

ADDENDUM

Late Items for the Christmas Meeting of Chief Pleas – 20 January 2021

Under the Provisions of Rule 12(11) of the Rules of Procedure of the Chief Pleas of Sark the Speaker of Chief Pleas has waived the notice required under Rule 1(4) and allowed, by request of the Pandemic Emergency Committee and the Policy and Finance Committee, the following Items to be added to the Agenda:

LAI D BEFORE

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 10) (Amendment) Regulations, 2020
(Came into Operation on 22nd December 2020)

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 10) (Amendment) (No. 2) Regulations, 2021
(Came into Operation on 5th January 2021)

**Office of the Sark Electricity Price Control Commissioner
Variation to the December 2019 Price Control Order
1st January 2021**

The European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Sark) Ordinance, 2020
(Approved by the Policy and Finance Committee on the 15th December 2020)

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021
(Came into Operation on 12th January 2021)

The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (Bailiwick of Guernsey) Regulations, 2021
(Came into Operation on 12th January 2021)

The Employment Permits (Brexit) (Sark) Regulations, 2021
(Came into Operation on 11th January 2021)

13 January 2021

Lt. Col. RJ Guille MBE
Speaker of Chief Pleas

22 DEC 2020

GUERNSEY

**The Emergency Powers (Coronavirus)
(General Provision) (Bailiwick of Guernsey) (No. 10)**

**(Amendment) Regulations, 2020
No. 152**

Made 22nd December, 2020

Coming into operation 1p.m. on 22nd December, 2020

Laid before the States , 202

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 strain 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

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

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 (No.10) Regulations.

1. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 10) Regulations, 2020^c are amended as follows.

(2) In regulation 3 (imposition of restrictions and requirements: general), immediately after paragraph (2) insert –

"(2A) 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."

(3) In regulation 4 (requirement to self-isolate on arrival in the Bailiwick),

^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. 128 of 2020.

for paragraph (1) substitute –

"(1) Subject to provision made in or under the Schedules given effect by regulation 5(1) and to paragraphs (1A) to (1E), a person who has arrived in the Bailiwick by air or sea and who has left, within the 14 day period immediately preceding the date of his or her arrival in the Bailiwick –

(a) a Category 2 or 3 country, must self-isolate for 14 days,

(b) a Category 4 country, must self-isolate for 21 days.

(1A) If a person falling within paragraph (1) 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 14 day or 21 day period (as the case may be).

(1B) 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.

(1C) Subject to paragraph (1D), a child under the age of 12 who has arrived in the Bailiwick by air or sea and who has left a Category 4 country within the 14 day period immediately preceding the date of his or her arrival in the Bailiwick will be treated as having arrived from a Category 2 or 3 country for the purposes of paragraph (1).

(1D) A child who is released from self-isolation after having undergone a Day 13 test and receiving a negative result, or after 14 days (as the case may be), in reliance on paragraph (1C), may not attend school, nursery school, or

childcare until the end of the period of 21 days following the child's arrival in the Bailiwick.

(1E) In this regulation, "**childcare**" means such types of arrangement for the care of children under school age as the Medical Officer of Health may specify by direction from time to time."

(4) In regulation 13(2) (which is concerned with offences and enforcement)-

(a) for "or a requirement imposed under regulation 4(3), substitute "or a restriction or requirement imposed under regulation 4(1B) or regulation 4(3)", and

(b) immediately after "less than 14 days" insert "or 21 days (as the case may be)".

(5) In regulation 23 (interpretation: general), immediately after paragraph (1) insert –

"(1A) In these Regulations, references to a Category 2, 3 or 4 country are references to a Category 2, 3 or 4 country as specified on the relevant States of Guernsey website for the purposes of these Regulations."

(6) In Schedule 1 –

(a) delete paragraph 1(1)(a)(ii),

(b) in paragraph 1(6), delete from the semi-colon to the end,

- (c) in paragraph 2(3)(a), immediately after "for 14 days" insert "or 21 days (as the case may be)",
- (d) delete paragraph 6 (day 13 test), and
- (e) in paragraph 7(1), delete ", and may undergo a Day 13 test for the purposes of paragraph 6".

Citation.

2. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 10) (Amendment) Regulations, 2020.

Extent.

3. These Regulations shall have effect throughout the Bailiwick.


Application to persons currently self-isolating.

4. The amendments to the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 10) Regulations, 2020 ("**the (No. 10) Regulations**") made by these Regulations have effect in respect of persons who are subject to a requirement to self-isolate under the (No. 10) Regulations when these Regulations come into force.

Commencement.

5. These Regulations shall come into force at 1p.m. on 22nd December, 2020.

Dated this 22nd day of December, 2020



P. T.R. FERBRACHE
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, 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. 10) Regulations, 2020, which came into force on 15th December, 2020. They do so in response to the emergence of a new, fast-spreading strain of Severe Acute Respiratory Syndrome Coronavirus 2 in the United Kingdom. The primary effect of the amendments made by these Regulations is to provide that a person arriving in the Bailiwick who has left a Category 4 country within the 14 day period immediately preceding the date of his or her arrival in the Bailiwick must self-isolate for 21 days (rather than the 14 day period which is applicable in respect of persons arriving from a Category 1 – 3 country); but if he or she chooses to take a test on or around day 13 after arrival and that test is negative, he or she is released from self-isolation. There is special provision for children. A Category 1, 2, 3 or 4 country means a country or region specified as such on the States of Guernsey website, and at the time these Regulations were made, the United Kingdom was a Category 4 country for these purposes. The Regulations also make minor amendments to make clear that screening requirements that may be imposed by the Medical Officer of Health under the regulations include a power to impose self-isolation on the basis that the period may be shortened on receipt of a negative test result for COVID-19. The changes made by the Regulations apply in respect of persons currently self-isolating in the Bailiwick.

These Regulations will come into force at 1pm on the day they were made, 22nd December, 2020 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

The Emergency Powers (Coronavirus)
(General Provision) (Bailiwick of Guernsey) (No. 10)
(Amendment) (No. 2) Regulations, 2021
No. 1

<i>Made</i>	4 th January, 2021
<i>Coming into operation</i>	5 th January, 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 a new and fast-spreading strain 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

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

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 (No.10) Regulations.

1. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 10) Regulations, 2020^c are further amended as follows.

(2) In paragraph (1) of regulation 4, for "(1A) to (1E)" substitute "(1A) to (1F)".

(3) For paragraphs (1C) to (1E) of regulation 4, substitute –

"(1C) Subject to where paragraph (1E) applies, a child under the age of 12 who has arrived in the Bailiwick by air or sea and who has left a Category 4 country within the 14 day period immediately preceding the date of his or her arrival in the Bailiwick will be treated as having arrived from a Category 2 or 3 country for the purposes of paragraph (1).

^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. 128 of 2020; amended by G.S.I. No. 152 of 2020.

(1D) Paragraph 1E applies where a child ("C") has been self-isolating in a household bubble.

(1E) 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.

(1F) In this regulation –

- (a) "**childcare**" means such types of arrangement for the care of children under school age as the Medical Officer of Health 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 16) shall be construed accordingly."

Citation.

2. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 10) (Amendment) (No. 2) Regulations, 2021.

Extent.

3. These Regulations shall have effect throughout the Bailiwick.

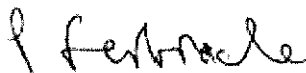
Application to persons currently and previously self-isolating.

4. The amendments to the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 10) Regulations, 2020 ("the (No. 10) Regulations") made by these Regulations have effect in respect of persons who are subject to a requirement to self-isolate under the (No. 10) Regulations when these Regulations come into force, and in respect of persons who were subject to such a requirement within the period of 14 days preceding these Regulations coming into force.

Commencement.

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

Dated this 4th day of January, 2021



P. T.R. FERBRACHE
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, 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 further amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 10) Regulations, 2020, which came into force on 15th December, 2020, and which were amended on 22nd December, 2020. The effect of the amendments is to provide for a child arriving in the Bailiwick to be able to attend school, childcare or nursery directly on release from self-isolation; subject to the exception that where a child has been self-isolating with others in a "household bubble", he or she may only attend college, school, childcare or nursery after every other member of that bubble has either received a negative Day 13 test result or has undergone 21 days self-isolation. The changes made by the Regulations apply in respect of persons currently self-isolating in the Bailiwick, and (to ensure that no child is subject to an unnecessary restriction) persons who were subject to such a requirement within the period of 14 days preceding these Regulations coming into force.

These Regulations will come into force on 5th January, 2020 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.



