

ISLAND OF SARK

EASTER MEETING of the Chief Pleas to be held on 14th April 2021 at 5 pm
in the ASSEMBLY ROOM.

AGENDA

1. Matters Arising from the Extraordinary (Emergency) Meeting held on 27 December 2020.
2. Matters Arising from the Extraordinary (Special) Meeting held on 15 January 2021.
3. Matters Arising from the Christmas Meeting held on 20 January 2021.
4. Questions Not Related to the Business of the Day
5. To Elect the Deputy Chairman of the Policy and Finance Committee.
6. To CONSIDER a Report with Proposition from the Education Committee entitled "**The Child Protection (Sark) Ordinance, 2021**" and to approve the Ordinance entitled "**The Child Protection (Sark) Ordinance, 2021**" (copies enclosed).
7. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled "**Amendment to Reform Law** (copy enclosed).
8. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled "**Changes to the Start Times of Chief Pleas Meetings**" (copy enclosed).
9. To CONSIDER a Report with Propositions from the POLICY and FINANCE COMMITTEE entitled "**IOSS Independent Review**" (copy enclosed).
10. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled "**2020 Financial Statements**" (copy enclosed).
11. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled "**Definition of a Resident (Special) Committee**" and to elect Conseillers to the Committee (copy enclosed).
12. To CONSIDER a Report with Proposition from the DEVELOPMENT CONTROL COMMITTEE entitled "**5th Committee Member**" and to elect a Conseiller to the Committee (copy enclosed).
13. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled "**Taxation Review (Special) Committee**" and to elect Conseillers to the Committee (copy enclosed).
14. To CONSIDER a Report with Proposition from the DOUZAINÉ entitled "**Toplis Paintings – Replacement Loan Agreement**" (copy enclosed).

15. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled “**Electricity Law Survey**” (copy enclosed).
16. To CONSIDER a Report with Proposition from the POLICY and FINANCE COMMITTEE entitled “**Census and Register of Residents**” (copy enclosed).
17. To CONSIDER an Information Report from the EDUCATION COMMITTEE entitled “**Briefing Paper – Sark House**” (copy enclosed).
18. COMMITTEE ELECTIONS: To Elect Conseillers to Committees, as required:
19. COMMITTEE and PANEL ELECTIONS: To Elect Non-Chief Pleas Members and Panel Members to Committees and Panels, as required:

LAID BEFORE (See Note 2 below)

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

(Made and came into operation on the 23rd January 2021)

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

(Made and came into operation on the 26th January 2021)

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021

(Made and came into operation on the 28th January 2021)

The Land Reform (Fees) (Sark) Regulations, 2021

(Came into operation on the 1st February 2021)

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

(Came into operation on the 5th February 2021)

The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 2) (Bailiwick of Guernsey) Regulations, 2021

(Came into operation on the 5th February 2021)

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2021

(Came into operation on the 5th March 2021)

The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 3) (Bailiwick of Guernsey) Regulations, 2021

(Came into operation on the 5th March 2021)

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) (Amendment) Regulations, 2021

(Came into operation on the 10th March 2021)

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) (Amendment) (No. 2) Regulations, 2021

(Came into operation on the 22nd March 2021)

DIRECTION NO. 2 OF 2021

Direction of the Civil Contingencies Authority under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021.

(Came into operation on the 5th February 2021 and expires on 18th February 2021 at 23.59 hours.)

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

(Come into operation on the 13th February 2021)

DIRECTION NO. 3 OF 2021

Direction of the Civil Contingencies Authority under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021.

(Came into operation on the 13th February 2021 and expires on 26th February 2021 at 23.59 hours.)

DIRECTION NO. 4 OF 2021

Direction of the Civil Contingencies Authority under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021

(Came into operation on 16th February 2021 and expires on 26th February 2021 at 23.59 hours.)

DIRECTION NO. 5 OF 2021

Direction of the Civil Contingencies Authority under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021.

(Came into operation on 18th February 2021 and expires on 26th February 2021 at 23.59 hours.)

