation begins,

- (b) such time as any screening requirements imposed on or in relation to P under regulation 3 have been complied with and the assessment referred to in that regulation carried out in relation to P.

Imposition of restrictions and requirements: general.

3. (1) Where regulation 2(1)(a) or (b) is met in relation to a person ("P"), the MOH may –

- (a) (orally or in writing) impose on or in relation to P one or more screening requirements to inform an assessment by the MOH of whether P presents, or could present, a risk of infecting or contaminating others,
- (b) carry out such an assessment in relation to P, and
- (c) following such an assessment, (orally or in writing) impose on or in relation to P any other restriction or requirement which the MOH considers necessary for the purposes of removing or reducing the risk referred to in subparagraph (a), including (without limitation) the restrictions or requirements set out in paragraph (2).

(2) The restrictions or requirements are –

- (a) that P submit to medical examination,
- (b) that P be removed to a hospital or other suitable establishment,
- (c) that P be detained in a hospital or other suitable

establishment,

- (d) that P self-isolate,
- (e) that P be disinfected or decontaminated,
- (f) that P wear protective clothing,
- (g) that P provide information or answer questions about P's health or other circumstances,
- (h) that P's health be monitored and the results reported,
- (i) that P attend training or advice sessions on how to reduce the risk of infecting or contaminating others,
- (j) that P be subject to restrictions on where P goes or with whom P has contact,
- (k) that P abstain from working or trading.

(3) For the avoidance of doubt, a requirement to self-isolate imposed under paragraph (1) may be for such period as the MOH thinks necessary in all the circumstances, and may include provision for that period to be shortened in circumstances where P undergoes a test for COVID-19 and the result of that test is negative.

(4) A restriction or requirement imposed under paragraph (1) may be varied by the MOH orally or in writing.

(5) Neither paragraph (1) nor regulation 5 or 6 affects the exercise

of any powers under regulation 10; and nothing in this regulation (or in any other provision in these Regulations) affects the MOH's powers under any other enactment.

(6) In this regulation and regulation 6 a power to vary a requirement or restriction includes a power to revoke it.

Prohibition of non-essential travel.

4. (1) Schedules 1 and 2 have effect.

(2) A person may not travel into the Bailiwick from outside unless he or she has been granted –

- (a) an Essential Travel Permit under Schedule 1, or
- (b) a Critical Worker Exemption under Schedule 2.

(3) A person who has been granted neither a Critical Worker Exemption nor an Essential Travel Permit and who travels into the Bailiwick from outside, in contravention of paragraph (2), commits an offence; and regulations 5 and 6 shall be construed accordingly.

Requirement to self-isolate on arrival in the Bailiwick.

5. (1) Subject to –

- (a) provision made in or under Schedule 2 (concerning Critical Workers), and
- (b) paragraphs (2) to (7),

a person who has arrived in the Bailiwick from outside by air or sea must self-isolate for 21 days.

(2) If a person falling within paragraph (1) who underwent a test for COVID-19 directly on arrival in the Bailiwick undergoes a test for COVID-19 13 days after his or her date of arrival (or at such other time as the MOH may direct under this paragraph) (in this regulation, a "**Day 13 test**"), and the result of that Day 13 test is negative, that person will not be required to self-isolate for the remainder of the 21 day period.

(3) If a person falling within paragraph (1) undergoes a Day 13 test, and the result of that Day 13 test is positive, he or she will be required to self-isolate in accordance with instructions from the MOH and to comply with all other restrictions and requirements imposed on him or her by the MOH.

(4) Subject to where paragraph (6) applies, a child under the age of 12 who has arrived in the Bailiwick by air or sea must self-isolate for 14 days.

(5) Paragraph (6) applies where a child ("C") has been self-isolating in a household bubble.

(6) Where this paragraph applies, even after the cessation of the requirement on C to self-isolate, C may not attend college, school, nursery or childcare (as the case may be) until every other member of C's household bubble has either –

(a) undergone a Day 13 test and received a negative result,
or

(b) self-isolated for 21 days.

(7) In this regulation –

- (a) **"childcare"** means such types of arrangement for the care of children under school age as the MOH may specify by direction from time to time, and
- (b) **"self-isolating in a household bubble"** means self-isolating with other members of the same household in such a way that household members –
 - (i) do not keep themselves separated from other household members, but
 - (ii) do keep themselves separated from any other person, in such a manner as to prevent infection or contamination,

and references to members of a household bubble (and the definition of "self-isolate" in regulation 17) shall be construed accordingly.

Requirement to self-isolate on arrival in the Bailiwick: supplementary.

6. (1) On arrival in the Bailiwick from any place outside the Bailiwick, a person must, if required –

- (a) answer any question put to him or her by a relevant officer relating to his or her travel, and the travel of any child travelling with that person, during the 14 day period immediately preceding the date of his or her arrival in the Bailiwick,
- (b) provide any travel document specified by a relevant officer relating to that person, or a child travelling with that person, for inspection,

- (c) provide his or her travel authority, and that of any child travelling with him or her, for inspection, and
- (d) answer any question put to him or her by a relevant officer relating to that travel document and travel authority.

(2) The Authority may, by publication on the relevant States of Guernsey website, impose a requirement that any person who has arrived in one Island in the Bailiwick from another Island in the Bailiwick must (subject to provision made in or under Schedule 2) self-isolate for 14 days.

(3) The requirement to self-isolate under regulation 5(1) and 5(2) may be varied by the MOH in relation to a particular case, orally or in writing, and a requirement to self-isolate imposed under paragraph (2) may be varied by the MOH –

- (a) by writing in relation to categories of case, and
- (b) orally or in writing in relation to a particular case.

(4) The powers of the MOH under paragraph (3) to vary the requirement under regulation 5(1) and 5(2) or a requirement imposed under paragraph (2) include (but are not limited to) powers to –

- (a) specify exceptions to the requirement to self-isolate, and
- (b) shorten the duration of the requirement to self-isolate, either unconditionally or on the MOH being satisfied that one or more specified conditions have been met.

(5) For the avoidance of doubt, and without prejudice to the generality of paragraphs (3) and (4), in any case where the MOH varies the requirement to self-isolate under regulation 5(1) or 5(2) or a requirement to self-isolate imposed under paragraph (2), that variation may be amended in accordance with paragraph (6), and if so amended shall be treated for all purposes as continuing to have effect in accordance with its terms.

(6) In any case where the MOH has varied such a requirement to self-isolate, the MOH may amend or revoke that variation orally or in writing (in a case where the requirement was varied orally), and in writing (in a case where the requirement was varied in writing); and the amendment or revocation (as the case may be) shall have effect from such time as the MOH may specify.

(7) Where a restriction or requirement is imposed on or in relation to a child under regulation 5 or this regulation (including the requirement to self-isolate under regulation 5(1) and 5(2)), a person who is a responsible adult in relation to the child must ensure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(8) Where a restriction or requirement is imposed orally on a person under regulation 3, regulation 5 or this regulation, or a restriction or requirement is orally varied, the person (or, in the case of a child, a person who is a responsible adult in relation to the child) must be provided with a written notification of the restriction or requirement that has been imposed or varied as soon as reasonably practicable.

(9) In this Part, "**travel authority**" means an Essential Travel Permit or a Critical Worker Exemption (as the case may be).

Screening requirements.

7. (1) For the purposes of these Regulations, the screening requirements in relation to a person ("P") are requirements to the effect that P must –

- (a) answer questions about P's health or other relevant circumstances (including travel history and information about other individuals with whom P may have had contact),
- (b) produce any documents which may assist the MOH in assessing P's health,
- (c) at such a time as the MOH may specify, allow a biological sample of P to be taken, including a biological sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample, and
- (d) provide sufficient information to enable P to be contacted immediately by the MOH during such period as the MOH may specify, where the MOH considers that such provision of information is necessary in order to reduce or remove the risk of P infecting or contaminating others.

(2) Where P is a child who is accompanied by a responsible adult, the responsible adult must –

- (a) ensure that P answers questions in accordance with paragraph (1)(a),
- (b) answer the questions if P is unable to do so or cannot

reliably do so,

- (c) produce any documents, required under paragraph (1)(b), on P's behalf,
- (d) allow a biological sample of P to be taken, including a sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample, and
- (e) provide information where required by the MOH under paragraph (1)(d).

Imposition of further restrictions and requirements.

8. (1) Where regulation 2(1)(a) or (b) is met in relation to a person ("P") –

- (a) following an assessment by the MOH of the risk presented by P in accordance with regulation 3(1), or
- (b) following P's release from detention under regulation 2, or from self-isolation under regulation 9,

the MOH may (orally or in writing) impose on P any one or more of the requirements specified in paragraph (2) where the MOH considers that it is necessary to do so in order to reduce or remove the risk of P infecting or contaminating others.

(2) The requirements specified for the purposes of paragraph (1) are for P to –

- (a) provide P's contact details to the MOH,

- (b) supply information to the MOH which may assist in assessing P's health,
- (c) at such time as the MOH may specify, allow a biological sample of P to be taken, including a sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample,
- (d) comply with any other specified condition or to take any other specified measure.

(3) The conditions or measures which may be specified under paragraph (2)(d) include –

- (a) a restriction on P's travel,
- (b) a restriction on P's activities,
- (c) a restriction on P's contact with specified persons.

(4) The MOH may (orally or in writing) revoke or vary any requirement or restriction imposed under this regulation, including by imposition of a restriction specified in paragraph (3).

(5) Subject to paragraph (6), the period for which a restriction set out in paragraph (3) is imposed may not exceed 14 days beginning with the day on which the restriction is imposed.

(6) Where a restriction set out in paragraph (3) is imposed, or the

period of a restriction is extended under this paragraph, the MOH may (orally or in writing) extend the period of the restriction for a further specified period not exceeding 14 days if the MOH considers that the restriction is still necessary and proportionate.

(7) Before imposing or varying a requirement or restriction under this regulation, the MOH must –

- (a) inform P (or, where P is a child, a person who is a responsible adult in relation to P) of the requirement or variation that the MOH is minded to impose or make, and
- (b) have regard to any relevant representations by P (or, where P is a child, a person who is a responsible adult in relation to P), as to its suitability.

(8) When imposing or varying a requirement or restriction under this regulation, the MOH must inform P that it is an offence to fail to comply with the requirement.