Office of the Sark Electricity Price Control Commissioner

Variation to the December 2019 Price Control Order

1st January 2021

Summary

1. The unprecedented and challenging circumstances this year led me to review the price of electricity in Sark. After a thorough review and analysis of Sark Electricity Limited's (SEL) data and relevant information from other sources, on 20th November 2020, I proposed setting a maximum price for sales of electricity in Sark for 2021 in the range of 48-55.5 p/kWh, together with a minimum monthly electricity usage charge in the range of £35 to £45 for the majority of customers. I received 25 responses from customers and interested parties, and one from Sark Electricity Limited (SEL). Having considered these representations, I will use the power granted to my Office under section 15 of the Control of Electricity Prices (Sark) Law, 2016 (The "**2016 Law**"), to vary the Price Control Order of December 2019 (The "**PCO**") (The "**Variation**"). The starting maximum unit price of electricity in Sark will be 50 p/kWh from 1st January 2021. The maximum unit price during 2021 may be adjusted by my Office, depending on the consumption of electricity in Sark, movements in diesel fuel prices and other factors.
2. The Variation will also establish a cap for the minimum monthly usage charge for residential and commercial properties, of £40. This will not apply to connections for water supplies, sewerage and non-commercial social enterprises, such as the Observatory for example. This Variation will extend to 19th December 2021, when the term of the December 2019 PCO expires.
3. The maximum prices I have set should allow SEL to earn an appropriate profit and recover half of the shortfall, or "under-recovery", that occurred during 2020 on account of consumption of electricity being lower than anticipated.
4. My analysis of consumption figures during 2020 suggests that less wealthy residents, i.e. those supported by the "procureur rate", will not suffer an increase in annual electricity costs as a consequence of the introduction of this new tariff arrangement. I have reason to believe that this should be the case for most full-time residents.
5. I recognise that owners of properties that are infrequently occupied will incur higher electricity bills during the off-peak season. This, however, is likely to be partially mitigated by a reduction in bills during the summer, owing to the lower maximum unit price. The costs of electricity infrastructure are spread over the whole year and it is more cost-effective for charges to reflect this. I hope that SEL will engage with such customers to agree a way in which the payments for the "off-peak" months may be scheduled, should customers wish to do so.
6. I do not believe it is reasonable for SEL to require deposits from existing customers with a history of paying their bills on time. However, I will allow SEL to require deposits from customers who have not kept their accounts to SEL's 30 day terms over the previous twelve months. New customers, who are unable to provide standing order or equivalent may be required to pay a



deposit of five months' monthly usage charge. I recommend that the funds be kept in a client account and not used for operational or investment purposes.

Background

7. On finding that the 66 p/kWh price of electricity charged by SEL¹ was not fair and reasonable, my Office made a Price Control Order on 20th December 2019 (**PCO**) under section 15 of The Control of Electricity Prices (Sark) Law, 2016 (The "**2016 Law**"). In accordance with section 15(3)(a) of the 2016 Law, this specified a maximum per unit price of 54 p/kWh at which electricity could be sold in Sark until December 2021.
8. Following a review of the PCO in October 2020, my Office proposed that the maximum unit price for electricity in Sark should be reset to 58 p/kWh for 2021 on account of consumption being lower than forecast. In response, SEL proposed a new tariff arrangement whereby the maximum unit price would remain at 54 p/kWh but customers would pay a minimum monthly charge and lodge a deposit. After considering the new tariff arrangement proposed by SEL, my Office suggested in its proposed variation Notice dated 20th November 2020 ("**Proposed Variation**") that, if such an arrangement were to be adopted, a minimum monthly charge in the range £35-40 per month, coupled with a maximum unit charge between 48 and 55.5 p/kWh would be fair and reasonable. The calculation for this recommendation was based on only one month's disaggregated consumption data which, if extrapolated, suggested that SEL should be able to make a profit and recover the shortfall that has arisen as a consequence of the actual electricity consumption in 2020 being lower than the forecasted consumption, (i.e. 1,500,000 kWh) set out in the PCO. My Office expressed no view in the Proposed Variation as to what would be a reasonable amount for a deposit as I did not interpret the 2016 Law as empowering my Office in this regard.
9. My Office received 25 responses to the Proposed Variation, excluding that from SEL. These responses have been shared with SEL, in accordance with section 16(3) of the 2016 Law, and all, bar one, may be viewed on the Commissioner's web-site: www.epc.sark.gg. This Proposed Variation specifically asked for views on the matters listed below. I set out below a summary of the responses received:

Consumption in 2021 Five respondents commented on the proposed forecast range of 1,150,000 - 1,300,000 kWh. All five were in broad agreement. In connection with this, six respondents mentioned Sark's growing population and new businesses such as the abattoir and dairy, suggesting that consumption levels could rise. One resident thought consumption could be as high as 1,600,000 kWh.

Monthly charge Twenty-three of the 25 respondents commented on the proposed minimum monthly charge tariff. Of these, 15 were in favour, though two of these mentioned that seasonal businesses should not be penalised on account of the proposed tariff and another that they would have preferred a fixed charge per property to the current SEL proposal. Five respondents objected to the proposed tariff. Of these five, one objected because they believed residents should not be asked to 'pay for nothing', one because they deemed it unfair for non-

¹ See Determination 8th November 2019 at www.epc.sark.gg



residents to subsidise residents, one was concerned about the ability of less wealthy residents to pay, one suggested that the additional costs to their summer letting's business would not be recoverable from customers, given that the 2021 prices had already been set and another that they could not afford this charge given that they had multiple meters. Two respondents sought more clarification on the proposal and one suggested that seasonal businesses would benefit if consumption could be averaged throughout the year. Two respondents mentioned that their energy efficient appliances meant that their consumption might fall below the proposed minimum monthly charge.

- One or two years** Six of the 25 respondents commented on the timescale, three in favour of two years, two in favour of one year and one who had no preference.
- New Assets** Five of the 25 respondents commented on the proposed higher rate of return for new assets over existing assets. Four were in favour and one was against.
- Recovery of shortfall** Five of the 25 respondents expressed a view on the rate at which SEL should recover the "under-recovery" it experienced in 2020 on account of the lower consumption level. Three suggested that a two-year period might be preferable, one preferred to pay back SEL over one year and one that they would be content with either, as long as there was no increase in the current maximum unit price.
- Balance fund** Five of the 25 respondents commented on the proposal to delay an adjustment to the maximum unit price until the balance exceeded £10,000. All were content.
- Deposits** Nineteen of the 25 respondents commented on SEL's proposal to request deposits from its customers. 16 opposed this idea, nine of whom suggested that they would refuse to pay any such charge. One respondent stated that it would hit small businesses, many of which are marginal. Seven of the 19 expressed concern about SEL's financial health and seven mentioned that any deposits taken should be held in a 'client account' where the money could not be used by the company. Two respondents questioned my Office's suggestion that it is debatable whether the Commissioner has the power to regulate the taking of deposits. Two respondents believed deposits should only be requested by SEL when customers had defaulted on their payments. Two respondents suggested that the cost of the proposed minimum tariff and deposits combined would encourage them to explore self-generation.

Other matters

10. I invited respondents to raise any other matters of concern and they responded as follows:

- Own generation** Five respondents raised concerns over the increasing number of islanders choosing to generate their own electricity. One suggested that a minimum monthly charge might encourage others to follow suit. One criticised SEL's lack of progress over the years on the introduction of cleaner energy and saw this as one reason, for those



who could afford it, to generate their own power. One respondent stated that they were currently considering putting in their own system though they would prefer one island-wide system for electricity in Sark. A further respondent suggested that own generators could pay a charge to remain connected to SEL's network.

- Energy Policy** One respondent lamented the lack of an overall energy policy for the island.
- Northern Sark** Two respondents commented on the situation in the North of the island where 19 homes were being supplied by generators funded by Chief Pleas.
- Lack of trust** This topic was raised largely through the question of deposits. 14 respondents suggested that they had little trust in SEL either from a financial point of view or from SEL's ability to supply electricity in the medium to long term. One respondent questioned whether SEL could have been charging for electricity which had not been consumed and another questioned whether SEL's consumption figures could be trusted.
- Community** One respondent commented on Mr Jackson's claim that SEL is a community endeavour and requested evidence of this assertion.
- Contracts** Three respondents commented on the lack of any contractual arrangement between SEL and its customers.

11. SEL responded to the Proposed Variation on 15th December 2020. Although this was after the deadline, I have been able to take into account the matters it raised, as described below.

SEL's representation

12. SEL has raised five major issues in respect of the Proposed Variation of 20th November. These relate to the:
- accommodation of own generation and the basis for calculating electricity consumption in setting the maximum unit charge;
 - recovery of SEL's legal costs arising from the dispute concerning supplies to the La Tour tenement;
 - treatment of contingent liabilities that may arise owing to SEL having allowed wayleaves to lapse;
 - deposits; and
 - rate of return on assets SEL should enjoy.

13. SEL has also clarified one of the elements of the proposed minimum usage charge. It is SEL's intention:

“that the small number of customers that currently fall below the minimum charge would be credited with the difference, thus ensuring that these ‘miniscule’ customers be insulated from any price shocks.”



14. It is not clear whether this statement relates only to full time residents. It is for SEL to decide how it wishes to charge customers within the controls my Office is imposing. SEL has proposed that the monthly charge for supplies to water pumps and sewerage supplies and to other miscellaneous properties, such as non-commercial social facilities like the Observatory, will remain at £2.

The Consequences of SEL's Treatment of Own Generation

15. SEL's policy on own generation is described in its Policy no. 26 for "Alternative Supplies". I have previously described this policy as unfair. Mr Moerman described his objection to this policy in his public statement of 6th October and Stocks Hotel described the policy as "ridiculous" in their representation of 15th October. It is not a surprise that those wishing to use "green power" are deciding to disconnect from the SEL network and more may follow, as reported by some respondents (see paragraph 10 above).
16. The consequences of SEL's approach have been two-fold. In the first case, it has led to the Seigneurie and La Tour disconnecting from the network and Stocks Hotel will possibly follow. This could mean that, annually, around 150,000 kWh (just over 10% of island wide consumption) will no longer be supplied by SEL. Therefore, SEL's unit costs will rise, simply because its fixed costs will be spread over fewer units. I have been consistent in my view that SEL should not be allowed to raise prices were this to occur. I do not believe it is fair to expect customers, particularly the less well-off, to compensate SEL for a misguided tariff policy that has caused it to lose market share. I am, accordingly, calculating the unit price from island-wide electricity consumption, as described in the PCO.
17. Mr Jackson would have been aware of my approach when he purchased SEL. However, SEL's response to the Proposed Variation stated that:
- "Using the island-wide level of electricity consumption in the calculation of a reasonable maximum price is simply not an acceptable proposal. Any attempt in this regard will result in a legal challenge."*
18. SEL provided no evidence or arguments to support this claim of unacceptability. I interpret the requirement of section 13(2) of the 2016 Law to assess allowances for SEL's costs and profits based on those that a reasonably well managed company would require.
19. SEL has stated it is considering a feed-in tariff structure for properties with their own generation, but it is in the early stages of design. This is a topic I discussed with SEL over the course of March to May 2020 but there has been no further engagement on this from SEL until very recently. In a discussion with me on 20th December, Mr Jackson on behalf of SEL indicated that it was interested in developing a tariff which would involve own generators paying higher monthly connection charges and trading electricity with SEL at prices related to the diesel fuel costs. I await further details. If there were a number of customers who generated their own electricity and who sought to re-establish connections to the SEL system, I would review the use of island-wide consumption in calculating the cap on, and the adjustments to, the unit price for electricity.