DIRECTION NO. 7 OF 2021

(Sark)

Direction of the Civil Contingencies Authority under the Emergency Powers (Coronavirus) (General Provision) (No. 2) (Bailiwick of Guernsey) Regulations, 2021

(Came into operation on 25th February 2021 and expires on 3rd March 2021 at 23.59 hours.)

Lt Col RJ Guille MBE
Speaker of Chief Pleas

22 March 2021

Notes:

1. 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
2. Coronavirus Regulations & Directions: The majority of the Laid Before Emergency Regulations & Directions have been repealed or have time expired. However, the Reform Law requires that they are Laid Before Chief Pleas at the next Meeting after being made. The Laid Before Regulations & Directions will not be printed off but they can be found on the Guernsey Legal Resources website www.guernseylegalresources.gg

EDUCATION COMMITTEE

Report with proposition to Christmas Chief Pleas, 14th April, 2021

THE CHILD PROTECTION (SARK) ORDINANCE, 2021

At the Christmas Chief Pleas held on 22nd January 2020, Chief Pleas approved The Child Protection (Sark) Law, 2020. The regulations outlining the implementation of that law are encompassed in The Child Protection (Sark) Ordinance, 2021 which is placed before you for approval.

The Child Protection Law is necessary for the protection of vulnerable children living on Sark. This Law outlines services and support for children and families where children may be deemed to be “in need” or “in risk” and with children requiring care, protection, guidance or control. Sark has established, in line with UK and other Bailiwick Islands, a M.A.S.H (Multi-Agency Safeguarding Hub). The MASH, with the assistance, when necessary from Guernsey Health and Social Services, have provisions to protect children from harm or risk.

The Ordinance details how MASH identifies, assesses and supports children in need or with disabilities, how the processes are documented and outlines the duties of specific officers in relation to notification of information and implementation of actions.

The ordinance also outlines the processes where a referral to Court in respect of formal Care Requirements is necessary. The Law and Parts I to III of the Ordinance, if approved, will come into force on the 1st May 2021.

Part IV addresses secure accommodation – as this requires changes to the laws in Guernsey, Part IV will come into force following an update to the Ordinance.

Therefore, the Committee asks that you approve this Ordinance to protect and care for any child who may be at risk while living on Sark.

Proposition –

That Chief Pleas approves the Ordinance entitled The Child Protection (Sark) Ordinance, 2021.

**Conseiller Sandra Williams
Chair, Education Committee.**

The Child Protection (Sark) Ordinance, 2021

ARRANGEMENT OF SECTIONS

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15. Maximum period of MASH placement.
16. Maximum period of secure accommodation orders.
17. Mandatory review of placements.
18. Criteria for designating secure accommodation.
19. Standard of care of children in secure accommodation.
20. Terms and conditions of designation.
21. Mandatory review of designations.

PART V
PLACEMENT OF CHILDREN OUT OF THE JURISDICTION

22. Interpretation.
23. Application.
24. MASH to notify recommendations to place without Court permission.
25. Duties to children placed out of the jurisdiction.
26. Procedures to be followed when a child is placed.
27. Requirements for placements.
28. Emergency placements.

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31. Citation.
32. Commencement of the Law and this Ordinance.

The Child Protection (Sark) Ordinance, 2021

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 3rd October, 2018, and in exercise of the powers conferred on them by sections 5, 11(2) and (3)(e), 22, 43(a), 44, 46, 48, 57, 82 and 86 of the Child Protection (Sark) Law, 2020^a, and all other powers enabling them in that behalf, hereby order:-

PART I

CHILDREN IN NEED AND THEIR FAMILIES

MASH to identify and assess children in need.

1. (1) MASH must –
 - (a) take reasonable steps to identify children in need in Sark,
 - (b) make arrangements to assess the extent to which those children are in need, and
 - (c) establish and maintain a register of those children for the purposes of paragraphs (a) and (b) and for the exercise or performance of any of its functions under the Law.

(2) MASH may keep the following information in a register maintained for the purposes of sections 1(c), 3(c) and 6(b) where MASH considers it necessary to keep that information for the exercise or performance of its functions –

^a Order in Council No. XIII of 2020.

