

GUERNSEY STATUTORY INSTRUMENT

2021 No. 91



**The Emergency Powers (Coronavirus) (General Provision)  
(Bailiwick of Guernsey) (No. 9) (Amendment) Regulations,  
2021**

<i>Made</i>	12 <sup>th</sup> August, 2021
<i>Coming into operation</i>	16 <sup>th</sup> August, 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<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** there is evidence of community transmission of Severe Acute Respiratory Syndrome Coronavirus 2 within 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** 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: –

**Amendment of the General Provision (No. 9) Regulations.**

1. (1) The Emergency Powers (Coronavirus) (General Provision) (No. 9) (Bailiwick of Guernsey) Regulations, 2021 ("**the (No. 9) Regulations**") are amended as follows.

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

(2) In regulation 15, after paragraph (1) insert –

"(1A) A determination by an appointed officer that a person does not have a full vaccination history for the purposes of these Regulations may be set aside by the Royal Court on the application of an affected person; and in this regulation "**appointed officer**" has the meaning given in regulation 20(5).",

and at the end of paragraph (2) insert ", and a person who is the subject of a decision by an appointed officer falling within paragraph (1A)".

(3) For regulation 20(5), substitute –

"(5) For the purposes of these Regulations, a person (P) has a "**full vaccination history**" if -

(a) (subject to any direction made under paragraph (5A)) P has received a full course of a UK certified vaccine administered in –

(i) a Blue List Country,

(ii) a Member State of the European Union,

(iii) a member State of the European Free Trade Association,

(iv) Andorra, Monaco, San Marino or Vatican City,  
or

(v) a British overseas territory, and

(b) in the case of -

- (i) a vaccine administered in two doses, P received the second dose of that vaccine at least 14 days before P's arrival in the Bailiwick,
- (ii) a vaccine administered in one dose, P received that dose at least 14 days before P's arrival in the Bailiwick,

and in any case where a question is raised as to whether a person has a full vaccination history for the purposes of these Regulations, the determination of an officer appointed by the Authority for this purpose (an "**appointed officer**") shall, subject an application being made to the Royal Court under regulation 15(1A) for the determination to be set aside, be final.

(5A) The Authority may, by way of a direction published on the States of Guernsey website, provide that specified categories of person who would have a full vaccination history were it not for the fact that –

- (a) the vaccine was administered in a specified jurisdiction not falling within paragraph (5)(a), or
- (b) the first dose of the vaccine was administered in a different jurisdiction from the second dose (including, but not limited to, specified jurisdictions not falling within paragraph (5)(a)),

shall be treated as having a full vaccination history for the purposes of these Regulations.

(5B) The Authority may amend or revoke a direction made under paragraph (5A) by publication on the relevant States of Guernsey website, and such an amendment or revocation shall have effect from such time as the Authority may specify."

(4) For regulation 20(6), substitute –

"(6) For the purposes of paragraph (5) –

(a) a **"UK certified vaccine"** means a vaccine against coronavirus the use of which is authorised by –

(i) the European Medicines Agency,

(ii) the Medicines and Healthcare products Regulatory Agency of the United Kingdom (or the Secretary of State), or

(iii) Swissmedic (the national authorisation and supervisory authority for drugs and medical products for Switzerland),

either by way of a marketing authorisation or otherwise,  
and

(b) the **"European Free Trade Association"** means the European Free Trade Association established by the Convention thereon signed in Stockholm on 4<sup>th</sup> January, 1960."

(5) At the start of paragraph 2(1) of Schedule 2, insert "Subject to paragraph 4,".

(6) For paragraph 4(1) of Schedule 2, substitute –

"(1) A Relevant Person –

(a) who has spent any of the period of 14 days immediately before his or her arrival in the Bailiwick in a place that is a Category 2 country at the relevant time (and who has not spent any time in that period in a Category 4 country or a Category 3 country), or

(b) who –

(i) has a full vaccination history within the meaning of regulation 20, but

(ii) is not a Blue Arrival within the meaning of regulation 20, and

(iii) has not spent any of the period of 14 days immediately before his or her arrival in the Bailiwick in a place that is a Category 4 country at the relevant time and specified for this purpose by the Authority by publication on the States of Guernsey website,

will be required to take a day of arrival test."

(7) In paragraph 5 of Schedule 2, at the start of subparagraph (1) insert "Subject to a specification made by the Authority under subparagraph (5)," and after subparagraph (4) insert –

"(5) The Authority may, by publication on the States of Guernsey website, specify Category 4 countries to which subparagraph (1) does not apply; and consequently, direct transit (within the meaning of this paragraph) through a Category 4 country so specified by the Authority is spending time in that Category 4 country for the purposes of this Schedule.

(6) The Authority may amend or revoke a specification made under subparagraph (5) by publication on the relevant States of Guernsey website, and such an amendment or revocation shall have effect from such time as the Authority may specify."

**Citation.**

2. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 9) (Amendment) Regulations, 2021.

**Extent.**

3. These Regulations shall have effect throughout the Bailiwick.

**Commencement.**

4. These Regulations come into force on 16<sup>th</sup> August, 2021.

Dated this 12<sup>th</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. 9) Regulations, 2021 ("the (No. 9) Regulations"). The amendments make changes to the definition of "Blue Arrival" in respect of the place of administration, and permitted authorising regulatory bodies, of the vaccine against COVID-19 received by such persons, and provide for the Category 2 country reduced self-isolation option to be available to persons with a full vaccination history within the meaning of the regulations who have not spent time in specified high-risk countries and regions during the 14 day period preceding their arrival in the Bailiwick. They also provide a mechanism for decisions in respect of whether a person has a full vaccination history within the meaning of the regulations to be challenged in the Royal Court.

These Regulations come into force on 16<sup>th</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.