Recovery of legal costs

20. The owner of the La Tour tenement decided to install generation and batteries in view of the high prices charged by SEL and its use of fossil fuels. In Mr Moerman's public statement² he complained that *"SEL were totally intransigent and would not re-negotiate the "buy-back" arrangement"*. He asked to be disconnected from the SEL system, since he did not wish to be "exploited" by SEL. He wrote to SEL on 9th June, requiring SEL to remove equipment from the tenement, given that SEL did not have permission, in terms of a wayleave, for its equipment to be on the property. On 24th June, SEL telephoned my Office to appraise me of the situation. On 2nd July, SEL sent me a draft request for a Variation to the PCO, including *"legal fees required in order to address the anticipated legal challenge to the rights of SEL to maintain pre-existing transformers and associated plant on land owned by the Crown"*.
21. I informed SEL that I would only consider such a request if SEL had explored every avenue to reach an agreement. I also offered to coordinate a meeting for SEL with "own generators" to discuss alternative, mutually beneficial arrangements which would avoid the need for disconnection, given that four own generator customers had informed me that they would rather remain connected. SEL did not agree to the meeting. On 5th September, Mr Jackson on behalf of SEL wrote to my Office claiming that, following discussion with SEL's consulting engineer, SEL had been advised that the current system was *"at the limit of input from customers' own generation until such time as the new bi-directional transformers and battery buffers are in place."* This account was later found to be incorrect.
22. SEL first cited "Common Law"³ in a public meeting on 2nd July 2020 to support its right to maintain its property on La Tour. It also instructed advocates Carey Olsen to write to Chief Pleas on 3rd August, saying that SEL "cannot accede to this request". Following a Summons on 28th August, SEL instructed Carey Olsen to challenge the claims in the Summons. On 15th December, SEL informed me that it wishes to recover its legal expenditure in the sum of £45,000 by factoring this cost into the variation of the tariff.
23. I do not believe that a well-managed company would have incurred these costs. A well-managed company would not have let the pre-existing wayleave that covered La Tour to lapse, along with at least 37 others. My Office attempted to persuade SEL's previous owner to re-instate the wayleaves but SEL deliberately chose not to do so. I also expressed my concerns on wayleaves to Mr Jackson in May 2020 when I suggested that he should include their costs in his future budgets.
24. In the budget assessment of SEL that I used in the Proposed Variation, as well as the original 2019 PCO, I included an allowance for professional services that SEL might require. This budget included a specific amount in the sum of £15,000 for regulatory matters and a further £5,000 for legal costs that a company of SEL's size and character may require in its normal course of business. I believe that, from this budget, SEL could have first obtained legal advice on property Law specifically relating to Sark and responded immediately to Mr Moerman's letter of 9th June.

² 6th October 2020.

³ SEL at Island Hall Public meeting 2nd July 2020



In my opinion, had SEL engaged constructively with Mr Moerman from the outset, as I suggested at the time, these large costs could have been avoided. Given this background, I consider the additional legal costs that SEL has incurred dealing with Mr Moerman would be regarded as “disallowable” according to network regulation practice in the UK⁴.

25. SEL complains that my Office’s approach in regard to legal costs implies that “*SEL cannot possibly be characterised as low risk*”. In my opinion, the operation of a well-managed electricity supply company in Sark would be low risk.

Treatment of Contingent Liabilities

26. In its representation to my Office of 15th December 2020, SEL suggested that it has contingent liabilities on account of Mr Moerman successfully challenging SEL’s right to leave equipment on his property. These were estimated by SEL⁵ to amount to £4m, although no support for this was provided by SEL. I regard the likelihood of SEL being asked to remove and replace the existing distribution system as very remote. I do not believe that it is reasonable for SEL to use the case of an individual asking for equipment to be moved on account of a decision to go “off-grid”, safety concerns and removing a visual eyesore, to suggest that landowners will ask SEL to remove all of SEL’s equipment on their properties. As I have discussed before with SEL’s directors, the risk of others disconnecting is within the company’s gift to manage. Moreover, SEL could re-establish the wayleaves that it has allowed to lapse. Therefore, the likelihood of the event occurring, were SEL managed in a reasonable manner, is small. I do not believe it is reasonable for SEL to provide for such a contingent liability, though its Directors may decide it is appropriate to add a note to its accounts.

Deposits

27. SEL reports that Guernsey Electricity proposed a deposit of £810 in respect of Mr Jackson’s new house and that Alderney Electricity would have similarly required a £500 deposit. As such, Mr Jackson thought that SEL’s proposal for a deposit in the sum of £250 was reasonable. SEL has stated that it would not seek deposits from customers who pay their accounts on time, i.e. within 30 days. This represents 69.2% of customers. Mr Jackson also explained that any deposits would be returned if customers moved or ceased supply. However, he did not think that the funds should be ring-fenced. Instead, he is proposing that, by using this cash, SEL would not require so much cash of its own, on which it would earn a return and be passed on to customers. It is a way, he argues, of keeping costs and prices down.
28. It is the view of my Office that, in line with the approach across the Bailiwick, deposits should not be required from existing customers with a good payment history. I am defining a good history as payment within 30 days, over the previous year. Like Guernsey, however, I believe that it is fair to require new customers occupying rented properties to set up either a standing order, direct debit or, failing this, pay a deposit. Similarly, it is reasonable to require “new customers”, or those with

⁴ See OFWAT PR 14 reconciliation rulebook, page 32. This was cited by the Competition & Market Authority’s judgement on Bristol Water’s challenge to OFWAT’s Determination, October 2015.

⁵ Witney Price, Letter to Chief Pleas of 5th October 2020



a poor payment record, to provide a deposit. For current customers who have a poor payment history, SEL has already developed policies for pre-payment meters and repayment plans. My Office recommends that any deposit taken by SEL should be recorded and not be used for corporate funding. The funds are, after all, “client” money.

29. The 2016 Law does not cover the matter of deposits directly. However, section 15(5) provides:

“Whilst a price control order is in force, the regulated electricity supplier to whom it relates shall not, without the consent of the Commissioner, charge, raise or demand any other price, charge or fee for the supply of electricity or any related service.”

30. Since the December 2019 PCO is in force until 19th December 2021, I believe I have the authority to set a cap on deposits. Accordingly, I am setting the deposit at zero for existing customers with a good payment history and five months’ minimum charge (£200) for new occupiers of rented accommodation who are unable to set up a standing order or direct debit, and those with a poor payment history. My Office recommends that the deposit be returned after a year of a good payment record.

Rate of Return

31. In its response of 9th November to the October 15th Review, SEL proposed a rate of return of 3.7% on its assets. SEL’s new proposals of 15th December are shown below, together with my Office’s figures.

	Table 1			EPC
	Target Returns			
	% pa nominal			
	SEL		20 Nov	
	9 Nov	15 Dec		
New assets	3.7%	7.5%	7.5%	
Cash < £140k	3.7%	7.3%		
HV & LV equip	3.7%	4.2%		
Transformers & Generators	3.7%	3%	2 - 4.5%	

32. SEL proposed that it is willing to accept a rate of return of 3.7% per annum for 2021, as it reflects SEL seeing itself as a community endeavour. SEL subsequently wrote to my Office on 20th December to retract this offer. There is no justification provided for SEL’s change in position from 9th November to 15th December. I explained in the Proposed Variation that I thought it reasonable, in line with practice in the UK, for the return to be related to the company’s performance. I appreciate that, despite a period of “maintenance starvation⁶” and poor management IT systems,

⁶ SEL’s Report to the Board & Response to the Office of the Price Commissioner’s Proposed Change to Electricity Prices in Sark; 8th November 2020



the electricity supplies have been reliable for almost all of the year. Nevertheless, I note that SEL has, amongst other things:

- Given notice to Chief Pleas it has halted all new investment into the company;
- Suggested it might move to 19/24 hour operations;
- failed to persuade own generators to remain connected to the unified system, even though that was a stated aim of SEL;
- been tardy in responding to consultations;
- not provided audited accounts since 2016;
- forced my Office, on account of SEL not responding to requests that it provide information, to use its powers under the 2016 Law;
- denied my Office access to minutes of a meeting on wayleaves with Chief Pleas.

33. In addition, SEL has been slow in proposing its new tariff arrangement, which delayed the publication of the Review of the PCO and Proposed Variation in October. For the above reasons, I believe that the company's overall performance has been poor and this should affect the rate of return to which it is entitled, according to section 13(2)(f) of the 2016 Law.

Setting the Price Controls

34. The Proposed Variation of 20th November 2020 described my analysis of SEL's proposals to introduce a minimum monthly usage charge. This could also be considered, as suggested by one of the respondents, as a fixed monthly charge, with the first 80 units consumed free of charge, at a price of 50 p/kWh. This document, as well as the earlier Review of the December 2019 PCO and Proposed Variation of 15th October 2020, explained how I arrived at my estimates of the reasonable costs that would be incurred by a reasonably efficient operator and how I estimated a reasonable level of profit such a company would expect to earn. I note that SEL's estimates of its annual cash costs and return on assets were originally consistent with those of my Office. The returns now differ, as shown in Table 1. SEL now accepts my estimate of the depreciation allowance.

