

ISLAND OF SARK

MIDSUMMER MEETING of the CHIEF PLEAS to be held on the 7th JULY 2021

At 5.00 PM in the ASSEMBLY ROOM

AGENDA

1. MATTERS ARISING from the Easter Meeting held on Wednesday the 14th April 2021.
2. QUESTIONS Not Related to the Business of the Day.
3. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled "**Sark Census**" and to Approve the Projet de Loi entitled "**The Census (Sark) Law, 2021**" (copies enclosed).
4. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled "**By-Election**" and to Approve the Ordinance entitled "**The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2021**" (copies enclosed).
5. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled "**Sark Election Timetable**" (copy enclosed).
6. To CONSIDER a Report with Propositions from the LAND REFORM (SPECIAL) COMMITTEE entitled "**Land Reform - Saisie**" (copy enclosed).
7. To CONSIDER a Report with Propositions from the POLICY and FINANCE COMMITTEE entitled "**Orders for Vesting and Division of Sark Real Property in Matrimonial Proceedings**" (copy enclosed).
8. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled "**Public Consultation on the Future Shape of Chief Pleas**" (copy enclosed).
9. To CONSIDER a Report with Proposition from the DOUZAINES entitled "**Asbestos Matters**" (copy enclosed).
10. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled "**Release of Recordings of Chief Pleas Meetings to the Public**" (copy enclosed).
11. To CONSIDER a Report with Proposition from the TAXATION REVIEW (SPECIAL) COMMITTEE entitled "**Committee Mandate**" (copy enclosed).
12. To CONSIDER a Report with Proposition from the DEVELOPMENT CONTROL (SPECIAL) COMMITTEE entitled "**Committee Mandate**" (copy enclosed).

13. **COMMITTEE ELECTONS:** To Elect Conseillers to Committees as required:

Standing Committees:

Agriculture, Environment and Sea Fisheries – 1 x Vacancy

Education – 1 x Vacancy

Special Committees:

Future Energy – 1 x Vacancy

Top Level Domain – 2 x Vacancies

14. **COMMITTEE and PANEL ELECTIONS:** To Elect Non-Chief Pleas Members and Panel Members to Committees and Panels as required:

Top Level Domain – 1 x Non-Chief Pleas Member to be proposed and elected.

Douzaine – 1 x Non-Chief Pleas Member to be proposed and elected.

REGULATIONS LAID BEFORE

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

(Came into operation on the 23rd April 2021)

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2021

(Came into operation on the 30th April 2021)

The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 5) (Bailiwick of Guernsey) Regulations, 2021

(Came into operation on the 30th April 2021)

The Road Traffic Committee (part of the Douzaine) Seasonal Regulation No. 2.

(Came into force on the 1st May 2021)

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) (Amendment) Regulations, 2021

(Came into force on the 7th May 2021)

**The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey)
(No. 6) Regulations, 2021**

(Came into operation on the 21st May 2021)

**The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 6)
(Bailiwick of Guernsey) Regulations, 2021**

(Came into operation on the 21st May 2021)

Lt Col RJ Guille MBE

Speaker of Chief Pleas

9 June 2021

Anyone wishing to see any of the Reports and Supporting Papers may do so at the Committee Offices, Monday to Friday, 11 am to 3 pm; copies may be obtained from the Committee Office. The Agenda, Reports and Supporting Papers may also be seen on the Sark Government Website at
www.sarkgov.co.uk

ITEM 03

POLICY & FINANCE COMMITTEE

Report with proposition to Midsummer Chief Pleas, 7th July 2021

SARK CENSUS

During his consultancy period (November 2012 – February 2013) Mr Colin Kniveton produced a number of reports in response to specific matters, these reports were presented to the Sark residents in March 2013. One of these reports was entitled ‘Review of Issues Relating to Undertaking of a Census in Sark’ and set out the why and how a census was held in other jurisdictions, and how these could be applied to Sark.

Progress on this matter stalled as other priorities took precedence. At the Policy Development Group meeting on 11th March 2021 a discussion was held regarding the carrying out of a Sark Census of all residents. This led to a report being taken to the Easter Meeting of Chief Pleas, 14th April 2021, item 16, proposing the drafting of legislation to enable a Sark Census. The proposition was approved, and the resulting work has produced **The Census (Sark) Law, 2021**.

Why Hold a Census?

The census will provide information on the size and characteristics of the population of Sark. It would represent Sark’s single largest statistics gathering exercise. The figures will assist Chief Pleas to shape everyone’s future as the basis for effective public services for the next decade. The census is used to provide a count of the population of Sark at a point in time and will record the basic population characteristics such as age, gender and tenure, and other particulars which are considered relevant to planning for the future, of persons who live in Sark.

This information is vital to help Chief Pleas prioritise policies, allocate resources and plan services according to the needs of Sark. Services which rely on census data for future planning include:

- health services
- housing
- education
- employment
- transport services

Who uses the statistics?

Census statistics can provide valuable information for government and private organisations as well as the general public. For example:

- government departments rely on accurate population data in order to plan and develop public services.
- the age structure of the population is important for planning and prioritising health and social services requirements.
- schools need to plan for the future using accurate data on numbers of children.
- businesses use population data in order to define the local market and labour force.
- census information is normally publicly available in aggregate (grouped) form. Genealogists and family members use 100-year-old census data to explore family histories.

The Census (Sark) Law 2021 includes provision for a census to be undertaken not more than every five years, whenever Chief Pleas feel that this is necessary. It is a “snapshot” of the Island on a given date and compliance is a legal requirement for all residents.

The Law requires an Ordinance to be enacted setting out the details of a forthcoming census, including the date when the census will be held and the questions to be asked. The Schedule to the Project delimits the areas in relation to which questions may be asked. Questions will be tailored to meet Sark specific matters, including leaseholds, seasonal and temporary workers and self-employed residents working from home. The Law provides that information obtained from a census must be used only for statistical purposes or analysis and must not be disclosed in a form that may identify any individual or household. Non-compliance with the non-disclosure provisions will be an offence as will non-compliance with the requirements to provide information.

Background information:

In February 2012, a visual survey was undertaken of properties in Sark. This information provides a sound base for further work to take place, although further refinement of the information gathering techniques and their application will be required.

For example, the data is based upon local knowledge of buildings and their inhabitants. As such, there is a potential for error due to information not being substantiated or omitted. There is also further scope to more clearly define the information obtained, in order to ensure a consistency of understanding.

There are many advantages that arise from a knowledge of the numbers, identities and associated information in respect of the population that can be compiled as a result of a regular and simple census. The number and type of questions can be tailored to suit the immediate needs of Chief Pleas in the public interest, provided that they fall within the categories listed in the Schedule to the Law and will mainly be used to assist in making decisions or assessing the impact of such decisions on the economy.

While any census cannot be regarded as being totally accurate, the fact that a census is being conducted will provide reassurance to other Crown Dependencies and external law agencies that Sark is taking steps to regulate its activities.

It is possible that some residents will see such an exercise as being intrusive. However, the mandatory nature of the requirements is essential in order to ensure that the objective of

holding a census, to provide accurate data for social and economic purposes, is achieved. The safeguards incorporated into the draft Law ensure the protection of the individual by limiting the scope of information which may be sought; and control the use of the information so obtained.

Proposition: -

That Chief Pleas approve the Projet de Loi entitled The Census (Sark) Law 2021.

Conseiller John Guille

Chairman, Policy & Finance Committee

PROJET DE LOI

ENTITLED

The Census (Sark) Law, 2021

THE CHIEF PLEAS OF SARK, in pursuance of their Resolutions of the 14th April, 2021 and the 7th July, 2021, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Sark.

Power to direct taking of census.

1. (1) Subject to the provisions of this Law, the Chief Pleas may by Ordinance direct that a census shall be taken for Sark, and such Ordinance may prescribe –

- (a) the date on which the census is to be taken,
- (b) the persons by whom and with respect to whom the returns for the purpose of the census are to be made, and
- (c) the particulars to be stated in the returns.

(2) No Ordinance shall be made under this section so as to require a census to be taken in Sark in any year unless at the commencement of that year at least five years have elapsed since the commencement of the year in which a census was last taken in Sark.

(3) No particulars shall be required to be stated other than particulars with respect to such matters as are set out in the Schedule to this Law.

Provision with respect to procedure for taking census.

2. Without prejudice to the generality of section 1, an Ordinance under that section may –

- (a) provide for the division of Sark into districts for the purposes of the census and the appointment of persons to act in those districts in connection with the census,
- (b) prescribe the procedure for taking the census,
- (c) require such persons as may be employed or engaged for the purpose of the census to perform such duties in connection with the taking of the census as may be prescribed,
- (d) require such persons to make a declaration, supported by affidavit, with respect to the performance of their duties,
- (e) specify who is liable to make returns for the purpose of the census in prescribed circumstances,
- (f) require particulars or information to be given to the persons liable to make returns for the purposes of a census by the persons with respect to whom the returns are to be made,
- (g) make provision with respect to the forms to be used in the taking of a census,

- (h) make such other provision as appears to the Chief Pleas to be necessary or expedient for the purpose of carrying the Ordinance into effect.

Registrar.

3. (1) The Chief Pleas shall appoint a person, to be called the Registrar, to make such arrangements and do all such things as are necessary for the taking of a census under this Law and to perform the duties assigned to that office under an Ordinance made under section 1.

(2) The Registrar shall, as soon as reasonably practicable after the taking of a census, prepare a report on the census and lay it before the Chief Pleas.

(3) A person appointed to be the Registrar shall be paid such remuneration out of public funds as the Chief Pleas may from time to time resolve.

Restriction on disclosure of particulars or information.

4. (1) Personal census information obtained under this Law may be used only for statistical purposes or for analysis and must not otherwise be disclosed.

(2) A person must not disclose any personal census information obtained under this Law in a form that may identify any individual or household.

(3) Nothing in this section shall be taken to prevent the disclosure of personal census information –

- (a) in accordance with any enactment,
- (b) pursuant to an order of a court, or
- (c) for the purposes of any proceedings for an offence under this Law.

Entry on land or premises for authorised purposes and delivery of documents.

5. (1) A person employed or engaged under this Law may, other than by force and at all reasonable times, on production of the person's written authorisation if required, enter any land or premises for the purposes of –

- (a) delivering or collecting any forms or notices required for the purposes of the census,
- (b) making such enquiries as the person is authorised to make under this Law.

(2) The delivery of any form or notice required for the purpose of the census may be effected by being delivered in person by a person employed or engaged under this Law, or by post, or by any other means of communication and, if delivered by post, is taken to have been received when it would, in the ordinary course of post, be delivered.

Offences and penalties.

6. (1) If any person (A) -

- (a) wilfully refuses or without lawful excuse fails to furnish any particulars or information required to be furnished under this Law,
- (b) wilfully furnishes or causes to be furnished any false particulars or information in respect of any matter in respect of which particulars or information are required to be furnished under this Law,
- (c) refuses to answer, or wilfully gives a false answer to, any question necessary for obtaining any particulars or information required to be furnished under this Law,

- (d) being a person required under this Law to make a declaration with respect to the performance of A's duties, refuses to make such a declaration or makes a false declaration,
- (e) wilfully obstructs any person employed or engaged under this Law in the exercise of that person's functions under this Law, or
- (f) impersonates any person employed or engaged under this Law,

A shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the Sark uniform scale.

- (2) If any person (A) –
 - (a) being employed or engaged under this Law, without lawful authority discloses any personal census information to another person, or
 - (b) having possession of any personal census information which to the person's knowledge has been disclosed in contravention of this Law, discloses that information to any other person,

A shall be guilty of an offence and liable –

- (i) on summary conviction to a term of imprisonment not exceeding six months or to a fine, or to both,

(ii) on conviction on indictment, to a term of imprisonment not exceeding two years or to a fine, or to both.

(3) It shall be a defence for a person (A) charged with an offence under subsection (2) to prove –

- (a) that at the time of the alleged offence A believed –
 - (i) that A was acting with lawful authority, or
 - (ii) that the information in question was not personal census information, and
- (b) that A had no reasonable cause to believe otherwise.

Offences by bodies corporate.

7. (1) Where an offence under this Law committed by a body corporate, limited partnership with legal personality or foundation is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, controller, manager, secretary or other similar officer of the body corporate, any general partner in the case of a limited partnership, any foundation official, or any person purporting to act in any such capacity, that officer or person as well as the body corporate, limited partnership or foundation (as the case may be) is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies to a member in connection with the member's functions of management as if the member were a director of the body corporate.

Interpretation.

8. In this Law, unless the context otherwise requires –

"**census information**" means any information which is –

- (a) acquired by any person in the course of any work done by that person in connection with the discharge of functions under this Law,
- (b) derived from any information so acquired,

"**household**" means –

- (a) one person living alone, or
- (b) two or more persons living at the same address, who share living accommodation and cooking facilities,

"**personal census information**" means any census information which relates to an identifiable person or household.

Citation.

9. This Law may be cited as the Census (Sark) Law, 2021.

Commencement.

10. This Law shall come into force on the day of its registration on the records of Sark.

SCHEDULE

MATTERS IN RESPECT OF WHICH PARTICULARS MAY BE REQUIRED

Section 1

1. Names, sex, age.
2. Education, qualifications, occupation, profession, trade or employment including hours worked and whether permanent or seasonal.
3. Nationality, birthplace, race, language, ethnic background.
4. Date of first residence in Sark.
5. Current usual place of residence in Sark, period of residence there, character of dwelling, whether freehold or leasehold and unexpired term, the accommodation and facilities available for use by the household.
6. Residential status under the Housing (Control of Occupation) (Sark) Law, 2011^a,
7. Whether the person has a permanent place of residence other than in Sark and, if so, the location and aggregate period of residence in that other residence during the previous five years.
8. Whether present in or absent on census day from the household or establishment which is the person's usual place of residence in Sark.
9. Condition as to marriage or civil partnership, relationship to person liable to make the return, children.

