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GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2021 No. 81

**The Emergency Powers (Coronavirus) (General Provision)  
(Bailiwick of Guernsey) (No. 8) (Amendment) Regulations,  
2021**

*Made*

*2<sup>nd</sup> August, 2021*

*Coming into operation*

*3<sup>rd</sup> August, 2021*

*Laid before the States*

*, 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<sup>a</sup>;

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

**AND WHEREAS** there has been a recent surge of infections of several different variants of Severe Acute Respiratory Syndrome Coronavirus 2 in Europe;

**AND WHEREAS** that surge of infections has been particularly acute in Jersey, whence many persons travel into the Bailiwick,

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

**AND WHEREAS** there is evidence of community transmission of Severe Acute Respiratory Syndrome Coronavirus 2 within the Bailiwick;

**AND WHEREAS** the people of the Bailiwick are increasingly protected against infection with Severe Acute Respiratory Syndrome Coronavirus 2 as a result of the Bailiwick's vaccination programme and vaccination programmes implemented by other countries and territories;

**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 the Convention rights within the meaning of section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000<sup>b</sup>;

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

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

**Amendment of the General Provision (No. 8) Regulations.**

1. (1) The Emergency Powers (Coronavirus) (General Provision) (No. 8) (Bailiwick of Guernsey) Regulations, 2021<sup>c</sup> ("**the (No. 8) Regulations**") are amended as follows.

(2) After regulation 5(3), insert –

"(3A) A child under the age of 5 who has arrived in the Bailiwick by air or sea is not required to self-isolate."

(3) In regulation 5(4), for "under the age of 12" substitute "of between 5 and 11 years".

(4) In the heading of regulation 6, insert "non-Jersey" before "Blue Arrivals", and for paragraphs (1) to (3) substitute –

"(1) Subject to any direction to the contrary from the MOH in any particular case, and to any direction from the Authority in relation to one or more categories of case or in relation to all cases, a child of between 5 and 11 years who has arrived in the Bailiwick from outside by air or sea accompanied by a non-Jersey Blue Arrival is not required to self-isolate, and is not subject to any other restrictions or requirements; and in this regulation, a "**non-Jersey Blue Arrival**" means any Blue Arrival other than a person who has spent any part of the period of 14 days immediately preceding his or her arrival in Jersey.

(1A) A person has not spent time in Jersey for the purposes of this regulation, and regulation 6A, where that person was in direct transit through Jersey;

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<sup>c</sup> G.S.I. No. 78 of 2021.

and for these purposes "direct transit" has the meaning given in paragraph 5 of Schedule 2 to the Regulations with the following modifications -

- (a) any reference in that paragraph to a Category 4 or Category 3 country is a reference to Jersey, and
- (b) in subparagraph (4), "direct transit in public transport" means travel on any form of public transport where the person does not alight from the vehicle or vessel in Jersey, other than to comply with directions given by –
  - (i) a police officer, customs officer or immigration officer, or
  - (ii) a representative of the operator of the public transport concerned.

(2) Subject to paragraph (4), a child of 12 years or over who has arrived in the Bailiwick from outside by air or sea accompanied by a non-Jersey Blue Arrival must self-isolate for 14 days.

(3) A child of 12 years or over who has arrived in the Bailiwick from outside by air or sea accompanied by a non-Jersey Blue Arrival may, on arrival, elect to comply with paragraph 4 (Category 2 country arrivals) of Schedule 2, as it applies to a Relevant Person (within the meaning of that Schedule) described in subparagraph (1) of that paragraph. "

(5) After regulation 6, insert –

**"Requirement to self-isolate on arrival in the Bailiwick: children accompanying Jersey Blue Arrivals.**

6A. (1) In this regulation, a "Jersey Blue Arrival" means a Blue Arrival who has spent any part of the period of 14 days immediately preceding his or her arrival in Jersey (and as regards the meaning of spending time in Jersey for the purposes of this regulation, see the provision made in respect of direct transit through Jersey at regulation 6(1A)).

(2) A child of between 5 and 11 years who has arrived in the Bailiwick from outside by air or sea –

- (a) accompanied by a Jersey Blue Arrival, and
- (b) who does not possess on arrival a pre-travel negative test result,

must self-isolate for 14 days; and in these circumstances, regulation 5(6) applies where the child (C) has been self-isolating in a household bubble within the meaning of regulation 5(7).

(3) Subject to any direction to the contrary from the MOH in any particular case, and to any direction from the Authority in relation to one or more categories of case or in relation to all cases, a child of between 5 and 11 years who has arrived in the Bailiwick from outside by air or sea –

- (a) accompanied by a Jersey Blue Arrival, and
- (b) who possesses on arrival a pre-travel negative test result,

is not required to self-isolate, and is not subject to any other restrictions or

requirements.