35. I also explained how SEL's proposed minimum monthly usage charge would enhance SEL's revenues and profits, based on May 2020 data. I have since been provided with partially disaggregated consumption figures for February, August, September and October. These indicate that, had SEL introduced this proposed "minimum monthly usage charge" in 2020, it would have received some additional £32,000 over those five months, or an average of just over £6,000 per month. This would have been recovered, predominantly, from vacant properties and second homes, as shown in Table 2.



Table 2
Additional Income (£) arising from SEL's Proposed Minimum Monthly Charge
Based on February, May, August, September & October 2020¹

	Min charge	No Customers	Feb	May	August	September	October	Total
2nd Home	40	55	1,491	1,695	1,203	1,162	1,207	6,757
B&B/Residential	40	9	-	-	-	-	-	-
Business/Residential	40	11	9	39	37	37	37	158
Commercial	46	49	1,065	1,037	915	871	868	4,755
Commercial Med	150	5	186	157	29	97	148	617
Commercial Lge	250	7	524	404	298	343	396	1,966
Commercial X Lge	500	1	-	-	-	-	-	-
Other	0	40	-	40	-	8	-	48
Residential	40	225	663	682	673	789	1,064	3,871
Self catering / B&B	40	20	420	390	254	277	295	1,635
Vacant Commercial	40	18	582	581	509	520	540	2,733
Vacant Residential	40	60	1,957	2,059	1,828	1,868	1,867	9,579
			6,896	7,083	5,745	5,972	6,423	32,119

¹ The contribution to "Other" arises because SEL made repayments to some customers

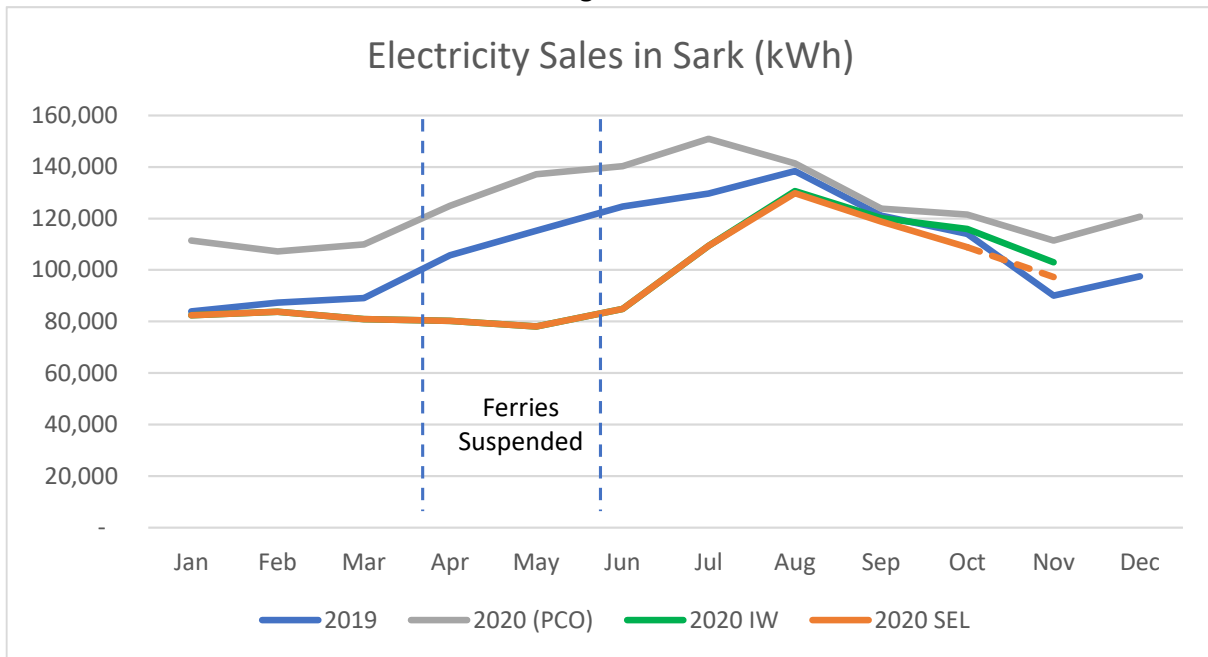
36. In order to consider the effect of the introduction of the new arrangement in 2021, I have made an estimate of the likely level of electricity consumption in Sark. Figure 1 overleaf, shows the monthly consumption for the whole of 2019 together with the 1,500,000 kWh annual forecast adopted for the PCO but seasonally adjusted (2020 PCO). It also shows the monthly consumption in 2020 up to November for the whole of Sark (2020 IW). SEL's system has delivered less electricity (2020 SEL), owing to the own generators and Chief Pleas' supplies to 19 premises on the La Tour tenement. The November figure for SEL's system is 97,227 kWh, compared to 103,025 kWh for the island of Sark.

37. The chart indicates that the drop in Sark's electricity consumption, that occurred when the ferries were cancelled, had ended by August. Moreover, with the arrival of new full-time residents in the Autumn, electricity consumption appears to have recovered and is approaching, if not recently exceeding, the levels of 2019. In that year, annual consumption was 1,297,236 kWh. I am therefore basing the setting of the maximum unit charge on a forecast of annual island-wide consumption⁷ of 1,350,000 kWh for 2021.

⁷ One justification for using island-wide consumption is the avoidance of the risk of fuel poverty. This is described in paragraphs 42-45 of the Determination of 8th November 2019. The anticipated use of island-wide consumption, rather than just SEL's sales, was set out in paragraph 14 of the Draft 2019 PCO of 14th November, and page 8 of the PCO of 20th December 2019.



Figure 1



38. There is, obviously, some uncertainty in this figure. One respondent suggested the figure could be as high as of 1,600,000 kWh and a range of 1,100,000 to 1,300,000 was presented in the Proposed Variation. SEL has suggested 1,150,000 kWh for both 2020 and 2021. This is low in view of the actual cumulative consumption to November of 1,070,000 kWh, including the own generation and the supplies to customers in the North of the island, or 1,055,000 over SEL's system alone. Some respondents to the Proposed Variation also commented on the influx of new residents which should have an impact on future electricity sales. In addition, December electricity consumption is usually higher than November in Sark. However, the maximum unit charge will be adjusted automatically on a monthly basis, should the actual consumption vary considerably from the monthly forecast. This mechanism is described in the Appendix. As a consequence, the precise annual figure adopted for 2021 at the outset will not have a material impact on SEL's eventual profitability for the year.

The Under-recovery of 2020

39. The 2019 PCO set a maximum price of 54 p/kWh on the assumption that electricity consumption during 2020 would be 1,500,000 kWh. Actual consumption in 2020 has been considerably lower, as stated in the Proposed Variation and has been 1,161,758 kWh for 1st December 2019 to 30th November 2020 for the SEL system, and 1,177,125 kWh for the whole island. According to the formula in paragraphs 26-28 of the December 2019 PCO, the under-recovery amounts to £75,390. SEL has proposed that this is recovered over two years, given the impact of COVID on customers' finances. This is consistent with three of the five respondents who commented on this matter and I am in agreement with this approach. Therefore, £37,695 will be recovered during 2021.



Minimum Monthly Usage Charges

40. Most respondents to the Proposed Variation were content with SEL's proposal to require a monthly minimum usage charge. However, some did not believe that it was "fair" to customers who do not consume electricity during, for example, the winter. It was described as asking customers "to pay for nothing" and, to make the case, offered the example of only paying for fuel oil when delivered. I believe that this misses the point. It is not the responsibility of my Office to "sell" SEL's proposal. My role is to judge whether the prices it charges are fair and reasonable but I note that the provision of an electricity supply requires the installation of equipment, some of which is only used by a particular customer. Furthermore, it cannot, unlike a tractor delivering oil, be used to serve others. Customers during those winter months are not "paying for nothing" but for the ability to use the service. I believe that the concept of a minimum monthly usage charge is reasonable, if modified as described below. Only a very few full-time occupied properties will be caught by SEL's minimum monthly usage charge.
41. I understand that many properties contain multiple meters. Some of these were installed for water and sewerage services, others to allow owners to keep track of consumption on properties they own but are occupied by others. For the former, classified by SEL as "other", I will set a maximum monthly charge at the current standing charge level of £2, to cover the costs of metering and billing. Supplies to "social" enterprises, such as the Observatory will be subject to the same cap.
42. Supplies to properties used to provide accommodation will be subject to a standard cap of £40 per month. The electricity provider has installed sufficient network capacity all year round to these properties. However, in some cases, where there are multiple meters for one property, SEL will consider the property to have one "primary meter" and charge £2 for the others.
43. I recognise that the owners of buildings providing holiday accommodation may be subject to a cash-flow imbalance since, for five months of the year, they may not receive any income. Customers who may be in difficulty on account of this, may wish to discuss a rescheduling of winter payments with SEL.
44. In my view, it is not relevant to distinguish between occupied and unoccupied premises or commercial and residential. The classification does not influence the cost of supply. There is a case to vary the charge according to the size of supply, but my Office does not have sufficient information to make such a distinction, nor has SEL proposed one. However, this could, potentially, be the basis for a more robust pricing arrangement in the future. I will set a single cap of £40 on the minimum monthly usage charge for all residential and commercial properties.
45. Supplies to occasionally occupied sheds and workshops, as at the harbour, involve cabling and metering. As such, they impose costs on SEL which is only fair for SEL to recover. SEL informs me, however, that some 40 of these do not consume any electricity. SEL's hope is that these will be disconnected and the meters removed. In the meantime, my understanding is that SEL intends to charge the monthly usage charge.