^a Order in Council No. IV of 2013; amended by No. II of 2014; No. IV of 2015.

10. State of health, including whether or not the person has a physical or mental disability or chronic illness and, if so, the effect it has on the person's ability to carry out a normal range of activities.
11. Whether the person receives care from another person or is a carer for another person.
12. Any other matters with respect to which it is desirable to obtain statistical information with a view to ascertaining the social or civil condition of the population.

POLICY & FINANCE COMMITTEE

Report with Proposition to Midsummer Chief Pleas, 7th July 2021

BY - ELECTION

This report covers the requirement for a by-election to replace Conseillers who have resigned from Chief Pleas. Section 23A (1) of The Reform Law provides that, ‘... upon the occurrence of a casual vacancy amongst Conseillers, a by-election shall be held on such date, not later than six months after the occurrence of the vacancy, as the Chief Pleas shall by Ordinance appoint.’

The vacancies created by the resignation of former Conseillers Mrs Amanda De Carteret in February 2021 and Mr Philip Long in April 2020, triggers the mechanism required for a by-election to take place. There is also a vacancy outstanding which was not filled at the further election in March. Following discussions with the Returning Officer as to a suitable date, the Committee comes to this meeting with an Ordinance already prepared and which is attached to this report.

Wednesday 25th August 2021 has been selected as the date of the by-election and the Returning Officer's timetable is attached to this report.

Proposition: -

That Chief Pleas approves “The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2021”.

**Conseiller John Guille
Chairman, Policy & Finance Committee**

TIMETABLE FOR BY-ELECTION OF CONSEILLERS – 25th AUGUST 2021

| | |
|----------------|---|
| Fri 23 Jul 21 | Notice in Sark Gazette Officielle and St. Peter's Church Notice Box of forthcoming election. Notice gives date and time when final nominations are to be received etc. |
| | Nomination forms will be available for collection from the Speaker's offices, prior to nominations opening during published office hours. When completed, but not before 1 pm on Tue 3 Aug, the forms are to be delivered by one of the persons named on the form to the Speaker of Chief Pleas (Returning Officer) between 1pm and 3pm Tue, Wed & Fri, ending on Fri 30 Jun between 10am and 12 noon. |
| Fri 30 Jul 21 | Electoral Register closes and remains closed until election process is complete. |
| Tue 3 Aug 21 | Nominations open at 1 pm. A daily list of nominations received will be posted in Sark Gazette Officielle and St Peter's Church Notice Box; nominations will be listed in the order received. |
| Fri 13 Aug 21 | Nominations to close at 12 noon. [Thereafter the Returning Officer will post Notices asking for volunteers from Island Residents to man the Polling Station and to conduct the Count after the poll closes; application for these functions to close at 3pm on Fri 20 Aug.] Notice in Sark Gazette Officielle and St Peter's Church Notice Box of Candidates with Proposers and Seconders. |
| | Notice sent to the printers with the List of Candidates for the printing of Voting Papers. |
| Wed 25 Aug 21 | By-Election polling from 10am until 6.00pm – Polling Station in Toplis Room, Island Hall – the Count in Main Room. (The Count will begin as soon as is possible after polling closes.) |
| Thur 26 Aug 21 | Notice in Sark Gazette Officielle and St. Peter's Church Notice Box of Result. In the event of a 'tie' between two candidates, when the addition of one vote would have caused a person to be elected, a second election is to be held. (New Voting Papers are to be produced for the tied candidates and Notices of the second election are to be published in Sark Gazette Officielle and St. Peter's Church Notice Box - venues, as for Wed 25 Aug 21.) |
| Wed 15 Sep 21 | By-Election re-run, only for candidates tied at 25 Aug 21. (No other nominations allowed.) |
| Thur 16 Sep 21 | Notice in Sark Gazette Officielle and St. Peter's Church Notice Box of tied election Result. |

Lt Col RJ Guille MBE
Returning Officer

11 June 2021

The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2021

THE CHIEF PLEAS OF SARK, in exercise of the powers conferred on them by sections 23A, 25(4) and (5) and 29(6) of the Reform (Sark) Law, 2008^a, and all other powers enabling them in that behalf, hereby order:-

Date fixed for by-election.

1. (1) A by-election for the purpose of filling such number of casual vacancies in the office of Conseiller –

- (a) existing as at the date when this Ordinance is made, and
- (b) occurring, for any reason, on or before Friday 30th July, 2021,

shall be held on Wednesday 25th August, 2021.

(2) In the event of two or more candidates at the said election securing an equal number of votes, and by reason thereof a further election being required to be held in pursuance of the provisions of section 25(5) of the Reform (Sark) Law, 2008, in respect of such candidates only, without further nomination, such further election shall be held on Wednesday 15th September, 2021.

^a Order in Council No. V of 2008; amended by Nos. VI and XXVII of 2008; No. XIV of 2010; No. XII of 2011; No. XI of 2014; No. IX of 2016; No. IX of 2017; Sark Ordinances Nos. II and VI of 2015; No. XI of 2017; No. XIII of 2018.

Date of closure of register.

2. The Register of Electors shall close, pursuant to section 29(6) of the Reform (Sark) Law, 2008, on Friday 30th July, 2021.

Citation.

3. This Ordinance may be cited as the Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2021.

POLICY & FINANCE COMMITTEE

Report with proposition to Midsummer Chief Pleas, 7th July 2021

SARK ELECTION TIMETABLE

Section 5.(1) of **The Reform (Elections of Conseillers) (General Provisions) (Sark) Ordinance, 2008** reads as follows:

Nomination of candidates.

5. (1) *The nomination of a person as a candidate for office as Conseiller shall be in the form set out in Schedule 3 to this Ordinance and shall be delivered to the returning officer during such period and times as the returning officer shall appoint in respect of any particular election, being a period ending not less than 10 days before the date appointed for the election, prior notice having been given in the official notice boxes and in [the Sark Gazette] of the period and times appointed for this purpose.*

The legislation allowed for the period in which nominations were to be opened, and closed, to be set by the Returning Officer. For the General Elections and By-elections, that were held between 10th December 2008 and 10th December 2014, the period for nominations had been one week (Monday to Friday).

Howard Knight was invited to be an independent observer of the Election that was due to be held on the 10th December 2014. While there was no longer a need for an election (there being 16 candidates to fill 16 vacancies) Mr Knight concentrated on a number of aspects of the election process and produced his findings in a report, which was presented to Chief Pleas at the Easter Meeting ,15th April 2015. One of the aspects that was considered was the election timetable, the following being an extract of the report:

"The election timetable was extremely tight, Chief Pleas were advised of the timetable on 1 October and that the timetable became public with the publication of the minutes. However, the formal Notice of Election was published on 14 November, providing just 4 days for the submission of nomination papers and just 19 days before the electorate to know who the candidates were before the intended December 10th polling day."

An information report presented at Michaelmas Chief Pleas on the 30th September 2015 informed Chief Pleas that the Policy & Performance Committee intended to consult with the people of Sark and report back to Christmas Chief Pleas in January 2016 with the results of its findings.

At the Christmas Chief Pleas. 20th January 2016 the Policy & Performance Committee presented the results of the consultation, along with fourteen propositions. Proposition 1 was '*That the Election Ordinance be put to Michaelmas Chief Pleas in election years and the timetable announced at the same time. That the timetable allows two weeks for submission of nomination papers and closure of nominations 19 days before Election Day.*', this proposition was carried.

At the meeting of the Policy Development Group of 13th May 2021 the matter of the nomination period was discussed. The result of this discussion was an agreement to extend the period of nominations from the existing two weeks to three weeks.

If the proposition is supported, the three week period for nominations will commence for the next By or General Election after the By-Election to be held on the 25th August 2021.

Proposition –

That Chief Pleas resolves that for any future Election of Conseillers that the timetable allows three weeks for the submission of nomination papers and closure of nominations.

**Conseiller John Guille
Chairman, Policy & Finance Committee**

ITEM 06

LAND REFORM (SPECIAL) COMMITTEE

Report with propositions to Midsummer Chief Pleas, 7th July 2021

LAND REFORM - SAISIE

Background

1. On 11 April 2018, following consideration of a report on land reform ('2018 Report'), Chief Pleas resolved to approve substantive Propositions giving effect to proposals by which Sark real property should become divisible, and both real property and leaseholds (deemed to be real property if qualified and appointed as such) should become chargeable. By the same report, various protections for leaseholders were approved, besides proposals giving the court power to stay the operation of eviction orders. A further report was delivered to Chief Pleas for consideration on 30 September 2020, in which the technical requirements for the proposed schemes of division, charging of real property, and charging of leaseholds, were set out, all of which were approved.
2. In the events which occurred, these proposals are all now in force, as respects leaseholder protection and staying eviction proceedings, since 30 November 2020, and as respects division, charging of real property, and charging of leaseholds, since 1 February 2021.
3. However, two of Chief Pleas' resolutions remain outstanding consequent on the 2018 Report: that relating to the preparation of a scheme of *saisie* (Resolution 4), and that relating to the establishment of a leasehold disputes tribunal (Resolution 6). This report deals only with *saisie*.

Saisie

4. *Saisie* is the procedure by which a judgment debt, expressed as an amount of money due by the judgment debtor to the judgment creditor, is enforced by the judgment creditor, together with other enforcing creditors (if any), against the debtor's real property, which in a Sark context will now include a qualifying leasehold appointed by the leaseholder to be treated as real property for purposes of enabling its being charged. By 'charging' is meant that the real property becomes security for a debt or obligation of the property owner (the borrower in a typical loan situation) in favour of some other person (typically, the lender), in a way that gives that other person prior recourse to the real property as against other lenders or creditors, at least up to the amount of the debt or obligation. (The effect of charging is more fully explained in paras.20 A.&B. below). But the obligation may not be that of the principal, *i.e* original, borrower: for example, where a third party (as surety) has agreed to guarantee the borrower's primary loan obligation, and that guarantee may itself be secured to the lender by a charge over the guarantor's real property.

5. On a debt or obligation becoming due, the creditor seeking satisfaction for his claim will demand payment, and, if not paid, will eventually have recourse to the court for payment. Following judgment, the judgment creditor has the possibility of recovery against the debtor's assets. These assets are either personal property or real property. Personal property (*meubles*) includes monies, interest on monies, shares and dividends, rents, chattels, debts and interest on debts, leasehold interests (unless in Sark deemed as real property under the charging of leaseholds provisions), and other movable assets, tangible or intangible. The law

distinguishes these from real property (*immeubles*), ie land, and houses and buildings, (characterised by being essentially immovable, ie fixed to land), and certain rights in land such as servitudes. (*Rentes* are also real property, but arrears of *rentes* due are personal property). Any creditor, before taking action to enforce his claim, will need to take a view as to whether to enforce as against the debtor's real property or personal property, for having firstly started against the debtor's real property in a *saisie*, he cannot thereafter enforce as against his personal property. Conversely, where a creditor has obtained judgment and attempted to proceed firstly against the debtor's personal property, but unsuccessfully, he may desist from pursuing this course and elect to enforce against the real property. But that is the only election allowed. This election is to be incorporated in the scheme proposed below.

6. Execution of a judgment against personal property involves delivering the judgment of the court to the Prevot who then proceeds to arrest the judgment debtor's personal property, realise and sell it (if not money), and eventually deliver the proceeds to the judgment creditor in or towards satisfaction of the judgment debt. Nothing in the proposals below for *saisie* will affect that procedure. If there is more than one creditor and more in the totality of claims than the amount the Prevot has recovered from the personal property arrested, a procedure known as *désastre* arises in which, subject to any creditor preferences, the proceeds are paid out to creditors rateably as a dividend (ie so much per £), and, apart from any preferences benefiting particular classes of creditor as a matter of law, no creditor has priority: all are treated equally, unless the creditors have agreed that specific debts have priority or, conversely, are subordinated to others. Payment under a *désastre* does not of itself amount to legal satisfaction of the creditor's claim unless paid in full. *Désastre* is not bankruptcy, in the sense of payment to creditors operating to discharge the debtor from his debts. In practice, creditors accept what arises in the *désastre* process, and write off the balances due, although they are not bound to do so. Eventually the debts or balances will become prescribed ie time barred from further recovery, unless some action is taken by which the debtor acknowledges his continuing liability eg by interest payment or acknowledgment.

7. Turning to recovery out of the real property of a debtor, whilst *saisies* most frequently arise in the context of recovering bank loans secured against real property (granted eg for house purchase or improvement, or for trade/business loans or overdrafts, or to secure bank guarantees), the possibility of any creditor, not just a lender, seeking to have his claim satisfied out of the debtor's real property, as opposed to personal property, is always available.

8. Paras.17–21 of the 2018 Report set out briefly the Committee's then views on the desirability of introducing a scheme of *saisie* specific to Sark. The present position is that the *Saisie Procedure (Simplification)(Bailiwick) Order, 1952* ('1952 Order'), an Order of Guernsey's Royal Court, continues to apply in Sark because it operates throughout the Bailiwick. In applying the 1952 Order in Sark, Guernsey law and procedure would apply, with requisite adaptations, as a consequence of Guernsey customary law applying in Sark, which would include relevant decisions of the Royal Court. However, *saisie*, both substantively and procedurally, is complex and obscure, largely because of the overwhelming importance in real property transactions, in former times when *saisie* was developed, of *rentes*, which were perpetual charges on real property used without or besides money as consideration for transferring real property (when money was in short supply), and also to adjust inheritances where real property was practically indivisible.

