

GUERNSEY STATUTORY INSTRUMENT2021 No. *10*

**The Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No. 4) (Amendment) Regulations,
2021**

<i>Made</i>	22 nd April, 2021
<i>Coming into operation</i>	23 rd April, 2021
<i>Laid before the States</i>	, 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 there has been a recent surge of infections of several different variants of Severe Acute Respiratory Syndrome Coronavirus in Europe;

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

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

of infection) is satisfied that the conditions set out in section 13 of the Law are satisfied, and that the following regulations contain only provisions which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency referred to above;

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

Amendment of the General Provision Regulations.

1. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 4) Regulations, 2021^c ("the (No. 4) Regulations") are amended as follows.

(2) In regulation 5(1), in subparagraph (a) after "(concerning Critical Workers)" insert "or Schedule 1A (concerning the "7 day self-isolation option" for persons arriving from Category 3 countries)".

(3) In regulation 6 –

(a) after paragraph (3) insert –

^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.

^c G.S.I. No. 31 of 2021.

"(3A) The requirement to self-isolate under regulation 5(1) and 5(2) may be varied by the Authority in relation to one or more categories of case, or in relation to all cases, by publication on the relevant States of Guernsey website.",

(b) in paragraph (4), for the words up to subparagraph (a) substitute "The powers to vary of the MOH under paragraph (3) and of the Authority under paragraph (3A) include (but are not limited to) powers to –", and

(c) for paragraphs 5 and 6 substitute –

"(5) For the avoidance of doubt, and without prejudice to the generality of paragraphs (3), (3A) and (4), in any case where the MOH exercises a power to vary under paragraph (3) or the Authority exercises its power to vary under paragraph (3A), that variation may be amended or revoked in accordance with paragraph (6), and if amended shall be treated for all purposes as continuing to have effect in accordance with its terms.

(6) In any case where –

(a) the MOH has exercised a power to vary, 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), or

(b) the Authority has exercised its power to vary, the Authority may amend or revoke that variation by publication on the relevant States of Guernsey

website,

and the amendment or revocation shall have effect from such time as the MOH or the Authority (as the case may be) may specify."

(4) In regulation 12(2), at the end of subparagraph (e) delete "and", at the end of subparagraph (f) insert "and", and after subparagraph (f) insert –

"(g) a Relevant Person within the meaning of Schedule 1A,".

(5) At the end of subparagraph (b) of regulation 14(2) insert "or Schedule 1A".

(6) In regulation 23, after paragraph (1) insert –

"(1A) In these Regulations, references to a Category 3 or 4 country are references to a Category 3 or 4 country as specified on the relevant States of Guernsey website for the purposes of these Regulations; and an area, region or country may be specified as a Category 3 or 4 country for those purposes.

(1B) For the avoidance of doubt, in these Regulations references to a "test" for COVID-19 are references to a test for COVID-19 of such type as the MOH may specify from time to time, and she may specify different types of test for different purposes; and references to undertaking a test, and other associated expressions, shall be construed accordingly."

(7) After Schedule 1, insert the Schedule 1A set out in the Schedule to these Regulations.

Transitional provision.

2. For the avoidance of doubt, a person (P) who has spent any of the period of 14 days before P's arrival in the Bailiwick in an area, region or country that is specified, on the coming into force of these Regulations, as a Category 4 country for the purposes of the (No. 4) Regulations is not eligible to take part in the 7 day self-isolation option within the meaning of, and as provided for in, Schedule 1A to the (No. 4) Regulations; and the (No. 4 Regulations), including but not limited to Schedule 1A and paragraph 2 (eligibility) thereof, shall be construed accordingly.

Citation.

3. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 4) (Amendment) Regulations, 2021.

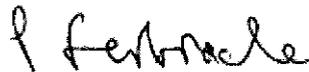
Extent.

4. These Regulations shall have effect throughout the Bailiwick.

Commencement.

5. These Regulations come into force on 23rd April, 2021.

Dated this 22nd day of April, 2021



P. T.R. FERBRACHE
Chairman of the Civil Contingencies Authority
For and on behalf of the Authority

SCHEDULE

Regulation 1(7).

"SCHEDULE 1A

Regulation 5(1).

7 DAY SELF-ISOLATION OPTION

Introductory.

1. (1) This Schedule provides for an exception to the requirement to self-isolate on arrival in the Bailiwick set out in regulation 5(1) –

(a) in respect only of persons who have been assessed to be eligible for, and have elected to take part in, the 7 day self-isolation option, within the meaning of that term in this Schedule, and

(b) to the extent only set out in this Schedule.