Level of Minimum Monthly Usage Charge

46. The recent increase in electricity consumption suggests that the additional revenues to be raised from a minimum monthly usage charge will be lower than they would have been had the mechanism been operational in 2020. It is difficult to predict electricity consumption levels and patterns in Sark for 2021 with the information at my disposal. However, I will assume that 40 supplies will be disconnected and that the additional income raised by the monthly minimum usage charge will be around £5,000 per month. On this basis, with:

- island-wide annual consumption of 1,350,000 kWh;
- unit price of 50 p/kWh;
- minimum monthly usage charge for residential and commercial customers of £40:

SEL would make a return of 8.8 % on RAB and recover half the shortfall for 2020 (see paragraph 39), were it to sell all the electricity in Sark.

47. This return of 8.8% would be, in my mind, generous to SEL. However, the forecast is based on island-wide consumption. In my view, own generation could account for around 150,000 kWh in 2021 leading to a forecast consumption for SEL's system of 1,200,000 kWh. I calculate that SEL would earn a return of 3.8%. This is within the range suggested by OFGEM⁸, in the UK, for a network company and in line with SEL's original 3.7% target. On SEL's forecast of 1,150,000 kWh, the return would be 2.2%, towards the lower end of the range OFGEM proposed for poorly operating companies. I judge this to be appropriate for SEL.

48. To show the sensitivity, if the price were set at 46 p/kWh, SEL's return would be 4.1% on the basis of the island-wide consumption of 1,350,000 kWh but SEL would make a small loss if the own generators produced 150,000 kWh. I recognise that customers may complain that they are, at 50 p/kWh, paying for the consequences of SEL's illogical position on "buy-back" tariffs. However, I do not believe that it would be in the island's long-term interest for my Office to set a lower price and cause SEL to be unviable.

49. I am therefore setting a cap on the monthly minimum usage charge of £40 and the unit price at 50 p/kWh. Differences between the monthly consumption targets, based on the 1,350,000 kWh annual forecast, and actual consumption will be reviewed on a monthly basis and, if necessary, the cap on the unit charge will be adjusted for the following month, as described in the Appendix.

FCC+ Tariff

50. SEL is proposing to offer a new tariff to customers who are introducing new demand to the grid. It is an incentive-based approach that would be targeted, such as on high consumption items like ovens in a bakery, or shorter term to promote a particular business through the start-up phase. This price would be directly related to the fuel costs. SEL has suggested that this tariff will be calculated as the fuel cost component (FCC) plus 100%. SEL advises that FCC will be calculated as

⁸ EPC, 15th October 2020, Review & Proposed Variation, paragraph 43



the fuel cost, currently ~12 p/kWh, plus a margin of 10%, i.e. 13.2 p/kWh. On this basis, the FCC +100% tariff would be around 26 p/kWh and would change monthly. This is a substantial reduction to the basic tariff and would represent a discount for these customers. Unless these customers consume a large amount of power, it is unlikely that their “contribution”, i.e. the difference between the electricity price and the fuel cost, will amount to a fair proportion of SEL’s overheads. In other words, it would imply that other customers would be subsidising those on the FCC+100% tariff. SEL is not yet in a position to produce a sales forecast for this tariff.

51. The 2016 Law does not give me the power to set a “minimum” unit price. However, I believe that it is only fair that other customers do not suffer on account of some customers being supplied at this tariff. As a consequence, any additional margin SEL may earn from sales priced at this tariff will be added to the balance that records the over or under-recovery of SEL.

Adjustments

52. I explained in paragraphs 49 and 51 that it may be necessary to adjust the cap on the unit electricity price. The reasons are:

- a. The quantity of electricity sold under the standard tariffs being different from forecast;
- b. Changes in diesel fuel prices;
- c. Sales of electricity at SEL’s FCC+ 100%; and
- d. Variations in the additional revenue generated by the operation of the “minimum monthly usage charge”.

53. The unit price has been set to allow SEL to earn a reasonable return if consumption and fuel prices are as forecast. The experience of 2020 has demonstrated quite clearly that forecasts and outturn may differ. Any one of the four above factors could have a significant impact on SEL’s profitability, yet I do not wish to institute a process of regular reviews. This would be time consuming and expensive. Instead, I will monitor the effect of each of the above factors during each month and calculate the amount by which SEL has “over-recovered” or “under-recovered”. Each month these amounts contribute to a balance fund. If this balance exceeds £5,000, I will adjust the maximum unit price for the following month. At current levels of monthly consumption, this would amount to a change of +/- 5 p/kWh for a particular month. The balance fund would then be reset and the unit charge return to 50 p/kWh. Further details of the process are set out in the Appendix. My Office will not require any information from SEL that it does not already collect, so the additional administrative burden on SEL will not be significant.

Concluding Remarks

54. SEL will introduce a new charging system on 1st January 2021. This paper has described the controls I am introducing from 1st January 2021 to ensure that the prices charged are fair and reasonable to both electricity customers and SEL alike. I remain concerned that, by choosing to recover most of its revenues through a single unit charge, SEL’s business remains exposed to the risk of



customers installing their own generation equipment. Should this occur, I do not believe that customers should necessarily pay higher prices.

55. However, I am encouraged to learn that SEL is devising a feed-in tariff for own generators. I hope this will encourage own generators to remain connected to the island's electricity distribution network.

Anthony White
Commissioner
1st January 2021

The Old Vicarage,
25, West Street,
Long Buckby,
Northamptonshire, NN6 7QF



Appendix

Calculation of Balance Fund and Adjustments to Maximum Unit Price

1. By the 15th of each month, I will require from SEL the following data for the previous month:
 - i. The quantity of electricity sold to customers on all standard tariffs, i.e. excluding the sales under the FCC+100% tariff (Q).
 - ii. The quantity of electricity sold under the FCC+ 100% tariff (F).
 - iii. The amount of “additional” money collected from customers whose bill would not have exceeded the minimum usage charge.
2. I will also ask Island of Sark Shipping to provide me with the monthly average price of diesel (D) at which it has purchased diesel fuel oil over the previous month, as well as the volumes of fuel delivered to SEL over the same period.
3. I will calculate the under or over-recovery, caused by the volume of electricity sold under the standard tariffs differing from the figures set out in the table below, based on SEL’s seasonal adjustments and the 1,350,000 kWh forecast for the year. This will be calculated as:

$$\text{Correction}^Q(\pounds) = (m/100) * (\text{Monthly target} - Q)$$

where the Monthly target is set out in the Table below and the m is the difference between the maximum unit price and the fuel cost

Table
Target Consumption for 2021
(kWh)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
100,305	96,525	98,955	112,455	123,390	126,225	135,810	127,170	111,375	109,350	100,305	108,675

4. The correction caused by changes in diesel fuel prices will be calculated as:

$$\text{Correction}^D(\pounds) = (\text{Actual average delivered fuel price} - 35) / (100 * 2.92^9) * Q$$

where fuel price is in p/litre at Sark

5. If SEL sells electricity at the FCC + 100% tariff, the contribution to the gross margin will be half the tariff, in other words the FCC price itself. This will be treated as an over-recovery. Therefore, for

⁹ The 100*2.92 factor converts prices from p/litre into £ per kWh delivered, taking into account the 235g/kWh generation efficiency less 10%, with auxiliary and line losses of 5% and 7% respectively.



each month, SEL will receive additional contributions to overheads on top of those recovered from customers on the basic tariff. The total additional amount in the month will be:

$$\text{Correction}^{\text{FCC}}(\text{£}) = F * \text{FCC} / 100$$

where *F* is the quantity of electricity sold at the tariff of FCC+100%

6. If a customer's electricity consumption was only, say 20 kWh in a month, SEL will charge £40, even though the "cost" of the electricity would have been £10. Therefore, SEL will receive an additional £30 contribution to its profit, or "Additional Money". I will add all these contributions to arrive at an amount *M* for the month. The maximum unit charge was set on the basis that the average monthly contribution from this "additional money", will be £5,000. Therefore, the correction will be:

$$\text{Correction}^{\text{M}} = \text{£5,000} - M$$

Balance Fund

7. The Balance fund will start at zero on 1st January 2021 and will be adjusted each month as:

$$\text{Balance Fund}^{\text{new}} = \text{Balance Fund}^{\text{previous}}$$

+/- Correction^Q (Consumption variation)

+/- Correction^D (Diesel fuel price change)

- Correction^{FCC} (FCC+100% tariff)

+/- Correction^M (minimum usage charge)

8. If the Balance Fund^{new} exceeds £5,000 in any month, in either direction, the maximum unit price, *C* p/kWh, for the following month will be adjusted as:

$$C^{\text{new}} = C^{\text{previous}} + (\text{Balance Fund}^{\text{new}}) * 100 / Q$$

where *Q* is the following month's target consumption, as set out in the Table. The price will be adjusted to the nearest one pence and the remainder kept in the Balance Fund.