9. The Committee concluded at the outset - see para.16. of its 2018 Report – that new *rentes*, the creation of which was prohibited by the Letters Patent, 1611, should continue to be unlawful, to avoid unnecessary complexities and because it could identify no 'legal, commercial or practical reason' for their revival: and those *rentes* that subsist (either derived from the original grants of the tenements or created subsequently eg to cover loans or to adjust inheritances) are nowadays of such relatively insignificant capital values and annual interest

payments that they are hardly ever collected and could be ignored. As the 2018 Report puts it at para.15, *rentes* ‘have been and continue to be driven out of the system by inflation’.

10. The Committee concluded at the outset of its consideration of proposals for land reform that the 1952 Order should not nowadays be retained for Sark, in part because it has been advised that it is no longer considered to be an efficient means of recovering as against real property in Guernsey (because the basis on which it developed, particularly when *rentes* were meaningful in value and consequence, has ceased to be applicable); in part because the regime is potentially unfair, even oppressive, in operation; and further, because aspects of the regime are obscure and poorly understood.

11. The 1952 Order uses terminology which, in a modern context (especially as *rentes* are practically almost irrelevant), will not be readily understandable by creditors or debtors. The Committee is of the firm view that land reform provides an opportunity to simplify *saisie* by creating a new procedure for Sark, so as to make it more accessible, particularly to the parties to property and lending transactions.

12. Before outlining the Committee’s proposals, in one significant respect the Committee has come to a different conclusion from that set out in its 2018 Report at para.20. The Committee originally envisaged that, as under the 1952 Order, the creditor originally obtaining judgment and instituting *saisie* proceedings would, in effect, run the *saisie*. The Committee is now firmly of the view that it would be preferable for the *saisie* to be formally conducted by the Prevot rather than the original judgment creditor, but always in consultation with the judgment creditor and throughout under the supervision of the court. This is to ensure, as much as anything, that a *saisie* is run independently and impartially, not only for the benefit of the judgment creditor and other creditors who claim in the *saisie*, but also for the benefit of the debtor to the extent that the creditors’ claims in the *saisie* are or may be fully satisfied by its operation.

13. One significant potential for abuse under the 1952 Order is this: the judgment creditor running the *saisie*, or a subsequent creditor who claims in the *saisie* who eventually takes the property, has no obligation to consider the interests of the debtor in satisfying his claim, and particularly no obligation to pay over to the debtor any surplus eventually arising from his taking the property. Put shortly, creditors, particularly the judgment creditor running the *saisie*, have an opportunity to be unfairly enriched beyond the amount of their claims, simply because the creditor taking the property does so absolutely (subject to paying off prior claims and costs), and is not obliged to account to the debtor for any profit on sale or realisation. It is true that a bank conducting a *saisie* in Guernsey will invariably account to the debtor for any surplus arising, ie after its own debt and prior claims have been discharged, and its costs recouped, but it is not bound to do so. Invariably banks taking properties as a result of *saisie* sell them (they are not in business to become property owners!), but of course a judgment creditor not being a regulated or publically accountable institution such as a bank may have no such constraint or scruple. Accordingly, and in one respect that the Committee considers to be of singular importance in the context of Sark’s community, the involvement of the Prevot to ensure fair treatment will be beneficial.

14. The principal purpose of *saisie* proposed for Sark is to enable creditors to eventually obtain satisfaction for their claims from the sale proceeds of the debtor’s property. However, if the property does not sell (at least for a fair and reasonable price in the circumstances) when the Prevot puts it up for sale, the creditors may, in inverse order of priority, elect to take the property subject to the creditor taking discharging prior claims. Those who don’t elect forego their claims. Furthermore, at any time the proceedings may become redundant, eg because the debtor comes into money or assets sufficient to satisfy the creditors’ claims: or the real property may be sold before conclusion of the *saisie* and the proceeds applied to discharge the claims. In fact, many *saisies* never run their full course because the original judgment

creditor, and other creditors, do some deal with the debtor which obviates the need for pursuing them to completion.

15. As is the case with any court proceedings, decisions are required by creditors as to whether or not to participate in a *saisie*, ie whether to become involved as claimants. Such decisions will be based upon the perceived value of the property, both in the market and to the creditor, and of course the creditor's own circumstances: all matters of commercial and practical judgment.

16. The 1952 Order is nowadays seldom used in Guernsey, as *saisies* (at least run to their full conclusion) are not commonplace – no more at most than a couple per year. In practice, most defaulting debtors come to arrangements with their creditors which obviate the need for the formalities attendant on *saisie* proceedings

Proposed Scheme of *Saisie* for Sark

17. The Committee proposals involve recognition that *saisie*, being the means by which creditors obtain satisfaction by recourse to the debtor's real property if the debtor defaults, is available to (broadly) two classes of creditor:

A. creditors whose claims are founded on a specific contractual debt or obligation secured by agreement against the debtor's specific real property – usually a charge ie 'bond' to secure a loan or overdraft, and which is registered as such in the *Livre des Obligations et Actes Enregistrés* ('Charges Register') maintained at the Greffe; and

B. creditors whose claims are founded upon an unsecured debt or obligation, which may be anything from monies due on an account rendered for goods or services, or due as a contractual debt eg on a building contract, or due as damages for personal injury, but where the creditor has no pre-existing charge against the debtor's real property. This would also include creditors whose claims arise under court judgments for money amounts eg damages awarded following contractual or negligence claims.

18. In formulating their proposals the Committee have adopted the following principles;

- (i) the desirability of simplifying the procedure, making it more efficient and effective, and understandable to those involved;
- (ii) the need to balance the legitimate respective interests of creditors and debtors;
- (iii) the removal of features of *saisie* which operate unfairly as against debtors, and/or confer unintended or unfair benefits on creditors, including enrichment to the prejudice of debtors.

19. The proposals involve the following;

- (i) transferring aspects of the conduct of the procedure and the management of the property subject to it from the original judgment creditor to the Prevot;
- (ii) ensuring the court has control of the procedure and is accessible to deal with points of difficulty or dispute;
- (iii) creating a trust for sale of the real property, the Prevot (*not* the judgment creditor) acting as trustee;
- (iv) paying claims out of the proceeds of sale, with any surplus accruing to the debtor;
- (v) only transferring the real property to a claimant creditor if the property cannot be sold within a reasonable period, but on condition the creditor taking the property pays off prior claimants in full (the principal feature drawn from the present *saisie* regime).

20. *Saisie*, as the Committee proposes for Sark, is founded on the following principles enacted in the legislation, or otherwise implicit in it, giving effect to the 2018 Report.

A. A charge on real property by way of bond (or however described) securing a debt or obligation cannot operate as such without identifying and specifying in the charging document registered in the Charges Register the real property subject to the charge. Such a charge continues to bind the property notwithstanding any change of ownership *ie* in the hands of third parties, unless and until cancelled by the creditor, but the creditor can be compelled to cancel the charge if the debt or obligation is fully repaid or discharged. The charge will not bind real property acquired by the debtor *after* the date of the original bond, but the debtor - as part of his arrangements with the creditor – may give a subsequent charge by way of further bond over such after-acquired property. In every case, priority will be determined by the date of registration in the Charges Register. In any case the priorities of charges may be adjusted by agreement between competing creditors.

B. The rights of the creditor as a matter of law (rather than those particularly agreed between the creditor and debtor) are:

- (i) the right of continuing security in the real property, which continues (unless cancelled) notwithstanding changes of ownership;
- (ii) the right of preference as against other creditors, depending on the date of registration of the bond or document by which the debt or obligation is secured (adjustable by agreement);
- (iii) the right to be paid out of the proceeds of sale of the real property, if sold by the debtor, in priority to unsecured creditors.

C. Four further points should be mentioned.

(i) Where real property is jointly owned eg by spouses or partners or family members, as is often the case, a lending creditor will invariably require *all* the owners to concur in the charge and be a party to the arrangements, and any proceedings in *saisie* will necessarily involve all such owners.

(ii) If the creditor is providing lending to one only of such joint owners eg to support a husband's business, the spouse or other party should be separately advised when asked to agree to charge the jointly owned property, to ensure that the consequences of default, and the possibility of *saisie ie* loss of the property, are fully understood.

(iii) Where a judgment is taken and *saisie* commenced against one only of joint owners, the *saisie* will necessarily only be effective as against that owner's interest, and the other joint owner's interest will be unaffected. This will involve the judgment creditor having to deal with the other joint owner, either to agree a sale, or to a division of the real property between them. Alternatively, where (as may be possible in the circumstances) the judgment creditor and the other owner become joint owners (because the Prevot is unable to sell the judgment creditor's joint interest, and the judgment creditor takes the interest subject to *saisie*), their joint ownership (in which neither joint owner, as a matter of customary law, can be compelled to remain) might be terminated by a process known as *licitation*, in which the new joint owners in effect bid against each other to compel sole ownership by buying the other's interest for the highest offer. But these situations will be rare indeed, and the court will always develop its remedies to respond to novel circumstances. Importantly in the context of commercial lending, in practice no lender would lend and secure its loan by charge against the interest of one only of joint owners.

(iv) A judgment obtained against a person which, with leave of the Court, is registered as a charge, but is not founded on a secured obligation such as a bank loan, operates to bind *all* the real property of the judgment debtor owned at the date of registration of the judgment in the Charges Register, or such lesser amount of his real property as the Court shall determine; but real property acquired by the judgment debtor after the judgment against him has been registered shall not be charged by the original judgment without further registration of a later judgment in the Charges Register.

21. The Committee's proposals are as follows.

A. On a creditor obtaining judgment and intending to commence *saisie*, the court will grant to that judgment creditor a Saisie Administration Order ('SAO'), of which the debtor will have been given notice by the Prevot following judgment. The effect of an SAO is to involve the Prevot in the *saisie*. No other SAO may be granted in respect of the property subject to the *saisie* unless the original judgment creditor desists from pursuing that *saisie*, in which case new *saisie* proceedings may be commenced by a different creditor. A creditor might apply for an SAO upon taking judgment; or he may previously have obtained judgment and tried to execute it in the usual way against the debtor's personal property, but that may, after the Prevot's enquiries, prove to be insufficient to satisfy the judgment creditor's claim. In such a case, and provided neither the judgment creditor nor the Prevot has taken any irrevocable step in the process of realisation of the judgment debtor's personal property eg by selling arrested goods, or applying arrested monies to or for the benefit of the judgment creditor, the original judgment creditor may apply to the court to desist from proceeding against the debtor's personal property, and obtain an SAO which involves proceeding against the judgment debtor's real property: see above at para. 5. on election. The short point is this: the judgment creditor must choose whether to have his judgment debt satisfied out of the judgment debtor's personal property or (by *saisie*) his real property; he can't do both.

B. For the duration of the SAO, the debtor remains the legal owner of the real property, but will only be entitled to take action with respect to the property with the authority of the Prevot, whose role under the SAO will be generally to prepare the property for sale, for which purposes the Prevot may lease, repair, maintain, improve, insure and secure the property; take steps to deal with any defaulting tenant, including terminating his lease (if expedient for purposes of the SAO); evict the debtor and any co-occupants with the debtor of the property; and generally administer the property. The expenses of so doing, provided they have been reasonably incurred and are of reasonable amount, will be a first charge on the property and recoverable as such out of the eventual proceeds. In so acting the Prevot must consult with the judgment creditor, and so far as may be reasonably practicable, inform the debtor of what he is doing and proposes to do. For the foregoing purposes the Prevot will have power to engage agents, builders, surveyors and others to perform the requisite functions, and the Prevot will also be deemed the attorney of the debtor for these purposes with full powers as such eg to sign documents. In any case of doubt, difficulty or dispute, the judgment creditor, or the Prevot or the debtor, or with leave of the court, any other person (who might include prospective creditors), may apply to the court for directions, and the court will have a wide discretion to ensure an orderly conduct of the *saisie* and fair treatment of those legally interested therein.

C. On the grant of the SAO, the Prevot must publish in Sark's and Guernsey's *Gazettes Officielles* ('Gazettes') notice of the grant of the SAO to the original judgment creditor, and the Prevot's appointment as administrator pursuant to the SAO, together with notification to other potential claiming creditors, who either hold judgments against the judgment debtor, or who, not holding judgments, intend to claim in the *saisie*, that they need to obtain judgments for their claims to be admitted in the *saisie* and to register those judgments as charges in the Charges Register mentioned in D. and E. below, and that priority will be determined by order of registration.

D. The Prevot will also open a register of claimants ('Claims Register') at the Greffe on such date as the court will determine when the SAO is granted, for such period, as the court deems appropriate in the circumstances. No claim may be made in the *saisie* by entry in the Claims Register unless and until the creditor so claiming has obtained judgment which has been registered as a charge in the Charges Register. The Prevot's notices in the *Gazettes* of the grant of the SAO must specify the commencement and closing dates of the Claims Register, and where it is to be found. The original judgment creditor's judgment, if not itself founded on a registered charge, will need to be entered in the Charges Register for it to qualify for entry

in the Claims Register. This can be done on the date of that creditor's first obtaining judgment, or later by separate application. The court, on the application of any creditor, the Prevot or the judgment debtor, may extend the date when the Claims Register is to close. The principal point is to ensure there is sufficient time for creditors other than the original judgment creditor to obtain judgments and register them in the Charges Register so as to be able to participate in the *saisie* by entering their claims on the Claims Register.