- (a) personal information relating to the child,
- (b) details of the relationship of the child with members of the child's family,
- (c) personal information relating to members of the child's family,
- (d) details of the relationship of the child with any professionals involved in the care or education of the child,
- (e) personal information relating to any professionals involved in the care or education of the child,
- (f) professional reports relevant to the child,
- (g) details of welfare or safeguarding concerns, and
- (h) details of any actions taken by MASH or others in relation to welfare or safeguarding concerns.

MASH may provide services to children in need.

2. (1) MASH may provide services to or for any child in need where MASH considers it necessary in order to –

- (a) safeguard or promote the child's welfare, and

(b) prevent the need for compulsory intervention in respect of the child or reduce the degree to which the child needs or might need compulsory intervention.

(2) Services under subsection (1) –

(a) may include or facilitate the provision of accommodation, assistance in kind or, exceptionally, cash or other direct payments, and

(b) may be provided unconditionally or conditionally, including upon conditions as to repayment of any payments made.

(3) Without limiting the generality of subsections (1) and (2), MASH may provide the services specified in sections 3 to 6 for the purpose specified in subsection (1).

(4) When providing or arranging for the provision of services under or for the purposes of subsection (1), MASH must have regard, so far as is reasonable and practicable, to –

(a) the religion, racial origin, cultural and linguistic background and views of the child, and

(b) the views of –

(i) the parents of that child,

- (ii) any person with parental responsibility in relation to that child,
- (iii) a father or mother of that child, who does not have parental responsibility for that child, and
- (iv) any person who appears to ordinarily (and other than by reason of the person's employment) have care of that child.

Services for disabled children or children affected by disability within family.

3. MASH may –

- (a) provide services to –
 - (i) minimise the adverse effect of their disabilities on children with disabilities, and
 - (ii) give disabled children the opportunity to lead lives which fulfil their potential,
- (b) provide services or assessments for a child who is adversely affected by the disability of any other person –
 - (i) in the child's family, or
 - (ii) who cares for the child, and
- (c) establish and maintain a register of disabled children

and children adversely affected by the disability of another person for the purposes of paragraphs (a) and (b).

Provision of accommodation in order to protect a child.

4. (1) Where MASH determines that compulsory intervention may be needed in respect of a child who is living on particular premises due to the actions of another person who is living on those premises, MASH may assist or facilitate that other person in obtaining alternative accommodation.

(2) Assistance under subsection (1) may be provided by means of cash or direct payments and may be provided unconditionally or conditionally, including upon conditions as to repayment of any payments.

Other services for children in need.

5. MASH may provide the following services for children in need –

- (a) advice, guidance and counselling,
- (b) health and social services,
- (c) occupational, social, cultural and recreational activities,
- (d) community-based assistance and services, or
- (e) any other service that MASH considers necessary to meet the needs of those children.

Child protection plan and register.

6. MASH may –
- (a) prepare and adopt a child protection plan designed to protect a child in need, and
 - (b) establish and maintain a register of children who are subject to a child protection plan.

PART II

COMPULSORY NOTIFICATIONS

Duties of public authorities and safeguarding officers.

7. (1) When any concern about a child comes to the attention of a public authority, the public authority must immediately notify –

- (a) where an officer or other person is designated as the safeguarding lead for the public authority, the person so designated, and
- (b) otherwise, MASH.

(2) A person notified under subsection (1)(a) must make any inquiries that the person considers reasonably necessary and practicable in order to determine whether or not the concern is sufficiently serious that MASH ought to be notified.

(3) A person carrying out inquiries under subsection (2) must –

- (a) record –
 - (i) the nature of the concern referred to the person,
 - (ii) the inquiries that person has carried out, or caused to be carried out,
 - (iii) the lines of inquiry that that person has chosen not to pursue,
 - (iv) the decision reached as to whether or not to notify MASH, and
 - (v) the reason for that decision, and
 - (b) where that person decides that MASH ought to be notified, do so immediately.
- (4) In this section, "**public authority**" means –
- (a) any committee of the Chief Pleas,
 - (b) the holder of a public office, or
 - (c) the head teacher of the School (within the meaning given by section 9(1) of the Education (Sark) Ordinance,

2003^b).