(9) Where a requirement or restriction under this regulation is imposed on or in relation to a child, or varied in relation to a child, a person who is a responsible adult in relation to the child must ensure that the child complies with the requirement or restriction, insofar as that person is reasonably able to do so.

(10) Where the MOH orally imposes a requirement or restriction on P under this regulation, or orally varies such a requirement or restriction, the MOH must provide P (or where P is a child, a person who is a responsible adult in relation to P) with a written notification of the requirement or restriction that has been imposed or varied.

(11) Paragraph (1) does not affect the exercise of any powers under regulation 3(1)(c).

Self-isolation of persons suspected to be infected with coronavirus.

9. (1) This regulation applies where regulation 2(1)(a) or (b) is met in relation to a person ("P").

(2) The MOH may require P to self-isolate if the MOH –

(a) has reasonable grounds to believe that P is, or may be, infected or contaminated with coronavirus, and

(b) considers that it is necessary to do so in order to reduce or remove the risk of P infecting or contaminating others.

(3) Where the MOH has reasonable grounds to believe that P is, or may be, infected or contaminated with coronavirus, the MOH may detain P pending the decision of the MOH whether to require P to self-isolate under paragraph (2).

(4) Where the MOH has detained P under paragraph (3) or has required P to self-isolate under paragraph (2), the MOH may impose on or in relation to P one or more screening requirements.

(5) When imposing a requirement under this regulation, the MOH must inform P that it is an offence to fail to comply with the requirement.

(6) Where a requirement under paragraph (2) is imposed on or in relation to a child, a person who is a responsible adult in relation to the child must ensure that the child complies with the requirement, insofar as that person is

reasonably able to do so.

(7) This regulation does not affect the exercise of any powers under regulation 3(1)(c).

Detention or self-isolation: additional provisions.

10. (1) Where a person ("P") is required to be detained or to self-isolate under regulation 3 or 9 or subjected to restrictions or requirements under regulation 8, the MOH must have due regard to P's well-being.

(2) Where P is detained or required to self-isolate under regulation 3 or 9 or subjected to restrictions or requirements under regulation 8 for a period exceeding 14 days, the MOH must review the continuation of P's detention or self-isolation by reference to the provisions of those regulations.

(3) After each subsequent interval of 24 hours during which P is detained or required to self-isolate under regulation 3 or 9 or subjected to restrictions or requirements under regulation 8, the MOH must review the continuation of P's detention or self-isolation by reference to the provisions of those regulations.

(4) Where P is detained or required to self-isolate under regulation 3 or 9 or subjected to restrictions or requirements under regulation 8, the MOH may require P to comply with screening requirements if the MOH considers that it is necessary and proportionate to do so in order to reduce or remove the risk of P infecting or contaminating others.

(5) Where P is detained under regulation 2, the MOH may require P to move to a suitable place.

(6) The MOH must notify P (or, where P is a child, a person who is a responsible adult in relation to P), as soon as P's detention under regulation 3

starts, or as soon as it is decided to require P to self-isolate under regulation 9, of –

- (a) the fact of P's detention or requirement to self-isolate,
- (b) the powers under which P is detained or required to self-isolate,
- (c) the reason for P's detention or self-isolation,
- (d) the next steps that may be taken and by whom,
- (e) the obligation to keep the need for P's detention or self-isolation under review,
- (f) the penalty for obstructing a person carrying out a function under these Regulations under regulation 14(4), and
- (g) the right to apply for revocation or variation under regulation 12, where applicable.

Restrictions or requirements in respect of groups.

11. (1) The powers in regulations 2, 3 and 9 include powers to impose a restriction or requirement in relation to a group of persons and, for this purpose, those regulations have effect as follows.

- (2) In regulation 2, the references to "**a person**" and to P –
 - (a) as they apply in paragraph (1)(a) are to each person in the group,

- (b) as they apply in paragraph (1)(b) are to each person in the group who has arrived on the same aircraft or ship and left the same area,

and the power to impose a requirement to be detained in paragraph (2) of regulation 2 is to be read as a power to impose that requirement on any one or more of the persons in the group in question.

- (3) In regulation 3 –

- (a) in paragraph (1), the reference to "**a person**" is to be read in accordance with paragraph (2) of this regulation,
- (b) in the rest of that regulation, the references to P are to one or more persons in the group in question.

- (4) In regulation 9 –

- (a) in paragraph (1), the reference to "a person" is to be read in accordance with paragraph (2) of this regulation,
- (b) in the rest of that regulation, references to P are to one or more of the persons in the group in question.

Variation and revocation of restrictions and requirements.

12. (1) A requirement, restriction or condition imposed under this Part or Schedule 1 or 2 may be varied or revoked by the Royal Court on the application of an affected person.

- (2) The following persons are affected persons –
- (a) P,
 - (b) a person having parental responsibility (within the meaning of the Children (Guernsey and Alderney) Law, 2008^c, the Children (Sark) Law, 2016^d, or the Child Protection (Sark) Law, 2020^e, (as the case may be) for P,
 - (c) a person who has been appointed Guardian of P,
 - (d) P's spouse or civil partner,
 - (e) a person living with P as P's spouse,
 - (f) a person in respect of whom an Essential Travel Permit has been granted under, and within the meaning of, Schedule 1, and
 - (g) a person in respect of whom a Critical Worker Exemption has been granted under, and within the meaning of, Schedule 2,

and for the purposes of this paragraph, P includes a person subject to the requirement under regulation 5(1) and 5(2) or to a requirement imposed under regulation 6(2).

^c Order in Council No. XIV of 2009; amended by No. IV of 2018; Ordinance Nos. XI and XLVIII of 2009; Nos. IX and XX of 2016; and No. VI of 2017.

^d Order in Council No. VIII of 2016; amended by Ordinance No. IX of 2016; and Sark Ordinance No. I of 2017.

^e Order in Council No. XIII of 2020.

(3) For the avoidance of doubt, an application under this regulation may be made in such manner as the Court thinks fit.

NOTE

In accordance with the provisions of the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 2, with effect from 4th January, 2010, and having regard to the reference in this regulation to "guardian", a guardian or person referred to as such has parental responsibility in respect of a child if the conditions in subsection (1) or subsection (2) of that section are satisfied.

Initial detention of persons to enable screening and assessment.

13. (1) This regulation applies if a police officer has reasonable grounds to suspect that –

- (a) a person ("P") is, or may be, infected or contaminated with coronavirus,
- (b) there is a risk that P might infect or contaminate others, and
- (c) it is necessary to direct, remove or detain P in the interests of P, for the protection of other persons or for the maintenance of public safety.

(2) This regulation also applies if a police officer has reasonable grounds to suspect that P is in breach of the requirement to self-isolate under regulation 5(1) or 5(2) or a requirement to self-isolate imposed under regulation 6(2).

(3) A police officer may –

- (a) direct P to go immediately to a hospital or other suitable place for the purposes of the imposition of any restrictions or requirements under regulation 3,
 - (b) remove P to a hospital or other suitable place for the purposes of the imposition of any restrictions or requirements under regulation 3, or
 - (c) if P is already at a hospital or other suitable place, keep P at that place or remove P to another hospital or other suitable place for the purpose of the imposition of any restrictions or requirements under regulation 3.
- (4) The power in paragraph (3) may be exercised when P is at any place.
- (5) For the purpose of exercising the power in paragraph (3), a police officer may enter any place.
- (6) Before exercising the power in paragraph (3), the police officer must –
- (a) so far as is reasonably practicable, consult the MOH and have due regard to the views of the MOH and any information provided by the MOH in relation to P,
 - (b) have due regard to any guidance issued by the MOH and the Chief Officer of the Island Police Force,
 - (c) where consultation has not been carried out under subparagraph (a) –

- (i) consult the MOH as soon as reasonably practicable after the power in paragraph (3) has been exercised, and
- (ii) have due regard to the views of the MOH and information provided by the MOH in relation to P.

(7) A person removed to or kept in a hospital or other suitable place under this regulation may be detained there for a period not exceeding the permitted period of detention.

(8) A police officer or the MOH, or a person authorised by either of them for the purposes of this paragraph, may, before the end of the permitted period of detention, take a person detained in a hospital or other suitable place to one or more other hospitals or other suitable places.

(9) A person taken to a hospital or other suitable place under paragraph (8) may be detained there for a period ending no later than the permitted period of detention.

(10) A police officer may use reasonable force, if necessary, in the exercise of a power under this regulation.

(11) The MOH may, at any time before the expiry of the initial period, authorise the detention of a person for a further period not exceeding 24 hours (beginning immediately at the end of the initial period).

(12) An authorisation under paragraph (11) may be given only if the MOH considers that the authorisation is necessary because it is not reasonably

practicable for the imposition of any restrictions or requirements under regulation 3 to be completed before the end of the initial period.

(13) In this regulation –

"authorised extended period" means such further period as is specified in an authorisation under paragraph (11),

"initial period" means the period of 24 hours beginning with –

- (a) in a case where the person is removed to a hospital or other suitable place, the time when the person arrives at that place, or
- (b) in a case where the person is kept at a hospital or other suitable place, the time when the police officer decides to keep the person at that place, and

"permitted period of detention" means the initial period of detention and the authorised extended period.

Offences and enforcement.

14. (1) A person commits an offence if the person –

- (a) fails, without reasonable excuse, to comply with a restriction, condition or requirement imposed under regulation 2(2), 3(1), 6(1), 8(1), 9(2), 9(4) or 10(4) or 10(5), or a direction under regulation 13(3)(a),
- (b) fails, without reasonable excuse, to comply with a requirement that the person be detained under

regulation 9(3), 13(7), 13(9) or 13(11).

(2) A person (D), and subject to paragraph (3), any person who is D's employer, commits an offence if D fails, without reasonable excuse, to comply with the requirement to self-isolate under regulation 5(1) or 5(2) or a restriction or requirement imposed under regulation 5(4) or regulation 6(2); including, for the avoidance of doubt, a requirement to self-isolate for any specified period of less than 14 days or 21 days (as the case may be), or until a specified event occurs –

- (a) imposed by a variation of the requirement under regulation 5(1) or 5(2), or of a requirement under regulation 6(2)), by the MOH in relation to a particular case, or
- (b) imposed by or under Schedule 1 or 2.

(3) It is a defence for an employer charged with an offence under paragraph (2) to prove that he or she has taken all reasonable precautions to avoid the commission of an offence.