E. As mentioned, the only way to claim in the *saisie* will be by firstly obtaining a judgment and registering the same as a charge in the Charges Register. By insisting on this step, frivolous or speculative claims, or claims of relatively trivial amount, will be discouraged. Furthermore, and importantly, because only judgments of the court which have been registered in the Charges Register will be admitted to the Claims Register, no dispute as to liability or amount should arise, save only any arising on appeal to a higher court. Closure of the Claims Register and the succeeding stages of the *saisie* would, in any event, have to be delayed until any appeal process has been concluded. More importantly, before registering a claim, any creditor will have to determine whether it will be worthwhile becoming a claimant in the *saisie*, because in so doing that creditor irrevocably foregoes any right to subsequently claim against the debtor's personal property, but not of course against any real property subsequently acquired by the debtor, in respect of which the original judgment creditor and/or any other creditor may apply to the court to register his previously obtained judgment in the Charges Register as a charge against the after-acquired property.

F. On closure of the Claims Register, the Prevot shall proceed to marshal the claims thereon, ranking them in order of priority against the property subject to *saisie*, or where there are comprised in the *saisie* several properties, ranking claims likewise against each property. This marshalling will be the subject of a report, on which all creditors will be entitled to make representations as to variations, errors or omissions. In marshalling the claims entered in the Claims Register, the Prevot will prepare his report identifying the property or properties subject to the *saisie* to be offered for sale, and as against each property, list the amounts of each claim and the respective priorities attributed to each claim. Where there are several properties, there will be separate trusts for sale, because as against each there may be separate claims and priorities. The common factor in each will be the judgment debtor.

G. After the Claims Register has closed and the Prevot has marshalled the claims and had his report thereon approved by the court, the judgment creditor will apply to the court for a Saisie Vesting Order ('SVO'), by which the property will become legally vested in the Prevot as trustee for sale. Relevantly, at this point the debtor loses title to the property subject to the *saisie* to the Prevot, who as trustee will continue to manage *etc.* the property pending its sale, and after recovering his fees, expenses and disbursements, distribute the net proceeds in due order of priority to the registered claimants.

H. Prior to the hearing of the application by the original judgment creditor for the SVO, the Prevot must have lodged his claims marshalling report at the Greffe so as to make it available for inspection by the creditors listed thereon, and the public, giving them reasonable opportunity to make representations as to variations, errors or omissions. The Prevot must advertise in the *Gazettes* the fact of the claims marshalling report being lodged at the Greffe, giving the dates of its availability for inspection. Any dispute as to priorities and amounts of claims must be referred to the court for determination before the SVO can be granted.

I. As trustee for sale under the SVO, the Prevot will have powers and functions similar to those of an administrator of real property under ss.9-17 of the Law Reform (Inheritance and Miscellaneous Provisions) (Guernsey) Law, 2006, suitably adapted. Importantly, there would be included in the legislation an overarching provision requiring the Prevot, in acting as trustee for sale, to conduct the *saisie* primarily for the benefit of the claimants, but only to the extent of their respective claims and priorities, and subject thereto, residually for the benefit of the

debtor. By this provision any possibility of unfair benefit to any judgment creditor to the detriment of the debtor should be prevented or inhibited.

J. Under the SVO, the Prevot may proceed to offer the property or properties for sale, either by public auction or private treaty or tender or in whatever way best suits the circumstances, but in every case after public advertisement of the property being for sale. The Prevot as trustee must attempt to sell for the best price reasonably available in the prevailing market. So, the Prevot cannot ignore his residual obligation to the debtor. Throughout, the Prevot must liaise with the claimants in the *saisie* and the debtor as to progress of the sale.

K. If and when the property is sold, the Prevot will distribute the net proceeds, after deducting his fees, expenses and disbursements (which have priority), amongst the creditors in accordance with their respective claims and priorities, and any surplus will be refunded to the debtor. Creditors participating in the *saisie* ie the judgment creditor and others whose claims are registered in the Claims Register, will be allowed their costs ie expenses and disbursements, if reasonably incurred and of reasonable amount. These will include the costs incurred on obtaining and registering each of their judgments as charges in the Charges Register. (In practice, a lender's costs of preparing and registering its charge document, ie bond, would have been paid by the borrower as a condition of the loan. Unlike in Guernsey, where bond expenses include *ad valorem* document duty, the Sark's charges for registration of a bond or similar document are fixed and modest, and not calculated *ad valorem*).

L. If the property fails to attract any or insufficient interest, either at all or at a price considered to be fair and reasonable given market circumstances and conditions, within such period as the court shall specify as respects the property or properties in the *saisie*, then the Prevot may apply to the court for authority to offer to transfer the property or properties to the claimants in inverse order of their claims, each claimant being entitled to take the property in full satisfaction subject to paying within a reasonable period to be specified by the court all prior claims in full, together with all the Prevot's fees, expenses and disbursements. (This procedure is similar to the final step under the 1952 Order).

M. At any time during the currency of an SAO, ie before the grant of the SVO, the judgment debtor, with the authority of the court after its having heard the Prevot as to the course of his administration including the details of claims, may sell the property, subject of course to paying off the judgment creditor and other claimants of which the Prevot has notice, together with the Prevot's fees, expenses and disbursements. No application to the court for authority to sell should actually be made until the Prevot's notice period of claims for entry on the Claims Register will have run its course, so no prejudice to other creditors claiming or intending to claim in the *saisie* should occur.

Comments

22. Besides reducing the complexity of the *saisie* regime in Sark, the principal change centres on the role of the Prevôt. At present under the 1952 Order, the judgment creditor runs the *saisie* under the supervision of the court; in the Sark proposals, the Prevôt, being an officer of the court, conducts the *saisie* primarily for the benefit of all registered claimants, but also the debtor, and always under the supervision of the court.

23. In order to commence *saisie*, a creditor must obtain judgment in the Sark court (but see below at para. 24 as to a judgment obtained elsewhere) with 'power to levy execution on the real property of the debtor', or in words of like effect. Where that judgment arises from a debt or obligation subject to an existing registered charge (which, by virtue of Sark's charging regime set out in the recent legislation, can only be over specific property) the *saisie* is operative only as against that real property. Where an original judgment is obtained in the Sark court against a person arising from some obligation which is not secured by a registered

charge – eg on an account rendered, or on a contractual claim, or on some other claim giving rise to a judgment for monies or damages - the judgment creditor's execution will be on *all* the real property in Sark of the debtor, or such part(s) of the real property of the judgment debtor as the court shall direct.

24. It should be understood that a money judgment obtained in a court of another competent jurisdiction against an indebted Sark property owner may give rise to *saisie* proceedings in Sark, by which the debtor would be sued in Sark's court on the judgment, provided the judgment is recognised by the Sark court as properly enforceable in Sark (*i.e.* its enforcement would not be contrary to law (eg revenue or similar public debts, or fines), or public policy, or which has been obtained by fraud, or of which the judgment debtor had no proper or effective notice, or in respect of which the other court had no jurisdiction), and the judgment thereby obtained in Sark's court would be equally as enforceable as an original Sark judgment.

25. At the conclusion of the *saisie*, when the Prevôt has sold or disposed of the property, he must prepare full and accurate accounts of his conduct of the *saisie*, and after notice published in the *Gazettes*, apply to the court for them to be approved and registered. At that stage, the *saisie* is complete and the Prevot is discharged from further involvement.

26. As part of the removal of *rentes* from Sark land tenure, no action or proceeding in *saisie* may be taken by a *rente* holder in respect only of arrears of *rente* or otherwise founded on a *rente*. In other words, *rentes*, or more typically arrears of *rente*, may only be enforced by action against the debtor's personal property.

Royal Court Consent

27. Finally, it must be recalled that the enactment by Sark Ordinance of a Sark specific scheme of *saisie* will require the repeal of the 1952 Order to the extent of its application in Sark, and so the consent of the Royal Court will be required; and that any *saisie* commenced in Sark under the 1952 Order before the Ordinance comes into force will continue to be governed to conclusion by the 1952 Order, which argues for prominent advance notice of the intended changes.

Proposition 1 -

That Chief Pleas approves the scheme of saisie for Sark as set out in the Report entitled 'Land Reform - Saisie'.

Proposition 2 -

That Chief Pleas authorise the Land Reform (Special) Committee to instruct the Law Officers to draft the legislation to give effect to Proposition 1.;

Proposition 3 -

That, prior to such legislation being submitted to Chief Pleas for approval, the Land Reform Special Committee shall obtain the consent of the Royal Court to the legislation disapplying the Saisie Procedure (Simplification) (Bailiwick) Order, 1952 in Sark, but without prejudice to saisie proceedings commenced thereunder .

**Conseiller William Raymond
Chairman, Land Reform (Special) Committee**

ITEM 07

POLICY & FINANCE COMMITTEE

Report with proposition to Midsummer Chief Pleas, 7th July 2021

ORDERS FOR VESTING AND DIVISION OF SARK REAL PROPERTY IN MATRIMONIAL PROCEEDINGS

Background

When originally enacted, the Matrimonial Causes Law (Guernsey) 1939 prohibited the Matrimonial Causes Division of the Royal Court ("the Court") from granting a decree of divorce where one or both of the spouses was domiciled in Sark. In 1979 the prohibition was relaxed so as to give that Court jurisdiction in divorce proceedings where a person domiciled and resident in Sark had become domiciled in Alderney or Sark, or had been habitually resident in one of those islands for one year, at the date when the proceedings were begun. However, while a decree could be granted, no order relating to the vesting, division or occupancy of any real property situate in Sark could be made by the Court consequent upon such proceedings.

In 2002, following a decision of the Chief Pleas at their Michaelmas meeting in 2000, the barrier to a person domiciled and habitually resident in Sark obtaining a divorce was removed completely. However, in view of the provisions of the Letters Patent of 1611, which required Sark properties to remain indivisible and unencumbered by charges, special provisions for Sark were inserted into the 1939 Law –

- (a) protecting the indivisibility of Sark real property by prohibiting any order of the Court which might derogate from such indivisibility,
- (b) allowing the charging of Sark real property by order of the Court in certain limited circumstances, principally in order to secure an order for the payment of a lump sum or periodical payments by one of the parties to the marriage, and
- (c) enabling the Court to grant to one of the parties to the marriage a statutory leasehold interest in respect of Sark real property, to which certain conditions for the protection of the Lessee would be attached.

This remains the position at present and the Court thus has less flexibility in making orders for division of property in matrimonial proceedings in connection with Sark real property than it does in relation to Guernsey and Alderney real property.

Effect of land reform

The Land Reform (Sark) Law, 2019, and the Land Reform (Miscellaneous Provisions) (Sark) Ordinance, 2020 ("the Land Reform legislation"), which both came into force on 1st February, 2021, together enable the division of Sark real property in certain circumstances. However, such division is only lawful where the owner of the real property chooses to divide it, during his or her lifetime or by will; and such division is subject to statutory requirements including the precise identification of the boundaries of the divided portion. The purpose of the Land

Reform legislation was to enable the voluntary division of land and does not permit the division of Sark real property by order of the Court.

The Land Reform legislation also permits the charging of Sark real property and provides for the registration of such charges; and enables certain long leasehold interests to be chargeable at the election of the leaseholder.

Bailiwick matrimonial law reform

In February 2020, following consultation with Sark and Alderney, the States of Guernsey approved proposals to reform the law relating to divorce, annulment and judicial separation of marriage in the Bailiwick; and the necessary legislation is presently being drafted. The legislation will replace the Matrimonial Causes Law (Guernsey) 1939, and will include the re-enactment, with modifications, of the provisions relating to the vesting and division of matrimonial property. When the proposals leading to that resolution were formulated, the land reforms in Sark had not been finalised and so the proposals did not recommend any changes to the provisions relating to Sark real property.

In view of the relaxation of the restrictions in the Letters Patent of 1611 introduced by the Land Reform legislation, it is considered that there is no longer any justification for maintaining the barrier to the power of the Court to make vesting orders which require the division of any Sark real property. Where the assets owned by the parties to a marriage include Sark real property, that real property should in the interests of achieving fairness as between the parties be available for distribution in accordance with an order of the Court in a similar way as it would be if the property were situate in Guernsey or Alderney. At present, the Court is empowered to order the vesting in one of the parties of the whole of a tenement or freehold, or may create a statutory leasehold interest in that real property for the benefit of one of the spouses, but is not able to order the division of the property in order to vest ownership of part of it in one of the spouses, or in a child of the marriage or some other person for the benefit of such a child. In some circumstances such a vesting order might clearly be the most fair and reasonable solution for the distribution of the matrimonial assets, enabling a clean break, and preferable to forcing the divorced couple to continue in a legal relationship by creating a statutory lease.

Proposals

It is therefore proposed that the new Matrimonial Causes Law should empower the Court, where it thinks fit in order to achieve a fair and reasonable outcome as between the parties, to make an order which includes the division of real property in Sark. It is also proposed that the Court should have jurisdiction to impose charges over Sark real property which will, together with its other powers, enable it to have the flexibility to achieve a fair distribution of the matrimonial assets between the spouses. Such charges would be registrable and have effect in accordance with requirements of the Land Reform legislation. A statutory lease would still be possible if the Court thinks it appropriate in the particular circumstances, and where the Court creates a statutory lease which qualifies as a chargeable leasehold interest under the Land Reform legislation the Court may also order that the lease be deemed to be real property for the purposes of that legislation (meaning that it is eligible to be charged as an interest in real property).

The intention is to make provision for the division of matrimonial assets in relation to Sark real property which corresponds as far as possible to the provision available in relation to Guernsey and Alderney real property. However, where Sark real property is concerned, special provisions will be needed to ensure consistency with the Land Reform legislation, including the precise identification of boundaries, the requirements for the registration of charges, and

enabling the charging of chargeable leasehold interests which are deemed to be real property under that legislation.