Duty to notify specific matters to MASH.

8. (1) The person specified in each of paragraphs (a) to (d) must give written notice to MASH of the matters specified in the paragraph, in the manner specified in that paragraph –

- (a) where a child is detained by a police officer or customs officer in Sark and neither granted bail nor otherwise released from custody within 36 hours of commencement of the detention, the police officer or (as the case may be) customs officer must notify MASH of that detention as soon as reasonably possible,
- (b) where a police officer exercises powers in respect of a child in Sark under section 39 of the Law, the police officer must notify MASH of the exercise of those powers within 24 hours of their exercise,
- (c) where an application is made by an approved social worker, within the meaning of section 99(1) of the Mental Health (Bailiwick of Guernsey) Law, 2010^c, for an assessment order or a treatment order in respect of a child in Sark under that Law, the approved social worker

^b As amended by Sark Ordinance No. IX of 2018; No. X of 2019; and No. IV of 2020.

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

must –

- (i) notify MASH of the application within five business days of the application being made, and
- (ii) give MASH on request a copy of the written application submitted (for the assessment order or treatment order), and
- (d) where an application is made for an order under section 16 of the Children Law in respect of a child and the applicant knows that the child is the subject of a care requirement or proceedings for a care requirement under Part III of the Child Protection (Sark) Law, 2020, that applicant must notify MASH of the application within five business days of making it.

(2) In this section, for the avoidance of doubt, "**child**" means a child who is ordinarily resident in Sark.

PART III

COURT REFERRALS AND CARE REQUIREMENTS

Referrals to the Court.

9. A referral by MASH to the Court of any matter under section 17, or any case under section 54, of the Law -

- (a) must be made in the form of an application by MASH to the Court to determine the matter or case concerned in accordance with the Law, and
- (b) is to be regarded for all purposes as such an application.

Fixing date for review of care requirement.

10. When the Court makes a care requirement in respect of a child whose case has been referred under section 17(1) of the Law, the Court may fix a date upon which the requirement must be reviewed in accordance with section 11(1)(a).

Review of care requirement.

11. (1) Subject to the following subsections, the Court must review a care requirement –

- (a) where the Court has fixed a date for review of that care requirement under section 10, or
- (b) upon the application of –
 - (i) the child, or any party to the proceedings, at any time after a period of three months has expired from the later of the date of the making of the requirement, or any variation or continuation of the requirement, or
 - (ii) MASH.

(2) MASH must make an application under subsection

(1)(b)(ii)–

- (a) upon the expiration of the period of nine months from the later of the date of the making of a care requirement, or any variation or continuation of the requirement, if no review or other application for review has taken place or been made, or
- (b) if it believes that a care requirement, or a condition attached to a care requirement –
 - (i) is no longer required, or
 - (ii) should be varied.

PART IV

SECURE ACCOMMODATION

Meaning of "secure accommodation order".

12. In this Part, "a **secure accommodation order**" means an order made by the Court under section 44 of the Law.

Age restrictions on placement.

13. A child who has not reached the age of 13 years must not, without the prior approval of Her Majesty's Procurer –

- (a) be placed in secure accommodation under section 46 of the Law, or

- (b) be made subject to a secure accommodation order.

Special restrictions on MASH placement.

14. (1) A child who has reached the age of 13 years may be placed by MASH in secure accommodation under section 46 of the Law only where –

- (a) in the case of any placement, the Island Safeguarding Officer consents to the placement,
- (b) in the case of a placement exceeding 48 hours, Her Majesty's Procureur consents to the placement,
- (c) either or both of the criteria set out in section 44(2)(a) and (b) of the Law are met, and
- (d) at least one of the criteria set out in subsection (2)(a) to (d) is met.