9. As an example of the operation of the adjustment to the maximum unit charge, consider the case where, in January, electricity consumption is just 100,000 kWh at the 50 p/kWh tariff, the diesel price remains at 35 p/l, there are no sales under the FCC+100% tariff and there are 130 properties whose consumption is only 10 units each. Under these circumstances, having received this information by 15th February, my Office would calculate:

$$\text{Correction}^{\text{Q}} = (100,305 - 100,000) * (50 - 12) \text{p} / 100 = \text{£116}$$



$$\text{Correction}^D = 0$$

$$\text{Correction}^{FCC} = 0$$

$$\text{Correction}^M = £5,000 - 130 * (£40 - £10) = £1,100$$

10. The Balance Fund would be £1,216 at the end of February and the unit price for March would not change. If my Office were informed by 15th March, that consumption in February had risen to 110,000 units, the minimum charge payments amounted to £3,000 and SEL had sold 4,000 units under the FCC + 100% tariff, the balance fund at the end of March would be:

$$\begin{aligned} \text{Balance Fund} &= \quad \quad \quad \pounds 1,216 \text{ (carried forward)} \\ &+ (96,525 - 110,000) * (50 - 12) \text{p} / 100 \text{ (Consumption variation)} = -\pounds 5,120 \\ &- \pounds 4,000 * 12 * 1.1 / 100 \text{ (FCC+100\% sales)} = -\pounds 528 \\ &+ \pounds 5,000 - \pounds 3,000 \text{ (Minimum charge)} = \pounds 2,000 \\ &= - \pounds 2,432 \text{ (Balance Fund at end of March)} \end{aligned}$$

11. Again, there would be no change to the unit price. If during April, my Office were informed that consumption in March had fallen to 95,000 kWh, diesel fuel prices had risen to 45 p/litre, with similar FCC sales, and the minimum payment charges fell to £1,000, the balance Fund at the end of April would be:

$$\begin{aligned} 12. \text{ Balance Fund} &= \quad \quad \quad -\pounds 2,432 \\ &+ (98,955 - 95,000) * (50 - 15.5) \text{p} / 100 \text{ (Consumption variation)} = \pounds 1,364 \\ &+ \pounds (45 - 35) * 95,000 / (100 * 2.92) \text{ (Fuel Price Change)} = \pounds 3,253 \\ &- \pounds 4,000 * 15.5 * 1.1 / 100 \text{ (FCC+100\% sales)} = -\pounds 692 \\ &+ \pounds 5,000 - \pounds 1,000 \text{ (minimum charge)} = \pounds 4,000 \\ &= +\pounds 5,493 \\ &\quad \quad \quad \text{(Balance Fund at end of April)} \end{aligned}$$

13. Under these circumstances, the unit charge for May could be increased by 4.452 p/kWh (£5,493/May Target consumption of 123,390 units). However, for ease of billing, I would set the maximum price at 54 p/kWh and leave £557.40 (0.452 p * 123,390) in the Balance Fund. The price for June would then be reset to 50 p/kWh +/- any contribution that may be triggered by the April results. In effect, the figures for one month may have an impact on the price of electricity two months later. Should SEL introduce a feed-in-tariff, I will incorporate suitable adjustments to ensure the prices are fair and reasonable.

The European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Sark) Ordinance, 2020

THE POLICY AND FINANCE COMMITTEE, in pursuance of the powers conferred on the Chief Pleas by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994^a and all other powers enabling them in that behalf, and on the Committee by section 41 of the Reform (Sark) Law, 2008^b, hereby orders:-

Application of this Ordinance.

1. (1) This Ordinance applies where –
 - (a) the UK licensing authority has authorised a medicinal product on a temporary basis (whether with or without conditions) under regulation 174 of the Human Medicines Regulations 2012^c,

^a Ordres en Conseil Vol. XXXV (1), p. 65; see also Guernsey Ordinances No. XX of 2015 and No. XXVI of 2018. The functions of the General Purposes and Advisory Committee were transferred to the Policy and Performance Committee by Sark Ordinance No. VI of 2015, and then to the Policy and Finance Committee by Sark Ordinance No. XIII of 2018.

^b Orders in Council Nos. V, VII and XXVII of 2008; No. XIV of 2010; and No. XI of 2014. The functions of the General Purposes and Advisory Committee were transferred to the Policy and Performance Committee by Sark Ordinance No. VI of 2015, and then to the Policy and Finance Committee by Sark Ordinance No. XIII of 2018.

^c UK S.I. 2012 No. 1916.

- (b) the Guernsey Committee has designated the medicinal product to be used for vaccination or immunisation against the coronavirus under regulations made under section 15(2) and (3) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009^d, and
- (c) a medicinal product falling within the description or class of the designated vaccine has been sold, supplied or administered by a person specified in section 3 in accordance with –
 - (i) a Patient Group Direction approved or consented to by the Guernsey Committee, or
 - (ii) a protocol.

(2) In subsection (1)(a), "**UK licensing authority**" means the licensing authority within the meaning given by regulation 6(2) of the Human Medicines Regulations 2012.

Exclusion of civil liability

2. (1) Where this Ordinance applies, none of the persons specified in section 3 are to be subject to any civil liability for any loss or damage arising out of or in connection with any person receiving the relevant medicinal product administered in accordance with the Patient Group Direction or (as the case may be) protocol.

^d Ordinance No. XXV of 2009; as amended by No. XXV of 2010; No. IX of 2016; No. XXXIV of 2020.

- (2) Subsection (1) –
- (a) is subject to section 4, and
 - (b) does not apply so as to prevent an award of damages against a person specified in section 3 on the ground that any action or omission of that person was unlawful as a result of section 6(1) of the Human Rights (Bailiwick of Guernsey) Law, 2000^e.

Persons excluded from civil liability.

3. Sections 1(1)(c) and 2 refer to the following persons –
- (a) any person responsible for the sale, supply, procurement for sale or supply, procurement for manufacture or assembly, or otherwise placing on the market in Sark, of the relevant medicinal product, in the course of a business carried on by the person,
 - (b) the Chief Pleas, to the extent that it is responsible for the sale, supply, procurement for sale or supply, procurement for manufacture or assembly, or otherwise placing on the market in Sark, of the relevant medicinal product,

^e 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) any officer, servant, employee or agent of a person described in paragraph (a) or (b),
- (d) any person specified in Part II of Schedule 2 to the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,
- (e) any dentist, nurse independent prescriber, pharmacist independent prescriber or supplementary prescriber, within the meaning given to each of these terms by section 20(1) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,
- (f) any medical practitioner registered under the Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017^f, and
- (g) where section 1(1)(c)(ii) applies, any person (not being a person mentioned in any of paragraphs (a) to (f)) who sold, supplied or (as the case may be) administered the relevant medicinal product in accordance with the protocol mentioned in section 1(1)(c)(ii).

Time of sale, supply or administration.

4. The exclusion of liability in section 2(1) applies only in respect of a relevant medicinal product sold, supplied or (as the case may be) administered –

^f Sark Ordinance No. VI of 2017.

- (a) after this Ordinance comes into force, and
- (b) if the designated vaccine is given a United Kingdom marketing authorisation or a European Union marketing authorisation within the meaning given by regulations 12 and 13(1), respectively, of the Medicines (Human) (Exemptions and Recognition of Marketing Authorisations) (Bailiwick of Guernsey) Regulations, 2009⁸, before it is given either marketing authorisation concerned.

Interpretation.

5. In this Ordinance, unless the context requires otherwise –

"**the coronavirus**" has the meaning given by section 15(3) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**designated vaccine**" means the medicinal product designated in accordance with section 1(1)(b),

"**the Guernsey Committee**" means the States of Guernsey Committee for Health & Social Care,

⁸ G.S.I. No. 63 of 2009.

"**medicinal product**" has the meaning given by section 133 of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008^h,

"**Patient Group Direction**" has the meaning given by section 15(4) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**protocol**" means any protocol for the sale, supply or administration of the designated vaccine approved under or for the purposes of section 15A of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, and

"**relevant medicinal product**" means the medicinal product sold, supplied or (as the case may be) administered in accordance with section 1(1)(c).

Extent.

6. This Ordinance has effect in Sark.

Citation.

7. This Ordinance may be cited as the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Sark) Ordinance, 2020.

^h Order in Council No. V of 2009; as amended by Ordinance No. XXIV of 2009; No. XLI of 2013; No. IX of 2016.

GUERNSEY STATUTORY INSTRUMENT

ENTITLED

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021

ARRANGEMENT OF REGULATIONS

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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.
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16. Interpretation of this Part: general.
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MISCELLANEOUS AND FINAL

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

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- SCHEDULE 1 Essential Travel Permits.
- SCHEDULE 2 Exception to requirement to self-isolate on arrival in the
Bailiwick: Critical Workers.
- SCHEDULE 3 Exception to requirement to self-isolate on arrival in the
Bailiwick: 7 Day Self-Isolation option.
- SCHEDULE 4 Modification of legislation relating to mental health.

Explanatory Note.

GUERNSEY STATUTORY INSTRUMENT

2021 No.

**The Emergency Powers (Coronavirus) (General
Provision) (Bailiwick of Guernsey) Regulations, 2021**

<i>Made</i>	<i>12th January, 2021</i>
<i>Coming into operation</i>	<i>See regulation 28.</i>
<i>Laid before the States</i>	<i>, 2021</i>

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 strain of Severe Acute Respiratory Syndrome Coronavirus 2 has recently been detected in the United Kingdom;

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

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^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: –

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

^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.

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 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, 2 and 3 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) or Schedule 3 (concerning the "7 day self-isolation option" for persons arriving from Category 2 or Category 3 countries), and

(b) paragraphs (2) to (8),

a person who has arrived in the Bailiwick by air or sea and who has left, within the 14 day period immediately preceding the date of his or her arrival in the Bailiwick -

(i) a Category 2 or 3 country, must self-isolate for 14 days,

(ii) a Category 4 country, must self-isolate for 21 days.

(2) If a person of 12 years or over falling within paragraph (1) does not undergo a test for COVID-19 directly on arrival in the Bailiwick, he or she must self-isolate for 21 days.

(3) 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 14 day or 21 day period (as the case may be).

(4) 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.

(5) Subject to where paragraph (7) applies, a child under the age of 12 who has arrived in the Bailiwick by air or sea and who has left a Category 4 country within the 14 day period immediately preceding the date of his or her arrival in the Bailiwick will be treated as having arrived from a Category 2 or 3 country for the purposes of paragraph (1).

(6) Paragraph (7) applies where a child ("C") has been self-

isolating in a household bubble.

(7) 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.

