

GUERNSEY STATUTORY INSTRUMENT
2020 No. 29

The Emergency Powers (Coronavirus) (Control of Premises) (Bailiwick of Guernsey) Regulations, 2020

<i>Made</i>	20 th March, 2020
<i>Coming into operation</i>	20 th March, 2020
<i>Laid before the States</i>	, 2020

WHEREAS there are one or more persons within the Bailiwick who are or 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 ("**the Law**");

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;

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

AND WHEREAS the Authority is satisfied that the effect of the following regulations is in due proportion to that emergency, and that they are compatible with the Convention rights within the meaning of section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000^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: -

Power of Committee to give directions.

1. (1) The States of Guernsey Committee for Home Affairs ("**the Committee**") may, for the purpose of preventing, protecting against, controlling, or providing a public health response to, the incidence or spread of coronavirus, issue a direction imposing prohibitions, requirements or restrictions in relation to premises.

(2) The Committee must consult the Medical Officer of Health before issuing a direction.

(3) A direction may be issued in relation to specified premises, or premises of a specified description.

(4) A direction may, amongst other things, impose requirements for the purpose of –

(a) restricting the hours of opening of the premises,

^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; G.S.I. No. 27 of 2006.

- (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.

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

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

Procedure, variation and revocation.

2. (1) 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 Committee considers appropriate to bring it to the attention of other persons who may be affected by it.

(2) The Committee may vary and revoke a direction, and the power to vary and revoke a direction is without prejudice to the power of the Committee to issue a new direction in respect of the same premises.

(3) Subject to paragraph (1), a direction, and a variation and revocation of a direction, may be given in such form as the Committee thinks fit, including by publication on the States of Guernsey website.

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

Premises in Alderney and Sark.

3. (1) The Committee must consult the Policy and Finance Committee of the States of Alderney before issuing, varying or revoking a direction in relation to premises in Alderney, and the Policy & Finance Committee of the Chief Pleas before issuing, varying or revoking a direction in relation to premises in Sark.

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

Enforcement.

4. (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 (3), 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 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) A police officer must take account of any relevant advice issued by the Medical Officer of Health and the Chief Officer of the Island Police Force before exercising the power conferred by paragraph (2).

(4) In exercising the powers conferred by paragraphs (1) and (2), a police officer may-

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

(b) if necessary, use reasonable force.

Offences.

5. (1) A person commits an offence if he or she fails, without reasonable excuse, to comply with a direction or requirement.

(2) A person commits an offence if he or she obstructs a police officer exercising a power conferred by regulation 4.

(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.

Interpretation.

6. In these Regulations –

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

"**direction**" means a direction given under regulation 1(1),

"**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,

"**premises**" does not include premises used solely as residential premises, and

"**requirement**" means a requirement of a police officer under regulation 4.

Citation and extent.

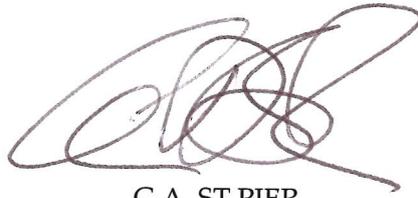
7. (1) These Regulations may be cited as the Emergency Powers (Coronavirus) (Control of Premises) (Bailiwick of Guernsey) Regulations, 2020.

(2) These Regulations shall have force in the Bailiwick of Guernsey.

Commencement.

8. These Regulations shall come into force on being made.

Dated this 20th day of March, 2020

A handwritten signature in dark ink, consisting of several overlapping loops and flourishes, positioned above the name G.A. ST PIER.

G.A. ST PIER

Chairman of the Civil Contingencies Authority

For and on behalf of the Authority

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 the spread of the virus Severe Acute Respiratory Syndrome Coronavirus (SARS-CoV-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. They enable the States Committee for Home Affairs to impose restrictions in relation to licensed (and other non-residential) premises for purposes related to controlling the spread of coronavirus. That Committee must consult the Medical Officer of Health before exercising the powers under the regulations, and when exercising powers in relation to premises in Alderney and Sark, the relevant Committees on those islands must be consulted. COVID-19 was made a notifiable disease for the purposes of the Public Health Ordinance, 1936 on 19th February 2020.

These Regulations will come into force on the day they are made, 20th March 2020.