(2) The criteria mentioned in subsection (1)(d) are –

- (a) MASH has parental responsibility for the child,
- (b) the child is subject to a care requirement or an interim care requirement,
- (c) the child has not reached the age of 16 years and a person having parental responsibility for the child consents to the placement, or

- (d) the child has reached the age of 16 years and consents to the placement.
- (3) For the purposes of subsection (2)(c) and (d), any child who –
 - (a) reaches the age of 16 years at any time from the beginning of a school year up to and including the last Friday in June in that school year is deemed not to have reached that age until the end of that last Friday in June, or
 - (b) is to reach the age of 16 years at any time after the last Friday in June in a school year but before the beginning of the next school year is deemed to have reached that age at the end of that last Friday in June,

and "school year" means the twelve month period commencing on 1st September in any year.

(4) MASH must notify the Seneschal within 36 hours of the commencement of any detention of a child in secure accommodation under section 46 of the Law.

Maximum period of MASH placement.

15. (1) MASH must not place a child in secure accommodation under section 46 of the Law for a period exceeding 72 hours in aggregate (whether or not consecutive) in any period of 28 consecutive days.

(2) Where –

- (a) a child is placed by MASH in secure accommodation at any time between 12 midday on the day before and 12 midday on the day after a public holiday or a Sunday,
- (b) during that period the maximum period under subsection (1) expires, and
- (c) in the 27 days before the day on which the child was placed in secure accommodation, that child had been placed and kept in such accommodation for an aggregate period of more than 48 hours,

the maximum period specified in subsection (1) does not expire until 12 midday on the first day, which is not itself a public holiday or a Sunday, after the public holiday or (as the case may be) Sunday.

Maximum period of secure accommodation orders.

16. (1) A secure accommodation order issued for a child on the first occasion must not place the child in secure accommodation for any period exceeding 28 consecutive days, but this period may be extended in accordance with subsection (2) or (3).

(2) Where a child subject to a secure accommodation order is placed within Sark, the Court may order the child to continue to be placed in secure accommodation for a further period that the Court thinks fit, but the child must not in any case be placed in secure accommodation for any continuous period exceeding three months in aggregate (including any period of secure accommodation ordered by the Court on the first occasion).

(3) Where a child subject to a secure accommodation order is placed outside Sark, the Court may order the child to be placed in secure accommodation for a further period that the Court thinks fit, but the child must not be so placed for any continuous period exceeding six months in aggregate (including any period of secure accommodation ordered by the Court on the first occasion) without a further order by the Court.

(4) Where MASH proposes to transfer a child subject to a secure accommodation order between a placement in Sark and a placement outside Sark, or vice versa, for a period of more than 14 days during the currency of that order, MASH must bring the matter before the Court to review the length of the secure accommodation order having regard to all the circumstances.

(5) For the avoidance of doubt, neither the period mentioned in subsection (1) nor the aggregate period mentioned in subsection (2) or (3) includes any period of placement in secure accommodation under section 46 of the Law.

Mandatory review of placements.

17. (1) Where a child has been made subject to a secure accommodation order for a continuous period exceeding eight days, MASH must convene a Secure Review Panel ("**the Panel**") to which it will appoint at least three persons, one of whom must be independent of MASH.

(2) The Panel will review the placement of the child in secure accommodation –

(a) if the child is placed within Sark, within 14 days and then at intervals not exceeding 28 days where the child

continues to be placed in such accommodation, or

- (b) if the child is placed outside Sark, within twenty-eight days and then at intervals not exceeding three months where the child continues to be kept in such accommodation.

(3) When reviewing the placement of the child, the Panel must consider if –

- (a) the reasons for ordering the child to be placed or kept in secure accommodation continue to apply,
- (b) the placement in such accommodation continues to be necessary, and
- (c) any other description of accommodation would be appropriate for the child,

and in so doing must have regard to the welfare of the child whose case is being reviewed.

(4) In undertaking the review, the Panel must, so far as practicable, ascertain and take into account the wishes and feelings of –

- (a) the child,
- (b) the parents of that child,

- (c) any person with parental responsibility in relation to that child,
- (d) a father or mother, of that child, who does not have parental responsibility for that child, and
- (e) any member of the child's family or any person who appears to ordinarily (and other than by reason of the person's employment) have care of the child, where in the opinion of the Panel, that person's wishes and feeling should be taken into account.