(8) In this regulation –

(a) "**childcare**" means such types of arrangement for the care of children under school age as the Medical Officer of Health 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 self-isolate for 14 days.

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

(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, 2 or 3 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,

^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.

- (f) a person in respect of whom an Essential Travel Permit has been granted under, and within the meaning of, Schedule 1,
- (g) a person in respect of whom a Critical Worker Exemption has been granted under, and within the meaning of, Schedule 2, and
- (h) a Relevant Person within the meaning of Schedule 3,

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).

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

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, 2 or 3.

(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 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

^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.

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 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 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,

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.

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, 2003⁸,

"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,

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

⁸ 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.

"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.

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

MISCELLANEOUS AND FINAL

Modification of legislation relating to mental health.

18. Schedule 4 modifies –

(a) the Mental Health (Bailiwick of Guernsey) Law, 2010^h,
and

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

- (b) the Mental Health Review Tribunal Procedure Rules, 2012ⁱ,

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

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

19. (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 Guernsey) Law, 1987^j (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 O.R.C. No. I of 2012; as amended by O.R.C. No. III of 2018.

^j 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.

- (i) section 34E of the Protection of Investors (Bailiwick of Guernsey) Law, 1987^k,
- (ii) section 17A of the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2000^l,
- (iii) section 28A of the Insurance Business (Bailiwick of Guernsey) Law, 2002^m,

^k 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.

^l 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 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.

^m 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.

(iv) section 18A of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002ⁿ, and

(v) section 17A of the Banking Supervision (Bailiwick of Guernsey) Law, 1994^o,

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 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

ⁿ 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.

^o 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.

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.

Power of MOH to close schools.

20. (1) The powers of the MOH under Article VIII(8) of the Public

Health Ordinance, 1936^P, 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.

Court of Appeal.

21. (1) Section 7 (Venue) of the Court of Appeal (Guernsey) Law, 1961^Q 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.

^P 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.

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

Offences by legal persons and unincorporated bodies.

22. (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.

23. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 10) Regulations, 2020^r ("**the (No. 10) Regulations**") are revoked.

(2) Anything done under or for the purposes of the (No. 10) 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,

^r G.S.I. No. 128 of 2020; as amended by G.S.I. No. 152 of 2020 and G.S.I. No. 1 of 2021.

prohibition, or penalty, imposed thereunder.

(3) Anything in the process of being done under or for the purposes of the (No. 10) 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 for the purposes of these Regulations.

Amendment of the Population Management (Guernsey) Law, 2016.

24. (1) The Population Management (Guernsey) Law, 2016^s is amended as follows.

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

^s Order in Council No. VI of 2016; there are amendments not relevant to these Regulations.

"(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) Regulations, 2021."

Interpretation: general.

25. (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) In these Regulations, references to a Category 2, 3 or 4 country are references to a Category 2, 3 or 4 country as specified on the relevant States of Guernsey website for the purposes of these Regulations.

(3) Words and expressions used in Schedules 1 to 3 have the meanings given in these Regulations, unless contrary provision is made.

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

(5) 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.

26. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021.

Extent.

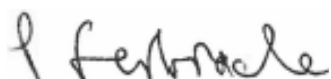
27. These Regulations shall have effect throughout the Bailiwick.

Commencement.

28. (1) Subject to paragraph (2), these Regulations shall come into force on 13th January, 2021.

(2) Regulations 4 (prohibition of non-essential travel), 14(7) (concerning the penalty on conviction for the offence of contravening the prohibition of non-essential travel) and Schedule 1 (essential travel permits) shall come into force on 14th January, 2021.

Dated this 12th day of January, 2021



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

SCHEDULE 1

Regulation 4.

ESSENTIAL TRAVEL PERMITS

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: reviews.

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.

SCHEDULE 2

Regulation 4.

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, and
 - (b) the requirement to self-isolate at regulation 5(1) and 5(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), 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	Those individuals providing, or directly facilitating,

Care and Veterinary Services	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.

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,

- (d) 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,
- (e) adhere to good standards of hygiene and respiratory etiquette,
- (f) wear a mask within two metres of other people,
- (g) if staying overnight, have a confirmed address at which they are staying,
- (h) 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,
- (i) remain on-island for the duration of their work, and
- (j) 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>	<p>Any worker who is not resident in the Bailiwick may only travel between their place of work and a specified place of residence.</p> <p>The worker must be able to self-isolate at the specified place of residence when not at work.</p>
<i>Site precautions</i>	<p>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.</p> <p>The name of a designated contact person for the site must be provided to the States of Guernsey.</p> <p>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.</p> <p>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.</p>
<i>Accommodation</i>	<p>Workers on a single project must stay in one hotel or set of self-catering units.</p> <p>Food must be supplied either via the hotel as cooked meals or groceries delivered to the door of the self-catering unit.</p> <p>The cooked food must be supplied on a 'closed tray' system.</p> <p>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</p>

	<p>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.

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 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.

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 or 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.

SCHEDULE 3

Regulation 4.

EXCEPTION TO THE REQUIREMENT TO SELF-ISOLATE ON ARRIVAL IN THE BAILIWICK: 7 DAY SELF-ISOLATION OPTION

Introductory.

1. (1) This Schedule provides for an exception to the requirement to self-isolate 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) For the avoidance of doubt, this Schedule does not affect the prohibition on non-essential travel set out at regulation 4, and only applies in respect of a person to whom an Essential Travel Permit has been granted.

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

(4) 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.

(5) 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.

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

(7) 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 not have spent any of the period of 7 days immediately before P's arrival in the Bailiwick in a place that is a Category 4 country at the time of P's arrival in the Bailiwick.

(2) For the avoidance of doubt, and subject to paragraph 5 (direct transit), if P has spent any of the previous 7 days (or any part thereof) in a place that is, at the relevant time, so specified as 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 so 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 for 14 days or 21 days (as the case may be) pursuant to, and in accordance with, the requirement imposed by regulation 5(1) and 5(2) of the Regulations, 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 for the remainder of the 14 day period in accordance with the Regulations;

and references (however expressed) in paragraphs 3 and 4 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 paragraphs 3 and 4, "**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 who has spent any of the period of 7 days immediately before his or her arrival in the Bailiwick in a place that is a Category 3 country at the relevant time (and who has not spent any time in that period in a Category 4 country) 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 10 (Conditions and restrictions: Enhanced Passive Follow-Up).

Category 2 country arrivals.

4. (1) A Relevant Person who has spent any of the period of 7 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) will be required to take a day of arrival test.

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

(3) If the result of that day of arrival test is negative, the Relevant Person will be required to take a Day 7 test; and in the period from receipt of a negative day of arrival test result until receipt of the result of the Day 7 test, the Relevant Person will not be required to self-isolate – subject to the Relevant Person complying with the conditions and restrictions specified in paragraph 10 (Conditions and restrictions: Enhanced Passive Follow-Up).

(4) If the result of that Day 7 test is positive, the Relevant Person 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. 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 the Relevant Person complying with the conditions and restrictions specified in paragraph 9 (Conditions and restrictions: Passive Follow-Up).

Direct Transit.

5. (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.

6. (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 7(2),
- (b) so far as reasonably practicable, keep the record of people referred to at paragraph 8(9) (including paragraph 8(9) as it applies pursuant to paragraph 9(2)), and
- (c) ensure the child does not return to school in accordance with paragraph 9(10), where that restriction applies.

Conditions and restrictions: general, and offences.

7. (1) A Relevant Person must remain in self-isolation for the 14 day

period unless and until that requirement is lifted in accordance with the provisions of paragraphs 3 and 4 above; and so a Relevant Person who fails to undergo a day of arrival test or a Day 7 test must self-isolate for the remainder of the 14 day period.

(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), and

(b) paragraphs 8(2) to (10) and 9(3) to (10),

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

Conditions and restrictions: Passive Follow-Up.

8. (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 or 4, that Relevant Person must comply with each of the following restrictions during that 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) The Relevant Person must comply with any additional conditions and restrictions imposed from time to time by the MOH.

Conditions and restrictions: Enhanced Passive Follow-Up.

9. (1) A Relevant Person in relation to whom the requirement to self-isolate has been lifted subject to the person complying with the Enhanced Passive Follow-Up conditions and restrictions, under and in accordance with paragraph 3 or 4, must comply with each of the following restrictions during the period in which those conditions and restrictions apply in accordance with that section.

(2) The Relevant Person must comply with each of the Passive Follow-Up conditions and restrictions set out at paragraphs 8(2) to (10); and in this regard the reference to "**these restrictions**" at paragraph 8(8) is to be construed as a reference to these Enhanced Passive Follow-Up conditions and restrictions.

(3) The Relevant Person must not enter a pub, nightclub,

members' club, café or restaurant (including a café or restaurant al fresco dining area), cinema, theatre or sports or leisure centre.

(4) The Relevant Person must not enter a shop other than to buy food, medicines, or any other essential item, and must not stay in the shop for any longer than is necessary to make his or her purchases.

(5) The Relevant Person must not enter a bus.

(6) The Relevant Person must not enter a taxi unless measures are in place that conform with guidance issued for this purpose by the MOH to protect the driver from the risk of infection.

(7) The Relevant Person must not travel by a scheduled air service or a scheduled sailing unless he or she is an Alderney or Sark resident travelling home from Guernsey to Alderney or Sark (as the case may be), and that service or sailing departs within 24 hours of the Relevant Person receiving a negative test result for COVID-19.

(8) The Relevant Person must not travel in a private aircraft or vessel unless he or she is an Alderney or Sark resident travelling home from Guernsey to Alderney or Sark (as the case may be), and measures are in place that conform with guidance issued for this purpose by the MOH to protect the pilot or captain, any other crew, and any other passenger, from the risk of infection.