It should be emphasised that the new special provisions will apply only to Sark real property and will not affect the division or charging of real property in Guernsey or Alderney, even if owned by Sark residents.

Proposition 1 -

That Chief Pleas approves the Matrimonial Causes Division of the Royal Court be empowered to make orders including the division of Sark real property, and the charging of such property, including chargeable leasehold interests deemed to be real property, in accordance with this report.

Proposition 2 -

That Chief Pleas directs the Policy & Finance Committee to consult with the Law Officers of the Crown to prepare such legislation as may be necessary to give effect to proposition 1.

POLICY & FINANCE COMMITTEE

Report with proposition to Midsummer Chief Pleas, 7th July 2021

PUBLIC CONSULTATION ON THE FUTURE SHAPE OF CHIEF PLEAS

The purpose of this consultation is to give Sark residents the opportunity to share their views and help to shape how Chief Pleas may look and function in the future.

Non-contested elections are an issue that has the potential to undermine our autonomy and we would like to understand what more Chief Pleas can do to encourage Sark residents, many of whom are fiercely protective and proud of their Island, to put themselves forward for election to be a Conseiller of Chief Pleas.

The questionnaire is anonymous; no individual can be identified, as the blank envelopes are delivered to all residential addresses in Sark by Guernsey Post.

Any resident who wants to make their views known, but does not wish to complete the form, can reply through a dedicated e-mail address Chief.Pleas.Consultation@sarkgov.co.uk or can speak to any Conseiller directly. If there are more than two individuals in your household who wish to respond, please contact the Committee Office for additional forms which you may select in private and at random. The responses will be received and analysed by the Committee Office, under the supervision of the Chief Secretary.

Proposition –

That Chief Pleas resolves that a public consultation be carried out and a report brought to a future Chief Pleas.

**Conseiller John Guille
Chairman, Policy & Finance Committee**



The Government of Sark

POLICY DEVELOPMENT GROUP

COMMITTEE OFFICE, LA CHASSE MARETTE, SARK GY10 1SF

Telephone: (01481) 832118

Consultation on the Future Shape of Chief Pleas.

The purpose of this consultation is to give Sark Residents the opportunity to share their views and help to shape how Chief Pleas may look and function in the future.

Non-contested elections are an issue that has the potential to undermine our autonomy and we would like to understand what more Chief Pleas can do to encourage Sark residents, many of whom are fiercely protective and proud of their Island, to put themselves forward for election to be a Conseiller of Chief Pleas.

The questionnaire below is anonymous; no individual can be identified, as the blank envelopes are delivered to all residential addresses in Sark by Guernsey Post.

Any resident who wants to make their views known, but does not wish to complete the form, can reply through a dedicated e-mail address or can speak to any Conseiller directly.

If there are more than two individuals in your household who wish to respond, please contact the Committee Office for additional forms which you may select in private and at random.

The responses will be received and analysed by the Committee Office, under the supervision of the Chief Secretary. No Conseiller will be involved in this process.

There are several questions below, please answer as fully as possible and circle the **Yes** or **No** where asked.

Where you are asked to give your view please write clearly.

| | | |
|----|---|------------------|
| Q1 | <p>Are you over 18 and have you been ordinarily resident in Sark for the last two years prior to the closure of the electoral roll?</p> <p>(If you answered Yes to this question, this means you are eligible to be nominated to stand for Chief Pleas.)</p> | Yes/No |
| Q2 | <p>Are you on the current electoral roll?</p> <p>Do you think the registration process is easy to use/access?</p> <p>How do you think we can improve the registration process? Tick all that apply and/or provide your own suggestion in the 'Other' field.</p> <p>Introduce online registration.</p> <p>Publish guidance on how to complete the process.</p> <p>Provide more information about the benefits of being on the electoral roll in Sark.</p> <p>Other (please specify):</p> | Yes/No Yes/No |
| Q3 | <p>Have you ever stood for election to Chief Pleas?</p> <p>Have you stood in any Chief Pleas election since 2013?</p> | Yes/No Yes/No |
| Q4 | Have you ever sat in Chief Pleas in any capacity? (Conseiller, Deputy, Tenant) | Yes/No |
| Q5 | <p>In the recent elections and by-elections what has discouraged you from standing for election to Chief Pleas? Tick all that apply. Please provide your top suggestion (or specify your own) in the 'Other' field.</p> <p>I hold another office which excludes me from standing (e.g. Officer of Chief Pleas, Tribunal Member, Constable)</p> <p>Time commitment/ workload</p> <p>Lack of reimbursement/salary for Conseiller work</p> <p>Political culture</p> <p>Media scrutiny</p> <p>I do not feel qualified to do the job.</p> <p>The current Committee system</p> <p>Lack of civil service resource</p> | |

| | | |
|-----------|---|---------------|
| | <p>Other (please specify):</p> <p>1 2 3</p> | |
| Q6 | <p>What would encourage you to stand in future elections? Tick all that apply. Please provide your top suggestion (or specify your own) in the 'Other' field.</p> <p>More clarity and information about what the role involves More collaborative political culture Receiving reimbursement/salary for Conseiller work Formal training Positive publicity for Chief Pleas work Other (please specify):</p> <p>1 2 3</p> | |
| Q7 | <p>Do you think the total number of Conseillers (18) should be reduced? If so, what would you consider an appropriate number and why?</p> | Yes/No |

| | | |
|-----|--|----------------------------|
| Q8 | <p>Do you think Conseillers should:</p> <p>a) be paid a salary?</p> <p>b) be paid reimbursements of expenses, including loss of wages.</p> <p>c) remain voluntary?</p> <p>Please elaborate here if you wish to.</p> | Yes/No Yes/No Yes/No |
| Q9 | <p>Do you think Chief Pleas communicates effectively with the public?</p> <p>If you said No, what do you think Chief Pleas could do to improve how it communicates with the public? Tick all that apply. Please provide your top suggestion (or specify your own) in the 'Other' field.</p> <p>Regular news bulletin /government press releases Reintroduce Conseiller surgeries Publish brief minutes of meetings in which major decisions are made Make some/more Committee meetings open to the public Other (please specify):</p> | Yes/No |
| Q10 | <p>Would you like to see regular surgeries where Conseillers can meet with the public and answer questions?</p> | Yes/No |

| | | |
|-----|---|--|
| Q11 | <p>If you have any observations/comments relating to the future shape of the Chief Pleas, which you have not included in your answers to the above questions, please do note them here.</p> | |
|-----|---|--|

Please return your completed questionnaire by

.....

Committee Office,
Chasse Marette,
Sark
GY10 1SF.

Or by email: Chief.Pleas.Consultation@sarkgov.co.uk

Thank you for taking the time to complete this questionnaire.

DOUZAIN

Report with proposition to Midsummer Chief Pleas, 7th July 2021

ASBESTOS MATTERS**Background**

Recent events on Sark have shown that there are no effective controls concerning any work involving asbestos. Similarly, there are no effective controls governing the disposal of asbestos. The Douzaine believes that for the benefit of public health, there should be some control over any work that disturbs, removes, transports or disposes of asbestos material.

Existing legislation

The only Sark legislation that offers control over work relating to asbestos is **The Development Control (Sark) Ordinance, 1992**, specifically section 4, matters to be taken into account:

- (g) *the effect of the development or other work on roads, traffic, services, public health, parks, playing fields and other open spaces and on adjoining properties, ...*
- (j) *the environmental effect of the development or other work on the locality concerned, or to the Island.*

Having taken these matters into account, the Development Control Committee is able to place conditions on any permission granted by it. Such conditions may include a requirement for the safe removal and disposal of any asbestos material used in the original construction. However, these conditions cannot specify how the material is handled or disposed. Further this process does not give any control over work, such as maintenance, or alteration to the interior of a structure, where an application to the Committee is not required.

This leaves Sark in an undesirable position, wishing that asbestos could be controlled but there being no effective legislation to do so. The Douzaine would hope that Chief Pleas agrees that there is a need for some form of control and would appreciate guidance and support as how to go about it.

In Guernsey, the issue of asbestos is covered by a *Code of Practice* which was made under the **Health and Safety at Work (General) (Guernsey) Ordinance, 1987** and the **Health and Safety at Work etc. (Guernsey) Law 1979**. If it were Sark's intention to achieve compliance with its own version of a Code of Practice, it would be necessary to enact legislation similar to that to the Guernsey Law and Ordinance, the latter of which would enable the relevant Committee (such as the Douzaine) to approve codes of practice which are then available for use in criminal proceedings so that breach of a provision of the code, while not a criminal offence or civil wrong in itself, may be taken into account by the court in any relevant proceedings (e.g. in a prosecution for an offence under the Ordinance).

Proposition –

That Chief Pleas directs the Douzaine to consult with the Law Officers of the Crown on the subject of asbestos and possible Sark legislation, similar to that to the Guernsey Law and Ordinance, and to return to a future Chief Pleas with a report and appropriate propositions.

**Conseiller Christopher Drillot
Chairman, Douzaine**

ITEM 10

POLICY & FINANCE COMMITTEE

Report with proposition to Midsummer Chief Pleas, 7th July 2021

RELEASE OF RECORDINGS OF CHIEF PLEAS MEETINGS TO THE PUBLIC

At the Extraordinary Meeting of Chief Pleas in July 2008 (item 14b) the Assembly agreed that, in principle, future meetings of Chief Pleas be recorded and that copies of such recordings be made available to Members of Chief Pleas and to members of the general public.

The subject was revisited in 2013 at the Easter Chief Pleas (item 25), as no progress had been made. At this meeting, it was agreed that item 25 be deferred until the Midsummer Meeting of that year in order to give Members of the Assembly the opportunity to trial the recording system for themselves.

At the Midsummer 2013 sitting of Chief Pleas, following testing, a modified proposition (item 10) was passed to the effect that the recordings of Chief Pleas would be available unconditionally to the public. This was rescinded at the 2013 Michaelmas Chief Pleas (Item 4) following concerns regarding potential unintended consequences, such as soundbites being taken out of context, or used as part of lampooning YouTube videos. Conseillers voted to use recordings to produce a Hansard transcription of each meeting instead.

Hansard transcriptions of Chief Pleas meetings have been available to the public since 2015 but are not released until several weeks after the meetings have taken place. Therefore, by the time the transcripts are released, any press coverage of the meeting would be stale.

The Policy & Finance Committee consider that it is time this subject was revisited with a fresh perspective, taking into consideration the changes that have been brought about by COVID 19 in terms of multi-media access in other jurisdictions. Recordings of Chief Pleas for this purpose would be official only. Members of the public would not be permitted to make their own recordings.

Proposition –

That Chief Pleas resolves to make official recordings of Chief Pleas Meetings available to the public via its official website.

**Conseiller John Guille
Chairman, Policy & Finance Committee**

TAXATION REVIEW (SPECIAL) COMMITTEE
Report with proposition to Midsummer Chief Pleas, 7th July 2021

COMMITTEE MANDATE

The Taxation Review (Special) Committee was established, and populated at the Easter Chief Pleas, 14th April 2021, Item 13 and given the task to '*review all aspects and categories of the taxation system on Sark*'.

As a Committee of Chief Pleas, the new Special Committee requires a Mandate to formalise its composition and scope of work. Attached to this report is a proposed Mandate.

Proposition –

That Chief Pleas approves the Mandate for the Taxation Review (Special) Committee, as attached to this report.

**Conseiller Kevin Delaney
Chairman, Taxation Review (Special) Committee**

TAXATION REVIEW (SPECIAL) COMMITTEE

MANDATE

CONSTITUTION:

- Four members who shall be sitting members of Chief Pleas, two of whom shall be selected as Chairman and Deputy Chairman by their fellow Committee Members.
- The Treasurer of Sark shall be a member *ex officio*.
- Up to 2 non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas.
- A quorum shall consist of three voting members.

MANDATE:

- To review all aspects and categories of the taxation system on Sark.

7th July 2021

ITEM 12

DEVELOPMENT CONTROL LAW (SPECIAL) COMMITTEE

Report with proposition to Midsummer Chief Pleas, 7th July 2021

COMMITTEE MANDATE

At the meeting of the Policy Development Group, 16th January 2015, the priorities for 'Securing Sark's Future' were agreed. To achieve these priorities a number of Policy Development Teams (PDT) were proposed. The PDT were subsequently formed and populated at the Extraordinary Chief Pleas, 10th February 2015.

In January 2017 the New Shape of Chief Pleas came into effect and existing PDT were transformed into Special Committees that their work may continue, the Development Control Law PDT being one such case.

As a Committee of Chief Pleas, the new Special Committee requires a Mandate to formalise its composition and scope of work. Attached to this report is a proposed Mandate.

Proposition –

That Chief Pleas approves the Mandate for the Development Control Law (Special) Committee, as attached to this report.

**Conseiller Simon Coulridge
Chairman, Development Control Law (Special) Committee**

DEVELOPMENT CONTROL LAW (SPECIAL) COMMITTEE

MANDATE

CONSTITUTION:

- Four members who shall be sitting members of Chief Pleas, two of whom shall be selected as Chairman and Deputy Chairman by their fellow Committee Members.
- Up to 2 non-voting members who shall not be sitting members of Chief Pleas but who shall be elected by Chief Pleas.
- A quorum shall consist of three voting members.