(4) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

(5) A responsible adult who fails without reasonable excuse to comply with regulation 6(7), 7(2), 8(9) or 9(6) commits an offence.

(6) A person guilty of an offence under paragraph (1), (4) or (5) is liable on conviction to a fine not exceeding level 3 on the uniform scale.

(7) A person guilty of an offence under regulation 4(3) (concerning the prohibition on non-essential travel) is liable on conviction to a fine

not exceeding level 5 on the uniform scale.

(8) A person guilty of an offence under paragraph (2) is liable on conviction to a fine not exceeding level 5 on the uniform scale, to imprisonment for a term not exceeding 14 days, or to both.

(9) The investigation of an offence under this Part or Part II shall be treated as an assigned matter within the meaning of section 1 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972^f (including, for the avoidance of doubt, for the purposes of paragraph 1(a) of Schedule 5 to PPACE, and consequently the provisions of PPACE which relate to the investigation of offences conducted by police officers apply to the investigation of offences under this Part and Part II conducted by customs officers).

False or misleading information.

15. (1) If a person to whom paragraph (2) applies –
- (a) makes a statement which he or she knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,
 - (b) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,
 - (c) produces or furnishes, or causes or permits to be

^f Ordres en Conseil Vol. XXIII, p. 573; amended by Ordres en Conseil Vol. XXIV, p. 87; Vol. XXXI, p. 278; Vol. XXXIII, p. 217; Order in Council No. X of 2004; No. II of 2010; No. XIV of 2007; No. XV of 2012; No. VI of 2019; Ordinance No. XXXIII of 2003; No. XXIX of 2004; Nos. XLVIII and XXXV of 2007; No. VII of 2008; No. XLIII of 2013; No. XL of 2014; and No. IX of 2016.

produced or furnished, any information or document which he or she knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular, or

- (d) recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information or document which is false, deceptive or misleading in a material particular,

he or she is guilty of an offence.

- (2) This paragraph applies to a person who –
 - (a) makes any statement or provides any information or document to a relevant officer, when acting in the exercise of his or her functions under this Part,
 - (b) otherwise than as mentioned in paragraph (a) makes any statement or provides any information or document to a relevant officer in circumstances in which he or she knows or could reasonably be expected to know that the statement, information or document would or might be used by a relevant officer for the purpose of exercising his or her functions under this Part, or
 - (c) makes any statement or provides any information or document to a determining officer or reviewing officer under Schedule 1 or Schedule 2, in circumstances in which he or she knows or could reasonably be expected to know that the statement, information or document

would or might be used by that officer for the purpose of exercising his or her functions under the relevant Schedule.

(3) A person guilty of an offence under this regulation is liable on conviction to a fine not exceeding level 3 on the uniform scale.

Interpretation of this Part: general.

16. (1) In this Part, unless the context otherwise requires –

"**child**" means a person under the age of 18 years,

"**customs officers**" has the meaning given by section 89(6) of PPACE, and "customs officer" shall be construed accordingly,

the "**employer**" of a person (A) includes (but is not limited to) a person who has engaged the services of A by way of a contract or other arrangement entered into with a third party (and for the avoidance of doubt, that third party may be resident or established outside Guernsey),

"**hospital**" means –

- (a) any hospital regulated or operated by the States Committee for Health & Social Care (including, for the avoidance of doubt, Le Mignot Memorial Hospital in Alderney), or
- (b) the Sark Medical Centre,

"**infected area**" means an area specified by the MOH as an infected area for the purposes of these Regulations on the relevant States of Guernsey

website, or otherwise reasonably considered by the MOH to be an area where there is sustained human-to-human transmission of coronavirus, or from which there is a high risk of importation of infection or contamination (with coronavirus) via travel from that area to the Bailiwick or any part thereof,

"police officer" includes a customs officer,

"PPACE" means the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003^g,

"responsible adult" means, in relation to a child, a person with parental responsibility for the child, within the meaning of the Children (Guernsey and Alderney) Law, 2008, the Children (Sark) Law, 2016, or the Child Protection (Sark) Law, 2020 as the case may be, or a person who has the care or charge of the child for the time being,

"relevant officer" means a police officer, the MOH, and any other person or category of person authorised by the Chief Officer of Customs and Excise to exercise functions under regulation 6(1),

"requirement" means a requirement imposed under this Part (including the requirement to self-isolate under regulation 5(1) and 5(2)),

"restriction" means a restriction imposed under this Part,

"Royal Court" means the Royal Court sitting as an Ordinary Court, which shall be constituted by the Bailiff sitting alone,

^g Order in Council No. XIV of 2009; amended by Order in Council No. XVI of 2009; No. XV of 2011; Ordinance No. XXXIII of 2003; No. XXIX of 2011; No. XXXIX of 2015; No. IX of 2016; and No. XXVI of 2018.

"**screening requirements**" means the requirements set out in regulation 7(1), and

"**travel document**" means anything that is or appears to be –

- (a) a passport,
- (b) an identity card, or
- (c) a ticket or other document that permits a person to make a journey, including such a ticket or document that is in wholly electronic form.

(2) In this Part, a reference to infection or contamination, however expressed, is a reference to infection or contamination with coronavirus, and related expressions are to be construed accordingly.

NOTE

In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the reference herein to the Bailiff included a reference to the Deputy Bailiff.

Definition of "self-isolate".

17. (1) In these regulations, "**self-isolate**" in relation to a person ("**P**") means for P to keep himself or herself separated from any other person in such a manner as to prevent infection or contamination, in accordance with such directions as may be given by the MOH from time to time; and such directions may be given

both generally (by publication on the relevant States of Guernsey website) and in respect of any particular case (in such manner as the MOH thinks fit).

(2) For the avoidance of doubt, a direction by the MOH given under paragraph (1) may include, amongst other things, a requirement that P remain within and not leave notified premises other than in accordance with –

- (a) the terms of the direction, or
- (b) a permission granted by the MOH to P,

and a permission under paragraph (b) may be granted in such manner as the MOH thinks fit.

(3) For the avoidance of doubt, a direction including a requirement of the type referred to in paragraph (2) may, amongst other things, specify that P may not enter a garden, yard, passage, outhouse or other appurtenance of such notified premises, or may do so only for a specified period of time each day, where the MOH considers that such a restriction is necessary to protect P, or other persons, from the risk of infection.

(4) In paragraph (2), "**notified premises**" means premises at an address to be notified by P to the States of Guernsey at such time, and in such manner, as the MOH may from time to time require; and for the avoidance of doubt, the MOH may require such an address to be notified before, or on, P's arrival in the Bailiwick.

PART II
CONTROL OF PREMISES, GATHERINGS ETC., AND MOVEMENT OF
PERSONS

Power to give directions.

18. (1) The Authority may, for one or more of the purposes set out in section 14(2) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, issue a direction for the purpose of imposing conditions, prohibitions, requirements or restrictions in relation to –

- (a) premises,
- (b) the holding of an event, gathering or meeting (whether planned or unplanned and of whatever duration), [...]
- (c) the movement of persons outside the place where they are living, [and
- (d) the use of any public transport service,]

and for the purposes of subparagraph (c), the place where a person is living includes the premises where he or she is living together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

(2) The Authority must consult the MOH before issuing a direction; and, in addition, before issuing a direction imposing conditions, prohibitions, requirements or restrictions in relation to the movement of persons outside the place where they are living, the Authority must seek the advice of Her Majesty's Procureur in relation to the appropriateness and proportionality of the proposed direction.

(3) A direction under paragraph (1)(a) may be issued in relation to specified premises, or premises of a specified description, and may, amongst other things, impose requirements for the purpose of –

- (a) restricting the hours of opening of the premises,
- (b) closing the premises or a part of the premises to entry by members of the public,
- (c) restricting entry into the premises, whether by reference to the number of people in the premises, a period of time, or otherwise,
- (d) securing restrictions in relation to the location of persons in the premises, or
- (e) requiring the wearing of face coverings by all persons, or prescribed categories of person, on entering and remaining within the premises.

(4) Where a direction under paragraph (1)(a) is issued in respect of licensed premises, the terms of the licence issued in respect of those premises shall be deemed to be modified to reflect the prohibitions, requirements or restrictions imposed by the direction, and shall have effect accordingly.

(5) A direction under paragraph (1)(b) may be issued in relation to a specified event, gathering or meeting, or events, gatherings or meetings of a specified description, or events, gatherings and meetings generally; and events, gatherings and meetings may be described by reference to the number of people attending the event, gathering or meeting, or in any other way.

(6) A direction under paragraph 1(b) may impose conditions, prohibitions, requirements or restrictions on –

- (a) the owner or occupier of premises at which an event,

gathering or meeting to which the direction relates is to take place,

- (b) the organiser of such an event, gathering or meeting, and
- (c) any other person involved in holding or participating in such an event, gathering or meeting.

(7) A direction under paragraph 1(b) may, amongst other things, impose requirements about informing persons who may be planning to attend an event, gathering or meeting of its prohibition or any requirements or restrictions imposed in relation to the holding of it.

(8) A direction under paragraph (1)(c) may (without limitation) restrict the movement of persons outside the place where they are living by reference to the purpose, or duration, of the movement, and by reference to the age of persons.

[(8A) A direction under paragraph (1)(d) may be issued in relation to a specified public transport service, or a public transport service of a specified description, and may, amongst other things, impose requirements for the purpose of requiring the wearing of face coverings by all persons, or prescribed categories of person, using a public transport service.

(8B) A direction under paragraph (1)(d) may impose conditions, prohibitions, requirements or restrictions on –

- (a) a person who is boarding any vehicle by means of which a public transport service is provided, and
- (b) a person (whether or not for the purposes of travel) on

board any vehicle by means of which a public transport service is provided.]

(9) A direction may, amongst other things, specify a minimum distance that must be maintained between persons of different households.

(10) A direction may impose requirements on persons in relation to children in their care or under their control.

(11) For the avoidance of doubt, a direction may include provision enabling the Authority, and such other person or office holder (including but not limited to the MOH) as it may specify, to authorise in writing such exemption or disapplication from such provision of the direction and upon such conditions as it, or he or she, may think fit.