(9) The Relevant Person must not return to work unless his or her work does not involve interaction with the public; and for the purposes of this subparagraph, jobs that involve interaction with the public include, but are not limited to, teachers, retail assistants, waiters, receptionists, bus and taxi drivers, and

GPs. In relation to workers at nursing, care or residential homes, or at the Princess Elizabeth Hospital, the provisions of the Passive Follow-Up conditions and restrictions at paragraphs 8(4) and 8(7) (respectively) apply.

(10) 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.

SCHEDULE 4

Regulation 18.

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 13th January, 2021 (with the exception of the provisions in respect of the prohibition of non-essential travel (see below) which shall come into force on 14th January, 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; in addition, regulation 24 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.

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 the provisions of Schedule 2. Finally, this Part also provides that a person of 12 years or over who chooses not to take a day of arrival test for COVID-19 will have to self-isolate for 21 days.

Schedule 3 makes provision in respect of self-isolation for persons arriving from countries or territories specified as Category 2 or Category 3 countries for the purposes of the regulations, that is, countries or territories with lower rates of infection and transmission than Category 4. At the time these regulations were made, all countries and territories were treated as being Category 4.

Part II – miscellaneous and final

Schedule 4 to these Regulations 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 19 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 20 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. Regulation 21 enables the Court of Appeal to conduct its proceedings remotely.

GUERNSEY STATUTORY INSTRUMENT

2021 No.

**The Emergency Powers (Coronavirus) (Vaccine)
(Limitation of Liability) (Bailiwick of Guernsey)
Regulations, 2021**

<i>Made</i>	11 th January, 2021
<i>Coming into operation</i>	12 th January, 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 the States of Guernsey Committee for Health & Social Care considers that, for the purposes of controlling or mitigating the emergency referred to above, it is appropriate and proportionate to carry out a voluntary mass vaccination

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

programme throughout the Bailiwick, using one or more vaccines that have been temporarily authorised by the licensing authority 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 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: –

Application of these Regulations.

1. (1) These Regulations apply where –

^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.

- (a) the UK licensing authority has authorised a medicinal product on a temporary basis (whether with or without conditions) under regulation 174 of the Human Medicines Regulations 2012^c,
- (b) the Committee has designated the medicinal product to be used for vaccination or immunisation against the coronavirus under regulations made under section 15(2) and (3) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009^d,
- (c) a medicinal product falling within the description or class of the designated vaccine has been sold, supplied or administered by or on behalf of, or under arrangements made by, any person in accordance with—
 - (i) a Patient Group Direction approved or consented to by the Committee, or
 - (ii) a protocol,
- (d) any person dies or suffers any personal injury as a result of the person receiving the relevant medicinal product

^c UK S.I. 2012 No. 1916.

^d Ordinance No. XXV of 2009; as amended by No. XXV of 2010; No. IX of 2016; No. XXXIV of 2020.

administered in accordance with the Patient Group Direction or (as the case may be) protocol, and

- (e) any person (whether the person referred to in subparagraph (d) or any other person) suffers or incurs any loss or damage arising out of or in connection with the death or personal injury.

(2) In paragraph (1)(a), "**UK licensing authority**" means the licensing authority within the meaning given by regulation 6(2) of the Human Medicines Regulations 2012.

Limitation of liability.

2. (1) Where these Regulations apply and a court determines in any civil proceedings that a responsible person is liable to any other person in respect of any loss or damage falling within regulation 1(1)(e), the maximum aggregate amount of damages and costs that may be awarded against the responsible person in respect of all such losses and damages is £120,000.00 in respect of any one person who died or suffered personal injury.

(2) Paragraph (1) –

- (a) is subject to regulation 3, and
- (b) does not apply so as to limit an award of damages on the ground that any action or omission of the responsible person was unlawful as a result of section 6(1) of the Human Rights (Bailiwick of Guernsey) Law, 2000.

(3) In paragraph (1), "**damages and costs**" includes all liabilities, costs, expenses, damages and losses, including but not limited to any direct, indirect or consequential losses, loss of profit, loss of reputation and all interest, penalties and legal costs and all other professional costs and expenses.

Time of sale, supply or administration.

3. Regulation 2(1) applies only in respect of a relevant medicinal product sold, supplied or (as the case may be) administered –

- (a) at any time on or after the 15th December, 2020, and
- (b) if the designated vaccine is given a United Kingdom marketing authorisation or a European Union marketing authorisation within the meaning given by regulations 12 and 13(1), respectively, of the Medicines (Human) (Exemptions and Recognition of Marketing Authorisations) (Bailiwick of Guernsey) (Bailiwick of Guernsey) Regulations, 2009^e, before it is given either marketing authorisation concerned.

Relationship with the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Guernsey) Ordinance, 2020 and any equivalent enactment.

4. Nothing in these Regulations limits the effect of the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Guernsey) Ordinance, 2020 or any equivalent Ordinance or other enactment having effect in Sark or Alderney.

^e G.S.I. No. 63 of 2009.

Interpretation.

5. In these Regulations, unless the context requires otherwise –

"**the Committee**" means the States of Guernsey Committee for Health & Social Care,

"**the coronavirus**" has the meaning given by section 15(3) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**designated vaccine**" means the medicinal product designated in accordance with regulation 1(1)(b),

"**medicinal product**" has the meaning given by section 133 of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008^f,

"**Patient Group Direction**" has the meaning given by section 15(4) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**personal injury**" includes any disease and any impairment of a person's physical or mental condition,

"**protocol**" means any protocol for the sale, supply or administration of the designated vaccine approved under or for the purposes of section 15A of

^f Order in Council No. V of 2009; as amended by Ordinance No. XXIV of 2009; No. XLI of 2013; No. IX of 2016.

the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**relevant medicinal product**" means the medicinal product sold, supplied or (as the case may be) administered in accordance with regulation 1(1)(c), and

"**responsible person**" –

- (a) means the person –
 - (i) by or on whose behalf the relevant medicinal product was sold, supplied or (as the case may be) administered in circumstances falling within regulation 1(1)(c), or
 - (ii) who made the arrangements under which the relevant medicinal product was sold, supplied or (as the case may be) administered in circumstances falling within regulation 1(1)(c), and
- (b) for the avoidance of doubt, includes (but is not limited to) –
 - (i) the States of Guernsey, and
 - (ii) the Committee.

Revocation.

6. The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (Bailiwick of Guernsey) Regulations, 2020⁸ are revoked.

Extent.

7. These Regulations apply throughout the Bailiwick of Guernsey.

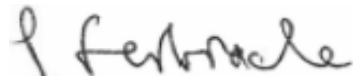
Citation.

8. These Regulations may be cited as the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (Bailiwick of Guernsey) Regulations, 2021.

Commencement

9. These Regulations shall come into force on the 12th January, 2021.

Dated this 11th day of January, 2021



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

⁸ G.S.I. No. 129 of 2020.

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 apply where a vaccine against the coronavirus has been temporarily authorised under the UK's Human Medicines Regulations, 2012 and designated under regulations made under the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, and the vaccine is sold, supplied or administered in accordance with a Patient Group Direction or protocol approved or consented to by the States of Guernsey Committee for Health & Social Care. They only apply to a vaccine administered on or after the 15th December, 2020 (the date on which the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (Bailiwick of Guernsey) Regulations, 2020 came into force) and before the vaccine receives either a UK marketing authorisation or a European Medicines Agency marketing authorisation.

Where these Regulations apply they will limit the aggregate amount of damages and costs that may be awarded by any court in respect of death or personal injury suffered by any one person receiving the vaccine administered in accordance with the Patient Group Direction or protocol.

These Regulations revoke (and replace) the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (Bailiwick of Guernsey) Regulations, 2020.

These Regulations will come into force on the 12th January, 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

SARK STATUTORY INSTRUMENT

2021 No.

**The Employment Permits (Brexit) (Sark) Regulations,
2021**

Made , 2021
Coming into operation See regulation 3
Laid before the Chief Pleas , 2021

THE POLICY AND FINANCE COMMITTEE, in exercise of the powers conferred on it by sections 5(1) and 11 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018^a , and upon receipt of the certificate required under section 5(3) of that Law, hereby makes the following Regulations:-

Amendment of Employment Permits (Sark) Regulations, 1987.

1. (1) The Employment Permits (Sark) Law, 1987^b is amended as follows.

(2) In section 1(1) of that Law, for "Community national", substitute "person".

^a Order in Council No. 1 of 2019; as amended by G.S.I. No. 6 of 2020.

^b Ordres en Conseil Vol. XXX, p. 228; as amended by Vol. XXXI, p. 320.

(3) In section 11(1) of that Law, delete the definitions of "Community national", "member" and "the Treaties".

Citation.

2. These Regulations may be cited as the Employment Permits (Brexit) (Sark) Regulations, 2021.

Commencement

3. These Regulations shall be deemed to have come into force on exit day.

Dated this 11th day of January, 2021

A handwritten signature in blue ink, reading "Peter La Trobe-Bateman", enclosed in a light blue rectangular box.

Conseiller Peter La Trobe-Bateman
Chairman of the Policy and Finance Committee
For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of the withdrawal of the United Kingdom from the EU.

Section 1(1) of the Employment Permits (Sark) Law, 1987 (not yet in force) requires only nationals of the European Community (European Union) to obtain an employment permit to work in Sark. The only exceptions are local residents and the like, and anyone exempted by Ordinance.

Regulation 1(1) and (2) of these Regulations amend that provision to require any person (regardless of their nationality) to obtain an employment permit to work in Sark, subject to the above-mentioned statutory exceptions. Regulation 1(3) deletes definitions in the Employment Permits (Sark) Law, 1987 that are no longer needed, as a consequence of that amendment.

These Regulations are deemed to have come into force on exit day within the meaning of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018.