MANDATE:

- To oversee the drafting of a Law to replace and update **The Development Control (Sark) Law, 1991.**

7th July 2021

GREFFE
ROYAL COURT

23 APR 2021 *JH*

GUERNSEY STATUTORY INSTRUMENT

2021 No. 40

GUERNSEY

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

2021

Made

22nd April, 2021

Coming into operation

23rd April, 2021

Laid before the States

, 2021

WHEREAS there are one or more persons within the Bailiwick, or who may enter the Bailiwick, who may be infected with Severe Acute Respiratory Syndrome Coronavirus 2, resulting in the occurrence of an emergency within the meaning of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012^a;

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

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

AND WHEREAS the Civil Contingencies Authority ("the Authority") (having consulted the Medical Officer of Health in respect of the risk to public health created thereby and by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and in respect of the measures necessary to prevent or slow the spread

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

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

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

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

Amendment of the General Provision Regulations.

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

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

(3) In regulation 6 –

(a) after paragraph (3) insert –

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

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

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

- (b) in paragraph (4), for the words up to subparagraph (a) substitute "The powers to vary of the MOH under paragraph (3) and of the Authority under paragraph (3A) include (but are not limited to) powers to –", and
- (c) for paragraphs 5 and 6 substitute –

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

- (6) In any case where –
 - (a) the MOH has exercised a power to vary, the MOH may amend or revoke that variation orally or in writing (in a case where the requirement was varied orally), and in writing (in a case where the requirement was varied in writing), or
 - (b) the Authority has exercised its power to vary, the Authority may amend or revoke that variation by publication on the relevant States of Guernsey

website,

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

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

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

(5) At the end of subparagraph (b) of regulation 14(2) insert "or Schedule1A".

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

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

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

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

Transitional provision.

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

Citation.

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

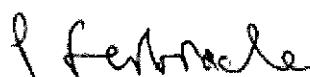
Extent.

4. These Regulations shall have effect throughout the Bailiwick.

Commencement.

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

Dated this 22nd day of April, 2021



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

SCHEDULE

Regulation 1(7).

"SCHEDULE 1A

Regulation 5(1).

7 DAY SELF-ISOLATION OPTION

Introductory.

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

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

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

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

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

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

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

Eligibility.

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

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

(3) For the avoidance of doubt –

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

(b) a person who –

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

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

take a test for COVID-19,

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

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

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

Category 3 country arrivals.

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

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

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

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

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

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

Direct Transit.

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

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

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

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

Children.

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

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

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

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

Conditions and restrictions: general, and offences.

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

with that regulation.

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

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

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

(a) in subparagraph (2), or

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

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

Conditions and restrictions: Passive Follow-Up.

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

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

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

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

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

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

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

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

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

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

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

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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

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

30 APR 2021

JA

GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

No. 44

ENTITLED

**The Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No. 5) Regulations, 2021**

ARRANGEMENT OF REGULATIONS

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SCREENING, ASSESSMENT, AND POWERS TO DETAIN ETC, AND CONTROLS
ON TRAVEL INTO THE BAILIWICK

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2. Detention of persons by the MOH.
3. Imposition of restrictions and requirements: general.
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5. Requirement to self-isolate on arrival in the Bailiwick.
6. Requirement to self-isolate on arrival in the Bailiwick: supplementary.
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10. Detention or self-isolation: additional provisions.
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GUERNSEY STATUTORY INSTRUMENT

2021 No. 14

**The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations,
2021**

Made

29th April, 2021

Coming into operation

30th April, 2021

Laid before the States

, 2021

WHEREAS there are one or more persons within the Bailiwick, or who may enter the Bailiwick, who may be infected with Severe Acute Respiratory Syndrome Coronavirus 2, resulting in the occurrence of an emergency within the meaning of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012^a;

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

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

^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 it 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 MOH") may not impose a restriction or requirement under this Part unless the MOH

^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.

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.

Critical Workers.

4. Schedule 1 (concerning Critical Workers) has effect.

Requirement to self-isolate on arrival in the Bailiwick.

5. (1) Subject to –

- (a) provision made in or under Schedule 1 (concerning Critical Workers) or Schedule 2 (concerning Country Categories, which Schedule has effect), and
- (b) paragraphs (2) to (7),

a person who has arrived in the Bailiwick from outside by air or sea must self-isolate for 21 days.

(2) 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 21 day period.

(3) 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.

(4) Subject to where paragraph (6) applies, a child under the age of 12 who has arrived in the Bailiwick by air or sea must self-isolate for 14 days.

(5) Paragraph (6) applies where a child ("C") has been self-isolating in a household bubble.

(6) 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.

(7) In this regulation –

(a) "childcare" means such types of arrangement for the care of children under school age as the MOH 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 Critical Worker Exemption (if any) 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 (subject to provision made in or under Schedule 1) self-isolate for 14 days.

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

(a) by writing in relation to categories of case, and

(b) orally or in writing in relation to a particular case.

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

(5) The powers to vary of the MOH under paragraph (3) and of the Authority under paragraph (4) include (but are not limited to) powers to –

(a) specify exceptions to the requirement to self-isolate,

(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, and

(c) impose any requirements and restrictions on persons other than the person who has arrived in the Bailiwick that are reasonably necessary as a consequence of the

variation of the relevant requirement on that person.

(6) For the avoidance of doubt, and without prejudice to the generality of paragraphs (3), (4) and (5), in any case where the MOH exercises a power to vary under paragraph (3) or the Authority exercises its power to vary under paragraph (4), that variation may be amended or revoked in accordance with paragraph (7), and if amended shall be treated for all purposes as continuing to have effect in accordance with its terms.

(7) In any case where –

- (a) the MOH has exercised a power to vary, the MOH may amend or revoke that variation orally or in writing (in a case where the requirement was varied orally), and in writing (in a case where the requirement was varied in writing), or
- (b) the Authority has exercised its power to vary, the Authority may amend or revoke that variation by publication on the relevant States of Guernsey website,

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

(8) 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.

(9) 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.

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

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

^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.

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), 9(2), 9(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(3) 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(3), or of a requirement under regulation 6(2), by the MOH in relation to a particular case, or by the Authority in relation to a category of cases or all cases, or

(b) imposed by or under Schedule 1 or Schedule 2.

(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 person commits an offence if the person fails, without reasonable excuse, to comply with a restriction, condition or requirement imposed

under regulation 3(1) that falls within regulation 3(2)(b), (c) or (d).

(6) A person commits an offence if the person fails, without reasonable excuse, to comply with a restriction, condition or requirement imposed under –

(a) regulation 3(1), other than an offence falling within paragraph (5), or

(b) regulation 8(1), 9(4), or 10(4).

(7) A responsible adult who fails without reasonable excuse to comply with regulation 6(7), 7(2), 8(9) or 9(6) commits an offence.

(8) A person guilty of an offence under paragraph (1), (2), (4) or (5) is liable on conviction to a fine not exceeding level 5 on the uniform scale, to imprisonment for a term not exceeding 3 months, or to both.

(9) A person guilty of an offence under paragraph (6) or (7) is liable on conviction to a fine not exceeding level 3 on the uniform scale.

(10) 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. 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.

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,

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 to an officer or authorised person mentioned in paragraph 7(2) of 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 or person for the purpose of exercising his or her functions under Schedule 1 or Schedule 2 (as the case may be).

(3) A person guilty of an offence under this regulation is liable on conviction to a fine not exceeding level 5 on the uniform scale, to imprisonment for a term not exceeding 3 months, or to both.

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, 2003^g,

"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

^g 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 3 modifies the Mental Health Review Tribunal Procedure Rules, 2012^h, which modifications shall have effect for the period of validity of these Regulations.

Population Management Law: Employment Permits.

19. (1) The holder of an Employment Permit may, during the period

^h O.R.C. No. I of 2012; as amended by O.R.C. No. III of 2018.

of validity of that Permit -

- (a) be resident without being employed,
- (b) be employed by an employer other than the employer or category of employer specified in the Permit, and
- (c) be employed by the employer or category of employer specified in the Permit on a part-time basis.

(2) Without prejudice to the generality of paragraph (1), the holder of an Open Market Employment Permit may, during the period of validity of that Permit, be accommodated at a dwelling or property other than -

- (a) the dwelling specified on the face of the Permit, or
- (b) a property inscribed in Part B or Part C,

as the case may be.

(3) To the extent necessary to give effect to paragraphs (1) and (2)-

- (a) Employment Permits (including the conditions set out therein) shall be deemed to be varied, and
- (b) the provisions of the Population Management Law, any Ordinance and subordinate legislation made under that Law, and any other enactment, shall be deemed to be modified,

and Employment Permits, and those provisions, shall have effect accordingly.

(4) For the avoidance of doubt, this regulation shall not affect the period of validity of any Certificate or Permit issued or granted under the Population Management Law, nor the calculation of time for any purpose under that Law.

(5) The Administrator may issue guidance in respect of this regulation.

(6) In this regulation –

"**the Administrator**" means the Administrator of Population Management under the Population Management Law,

"**Employment Permit**" has the meaning given by section 20(1) of the Population Management Law,

"**Open Market Employment Permit**" has the meaning given by section 20(2) of the Population Management Law,

"**Part B**" and "**Part C**" mean those Parts of the Open Market Housing Register, and

"**the Population Management Law**" means the Population

Management (Guernsey) Law, 2016ⁱ.

Court of Appeal.

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

Offences by legal persons and unincorporated bodies.

21. (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

ⁱ Order in Council No. VI of 2016; as amended by No. IV of 2018; Ordinance No. VII of 2017; and Ordinance No. XXVII of 2018.

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

(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.

22. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 4) Regulations, 2021^k and the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 4) (Amendment) Regulations, 2021^l are revoked.

(2) Anything done under or for the purposes of regulations revoked under paragraph (1) ("the revoked 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, prohibition, or penalty, imposed thereunder.

(3) Anything in the process of being done under or for the purposes of the revoked 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

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

^l G.S.I. No. 40 of 2021.

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.

Interpretation: general.

23. (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; and an area, region or

country may be specified as a Category 2, 3 or 4 country for those purposes.

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

(4) Words and expressions used in Schedules 1 and 2 have the meanings given in these Regulations, unless contrary provision is made.

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

(6) 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.

24. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2021.

Extent.

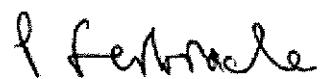
25. (1) Subject to paragraph (2), these Regulations shall have effect throughout the Bailiwick.

(2) Regulation 19 (Population Management Law: Employment Permits) shall have effect in the Island of Guernsey.

Commencement.

26. These Regulations shall come into force on 30th April, 2021.

Dated this 29th day of April, 2021



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

SCHEDULE 1

Regulation 4.

CRITICAL WORKERS

Introductory.

1. (1) This Schedule provides for the granting of exemptions from –
 - (a) the requirement to self-isolate at regulation 5(1) and 5(2), and
 - (b) a requirement to self-isolate imposed under regulation 6(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) or a requirement imposed under regulation 6(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,

- (e) 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,
 - (f) adhere to good standards of hygiene and respiratory etiquette,
 - (g) wear a face covering, that complies with any guidance in respect of face coverings issued by MOH, within two metres of other people,
 - (h) if staying overnight, have a confirmed address at which they are staying,
 - (i) 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,
 - (j) remain on-island for the duration of their work, and
 - (k) comply with any method statement agreed with or imposed by the MOH, or other 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> | Any worker who is not resident in the Bailiwick may only travel between their place of work and a specified place of residence. The worker must be able to self-isolate at the specified place of residence when not at work. |
| <i>Site precautions</i> | 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. The name of a designated contact person for the site must be provided to the States of Guernsey. 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. 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. |
| <i>Accommodation</i> | Workers on a single project must stay in one hotel or set of self-catering units. Food must be supplied either via the hotel as cooked meals or groceries delivered to the door of the self-catering unit. |

| | |
|----------------------------|---|
| | <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 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.

Amendment, revocation and 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/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 2

Regulation 5(1).

COUNTRY CATEGORIES

Introductory.

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

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

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

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

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

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

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

Eligibility.

2. (1) To be eligible to take part in the reduced self-isolation option, a person ("P") must not have spent any of the period of 14 days immediately before P's arrival in the Bailiwick in a place which 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 14 days (or any part thereof) in a place that is, at the relevant time, a Category 4 country, P will not be eligible to take part in the reduced self-isolation option – even if that place was not specified as a Category 4 country when the person was in it.

(3) For the avoidance of doubt –

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

- (b) a person who –
- (i) elects to take part in the reduced self-isolation option, and
 - (ii) subsequently decides that he or she does not wish to take a test for COVID-19,

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

and references (however expressed) in 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 time in the period of 14 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 directly 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 continue 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 must continue to 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 continue to 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 8 (Conditions and restrictions: Passive Follow-Up).

Category 2 country arrivals.

4. (1) A Relevant Person who has spent any of the period of 14 days immediately before his or her arrival in the Bailiwick in a place that is a Category 2 country at the relevant time (and who has not spent any time in that period in a Category 4 country or a Category 3 country) 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 must continue 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 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 8 (Conditions and restrictions: Passive Follow-Up).

Direct Transit.

5. (1) Direct transit –

(a) in a private vehicle or private vessel, or

(b) in public transport,

through a Category 4 or Category 3 country is not spending time in that Category 4 country or Category 3 country (as the case may be) for the purposes of this Schedule.

(2) In this paragraph –

(a) a "private vehicle" includes a taxi,

(b) references to a private vehicle or private vessel stopping are to such a vehicle or vessel stopping in circumstances where one or more persons alight from, or get into, the vehicle or vessel, and

(c) references to a Category 4 or Category 3 country include its internal waters, and the territorial waters

adjacent thereto.

(3) In this paragraph, "direct transit in a private vehicle or private vessel" means –

- (a) travel in a private vehicle or private vessel that does not stop at all in the Category 4 country or Category 3 country, or
- (b) travel in a private vehicle or private vessel that only stops in the Category 4 country or Category 3 country (as the case may be) in circumstances where –
 - (i) no new people get into the vehicle or vessel, and
 - (ii) no-one in the vehicle or vessel gets out, comes within two metres of any other person (other than another occupant of the vehicle or vessel), 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 or Category 3 country (as the case may be).