NOTE

In regulation 18, the words in, first, the first pair of square brackets in subsection (1) were revoked, second, the words in the second pair of square brackets therein were inserted and, third, subsection (8)(A) and subsection 8(B) were inserted by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) (Amendment) Regulations, 2021, regulation 1, respectively paragraph (2)(a), paragraph (2)(b) and paragraph (2)(c), with effect from 13th February, 2021.

Procedure, variation and revocation.

19. (1) A direction must specify the period during which it has effect, which period must not exceed 14 days.

(2) Where a direction imposes prohibitions, requirements or restrictions on a person specified by name, the direction –

(a) must be given in writing to that person, and

(b) may be published in such manner as the Authority considers appropriate to bring it to the attention of other persons who may be affected by it.

(3) The Authority may vary and revoke a direction, and the power to vary or revoke a direction is without prejudice to the power of the Authority to issue a new direction.

(4) Subject to paragraph (2), a direction, and a variation and revocation of a direction, may be given in such form as the Authority thinks fit, including by publication on the States of Guernsey website.

(5) The Authority must revoke a direction when satisfied that it is no longer necessary.

Alderney and Sark.

20. (1) The Authority must consult the Policy and Finance Committee of the States of Alderney before issuing, varying or revoking a direction having effect in Alderney, and the Policy & Finance Committee of the Chief Pleas before issuing, varying or revoking a direction having effect in Sark.

(2) A failure to consult in accordance with paragraph (1) shall not invalidate any direction.

Enforcement.

21. (1) A police officer may require any person to whom a direction has been given, or to whom it otherwise applies, to comply with it.

(2) Subject to paragraph (4), where a police officer has required a person under paragraph (1) to comply with a direction issued under regulation

18(1)(a), and that person has failed to do so, the police officer may require the premises in question to be closed until such time as the direction is complied with; and the police officer may take such steps, or require the person to take such steps, as are necessary to ensure that the requirement to close the premises is complied with.

(3) Subject to paragraph (4), where a police officer has required a person under paragraph (1) to comply with a direction, and that person has failed to do so, the police officer may take such steps as are necessary to ensure that the direction is complied with.

(4) A police officer must take account of any relevant advice issued by the MOH and the Chief Officer of the Island Police Force before exercising the powers conferred by paragraphs (1) to (3).

(5) In exercising the powers conferred by paragraphs (1) to (3), a police officer may –

(a) enter any premises to which the direction relates, and

(b) if necessary, use reasonable force.

Offences.

22. (1) A person commits an offence if he or she fails, without reasonable excuse, to comply with a direction, or a requirement of a police officer under regulation 21.

(2) A person commits an offence if he or she obstructs a police officer exercising a power conferred by regulation 21.

(3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the uniform scale.

Modification of Fixed Penalties Law.

22A. (1) The Offences (Fixed Penalties) (Guernsey) Law, 2009 shall apply as if modified as follows.

(2) In the Schedule, immediately after the entry relating to Offences against sections 4(1) and 5(1) of the Road Traffic (Guernsey) Ordinance, 2019, insert

"Offences against regulation 22(1) of the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations	Failing, without reasonable excuse, to comply with a direction, or a requirement of a police officer	C	£100	£90".
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NOTE

Regulation 22A was inserted by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) (Amendment) Regulations, 2021, regulation 1(3), with effect from 13th February, 2021.

Interpretation of this Part.

23. (1) In this Part –

"direction" means a direction issued under regulation 18,

[**"face covering"** means a covering of any type which covers a person's nose and mouth and complies with any guidance issued by the MOH,]

a **"household"** is comprised of persons living together for the time being in the same premises,

"licensed premises" has the meanings given by the Liquor Licensing Ordinance, 2006 in relation to premises in Guernsey, by the Alderney Liquor Licensing Ordinance, 1994 in relation to premises in Alderney, and by the Liquor Licensing (General Provisions) (Sark) Ordinance, 1979 in relation to premises in Sark, and **"licence"** shall be construed accordingly, and

"premises": see subparagraphs (2) and (3).

(2) In relation to a direction issued under regulation 18(1)(a), **"premises"** includes, but is not limited to, retail premises and other business premises (excluding grocery stores and such other categories of business premises as the Authority may specify, whether in a direction or otherwise), places of worship, and parks, public gardens and other places of recreation, sport, leisure and entertainment, but does not include premises used solely as residential premises.

(3) In relation to a direction issued under regulation 18(1)(b), **"premises"** includes land (including, for the avoidance of doubt, the foreshore), and pleasure vessels within the meaning of the Merchant Shipping (Registration of Ships) (Bailiwick of Guernsey) Regulations, 2009^h.

NOTE

In regulation 23, the definition of the expression "face covering" in paragraph (1) was inserted by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) (Amendment) Regulations, 2021, regulation 1(4), with effect from 13th February, 2021.

PART III

REGISTRATION OF DEATHS AND STILL-BIRTHS

^h G. S. I. No. 9 of 2009.

*Legislation extending to the Bailiwick except for registration of deaths and still-births
in Alderney*

**Modification of the Loi relative à l'Enregistrement des Naissances et Décès dans
le Bailliage de l'Île de Guernesey.**

24. (1) The Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey of 1935 ("the 1935 Law") is modified as follows for all purposes of or under the 1935 Law or any other enactment.

(2) The French text of the 1935 Law is modified in the same way as is set out in the following modifications to the official English translation of that Law.

(3) Articles 9 (declaration of death) and 17 (still-born children) have effect as if the requirement to make a declaration in person or to send it by a person of at least sixteen years of age were substituted by a requirement to send the declaration by post, electronic means (including email message) or such other means as is specified by the Registrar-General in guidance.

(4) Article 11 (doctor's certificate) has effect as if the words "that he has seen the body of the deceased and stating" were omitted.

(5) Article 15 (limit of time for keeping body) is disapplied provided that the body is in the custody of the States of Guernsey or a funeral director.

(6) Form C (medical certificate of cause of death) and the notes to Form C in the Schedule have effect as if the following were omitted –

(a) on the second page –

- (i) the words "that I was in medical attendance during the above-named deceased's last illness, and",
 - (ii) in Note 1, the second sentence, and
- (b) the certification section at the end of the Form headed "CERTIFICATE (See Note 1 above)".

Legislation extending to Alderney

Modification of the Loi relative aux certificats de Décès et aux Enterrements.

25. (1) The Loi relative aux certificats de Décès et aux Enterrements of 1910 ("the 1910 Law") is modified as follows for all purposes of or under that Law or any other enactment.

(2) The French text of the 1910 Law is modified in the same way as is set out in the following modifications in English.

(3) Articles 1 (déclaration par écrit etc.) and 8 (enfant mort-né) have effect as if the requirement to make a declaration in person or to send it by a person who has reached the age of majority were substituted by a requirement to send the declaration by post, electronic means (including email message) or such other means as is specified by the Registrar-General in guidance.

(4) Article 6 (défense de garder sans permission un corps au-delà de six jours) is disapplied provided that the body is in the custody of the States of Alderney or a funeral director.

(5) Form A (medical certificate of cause of death) and the notes to Form A in the Schedule have effect as if the following were omitted –

- (a) in the certification following the table relating to cause of death –
 - (i) the words "that I was in medical attendance during the above-named deceased's last illness, and", and
 - (ii) in Note 1, the second sentence, and
- (b) the certification section at the end of the Form headed "CERTIFICATE (See Note 1 above)".

PART IV
MODIFICATIONS TO LEGISLATION RELATING TO CREMATIONS IN
GUERNSEY

Modification of legislation relating to cremation.

26. (1) The Cremation Ordinance, 1972 is modified as follows for all purposes of or under the Loi relative à la Crémation or any other enactment.

(2) Section 6 (applications for cremation) has effect as if subsections (3) and (5) requiring the application to be verified by being countersigned or accompanied by a declaration of truth made on oath were omitted.

(3) In section 7 (certificates of medical attendance or post-mortem examination), paragraph (a) has effect as if –

- (a) the words "who has attended the deceased during his last illness and" were omitted, and

- (b) it did not require a confirmatory medical certificate in Form C in the First Schedule to have been given before a cremation is allowed to take place.

(4) Section 9 (applications for cremation of remains of a person who died outside this Island) has effect as if –

- (a) it did not require the application to be verified by being countersigned or by a declaration by the applicant, and
- (b) the wording following paragraph (c) referred to "Forms B and D in the First Schedule".

PART V

STATES OF DELIBERATION AND CHIEF PLEAS OF SARK

Modification of the Reform Law.

27. (1) The Reform (Guernsey) Law, 1948ⁱ shall apply as if modified as follows.

- (2) Insert the following Article immediately after Article 3 –

"Remote meetings of the States of Deliberation.

- 3A. (1) The States of Deliberation may meet remotely.

ⁱ Ordres en Conseil Vol. XIII, p. 288; as amended by Ordres en Conseil Vol. XIV, p. 407; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, pp. 84 and 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, pp. 164 and 278; Vol. XXXII, p. 41; Vol. XXXIV, p. 397; Vol. XXXVI, p. 478; Vol. XXXVIII, pp. 150 and 295; Order in Council No. XIII of 2003; No. III of 2004; No. II of 2007; No. XX of 2007; Nos. XIII and XXII of 2008; No. VII of 2010. There are other amendments not relevant to this provision.

(2) A Member shall be treated for all purposes as present at a remote meeting of the States of Deliberation (including, but not limited to, the purpose of forming a Quorum of the States of Deliberation in accordance with Article 3) if, by means of electronic communications or telecommunications or otherwise –

- (a) the Member has declared that he or she is present, and
- (b) (in the case of a Member other than the Bailiff) the Presiding Officer has declared that the Member shall be treated as present.

(3) The States' Assembly & Constitution Committee may make Rules of Procedure governing remote meetings of the States of Deliberation, including but not limited to provision supplementing paragraph (2), and provision applying (with or without modification) Rules of Procedure applicable in relation to assemblies of the States of Deliberation under Article 7; and Article 7 shall be construed accordingly.

(4) For the avoidance of doubt, and without prejudice to paragraph (3), the States of Deliberation may –

- (a) prescribe Rules of Procedure governing remote meetings of the States, and
- (b) (whether meeting remotely or otherwise) resolve to amend, or revoke, Rules of Procedure made by the States' Assembly & Constitution Committee under paragraph (3).