(2) A person who is assessed to be eligible for, and has elected to take part in, the 7 day self-isolation option is referred to herein as a "**Relevant Person**".

(3) If a Relevant Person fails to comply with any of the conditions and restrictions which apply to him or her in respect of the 7 day self-isolation option, the 7 day self-isolation option shall cease to apply to that person, and he or she may be liable to prosecution under these Regulations.

(4) Under regulation 14(2), the employer of a Relevant Person may be liable to prosecution if the Relevant Person fails to comply with any of the conditions and restrictions which apply to him or her in respect of the 7 day self-isolation option.

(5) Failure without reasonable excuse to comply with the requirement to self-isolate under regulation 5(1) (as it has effect under this Schedule) is an offence under regulation 14(2), and this Schedule shall be construed accordingly.

(6) In this Schedule, "the 14 day period" in respect of a person means the period of 14 days starting from the day of that person's arrival in the Bailiwick.

Eligibility.

2. (1) To be eligible to take part in the 7 day self-isolation option, a person ("P") must have spent all of the period of 14 days immediately before P's arrival in the Bailiwick (other than time spent in an area which is not an infected area for the purposes of these Regulations) in a region or country which is a Category 3 country at the time of P's arrival in the Bailiwick.

(2) For the avoidance of doubt, and subject to paragraph 4 (direct transit), if P has spent any of the previous 14 days (or any part thereof) in a place that is, at the relevant time, a Category 4 country, P will not be eligible to take part in the 7 day self-isolation option – even if that place was not specified as a Category 4 country when the person was in it.

(3) For the avoidance of doubt –

(a) a person not wishing to take part in the 7 day self-isolation option or assessed to be ineligible to do so must self-isolate pursuant to, and in accordance with, the requirement imposed by regulation 5(1), and

(b) a person who –

(i) elects to take part in the 7 day self-isolation option, and

(ii) subsequently decides that he or she does not wish to

take a test for COVID-19,

will not be required to undertake that test, but he or she will be required to self-isolate pursuant to, and in accordance with, the requirement imposed by regulation 5(1);

and references (however expressed) in paragraph 3 to a Relevant Person being required, or not being required, to take a test for COVID-19, shall be construed accordingly.

(4) In this paragraph and paragraph 3, "the relevant time" means when P provides the information as to his or her travel history (which may be 48 hours before travel) or, if the information is not provided before, on P's arrival in the Bailiwick.

Category 3 country arrivals.

3. (1) A Relevant Person will be required to take a test for COVID-19 immediately on arrival in the Bailiwick (in this Schedule, a "day of arrival test").

(2) If the result of that day of arrival test is positive, the Relevant Person must 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.

(3) If the result of that day of arrival test is negative, the Relevant Person must self-isolate, and will be required to take another test for COVID-19 seven days after his or her date of arrival (or at such other time as the MOH may direct) (in this Schedule, a "Day 7 test").

(4) If the result of that Day 7 test is positive, the Relevant Person must self-isolate in accordance with instructions from the MOH, and comply with all other restrictions and requirements imposed on him or her by the MOH.

(5) If the result of that Day 7 test is negative, the Relevant Person will not

be required to self-isolate for the remainder of the 14 day period, subject to him or her complying with the conditions and restrictions specified in paragraph 7 (Conditions and restrictions: Passive Follow-Up).

Direct Transit.

4. (1) Direct transit–
 - (a) in a private vehicle, or
 - (b) in public transport,

through a Category 4 country is not spending time in that Category 4 country for the purposes of this Schedule.

(2) In this paragraph, a "**private vehicle**" includes a taxi, and references to a private vehicle stopping are to such a vehicle stopping in circumstances where one or more persons alight from, or get into, the vehicle.

- (3) In this paragraph, "**direct transit in a private vehicle**" means –
 - (a) travel in a private vehicle that does not stop at all in the Category 4 country, or
 - (b) travel in a private vehicle that only stops in the Category 4 country in circumstances where –
 - (i) no new people get into the vehicle, and
 - (ii) no-one in the vehicle gets out, comes within two metres of any other person (other than another occupant of the vehicle), and then gets back in again.

(4) In this paragraph, "**direct transit in public transport**" means travel on any form of public transport that does not stop at all in the Category 4 country.

Children.

5. (1) Subject to advice and any contrary direction from the MOH in particular cases, and to the provisions of this paragraph, a child may take part in the 7 day self-isolation option.