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 reduced self-isolation option.

(2) Where a child takes part in the reduced 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), and
- (c) ensure the child does not return to school in accordance with paragraph 8(11), where that restriction applies.

Conditions and restrictions: general, and offences.

7. (1) A Relevant Person must self-isolate pursuant to, and in accordance with, the requirement imposed by regulation 5(1) unless and until that requirement to self-isolate is lifted in accordance with the provisions of paragraphs 3 and 4 above; and so a Relevant Person who fails to undergo a day of arrival test, or (in the case of a Relevant Person who has arrived from a Category 3 country) a Day 7 test, must self-isolate in accordance with that regulation.

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

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

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

(a) in subparagraph (2), or

(b) paragraphs 8(2) to (12),

is an 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 following a negative day of arrival test under and in accordance with paragraph 4 (as the case may be), that Relevant Person must comply with each of the following restrictions during the remainder of the 14 day period.

(2) The Relevant Person must at all times be vigilant for symptoms, however mild, of COVID-19, must report any such symptoms

immediately to the MOH, and must comply with any instructions given by the MOH thereafter (which may, for the avoidance of doubt, include an immediate resumption of self-isolation).

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

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

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

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

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

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

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

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

(11) If the Relevant Person is a child or otherwise in full-time or part-time education, he or she must not return to school or college unless he or she has received a negative test result for COVID-19 within the previous 48 hours.

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

SCHEDULE 3

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 2012 Rules.

4. 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,
 - (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.

5. Any hearing which takes place in accordance with paragraph 4 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 30th April, 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

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.

Regulation 4 gives effect to Schedule 1, which makes provision in respect of Critical Workers. A person who has been granted a Critical Worker Exemption will have to self-isolate in accordance with, and otherwise comply with, the provisions of Schedule 1.

Schedule 2 to these regulations, which is given effect by regulation 5, provides for shorter periods of self-isolation to be undertaken by persons who arrive from a place specified as a Category 2 country or a Category 3 country on the States of Guernsey website, and who elect to comply with the restrictions and requirements set out therein.

Finally, this Part also provides that a person of 12 years or over who chooses not to take both a day of arrival test for COVID-19 and a test on day 13 after arrival will have to self-isolate for 21 days; otherwise, a person who does undergo those tests is required to self-isolate until receipt of a negative result for the day 13 test. A child under 12 has to self-isolate for 14 days after arrival.

Part II – miscellaneous and final

Schedule 3 to these Regulations, which is given effect by regulation 18, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraphs 4 and 5 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 provides for the deemed variance of Long Term Employment Permits, Medium Term Employment Permits and Short Term Employment Permits, to allow the holder to be resident without being employed and to be employed by a different employer from that specified in the Permit; and for the modification of the Population Management (Guernsey) Law, 2016 and other legislation to the extent necessary to give effect to this.

GREFFE
ROYAL COURT

30 APR 2021

GUERNSEY

JK

GUERNSEY STATUTORY INSTRUMENT

2021 No. 43

**The Emergency Powers (Coronavirus) (Vaccine)
(Limitation of Liability) (No. 5) (Bailiwick of Guernsey)
Regulations, 2021**

Made

29th April, 2021

Coming into operation

30th April, 2021

Laid before the States

, 2021

WHEREAS there are one or more persons within the Bailiwick, or who may enter the Bailiwick, who may be infected with Severe Acute Respiratory Syndrome Coronavirus 2, resulting in the occurrence of an emergency within the meaning of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012^a;

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

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

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

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 programme throughout the Bailiwick, using 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 it in that behalf, hereby makes the following regulations: –

^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.

Application of these Regulations.

1. (1) These Regulations apply 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,
 - (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,

^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.

- (d) any person dies or suffers any personal injury as a result of the person receiving the relevant medicinal product 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 in any particular circumstances (including to any age group) –

- (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, for administration in those circumstances, 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 equivalent enactments.

4. Nothing in these Regulations limits the effect of the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Guernsey)

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

Ordinance, 2020 or any equivalent Ordinance or other enactment having effect in Sark or Alderney.

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,

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

"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,

"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) (No. 4) (Bailiwick of Guernsey) Regulations, 2021^g 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) (No. 5) (Bailiwick of Guernsey) Regulations, 2021.

Commencement

9. These Regulations shall come into force on the 30th April, 2021.

Dated this 29th day of April, 2021



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

^g G.S.I. No. 30 of 2021.

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 for administration in the circumstances concerned.

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) (No. 4) (Bailiwick of Guernsey) Regulations, 2021.

These Regulations will come into force on the 30th April, 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.



The Government of Sark

ROAD TRAFFIC COMMITTEE
(*part of the Douzaine*)
SEASONAL REGULATION N° 2

The Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) Law, 2013 (as amended) allows the Road Traffic Committee to make Regulations.

1. Section 15(2) of the above Law provides as follows:

*"It is an offence to drive or attempt to drive a **motor vehicle on or along such of the public roads or any part thereof as may, from time to time, be specified by the Committee by regulations otherwise than:-*

- (a) *in such direction, and*
- (b) *during such hours on any day, as may be specified therein."*

****The Road Traffic Committee, specifically excludes invalid carriages [as defined in Section 44 of The Motor Vehicles (Sark) Law, 2013] from the following regulations -**

2. From the **1st May** until further notice, or failing such notice until (and including) the **30th September**, The Avenue and the direct road from the Post Office to St. Peters Church will be closed to tractors between **11.00 am and 5.00 pm**.

[For the purposes of this Regulation, The Avenue is defined as being that stretch of road from La Collinette to the junction outside the Post Office].

3. The only exceptions to the above restriction are that –

- (a) a person may access his or her home by tractor,
- (b) a person may access premises by tractor for the purpose of making commercial deliveries, and
- (c) a person may access premises by tractor for the purpose of making purchases from the Gallery Stores, the transport of which necessitates the use of a tractor.

[When a person accesses premises on The Avenue by tractor for any of these purposes, he or she must travel in an East to West direction only].

4. From the **1st April** until further notice, or failing such notice until (and including) the **30th September**, parking is not allowed between:

- (a) the Power Station and the Visitor's Centre or the Church along the line of The Avenue,
- (b) La Collinette Crossroads and the Pomme de Chien campsite lane, and
- (c) La Collinette Crossroads and Rue Hotton ("Mermaid Lane")

between 11.00 am and 5.00 pm.

5. This Regulation shall not apply to emergency services personnel responding to an emergency.
6. Any person who breaches the terms of this Regulation commits a criminal offence under the terms of the Ordinance.

Conseiller Christopher Drillot - Chairman, Douzaine

- 7 MAY 2021 *[Signature]*

**The Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No. 5) (Amendment) Regulations,
2021**

Made

6th May, 2021

Coming into operation

7th May, 2021

Laid before the States

, 2021

WHEREAS there are one or more persons within the Bailiwick, or who may enter the Bailiwick, who may be infected with Severe Acute Respiratory Syndrome Coronavirus 2, resulting in the occurrence of an emergency within the meaning of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012^a;

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

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

AND WHEREAS the Civil Contingencies Authority ("the Authority") (having consulted the Medical Officer of Health in respect of the risk to public health created thereby and by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and in respect of the measures necessary to prevent or slow the spread

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

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

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

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

Amendment of the General Provision Regulations.

1. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2021^c ("the (No. 5) Regulations") are amended as follows.

(2) For paragraph (6) of regulation 6, substitute –

"(6) For the avoidance of doubt, and without prejudice to the generality of paragraphs (3), (4) and (5), in any case where the MOH exercises a power to vary under paragraph (3) or the Authority exercises its power to vary under paragraph (4) –

(a) the MOH or the Authority may consult such persons as

^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. 44 of 2021.

she or it (as the case may be) thinks fit in respect of the exercise of the power in question, and

- (b) that variation may be amended or revoked in accordance with paragraph (7), and if amended shall be treated for all purposes as continuing to have effect in accordance with its terms.”.

Citation.

2. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) (Amendment) Regulations, 2021.

Extent.

3. These Regulations shall have effect throughout the Bailiwick.

Commencement.

4. These Regulations come into force on 7th May, 2021.

Dated this 6th day of May, 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 amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2021 to make clear that when the Medical Officer of Health, or the Authority, exercise their powers under those regulations to vary the requirement to self-isolate on arrival in the Bailiwick, they may consult such persons as they think fit.

These Regulations came into force on being made on the 7th May, 2021, and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

GREFFE
ROYAL COURT

21 MAY 2021

GUERNSEY

NH

GUERNSEY STATUTORY INSTRUMENT
No.55

ENTITLED

**The Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No. 6) Regulations, 2021**

ARRANGEMENT OF REGULATIONS

PART I

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. Critical Workers.
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.
14. Offences and enforcement.
15. False or misleading information.
16. Interpretation of this Part: general.
17. Definition of "self-isolate".

PART II
MISCELLANEOUS AND FINAL

18. Modification of legislation relating to mental health.
19. Population Management Law: Employment Permits.

20. Court of Appeal.
21. Offences by legal persons and unincorporated bodies.
22. Revocation and savings.
23. Interpretation.
24. Citation.
25. Extent.
26. Commencement.

SCHEDULE 1 Critical Workers.

SCHEDULE 2 Country Categories.

SCHEDULE 3 Modification of legislation relating to mental health.

Explanatory Note.

GUERNSEY STATUTORY INSTRUMENT
2021 No. 55

**The Emergency Powers (Coronavirus) (General
Provision) (Bailiwick of Guernsey) (No. 6) Regulations,
2021**

Made

20th May, 2021

Coming into operation

21st May, 2021

Laid before the States

, 2021

WHEREAS there are one or more persons within the Bailiwick, or who may enter the Bailiwick, who may be infected with Severe Acute Respiratory Syndrome Coronavirus 2, resulting in the occurrence of an emergency within the meaning of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012^a;

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

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

^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 it 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 MOH") may not impose a restriction or requirement under this Part unless the MOH

^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.

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.

Critical Workers.

4. Schedule 1 (concerning Critical Workers) has effect.

Requirement to self-isolate on arrival in the Bailiwick.

5. (1) Subject to –

(a) provision made in or under Schedule 1 (concerning Critical Workers) or Schedule 2 (concerning Country Categories, which Schedule has effect), and

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

a person who has arrived in the Bailiwick from outside by air or sea must self-isolate for 21 days.

(2) 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 21 day period.

(3) 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.

(4) Subject to where paragraph (6) applies, a child under the age of 12 who has arrived in the Bailiwick by air or sea must self-isolate for 14 days.

(5) Paragraph (6) applies where a child ("C") has been self-isolating in a household bubble.

(6) 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.

(7) In this regulation –

- (a) "childcare" means such types of arrangement for the care of children under school age as the MOH 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 Critical Worker Exemption (if any) 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 (subject to provision made in or under Schedule 1) self-isolate for 14 days.

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

(a) by writing in relation to categories of case, and

(b) orally or in writing in relation to a particular case.

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

(5) The powers to vary of the MOH under paragraph (3) and of the Authority under paragraph (4) include (but are not limited to) powers to –

(a) specify exceptions to the requirement to self-isolate,

(b) shorten the duration of the requirement to self-isolate, either unconditionally or on the MOH or the Authority (as the case may be) being satisfied that one or more specified conditions have been met, and

(c) impose any requirements and restrictions on persons other than the person who has arrived in the Bailiwick that are reasonably necessary as a consequence of the

variation of the relevant requirement on that person.

(6) For the avoidance of doubt, and without prejudice to the generality of paragraphs (3), (4) and (5), in any case where the MOH exercises a power to vary under paragraph (3) or the Authority exercises its power to vary under paragraph (4) –

- (a) the MOH or the Authority may consult such persons as she or it (as the case may be) thinks fit in respect of the exercise of the power in question, and
- (b) that variation may be amended or revoked in accordance with paragraph (7), and if amended shall be treated for all purposes as continuing to have effect in accordance with its terms.

(7) In any case where –

- (a) the MOH has exercised a power to vary, the MOH may amend or revoke that variation orally or in writing (in a case where the requirement was varied orally), and in writing (in a case where the requirement was varied in writing), or
- (b) the Authority has exercised its power to vary, the Authority may amend or revoke that variation by publication on the relevant States of Guernsey website,

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

(8) 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.

(9) 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.

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 or Schedule 2, 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,

(f) a person in respect of whom a Critical Worker

^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.

Exemption has been granted under, and within the meaning of, Schedule 1, and

- (g) a Relevant Person within the meaning of Schedule 2,

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), 9(2), 9(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(3) 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(3), or of a requirement under regulation 6(2), by the MOH in relation to a particular case, or by the Authority in relation to a category of cases or all cases, or
- (b) imposed by or under Schedule 1 or Schedule 2.

(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 person commits an offence if the person fails, without reasonable excuse, to comply with a restriction, condition or requirement imposed under regulation 3(1) that falls within regulation 3(2)(b), (c) or (d).

(6) A person commits an offence if the person fails, without reasonable excuse, to comply with a restriction, condition or requirement imposed under –

(a) regulation 3(1), other than an offence falling within paragraph (5), or

(b) regulation 8(1), 9(4), or 10(4).

(7) A responsible adult who fails without reasonable excuse to comply with regulation 6(7), 7(2), 8(9) or 9(6) commits an offence.

(8) A person guilty of an offence under paragraph (1), (2), (4) or (5) is liable on conviction to a fine not exceeding level 5 on the uniform scale, to imprisonment for a term not exceeding 3 months, or to both.