(4) Subject to paragraphs (5) and (6), a child of over 12 years who has arrived in the Bailiwick from outside by air or sea –

- (a) accompanied by a Jersey Blue Arrival,
- (b) who does not possess on arrival a negative pre-travel test result,

must self-isolate for 21 days.

(5) If a child falling within paragraph (4) 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 child will not be required to self-isolate for the remainder of the 21 day period.

(6) If a child falling within paragraph (4) 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.

(7) Subject to paragraph (8), a child of 12 years or over who has arrived in the Bailiwick from outside by air or sea –

- (a) accompanied by a Jersey Blue Arrival,
- (b) who possesses on arrival a pre-travel negative test result,

must self-isolate for 14 days.

(8) A child falling within paragraph (7) may, on arrival, elect to comply with paragraph 4 (Category 2 country arrivals) of Schedule 2, as it applies to a Relevant Person (within the meaning of that Schedule) described in subparagraph (1) of that paragraph.

(9) For the avoidance of doubt, a child who has made an election under paragraph (8) is not required to self-isolate under regulation 5 or paragraph (7), but he or she -

(a) must comply with paragraph 4 (Category 2 country arrivals) of Schedule 2, as it applies to a Relevant Person (within the meaning of that Schedule) described in subparagraph (1) of that paragraph, and

(b) shall for all purposes (including, but not limited to, paragraphs 1(5) and 7 of Schedule 2 and regulations 16 and 17, which provisions concern offences) be treated as if he or she is –

(i) a Relevant Person (within the meaning of Schedule 2) described in paragraph 4(1) of that Schedule, and,

(ii) for the avoidance of doubt, a child taking part in the reduced self-isolation option for the purposes of paragraph 6 of that Schedule.

(10) For the purposes of this regulation and regulation 19, a "**pre-travel negative test result**" means a notification of a negative result of a qualifying

test for COVID-19 where the test sample was taken from the person no more than 48 hours before the person's arrival in the Bailiwick.

(11) For the purposes of paragraph (10), a "**qualifying test**" means –

- (a) a nucleic acid test (including a polymerase chain reaction (PCR) test or derivative technologies, including a loop-mediated isothermal amplification (LAMP) test), or
- (b) an antigen test (including a test using a lateral flow device),

that meets performance standards specified for this purpose on the States of Guernsey website, and the result of which is notified to the person by a third party."

(6) After regulation 8(2), insert –

"(2A) The MOH must take into account any relevant policies of the Authority before exercising her powers to vary a requirement to self-isolate under this regulation."

(7) In regulation 8(2), 8(3) and 8(7), after 5(4) delete "and", and after "6(2)" insert ", 6A(2), 6A(4) and 6A(7)".

(8) In regulation 8(8), after "6" insert ", 6A".

(9) In regulation 14(2) –

(a) after "5(4)", for "or" substitute ",", and

(b) after "6(2)" insert ", 6A(2), 6A(4) or 6A(7)".

(10) In regulation 16(2), in both places after "5(3)" for "or" substitute ",", and in both places after "6(2)" insert ", 6A(4) or 6A(7)".

(11) For regulation 19(1) substitute –

"(1) In these Regulations, a "**Blue Arrival**" means a person (other than a child) who has arrived in the Bailiwick after spending all of the period of 14 days immediately before his or her arrival in a Blue List Country, and who has –

(a) has a full vaccination history, and

(b) (only in the case of a Jersey Blue Arrival) possesses, on arrival, a pre-travel negative test result,

and in this regulation, "**Jersey Blue Arrival**" and "**pre-travel negative test result**" have the meanings given in regulation 6A."

#### **Citation.**

2. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) (Amendment) Regulations, 2021.

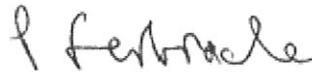
#### **Extent.**

3. These Regulations shall have effect throughout the Bailiwick.

#### **Commencement.**

4. These Regulations come into force on 3<sup>rd</sup> August, 2021.

Dated this 2<sup>nd</sup> day of August, 2021



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

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**EXPLANATORY NOTE**

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

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

These Regulations amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) Regulations, 2021 ("the (No. 8) Regulations"). The amendments continue the effect of the variation made by the Civil Contingencies Authority of the requirement to self-isolate in respect of persons arriving in the Bailiwick from Jersey, or having spent time in Jersey during the previous 14 days, imposing a requirement on the face of the (No. 8) Regulations for such persons to possess a qualifying negative pre-arrival test result on arrival (either PCR or lateral flow) to qualify for Blue Arrival status, and making provision in respect of children accompanying such persons.

These Regulations also require the MOH to take into account any relevant policies of the Civil Contingencies Authority when exercising her discretion to vary a requirement to self-isolate, and clarify that no child under 5 years of age arriving in the Bailiwick will be required to self-isolate.

These Regulations come into force on 3<sup>rd</sup> August, 2021, and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.