(2) Where a child takes part in the 7 day self-isolation option, the person with parental responsibility for the child or who has the care or charge of the child for the time being (the child's "**responsible adult**") is responsible for ensuring that the child complies with the restrictions and conditions set out herein so far as he or she is reasonably able to do so; and a person who fails so to ensure may be liable to prosecution under the Regulations.

(3) For the avoidance of doubt, a child's responsible adult must, in respect of that child –

- (a) provide the information required under paragraph 6(2),
- (b) so far as reasonably practicable, keep the record of people referred to at paragraph 7(9), and
- (c) ensure the child does not return to school in accordance with paragraph 7(11), where that restriction applies.

Conditions and restrictions: general, and offences.

6. (1) A Relevant Person must self-isolate pursuant to, and in accordance with, the requirement imposed by regulation 5(1) unless and until that requirement to self-isolate is lifted in accordance with the provisions of paragraph 3 above; and so a Relevant Person who fails to undergo a day of arrival test or a Day 7 test must self-isolate in accordance

with that regulation.

(2) A Relevant Person must provide such information to officers from the MOH, the Guernsey Border Agency and Guernsey Police, and to any other persons authorised in this behalf by the Chief Officer of Customs & Excise, as those officers and persons may require in connection with the operation and enforcement of the 7 day self-isolation option, and must comply with any other direction from those officers in that connection.

(3) For the avoidance of doubt, failure to comply, without reasonable excuse, with the requirement to self-isolate set out in subparagraph (1) is a criminal offence under regulation 14(2).

(4) Failure to comply, without reasonable excuse, with any of the conditions and restrictions set out in –

(a) in subparagraph (2), or

(b) paragraphs 7(2) to (12),

is a criminal offence, punishable by a fine not exceeding level 5 on the uniform scale.

Conditions and restrictions: Passive Follow-Up.

7. (1) Where the requirement to self-isolate has been lifted in relation to a Relevant Person following a negative Day 7 test under and in accordance with paragraph 3, that Relevant Person must comply with each of the following restrictions during the remainder of the 14 day period.

(2) The Relevant Person must at all times be vigilant for symptoms, however mild, of COVID-19; must report any such symptoms immediately to the MOH; and must comply with any instructions given by the MOH thereafter (which may, for the avoidance of doubt, include an immediate resumption of self-isolation).

(3) Subject to subparagraph (4), the Relevant Person must not enter a nursing, care or residential home without the prior agreement of the manager of the home, received after having informed the manager of the home of his or her status as being subject to these restrictions.

(4) If the Relevant Person is a worker at a nursing, care or residential home and the manager of the home agrees, the Relevant Person may enter that home to work, but such work may be carried out only in accordance with a method statement that has been agreed with the MOH.

(5) Subject to subparagraphs (6) and (7), the Relevant Person must not, other than in an emergency, enter the Princess Elizabeth Hospital, and in an emergency must give prior notification of his or her status as being subject to these restrictions before entering the Princess Elizabeth Hospital, if reasonably practicable in all the circumstances.

(6) The Relevant Person may enter the Princess Elizabeth Hospital to visit a patient who is seriously ill if the management of the hospital agrees, but such a visit may be undertaken only in accordance with a method statement that has been agreed with the management of the Hospital and the MOH.

(7) If the Relevant Person is a worker at the Princess Elizabeth Hospital and his or her line manager agrees, the Relevant Person may enter the hospital to work, but such work may be undertaken only in accordance with a method statement that has been agreed with the MOH.

(8) The Relevant Person must inform any other healthcare provider of his or her status as being subject to these restrictions when making any appointment for care.

(9) The Relevant Person must, so far as reasonably practicable, keep a record of people met and places visited (to assist with contact tracing if necessary).

(10) If the Relevant Person works at a school or college or otherwise works with or cares for children as part of his or her work, he or she must not return to that work unless he or she has received a negative test result for COVID-19 within the previous 48 hours.

(11) If the Relevant Person is a child or otherwise in full-time or part-time education, he or she must not return to school or college.

(12) The Relevant Person must comply with any additional conditions and restrictions imposed from time to time by the MOH."

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 amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 4) Regulations, 2021 ("the (No. 4) Regulations"). The primary purpose of the amendments made is to re-introduce Category 3 countries, enabling arrivals into the Bailiwick from which to self-isolate for a shorter period, subject to conditions. The amendments also re-introduce the power of the Authority to amend that requirement in respect of categories of case; this will enable the re-introduction of "business tunnels". Finally they make clear that references in the (No. 4) Regulations to a test for COVID-19 are to such a type of test as the Medical Officer of Health may specify from time to time.

These Regulations came into force on being made on the 23rd April, 2021, and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.