(5) For the purpose of this Article, a meeting of the States of Deliberation is a remote meeting if Members communicate and (in the case of voting Members) vote during the meeting solely, or primarily, by means of electronic communications or telecommunications."

Modification of Sark Reform Law.

28. (1) The Reform (Sark) Law, 2008^j shall apply as if modified as follows.

(2) After section 47 (functions of committees), insert –

"Meetings of Committees.

47A. (1) A member of a Committee of Chief Pleas who is in communication with the other members of the committee by telephone, live television link or any other means of telecommunications or electronic communications, so that each member of the committee can hear or read what is said or communicated by each of the others, is deemed, subject to subsection (2), to be present at a meeting of the committee for all purposes relating to that meeting, including calculating the quorum at the meeting under section 43(5) or 44(5) and under rule 13 of the Constitution and Operation of Chief Pleas Committee Rules, made on 2nd October, 2013.

(2) In the event that a means of communication referred to in subsection (1) fails or is corrupted, or the chairman or other person presiding at the meeting in accordance with section 46(3) ("person presiding") considers that confidentiality is compromised, the person presiding shall have discretion at any time during the meeting to determine that a member who is

^j Order in Council No. V of 2008; amended by No. XII of 2011; No. IX of 2016. There are other amendments not relevant to this provision.

affected by that failure, corruption or compromise of confidentiality is no longer deemed to be present at the meeting.

(3) For the avoidance of doubt, a determination under subsection (2) does not affect the validity of the proceedings of the committee for any purpose prior to the making of that determination."

PART VI SCHOOLS

Power of MOH to close schools.

29. (1) The powers of the MOH under Article VIII(8) of the Public Health Ordinance, 1936^k, to require measures to be taken by any school in order to prevent the spread of infection, shall apply in respect of Sark.

(2) For the avoidance of doubt, the measures that the MOH may require to be taken under the above enactment (including as it applies in Sark under paragraph (1)) include, but are not limited to, the immediate closure, partial closure, or closure subject to conditions, of any school for any period.

PART VII MISCELLANEOUS AND FINAL

Modification of legislation relating to mental health.

^k Recueil d'Ordonnances Tome VIII, p. 315; amended by Ordres en Conseil Vol. XXXI, p. 278; Order in Council No. XIV of 2012; No. VI of 2015; Recueil d'Ordonnances Tome X, pp. 35 and 61; Tome XIII, p. 264; Tome XV, p. 239; Tome XV, p. 387; Tome XIX, p. 91; Tome XX, p. 163; Tome XXIII, p. 427; Tome XXVIII, p. 80; Ordinance No. XXXIII of 2003; No. XXXVIII of 2006; No. XLI of 2010; No. XLII of 2014; Nos. IX and XXI of 2016. This Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948 and to the Islands of Herm and Jethou by the Public Health (Amendment) Ordinance, 1963.

30. Schedule 3 modifies –

- (a) the Mental Health (Bailiwick of Guernsey) Law, 2010^l,
and
- (b) the Mental Health Review Tribunal Procedure Rules,
2012^m,

which modifications shall have effect for the period of validity of these Regulation.

Population Management Law: Employment Permits.

31. (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.

(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

^l Order in Council No. XV of 2011; amended by Ordinance No. IX of 2016; and No. I of 2017.

^m O.R.C. No. I of 2012; as amended by O.R.C. No. III of 2018.

- (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) In section 22 (grant, refusal and conditions of Employment Permits: general) of the Population Management Law, after subsection (2) insert –

"(2A) Before granting an Employment Permit, the Administrator shall consult a determining officer appointed by the Civil Contingencies Authority under Schedule 1 (essential travel permits) to the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021."

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

(7) 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, 2016⁹⁹.

Guernsey Financial Services Commission: officers appointed as Senior Decision Makers.

32. (1) This regulation applies when a Senior Decision Maker is undertaking work in connection with deciding whether sanctions, proposed against an individual or person, should be imposed, including, but not limited to –

- (a) the publication of a public statement under section 11C of the Financial Services Commission (Bailiwick of

⁹⁹ 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.

- Guernsey) Law, 1987ⁿ (the "**Financial Services Commission Law**"),
- (b) the imposition of a discretionary financial penalty under section 11D of the Financial Services Commission Law, and
- (c) the imposition of a prohibition order under –
- (i) section 34E of the Protection of Investors (Bailiwick of Guernsey) Law, 1987^o,
- (ii) section 17A of the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2000^p,

ⁿ Ordres en Conseil Vol. XXX, p. 243; amended by Ordres en Conseil Vol. XXXI, p. 278; Vol. XXXII, p. 471; Vol. XXV(1), p. 271; Vol. XXXVII, p. 24; Order in Council No. XVII of 2002; Nos. III of XXII of 2003; Nos. XIX, XXIII and XXIV of 2008; No. XIX of 2010; No. III of 2013; No. I of 2015; No. XIII of 2017; Ordinance No. XXXIII of 2003; Nos. XII, XX, XXXIV and XXIX of 2015; Nos. IX and XXII of 2016; Nos. III, XIX and XXVII of 2017; Alderney Ordinance No. III of 2017; Sark Ordinance No. X of 2017; No. XXVI of 2018; G.S.I. No. 29 of 2009; and G.S.I. No. 49 of 2017.

^o Ordres en Conseil Vol. XXX, p. 281; amended by Ordres en Conseil Vol. XXX, p. 243; Vol. XXXII, p. 324; Vol. XXXV(1), p. 271; Vol. XXXVII, p. 264; Vol. XXXVII, p. 24; Order in Council No. XVII of 2002; Nos. XV and XXXII of 2003; Nos. XVIII and XX of 2008; No. XIII of 2010; Recueil d'Ordonnances Tome XXIV, p. 324; Tome XXVI, p. 333; Tome XXVIII, p. 51; Tome XXVIII, p. 87; Ordinance No. XXXIII of 2003; No. XXXI of 2008; No. VII of 2009; Nos. XII, XX and XXXIX of 2015; Nos. IX and XXIX of 2016; Nos. III and XXVII of 2017; Sark Ordinance No. X of 2017; Nos. XXVI and XXVII of 2018; G.S.I. No. 83 of 2010; and G.S.I. No. 50 of 2017.

^p Order in Council No. I of 2001; amended by Order in Council No. I of 2000; No. XIV of 2003; No. XVI of 2007; Nos. VIII and XXV of 2008; Nos. XIII and XIX

- (iii) section 28A of the Insurance Business (Bailiwick of Guernsey) Law, 2002^q,
- (iv) section 18A of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002^r, and
- (v) section 17A of the Banking Supervision (Bailiwick of Guernsey) Law, 1994^s,

and in this regulation, a "**Senior Decision Maker**" means an officer, appointed by the Guernsey Financial Services Commission ("**the Commission**") to fulfil the role

of 2010; No. I of 2013; Ordinance No. XXXVII of 2001; No. XXXIII of 2003; No. VII of 2009; Nos. XII and XXXIX of 2015; Nos. II and IX of 2016; No. XXVII of 2017; Alderney Ordinance No. III of 2017; Sark Ordinance No. X of 2017; Nos. XXVI and XXVII of 2018; G.S.I. No. 3 of 2018; G.S.I. No. 83 of 2010; G.S.I. No. 4 of 2013; G.S.I. No. 50 of 2017; G.S.I. No. 56 of 2017; and G.S.I. No. 72 of 2017.

^q Order in Council No. XXI of 2002; amended by Order in Council No. I of 2000; No. XIII of 2010; Ordinance No. XXXIII of 2003; No. XII of 2008; Nos. VIII and XXXI of 2010; No. XXXVI of 2011; No. LV of 2014; Nos. XII and XXXIX of 2015; No. IX of 2016; No. III and XXVII of 2017; Sark Ordinance No. X of 2017; No. XXVI of 2018; G.S.I. No. 33 of 2004; G.S.I. No. 4 of 2008; G.S.I. No. 15 of 2010; G.S.I. No. 83 of 2010; G.S.I. No. 68 of 2014; G.S.I. No. 121 of 2015; and G.S.I. No. 50 of 2017.

^r Order in Council No. XXII of 2002; amended by Order in Council No. I of 2000; No. XIII of 2010; Ordinance No. XXXIII of 2003; No. XIII of 2008; No. IX of 2010; Nos. XII and XXXIX of 2015; Nos. II and IX of 2016; No. XXVII of 2017; Alderney Ordinance No. III of 2017; Sark Ordinance No. X of 2017; No. XXVI of 2018; G.S.I. No. 2 of 2008; G.S.I. No. 16 of 2010; G.S.I. No. 83 of 2010; and G.S.I. No. 50 of 2017.

^s Ordres en Conseil Vol. XXXV(1), p. 271 of 2001; amended by Order in Council Nos. XVII and XXI of 2002; No. XVI of 2003; No. XVI of 2008; No. IV of 2009; Nos. XIII and XXI of 2010; Ordinance No. XXXIII of 2003; Nos. XII, XX and XXXIX of 2015; Nos. II and IX of 2016; No. XXVII of 2017; Alderney Ordinance No. III of 2017; Sark Ordinance No. X of 2017; No. XXVI of 2018; G.S.I. No. 3 of 2000; G.S.I. No. 1 of 2008; G.S.I. No. 35 of 2010; and G.S.I. No. 50 of 2017.

of Senior Decision Maker, and exercising powers delegated by the Commission in relation to the same under section 19 of the Financial Services Commission Law.

(2) A Senior Decision Maker undertaking work described in paragraph (1) may undertake some or all of that work outside the Bailiwick, including, but not limited to –

- (a) the consideration of representations,
- (b) the preparation of reports, Minutes to Notices, final decisions,
- (c) the acceptance of written representations, and
- (d) the holding of oral hearings.

(3) An oral hearing may be held by a Senior Decision Maker who is outside the Bailiwick by telephone, live television link or any other means of telecommunications or electronic communications, and for the purposes of such a hearing, a Senior Decision Maker, party or other person who is in communication with other persons at the hearing so that each person at the hearing can hear or read what is being said or communicated by each of the others, is deemed, subject to paragraph (4), to be present at the oral hearing for all purposes.

(4) In the event that a means of communication referred to in paragraph (3) fails or is corrupted, or the Senior Decision Maker considers that confidentiality is compromised, the Senior Decision Maker shall have the discretion at any time during the hearing to determine that a person who is affected by that failure, corruption or compromise of confidentiality is no longer deemed to be present at the hearing.