(5) So far as practicable, the Panel must inform all those whose views are required to be taken into account under subsection (4) of the outcome of the review and the reasons for that outcome.

(6) If the Panel determines that the criteria for the child to be subject to a secure accommodation order are no longer satisfied –

- (a) the child must be discharged from secure accommodation within 24 hours (or 48 hours if placed outside Sark), or
- (b) the matter must be returned to the Court on the next business day.

Criteria for designating secure accommodation.

18. MASH may designate accommodation provided for the purpose of restricting the liberty of a child within Sark as secure accommodation only if MASH

is satisfied that the accommodation –

- (a) is designed to prevent unauthorised entry or exit,
- (b) facilitates supervision and minimises opportunities for self-harm while, so far as practicable, being appropriate for its purpose and function,
- (c) is properly maintained and furnished, and
- (d) is operated in accordance with any current policies, procedures and guidance of MASH governing the provision of secure accommodation.

Standard of care of children in secure accommodation.

19. Without prejudice to the requirements of section 18, and so far as is necessary, practicable and appropriate, MASH must ensure that a child placed in secure accommodation receives the same standard of care as a child otherwise in the care of MASH.

Terms and conditions of designation.

20. (1) Designation of secure accommodation may be made on such terms and conditions as MASH thinks fit and may include –

- (a) the maximum number of children who can be accommodated, and
- (b) the duration of the designation.

(2) No accommodation may be designated as secure accommodation for a period exceeding three years at any one time.

Mandatory review of designations.

21. MASH must review any designation of secure accommodation in accordance with its current policies, procedures and guidance at intervals of not more than three years.

PART V

PLACEMENT OF CHILDREN OUT OF THE JURISDICTION

Interpretation.

22. In this Part, unless the context requires otherwise –

"**placed out of the jurisdiction**" has the meaning given by section 53(1) of the Law, and "**place**" and "**placement**" has a corresponding meaning, and

"**placement agency**" has the meaning given by section 53(1) of the Law.

Application.

23. (1) This Part applies to –

(a) a child who is placed out of the jurisdiction, where –

(i) the child is in the care of MASH within the meaning of section 7(4) of the Law, or

(ii) in the opinion of the Committee, the child has special educational needs that cannot adequately

be met within the jurisdiction, and

- (b) a child who has not been placed out of the jurisdiction –
 - (i) in respect of whom arrangements have been made for placement out of the jurisdiction for a period of at least 30 days, and
 - (ii) who, in the opinion of the Court, requires the protection of this Part to ensure that the child has adequate care, protection, guidance and control.

(2) For the purposes of subsection (1)(b)(ii), any of the following persons may apply to the Court for a determination that a child requires the protection of this Part to ensure that the child has adequate care, protection, guidance and control–

- (a) the child,
- (b) the parents of that child,
- (c) any person with parental responsibility in relation to that child,
- (d) a father or mother, of that child, who does not have parental responsibility for that child, or
- (e) any member of the child's family or any person who appears to ordinarily (and other than by reason of the

person's employment) have care of the child.

MASH to notify recommendations to place without Court permission.

24. If MASH decides to recommend that a child be placed outside the jurisdiction under Part VI of the Law other than by permission or leave of the Court, MASH must –

- (a) notify the Court of the recommendation within seven business days of making it, and
- (b) if the child is not subject to a care requirement or an order of a relevant court, include in the notification details of the reasons why MASH is of the view that the conditions in section 54(1)(b) of the Law are satisfied and the proposed placement outside the jurisdiction is in the best interests of the child.

Duties to children placed out of the jurisdiction.