(9) A person guilty of an offence under paragraph (6) or (7) is liable on conviction to a fine not exceeding level 3 on the uniform scale.

(10) 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 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

^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. 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.

permits to be produced or furnished, dishonestly or otherwise, any information or document which is false, deceptive or misleading in a material particular,

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 to an officer or authorised person mentioned in paragraph 8(2) of 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 or person for the purpose of exercising his

or her functions under Schedule 1 or Schedule 2 (as the case may be).

(3) A person guilty of an offence under this regulation is liable on conviction to a fine not exceeding level 5 on the uniform scale, to imprisonment for a term not exceeding 3 months, or to both.

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, 2003^g,

"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,

^g 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.

"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

"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 3 modifies the Mental Health Review Tribunal Procedure

Rules, 2012^h, which modifications shall have effect for the period of validity of these Regulations.

Population Management Law: Employment Permits.

19. (1) The holder of an Employment Permit may, during the period of validity of that Permit –

- (a) be resident without being employed,
- (b) be employed by an employer other than the employer or category of employer specified in the Permit, and
- (c) be employed by the employer or category of employer specified in the Permit on a part-time basis.

(2) Without prejudice to the generality of paragraph (1), the holder of an Open Market Employment Permit may, during the period of validity of that Permit, be accommodated at a dwelling or property other than -

- (a) the dwelling specified on the face of the Permit, or
- (b) a property inscribed in Part B or Part C,

as the case may be.

(3) To the extent necessary to give effect to paragraphs (1) and (2)-

^h O.R.C. No. I of 2012; as amended by O.R.C. No. III of 2018.

- (a) Employment Permits (including the conditions set out therein) shall be deemed to be varied, and
- (b) the provisions of the Population Management Law, any Ordinance and subordinate legislation made under that Law, and any other enactment, shall be deemed to be modified,

and Employment Permits, and those provisions, shall have effect accordingly.

(4) For the avoidance of doubt, this regulation shall not affect the period of validity of any Certificate or Permit issued or granted under the Population Management Law, nor the calculation of time for any purpose under that Law.

(5) The Administrator may issue guidance in respect of this regulation.

(6) In this regulation –

"the Administrator" means the Administrator of Population Management under the Population Management Law,

"Employment Permit" has the meaning given by section 20(1) of the Population Management Law,

"Open Market Employment Permit" has the meaning given by section 20(2) of the Population Management Law,

"Part B" and "Part C" mean those Parts of the Open Market Housing Register, and

"the Population Management Law" means the Population Management (Guernsey) Law, 2016ⁱ.

Court of Appeal.

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

Offences by legal persons and unincorporated bodies.

21. (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 –

ⁱ Order in Council No. VI of 2016; as amended by No. IV of 2018; Ordinance No. VII of 2017; and Ordinance No. XXVII of 2018.

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

- (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.

22. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2021^k and the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) (Amendment) Regulations, 2021^l are revoked.

(2) Anything done under or for the purposes of regulations revoked under paragraph (1) ("the revoked 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, prohibition, or penalty, imposed thereunder.

(3) Anything in the process of being done under or for the purposes of the revoked 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

^k G.S.I. No. 44 of 2021.

^l G.S.I. No. 48 of 2021.

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.

(6) The provisions of this regulation are subject to paragraph 5 of Schedule 2 (Category 2 country arrivals: transitional provision).

Interpretation: general.

23. (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; and an area, region or country may be specified as a Category 2, 3 or 4 country for those purposes.

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

(4) Words and expressions used in Schedules 1 and 2 have the meanings given in these Regulations, unless contrary provision is made.

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

(6) 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.

24. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) Regulations, 2021.

Extent.

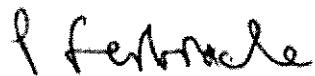
25. (1) Subject to paragraph (2), these Regulations shall have effect throughout the Bailiwick.

(2) Regulation 19 (Population Management Law: Employment Permits) shall have effect in the Island of Guernsey.

Commencement.

26. These Regulations shall come into force on 21st May, 2021.

Dated this 20th day of May, 2021



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

SCHEDULE 1

Regulation 4.

CRITICAL WORKERS

Introductory.

1. (1) This Schedule provides for the granting of exemptions from –
 - (a) the requirement to self-isolate at regulation 5(1) and 5(2), and
 - (b) a requirement to self-isolate imposed under regulation 6(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) or a requirement imposed under regulation 6(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,

- (e) 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,
 - (f) adhere to good standards of hygiene and respiratory etiquette,
 - (g) wear a face covering, that complies with any guidance in respect of face coverings issued by MOH, within two metres of other people,
 - (h) if staying overnight, have a confirmed address at which they are staying,
 - (i) 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,
 - (j) remain on-island for the duration of their work, and
 - (k) comply with any method statement agreed with or imposed by the MOH, or other 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> | Any worker who is not resident in the Bailiwick may only travel between their place of work and a specified place of residence. The worker must be able to self-isolate at the specified place of residence when not at work. |
| <i>Site precautions</i> | 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. The name of a designated contact person for the site must be provided to the States of Guernsey. 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. 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. |
| <i>Accommodation</i> | Workers on a single project must stay in one hotel or set of self-catering units. Food must be supplied either via the hotel as cooked meals or groceries delivered to the door of the self-catering unit. |

| | |
|----------------------------|---|
| | <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 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.

Amendment, revocation and 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/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 2

Regulation 5(1).

COUNTRY CATEGORIES

Introductory.

1. (1) This Schedule provides for an exception to the requirement to self-isolate on arrival in the Bailiwick set out in regulation 5(1) –
 - (a) in respect only of persons who have been assessed to be eligible for, and have elected to take part in, the reduced self-isolation option, within the meaning of that term in this Schedule, and
 - (b) to the extent only set out in this Schedule.
- (2) A person who is assessed to be eligible for, and has elected to take part in, the reduced self-isolation option is referred to herein as a "Relevant Person".
- (3) If a Relevant Person fails to comply with any of the conditions and restrictions which apply to him or her in respect of the reduced self-isolation option, the reduced self-isolation option shall cease to apply to that person, and he or she may be liable to prosecution under these Regulations.
- (4) Under regulation 14(2), the employer of a Relevant Person may be liable to prosecution if the Relevant Person fails to comply with any of the conditions and restrictions which apply to him or her in respect of the reduced self-isolation option.

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

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

Eligibility.

2. (1) To be eligible to take part in the reduced self-isolation option, a person ("P") must not have spent any of the period of 14 days immediately before P's arrival in the Bailiwick in a place which 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 6 (direct transit), if P has spent any of the previous 14 days (or any part thereof) in a place that is, at the relevant time, a Category 4 country, P will not be eligible to take part in the reduced self-isolation option – even if that place was not specified as a Category 4 country when the person was in it.

(3) For the avoidance of doubt –

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

- (b) a person who –
- (i) elects to take part in the reduced self-isolation option, and
 - (ii) subsequently decides that he or she does not wish to take a test for COVID-19,

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

and references (however expressed) in 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 time in the period of 14 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 directly 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 continue 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 must continue to 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 continue to 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 9 (Conditions and restrictions: Passive Follow-Up) during that period.

Category 2 country arrivals.

4. (1) A Relevant Person who has spent any of the period of 14 days immediately before his or her arrival in the Bailiwick in a place that is a Category 2 country at the relevant time (and who has not spent any time in that period in a Category 4 country or a Category 3 country) 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 must continue 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 not be required to self-isolate, subject to him or her complying with the conditions and restrictions specified in paragraph 9 (Conditions and restrictions: Passive Follow-Up), but he or she will be required to take 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 continuing to comply with the conditions and restrictions specified in paragraph 9 (Conditions and restrictions: Passive Follow-Up) during that period.

Category 2 country arrivals: transitional provision.

5. The requirements set out in paragraph 4 (including, but not limited to, the requirement to take a Day 7 test in accordance with paragraph 4(3)) apply in respect of a person who -

- (a) is a Relevant Person falling within paragraph 4(1), and
- (b) was a Relevant Person for the purposes of Schedule 2 to the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2021, falling within paragraph 4(1) of that Schedule.

Direct Transit.

6. (1) Direct transit –

(a) in a private vehicle or private vessel, or

(b) in public transport,

through a Category 4 or Category 3 country is not spending time in that Category 4 country or Category 3 country (as the case may be) for the purposes of this Schedule.

(2) In this paragraph –

(a) a "private vehicle" includes a taxi,

(b) references to a private vehicle or private vessel stopping are to such a vehicle or vessel stopping in circumstances where one or more persons alight from, or get into, the vehicle or vessel, and

(c) references to a Category 4 or Category 3 country include its internal waters, and the territorial waters adjacent thereto.

(3) In this paragraph, "direct transit in a private vehicle or private vessel" means –

(a) travel in a private vehicle or private vessel that does not stop at all in the Category 4 country or Category 3 country, or

- (b) travel in a private vehicle or private vessel that only stops in the Category 4 country or Category 3 country (as the case may be) in circumstances where –
 - (i) no new people get into the vehicle or vessel, and
 - (ii) no-one in the vehicle or vessel gets out, comes within two metres of any other person (other than another occupant of the vehicle or vessel), 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 or Category 3 country (as the case may be).

Children.

7. (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 reduced self-isolation option.

(2) Where a child takes part in the reduced 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 8(2),
- (b) so far as reasonably practicable, keep the record of people referred to at paragraph 9(9), and
- (c) ensure the child does not return to school in accordance with paragraph 9(11), where that restriction applies.

Conditions and restrictions: general, and offences.

8. (1) A Relevant Person must self-isolate pursuant to, and in accordance with, the requirement imposed by regulation 6(1) unless and until that requirement to self-isolate 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 (in the case of a Relevant Person who has arrived from a Category 3 country) a Day 7 test, must self-isolate in accordance with that regulation.

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

(3) For the avoidance of doubt, failure to comply, without

reasonable excuse, with the requirement to self-isolate set out in subparagraph (1) is a criminal offence under regulation 14(2).

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

(a) in subparagraph (2), or

(b) paragraphs 9(2) to (12),

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

Conditions and restrictions: Passive Follow-Up.

9. (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 following a negative day of arrival test under and in accordance with paragraph 4 (as the case may be), that Relevant Person must comply with each of the following restrictions during the remainder of the 14 day period.

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

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

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

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

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

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

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

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

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

(11) If the Relevant Person is a child or otherwise in full-time or part-time education, he or she must not return to school or college unless he or she has received a negative test result for COVID-19 within the previous 48 hours.

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

SCHEDULE 3

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 2012 Rules.

4. 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,
 - (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.

5. Any hearing which takes place in accordance with paragraph 4 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 21st May, 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.

Regulation 4 gives effect to Schedule 1, which makes provision in respect of Critical Workers. A person who has been granted a Critical Worker Exemption will have to self-isolate in accordance with, and otherwise comply with, the provisions of Schedule 1.

Schedule 2 to these regulations, which is given effect by regulation 5, provides for shorter periods of self-isolation to be undertaken by persons who arrive from a place specified as a Category 2 country or a Category 3 country on the States of Guernsey website, and who elect to comply with the restrictions and requirements set out therein. It includes a transitional provision in respect of Category 2 country arrivals who arrived in Guernsey before the regulations came into force.

Finally, this Part also provides that a person of 12 years or over who chooses not to take both a day of arrival test for COVID-19 and a test on day 13 after arrival will have to self-isolate for 21 days; otherwise, a person who does undergo those tests is required to self-isolate until receipt of a negative result for the day 13 test. A child under 12 has to self-isolate for 14 days after arrival.

Part II – miscellaneous and final

Schedule 3 to these Regulations, which is given effect by regulation 18, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraphs 4 and 5 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 provides for the deemed variance of Long Term Employment Permits, Medium Term Employment Permits and Short Term Employment Permits, to allow the holder to be resident without being employed and to be employed by a different employer from that specified in the Permit; and for the modification of the Population Management (Guernsey) Law, 2016 and other legislation to the extent necessary to give effect to this.

GREFFE
ROYAL COURT

21 MAY 2021

GUERNSEY NH

GUERNSEY STATUTORY INSTRUMENT

2021 No. 56

**The Emergency Powers (Coronavirus) (Vaccine)
(Limitation of Liability) (No. 6) (Bailiwick of Guernsey)
Regulations, 2021**

Made

20th May, 2021

Coming into operation

21st May, 2021

Laid before the States

, 2021

WHEREAS there are one or more persons within the Bailiwick, or who may enter the Bailiwick, who may be infected with Severe Acute Respiratory Syndrome Coronavirus 2, resulting in the occurrence of an emergency within the meaning of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012^a;

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

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

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

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 programme throughout the Bailiwick, using 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 it in that behalf, hereby makes the following regulations: –

^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.

Application of these Regulations.

1. (1) These Regulations apply 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,
 - (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,

^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.

- (d) any person dies or suffers any personal injury as a result of the person receiving the relevant medicinal product 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 in any particular circumstances (including to any age group) –

- (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, for administration in those circumstances, before it is given the marketing authorisation concerned.

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

4. Nothing in these Regulations limits the effect of the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Guernsey)

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

Ordinance, 2020 or any equivalent Ordinance or other enactment having effect in Sark or Alderney.

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,

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

"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,

"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) (No. 5) (Bailiwick of Guernsey) Regulations, 2021^g 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) (No. 6) (Bailiwick of Guernsey) Regulations, 2021.

Commencement

9. These Regulations shall come into force on the 21st May, 2021.

Dated this 20th day of May, 2021



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

^g G.S.I. No. 43 of 2021.

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 for administration in the circumstances concerned.

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) (No. 5) (Bailiwick of Guernsey) Regulations, 2021.

These Regulations will come into force on the 21st May, 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