(5) For the avoidance of doubt, a determination under paragraph (4) does not affect the validity of the proceedings of the hearing for any purpose prior to the making of that determination.

Court of Appeal.

33. (1) Section 7 (Venue) of the Court of Appeal (Guernsey) Law, 1961^t is disapplied.

(2) The Court of Appeal may sit for the hearing of appeals in or outside the Bailiwick.

(3) For the avoidance of doubt, the Bailiff or presiding judge may give directions as to how the proceedings of the Court of Appeal shall be conducted, including (but not limited to) a direction that the proceedings, or part thereof, shall be conducted by way of telephone, live television link or any other means of telecommunications or electronic communications.

NOTE

In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the reference herein to the Bailiff included a reference to the Deputy Bailiff.

Modification of the Driving Licences Ordinance.

34. (1) Notwithstanding section 11 of the Driving Licences (Guernsey)

^t Ordres en Conseil Vol. XVIII, p. 315. There are other amendments not material to these Regulations.

Ordinance, 1995^u, the holder of a full Category C or C1 licence endorsed with restriction code 78 ("Limited to vehicles with automatic transmission") shall be entitled to drive any vehicle –

- (a) approved by the States of Guernsey Committee for the Environment & Infrastructure ("**the Committee**") for the purposes of Category C or C1 for use as an ambulance, in exercise of a power conferred by the amendments made to that Ordinance by the Driving Licences (Amendment) Regulations, 2020^v, and
- (b) with manual transmission,

if paragraph (2) applies.

- (2) This paragraph applies where –
 - (a) the holder of a Category C or C1 licence additionally holds a full Category B licence which is not endorsed with restriction code 78, and
 - (b) the Committee gives an approval to that person to drive any vehicle approved for the purposes of Category C or C1.

^u Recueil d'Ordonnance Tome XXVI, p. 374; amended by Recueil d'Ordonnance Tome XXVII, pp. 62, 138 and 149; Tome XXVIII, p. 55; Ordinance No. III of 2000; No. XXX of 2002; No. XII of 2007; No. V of 2010; No. V of 2015; G.S.I. No. 1 of 2001; G.S.I. No. 25 of 2002; G.S.I. No. 22 of 2006; G.S.I. No. 41 of 2012; G.S.I. No. 10 of 2013; G.S.I. Nos. 5, 26 and 55 of 2016; G.S.I. No. 1 of 2017; and G.S.I. No. 2 of 2019.

^v G.S.I. No. 46 of 2020.

- (3) An approval for the purposes of paragraph (2)(b) –
 - (a) must be given in writing,
 - (b) must include the person's full name, date of birth and driving licence number,
 - (c) may contain any further conditions which the Committee thinks fit for the purposes of road safety, and
 - (d) may be revoked at any time by the Committee if it thinks fit.

Offences by legal persons and unincorporated bodies.

35. (1) Where a legal person is guilty of an offence under these Regulations, and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –

- (a) any director, manager, secretary or other similar officer, or any foundation official, of the legal person, or
- (b) any person purporting to act in any such capacity,

he or she as well as the legal person is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a legal person are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director.

(3) Where an offence under these Regulations is committed by an unincorporated body and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –

- (a) in the case of a partnership, any partner,
- (b) in the case of any other unincorporated body, any officer of that body who is bound to fulfil any duty whereof the offence is a breach or, if there is no such officer, any member of the committee or other similar governing body, or
- (c) any person purporting to act in any capacity described in subparagraph (a) or (b),

that person as well as the unincorporated body is guilty of the offence and may be proceeded against and punished accordingly.

(4) Where an offence under these Regulations is alleged to have been committed by an unincorporated body, proceedings for the offence must be brought in the name of that body and not in the name of any of its members.

(5) A fine imposed on an unincorporated body on its conviction of an offence under these Regulations must be paid from the funds of that body.

Revocation and savings.

36. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021^W and the Emergency Powers

^W G.S.I. No. 5 of 2021; as amended by G.S.I. No. 7 of 2021, G.S.I. No. 8 of

(Coronavirus) (Population Management) (Guernsey) Regulations, 2021^x are revoked.

(2) Anything done under or for the purposes of regulations revoked under paragraph (1) ("**the revoked regulations**") before the commencement of these Regulations shall, to the extent that the same is required or authorised to be done under or for the purposes of these Regulations, have effect as if done under or for the purposes of the equivalent provision of these Regulations; and for the avoidance of doubt, the revocation of the revoked regulations does not affect any restriction, requirement, condition, prohibition, or penalty, imposed thereunder (including in Direction No 1 of 2021 set out in Schedule 3A to the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021, and anything done thereunder).

(3) Anything in the process of being done under or for the purposes of the revoked regulations before the commencement of these Regulations may, to the extent that the same is required or authorised to be done under or for the purposes of these Regulations, be continued to be done under or for the purposes of the equivalent provision of these Regulations.

(4) Any reference howsoever expressed in any enactment or subordinate legislation to a revoked regulation which is re-enacted (with or without modification) by or under these Regulations shall (unless the contrary intention appears) be construed as a reference to the provision as re-enacted.

(5) In so far as any subordinate legislation made or other thing done (or having effect as if made or done) under or for the purposes of a revoked regulation could be made or done under or for the purposes of these Regulations, it shall (unless the contrary intention appears) have effect as if made or done under or

2021 and G.S.I. No. 9 of 2021.

^x G.S.I. No. 10 of 2021.

for the purposes of these Regulations.

Interpretation: general.

37. (1) In these Regulations, unless the context requires otherwise –

"the Authority": see regulation 1(2),

"coronavirus" means Severe Acute Respiratory Syndrome Coronavirus 2 and/or COVID-19,

"Medical Officer of Health" means the Medical Officer of Health appointed by the States of Guernsey Policy & Resources Committee and includes the Deputy or Acting Medical Officer of Health for the time being, and any officer authorised by the Medical Officer of Health to exercise the Medical Officer of Health's functions under these Regulations, and

"the MOH": see regulation 1(1).

(2) Words and expressions used in Schedules 1 and 2 have the meanings given in these Regulations, unless contrary provision is made.

(3) Other terms used in these Regulations in provisions modifying an enactment have the same meaning as in that enactment.

(4) For the avoidance of doubt, the powers of police officers under these Regulations are exercisable in addition to all other powers which police officers may exercise.

Citation.

38. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021.

Extent.

39. (1) Subject to paragraph (2), these Regulations shall have effect throughout the Bailiwick.

(2) Regulation 31 (Population Management Law: Employment Permits) shall have effect in the Island of Guernsey.

Commencement.

40. These Regulations shall come into force on 5th February, 2021.

REPEALED

SCHEDULE 1
ESSENTIAL TRAVEL PERMITS

Regulation 4(1)

Essential Travel.

1. This Schedule provides for the granting of permits ("**Essential Travel Permits**") to allow a person ("**P**") to travel into the Bailiwick from outside, in circumstances where P would otherwise be prohibited from so travelling by regulation 4.

2. An Essential Travel Permit may only be granted to a person ("**P**") in respect of his or her proposed travel into the Bailiwick if –

- (a) the travel is for a compassionate purpose (including but not limited to supporting a dependent relative),
- (b) the travel is to fulfil a legal obligation, including attending court or satisfying bail conditions, or participating in legal proceedings,
- (c) P has been granted an Employment Permit under the Population Management (Guernsey) Law, 2012, and the purpose of the travel is for P to move his or her residence to the Bailiwick to enable P to become employed in the post to which the Employment Permit relates,
- (d) P has entered a contract to purchase a residential property in the Bailiwick, and the purpose of the travel is for P to move his or her residence to the Bailiwick, or
- (e) P is ordinarily resident in the Bailiwick, and the travel

is for one of the purposes set out in paragraph 3.

3. The purposes referred to in paragraph 2 are to return to the Bailiwick after travel out of the Bailiwick –

- (a) for a compassionate purpose (including but not limited to supporting a dependent relative),
- (b) to fulfil a legal obligation, including attending court or satisfying bail conditions, or participating in legal proceedings,
- (c) to receive medical treatment,
- (d) to undertake business that cannot be transacted remotely and that is of significant importance to a business based in the Bailiwick,
- (e) to attend school, university or other further education institution, or
- (f) in circumstances where the person travelled out of the Bailiwick (regardless of the purposes for which he or she travelled) before 12th January, 2021.

4. Further and explanatory provision in relation to the above purposes may be made from time to time by the Authority by publication on the States of Guernsey website, including (but not limited to) examples of types of travel falling within, and outside, specified purposes.

Essential Travel Permits: applications.

5. An application for an Essential Travel Permit shall be determined by an officer authorised by the Authority to determine applications under this Schedule (a "**determining officer**").

6. An applicant for an Essential Travel Permit must make an application in such form and providing such information as may from time to time be required, both generally by the Authority by publication on the States of Guernsey website, and by a determining officer in the applicant's particular case, including (but not limited to) information sufficient to allow a determination to be made as to whether the travel is for one of the purposes set out in paragraphs 2 and 3.

Essential Travel Permits: grant, amendment, revocation and appeals.

7. An Essential Travel Permit may be –

- (a) granted subject to conditions,
- (b) granted in respect of one journey or multiple journeys,
- (c) time-bound,
- (d) otherwise granted in such terms as the determining officer thinks fit.

8. A determining officer may amend an Essential Travel Permit on a request being made by the holder, or on the officer's own volition.

9. An officer authorised by the Authority to review the determination of applications under this Schedule (a "**reviewing officer**") may revoke an Essential Travel Permit if he or she is satisfied that –

- (a) it was granted in error,

- (b) any false, deceptive or misleading statement was made, or information or document provided or furnished, by the applicant in the course of his or her application, or
- (c) any condition of it has been contravened.

10. (1) An applicant for an Essential Travel Permit who is aggrieved by a decision to refuse the application, or to grant the application subject to the imposition of conditions under paragraph 7, and the holder of an Essential Travel Permit who is aggrieved by a decision to amend that permit under paragraph 8 or to revoke that permit under paragraph 9, may make written representations to a reviewing officer concerning the outcome of his or her application within 14 days of being notified of that decision, by emailing those representations to essential.travel@gov.gg.

(2) If an applicant exercises his or her right under subparagraph (1), the reviewing officer must consider those representations and shall –

- (a) uphold the decision of the determining officer, or
- (b) make a different decision (including the imposition of different, or no, conditions),

and must, within 48 hours of receipt of the applicant's written representations, inform the applicant in writing of –

- (i) his or her decision,
- (ii) the reasons for that decision, and

- (iii) if the decision is to impose different specific conditions, the applicant's right to make an application to the Royal Court under regulation 12 to vary or revoke those conditions.

REPEALED

EXCEPTION TO THE REQUIREMENT TO SELF-ISOLATE ON ARRIVAL IN
THE BAILIWICK: CRITICAL WORKERS

Introductory.

1. (1) This Schedule provides for the granting of exemptions from –
- (a) the prohibition on non-essential travel at regulation 4,
 - (b) the requirement to self-isolate at regulation 5(1) and 5(2), and
 - (c) a requirement to self-isolate imposed under regulation 6(2),

in respect of Critical Workers, within the meaning of that term in this Schedule and only to the extent set out in this Schedule, and such an exemption is referred to in this Schedule as a "**Critical Worker Exemption**".

(2) Subject to paragraph 2, for the purposes of this Schedule, a Critical Worker means a person whose presence in the Bailiwick is required to keep a critical service running, as further provided for in paragraph 3.

(3) A Critical Worker Exemption may only be granted to a person in respect of whom an application under and in accordance with this Schedule has been made to an officer authorised by the Authority to determine applications under this Schedule (a "**determining officer**").

(4) Other than in exceptional circumstances to be assessed at the absolute discretion of the determining officer determining the application, a Critical

Worker Exemption will not be granted to a person requiring to stay within the Bailiwick for a period greater than eight weeks, and this Schedule shall be construed accordingly.

(5) A person in respect of whom a Critical Worker Exemption has been granted does not have to self-isolate in accordance with the requirement at regulation 5(1) and 5(2) or a requirement imposed under regulation 6(2) but only if that person complies with the conditions that apply to him or her.

(6) If a person in respect of whom a Critical Worker Exemption has been granted fails to comply with the conditions which apply to him or her in respect of the Critical Worker Exemption, the Critical Worker Exemption shall lapse as it applies to that person, and he or she may be liable to prosecution under the Regulations.

(7) Under regulation 14(2), the employer of a person ("P") in respect of whom a Critical Worker Exemption has been granted may be liable to prosecution if P fails to comply with any of the conditions and restrictions which apply to him or her in respect of this exception.

(8) When considering whether to grant a Critical Worker Exemption, a determining officer shall consider all the circumstances of the case, and in particular shall assess and take into account –

- (a) the risk to public health in the Bailiwick or any part thereof that granting the Critical Worker Exemption would create, and
- (b) if the Critical Worker Exemption were not granted, the damage (if any) that would be suffered by –

- (i) the business by or on behalf of which the application has been made, and any other potentially affected business based in the Bailiwick, and
- (ii) the economy of the Bailiwick or any part or sector thereof.

Existential risk to a Bailiwick business.

2. (1) A Critical Worker Exemption may be granted in respect of a person if the determining officer is of the view that either of the conditions set out in subparagraphs (2) and (3) is satisfied.

(2) The condition in this subparagraph is that if the Critical Worker Exemption is not granted, there is a significant risk that, as a consequence, a business based in the Bailiwick will cease trading.

(3) The condition in this subparagraph is that –

- (a) the application has been made by or on behalf of a business based in the Bailiwick that operates transport links into and out of the Bailiwick ("**the applicant business**"),
- (b) the application is in respect of a particular journey or journeys into or out of the Bailiwick, to be undertaken for a commercial, or primarily commercial, purpose, and
- (c) the undertaking of journeys of the type in respect of which the application is being made is necessary for the

continued operation of the applicant business.

Categories of Critical Worker

Categories of Critical Worker.

3. Subject to paragraph 2, a Critical Worker Exemption may only be granted in respect of a person who –

- (a) satisfies the definition of Critical Worker in paragraph 1(2), and
- (b) falls into one of the following categories (subject to the additional eligibility conditions in respect of business stability and recovery, and technical specialist contractors, specified in paragraphs 4 and 5) –

BUSINESS CATEGORY	INDIVIDUALS
Air and Sea Links	Those individuals directly involved in maintaining the Islands' air and sea links.
Critical National Infrastructure	Those individuals directly involved in maintaining and protecting the Islands' critical national infrastructure.
Frontline Health and Care and Veterinary Services	Those individuals providing, or directly facilitating, critical front line health and care, and veterinary, services.
Emergency Services and Justice Administration	Those individuals delivering emergency services or the administration of justice.
Education	Education professionals delivering critical activity within the Islands' schools.
Business Stability and Recovery	Those individuals involved in business continuity and/or business recovery.
Technical Specialist Contractors	Those skilled individuals required for construction projects to continue or begin.

Financial Stability	Those individuals involved in ensuring financial stability and resilience.
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Categories of Critical Workers: business stability and recovery.

4. (1) A person ("P") falls into the business stability and recovery category of Critical Workers –

(a) only if both of the following conditions would be satisfied if a Critical Worker Exemption were granted in respect of P –

(i) P would provide professionally qualified technical or specialist expertise that is not currently available or accessible on-island, and

(ii) P would fill a designated role, or undertake a designated set of tasks, that would be completed during a fixed term and would be time-critical, and

(b) only if any of the following conditions would be satisfied if a Critical Worker Exemption were not granted in respect of P –

(i) a business would not be able to continue in operation, or

(ii) a business' continuity plan would be undermined in a way that meant it could not comply with regulatory, health and safety or other essential statutory standards, and that this

would mean it could not continue to operate some critical functions fully, or

- (c) a business would be unable to resume a project or commercial contract that would either (a) prevent the return to employment of on-island works, or (b) lead to the curtailing of employment for current on-island workers.

Categories of Critical Workers: technical specialist contractors.

5. A person falls into the technical specialist contractor category of Critical Worker only if there is a specified start and end to the period of work required by the person under the Critical Worker Exemption, and he or she –

- (a) provides a service or set of skills that cannot feasibly be secured on-island,
- (b) performs a role that is critical to the progression of the project,
- (c) has relevant formal professional qualifications to undertake their role, and
- (d) has health insurance which covers COVID-19 related matters.

Risk mitigation conditions: general and sector-specific

Risk mitigation conditions: general.

6. (1) Each successful applicant for a Critical Worker Exemption must –

- (a) not travel to the Bailiwick if they have any symptoms of COVID-19, no matter how mild,
- (b) self-isolate as directed by the MOH,
- (c) undertake tests for COVID-19 as directed by MOH. If the result of any test is positive, the applicant must self-isolate in accordance with instructions from the MOH and comply with all other restrictions and requirements imposed by the MOH,
- (d) not attend the place of work if he or she has any symptoms of COVID-19, no matter how mild,
- (e) stop working immediately and withdraw from the workplace if any symptoms of COVID-19, no matter how mild, develop whilst working and arrange for testing for COVID-19,
- (f) adhere to good standards of hygiene and respiratory etiquette,
- (g) wear a mask within two metres of other people,
- (h) if staying overnight, have a confirmed address at which they are staying,
- (i) use only pre-arranged transport where the details of the driver are fully recorded or a hire car to move between the workplace and their place of residence,

- (j) remain on-island for the duration of their work, and
 - (k) comply with any direction given or requirement imposed by the MOH.
- (2) Further specific conditions may be imposed in particular cases.

Additional risk mitigation conditions: business stability and recovery.

7. (1) The conditions in this paragraph apply to a person falling into the business stability and recovery category of Critical Workers.

(2) For the avoidance of doubt, when these conditions apply they apply in addition to the general risk mitigation conditions set out in paragraph 6.

(3) The conditions in this paragraph are that the Critical Worker's business must –

- (a) provide a method statement of how it will meet social distancing and hygiene standards, and
- (b) meet the cost of any testing undertaken and any associated medical treatment that is required, including hospital treatment for COVID-19.

Additional risk mitigation conditions: technical specialist contractors in the construction sector.

8. (1) The conditions in this paragraph apply to the following subcategory of persons falling into the technical specialist contractor category of Critical Workers (and referred to in the table at subparagraph (3) as "workers"): specialist technical consultants required in situ on-island to support projects

considered necessary to support business recovery work in the construction sector, where there is a clear requirement to augment on-island capacity and capability for a designated period.

(2) For the avoidance of doubt, when these conditions apply they apply in addition to the general risk mitigation conditions set out in paragraph 6.

(3) The conditions in this paragraph are those set out in the following table –

<i>Movement on-island</i>	Any worker who is not resident in the Bailiwick may only travel between their place of work and a specified place of residence. The worker must be able to self-isolate at the specified place of residence when not at work.
<i>Site precautions</i>	During works the site must be zoned, i.e. the areas of work must be isolated using fencing and barriers, with a separate vehicular entrance for the worker. The name of a designated contact person for the site must be provided to the States of Guernsey. All elements of work must be an outside activity and a distance of over 10 metres from all other persons must be maintained at all times. Dedicated toilet and hand washing facilities must be provided to each of the work areas for the sole use of workers. Spray disinfectant must be supplied for use on handles for before and after each use. Running water and hand washing points must be located in each of the work areas. Hand sanitiser must be provided to be used regularly throughout the day.
<i>Accommodation</i>	Workers on a single project must stay in one hotel or set of self-catering units. Food must be supplied either via the hotel as cooked meals or groceries delivered to the door of the self-catering unit. The

Consolidated text

	<p>cooked food must be supplied on a 'closed tray' system. Collection of the used plates will be at pre-arranged times.</p> <p>Towelling and bedding must be left outside self-catering units if used in a sealed bag to all direct loading into a washing machine.</p> <p>At the end of the self-isolation period a specialist cleaner must be employed to complete a deep clean using a ULV Microbial fogging method.</p>
<i>Health requirements</i>	<p>No-one in the worker's household has, nor has had during the previous 14 days, any of the symptoms of COVID-19.</p> <p>Workers must undertake testing at an accredited testing centre 72 hours prior to travel.</p> <p>Workers must undertake a test for COVID-19 on the 5th day and the 13th day after arrival in the Bailiwick, or on such other days as the MOH may require.</p> <p>The business meets the cost of all testing in Guernsey.</p>

Applications and reviews

Application process.

9. An applicant for a Critical Worker Exemption must make an application in such form and providing such information as may from time to time be required, both generally by the Authority by publication on the States of Guernsey website, and by a determining officer in the applicant's particular case including (but not limited to) information sufficient to allow a determination to be made as to whether –

- (a) the person named in the application meets the definition of a Critical Worker as set out in this Schedule,
- (b) the resource the applicant represents is not already available in the Bailiwick, and

- (c) the person named in the application does not have, and has not had during the previous 14 days, any of the symptoms of COVID-19, however mild.

Amendment, revocation and review.

10. A determining officer may amend a Critical Worker Exemption on a request being made by the holder, or on the officer's own volition.

11. An officer authorised by the Authority to review the determination of applications under this Schedule (a "**reviewing officer**") may revoke a Critical Worker Exemption if he or he is satisfied that –

- (a) it was granted in error,
- (b) any false, deceptive or misleading statement was made, or information or document provided or furnished, by the applicant in the course of his or her application, or
- (c) any condition of it has been contravened.

12. (1) An applicant for a Critical Worker Exemption who is aggrieved by a decision to refuse the application, to grant the application subject to the imposition of further specific conditions under paragraph 6(2), and a holder of a Critical Worker Exemption who is aggrieved by a decision to amend it under paragraph 10 or to revoke it under paragraph 11, may make written representations to an officer authorised by the Authority to review the determination of applications under this Schedule (a "**reviewing officer**") concerning the outcome of his her application within 14 days of being notified of that decision, by emailing those representations to critical.travel@gov.gg.

- (2) If a person exercises his or her right under subparagraph (1),

the reviewing officer must consider those representations and shall –

- (a) uphold the decision of the determining officer, or
- (b) make a different decision (including the imposition of different, or no, specific conditions),

and must, within 14 days of receipt of the applicant's written representations, inform the applicant in writing of –

- (i) his or her decision,
- (ii) the reasons for that decision, and
- (iii) if the decision is to impose different specific conditions, the applicant's right to make an application to the Royal Court under regulation 12 to vary or revoke those conditions.

MODIFICATION OF LEGISLATION RELATING TO MENTAL HEALTH

Interpretation.

1. References in this Schedule to –
 - (a) sections are to sections of the Mental Health (Bailiwick of Guernsey) Law, 2010 ("**the 2010 Law**"), and
 - (b) rules are to rules of the Mental Health Review Tribunal Procedure Rules, 2012 ("**the 2012 Rules**").

2. Expressions in this Schedule and in the 2010 Law or the 2012 Rules shall have the same meaning as in that Law or those Rules (as the case may be).

Forms.

3. Where any form prescribed in the Mental Health (Treatment and Forms) Regulations, 2013 or under the 2012 Rules is inconsistent with a modification made by these Regulations, the form –

- (a) may, in connection with that modification, be used with appropriate amendments, and
- (b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect that modification.

Modification of the 2010 Law.

4. Where section 56(1)(b) applies (administration of medicine for more

than three months), an approved medical practitioner (other than the responsible medical officer of the patient) may give a certificate under section 56(3)(b) (appropriateness of treatment without understanding or consent) if the responsible medical officer is of the opinion that complying with the requirement under that provision for the certificate to be given by a second opinion approved doctor is not reasonably practicable or would involve unreasonable delay.

Modification of the 2012 Rules.

5. For the purposes of any hearing subject to the 2012 Rules –
- (a) the Tribunal is deemed to be properly constituted by the members of the Tribunal sitting within or without the Bailiwick, or a combination thereof,
 - (b) where the legally qualified member is of the opinion that it is not reasonably practicable or would involve unreasonable delay for one, or both, of the other members of the Tribunal to participate in the hearing, the Tribunal is deemed to be properly constituted by the legally qualified member –
 - (i) sitting with the other member able to participate, or
 - (ii) sitting alone,(as the case may be),
 - (c) notwithstanding subparagraph (b), where, after hearing from the patient’s legal representative or the patient (if unrepresented), the legally qualified member is of the

opinion that it is in the patient's interests that the hearing takes place before a single member of the Tribunal (including, but not limited to, where the patient's mental disorder might be adversely affected by the participation of multiple members of the Tribunal by telephone), the Tribunal is deemed to be properly constituted by the legally qualified member sitting alone, and that member may consult with the other members of the Tribunal where it is in the interests of justice to do so, and

- (d) for the avoidance of doubt, the Tribunal may exercise any or all of its powers under the 2010 Law where it is constituted in accordance with this paragraph.

6. Any hearing which takes place in accordance with paragraph 5 shall be deemed for all purposes (including that of determining the *lex fori*) to have taken place in Guernsey and the courts of Guernsey accordingly have jurisdiction in accordance with Part VI of the Law, and sections 46 and 47 have effect accordingly.

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 revoke and re-enact (with modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations will come into force on the 5th February, 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

Part I – screening, assessment and powers to detain etc.

This Part places a requirement to self-isolate on persons arriving in the Bailiwick, enables the Medical Officer of Health to place restrictions and requirements on other persons who are or who may be infected with coronavirus, and makes provision in respect of related matters, including powers for the Medical Officer of Health to impose screening requirements, to detain people and to require people to self-isolate. The provisions also create criminal offences and confer powers of enforcement on police officers, and provide for applications to vary or revoke requirements or restrictions imposed under this part to be made to the Royal Court.

This Part also prohibits non-essential travel into the Bailiwick. Further provision in respect of essential travel, and the granting of Essential Travel Permits, is set out in Schedule 1. The effect of this prohibition is that it is unlawful for a person to travel into the Bailiwick from outside unless he or she has been granted either an Essential Travel Permit or a Critical Worker Exemption. A person who has been granted an Essential Travel Permit will have to self-isolate on arrival in accordance with regulations 5 and 6, and a person who has been granted a Critical Worker Exemption will have to self-isolate in accordance with, and otherwise comply with, the

** The text of this Explanatory Note is as it was when the Statutory Instrument was first made – that is to say that the Explanatory Note has not been updated to take account of any changes made by subsequent amending Statutory Instruments with their own Explanatory Notes.

provisions of Schedule 2. Finally, this Part also provides that a person of 12 years or over who chooses not to take both a day of arrival test for COVID-19 and a test on day 13 after arrival will have to self-isolate for 21 days; otherwise, a person who does undergo those tests is required to self-isolate until receipt of a negative result for the day 13 test. A child under 12 has to self-isolate for 14 days after arrival.

Part II – control of premises, gatherings etc., and movement of persons

This Part enables the Civil Contingencies Authority to impose restrictions in relation to licensed (and other non-residential) premises, and empower the Committee to impose restrictions in relation to events, gatherings and meetings, and the movement of people outside their homes. The regulations in this Part also create criminal offences, and confer powers of enforcement on police officers. The Authority must consult the Medical Officer of Health before exercising the powers under the regulations, and in addition must consult Her Majesty's Procureur when issuing a direction imposing restrictions in relation to the movement of persons outside their homes; and when exercising powers in relation to premises in Alderney and Sark, the relevant Committees on those islands must also be consulted.

Parts III and IV – registration of deaths and still-births, and cremations in Guernsey

These Parts temporarily modify procedures in relation to registration of deaths and still births in Guernsey and Sark and in Alderney (Part III) and in relation to cremations in Guernsey (Part IV). These amendments are to remove requirements for things to be done in person and to simplify procedures relating to registration of deaths and still-births and cremations during the current emergency situation.

The modifications in relation to registration of deaths and still-births are to remove requirements to make declarations of death in person, for a doctor signing a medical certificate of death to certify that he or she had attended the deceased during his or her last illness and to disapply requirements limiting the time a body is kept provided it is in the custody of the States of Guernsey (where the body is in Guernsey), the States of Alderney (where the body is in Alderney) or the relevant funeral director.

The modifications in relation to cremations are to remove the requirements for an application for cremation to be verified by being countersigned or by the applicant giving a declaration made on oath and for a confirmatory medical certificate to be given (Form C in the Cremation Ordinance, 1972).

Part V – the States of Deliberation and the Chief Pleas of Sark

The regulations relating to the States of Deliberation provide that the Reform (Guernsey) Law, 1948 shall apply as if modified by the insertion of a new Article enabling the States of Deliberation to meet remotely. It also empowers the States' Assembly & Constitution Committee to make Rules of Procedure governing remote meetings of the States held pursuant to the inserted Article. The regulations relating to

the Chief Pleas of Sark temporarily modify the application of the Sark (Reform) Law, 2008 to allow Committees of the Chief Pleas to meet remotely.

Part VI – schools

Part VI empowers the Medical Officer of Health to exercise her powers to require schools to take measures to prevent the spread of infection in Sark, and provide, for the avoidance of doubt, that such measures may include the immediate closure of any school.

Part VII – miscellaneous and final

Schedule 3 to these Regulations, which is given effect by regulation 30, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraph 4 modifies the Mental Health (Bailiwick of Guernsey) Law, 2010 to permit an approved medical practitioner (rather than only a second opinion approved doctor) to provide a certificate for the purposes of section 56 where the practitioner is of the opinion that it is not reasonably practicable or would involve unreasonable delay to comply with the unmodified requirement of that section. Paragraphs 5 to 6 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal may properly be constituted according to specified criteria.

Regulation 31 provides for the deemed variance of Long Term Employment Permits, Medium Term Employment Permits and Short Term Employment Permits, to allow the holder to be resident without being employed and to be employed by a different employer from that specified in the Permit; and for the modification of the Population Management (Guernsey) Law, 2016 and other legislation to the extent necessary to give effect to this. It also amends the Population Management (Guernsey) Law, 2016 to impose a duty on the Administrator of Population Management to consult a determining officer appointed under Schedule 1 before granting an Employment Permit.

Regulation 32 makes provision in relation to Senior Decision Makers ("SDMs") appointed by the Guernsey Financial Services Commission, including providing for SDMs to hold oral hearings remotely. Regulation 33 enables the Court of Appeal to conduct its proceedings remotely.

Regulation 34 permits the holder of a Category C or C1 driving licence which is restricted to automatic transmission to drive a vehicle with manual transmission which is approved for use as an ambulance under the Driving Licences (Amendment) Regulations, 2020 where (a) that licence holder also holds a category B licence which is not restricted to automatic transmission and (b) the Committee for the Environment and Infrastructure approves that licence holder to do so.