25. A placement agency ("P") making arrangements for placement of a child must ensure that throughout the duration of the placement those arrangements meet the welfare needs of that child, taking into account so far as reasonable and practicable –

- (a) all of the child's needs, including emotional, social, educational, physical and any identified special needs,
- (b) the resources in Sark which are immediately available or could reasonably be made available within an appropriate timescale for the child,

- (c) the likely effect on the child, in the short, medium and long term of the arrangements, including how the arrangements may affect the child's return to and reintegration into Sark, and
- (d) the wishes, feelings and views of –
 - (i) the child,
 - (ii) the parents of that child,
 - (iii) any person with parental responsibility in relation to that child,
 - (iv) a father or mother, of that child, who does not have parental responsibility for that child, and
 - (v) any member of the child's family or any person who appears to ordinarily (and other than by reason of the person's employment) have care of the child, where in P's opinion, that person's wishes, feelings and views should be taken into account.

Procedures to be followed when a child is placed.

26. A placement agency placing children out of the jurisdiction must establish procedures to govern these placements.

Requirements for placements.

27. (1) Subject to section 28(1), no child may be placed out of the jurisdiction unless –

(a) either of the following has been obtained –

(i) the permission of a court under section 54(1) or 55(2) of the Law, or

(ii) the leave of a court under section 56(2) of the Law, and

(b) either of the conditions in subsection (2) is satisfied.

(2) The conditions are –

(a) that the proposed placement is approved, and

(b) in the case of a placement with family members, that the proposed placement is appropriate for the needs of the child and has been approved for such purposes,

by the appropriate authority in accordance with laws and or regulations of the jurisdiction in which the placement is made.

Emergency placements.

28. (1) Where, in the opinion of a placement agency, placement out of the jurisdiction is the only means of providing the child with adequate care, protection, guidance or control, but the urgent nature of the circumstances is such that

a requirement under section 27(1)(a) or (b) is not satisfied, the placement agency may place the child out of the jurisdiction despite section 27.

(2) Where a placement is made under subsection (1), the placement agency concerned must take all reasonable measures necessary to determine the matter as soon as possible, and in any event within 28 days of making the placement, by –

- (a) satisfying the requirement, or
- (b) if it is not possible to do so, terminating the placement.

PART VI

MISCELLANEOUS AND GENERAL

MASH to act on behalf of Chief Pleas.

29. (1) MASH's functions under the Law and this Ordinance are to be carried out on behalf of the Chief Pleas.

(2) MASH must carry out its functions in accordance with any regulations made or written guidance issued by the Committee.

(3) Subject to subsection (2), MASH may carry out its functions and provide services for the purposes of the Law and this Ordinance in whole, or in part –

- (a) itself, or
- (b) through arrangements made with the Committee, any other committee of the Chief Pleas or any other person.

Interpretation.

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

"**children in need**" has the meaning given by section 4 of the Law,

"**document**" includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its disclosure include references to producing a copy of the information in legible form,

"**the Children Law**" means the Children (Sark) Law, 2016^d,

"**the Committee**" means the Education Committee of the Chief Pleas established under the Education (Sark) Ordinance, 2003,

"**information**" includes documents,

"**the Law**" means the Child Protection (Sark) Law, 2020,

"**MASH**", for the avoidance of doubt, means the Multi-Agency Safeguarding Hub established by section 9 of, and Schedule 1 to, the Law,

"**public office**" means any office, however created –

(a) to which functions are assigned by an enactment or

^d Order in Council No. VIII of 2016; amended by Guernsey Ordinance No. IX of 2016; Sark Ordinance No. I of 2017; and Order in Council No. XIII of 2020.

otherwise by custom or rule of law, and

- (b) the holder of which is remunerated out of funds provided by the Chief Pleas, and

"**secure accommodation**" or "**accommodation**" includes any outdoor area associated with the accommodation concerned.

Citation.

31. This Ordinance may be cited as the Child Protection (Sark) Ordinance, 2021.

Commencement of the Law and this Ordinance.

32. (1) Subject to subsection (2), the Law and this Ordinance shall come into force on the 1st May, 2021.

(2) Part IV (Secure Accommodation) of the Law and Part IV (Secure Accommodation) of this Ordinance shall come into force on the day appointed by a further Ordinance.

ITEM 07

POLICY & FINANCE COMMITTEE

Report with proposition to Easter Chief Pleas, 14th April, 2021

AMENDMENT TO REFORM LAW

During the COVID 19 pandemic, the Civil Contingencies Authority made emergency regulations temporarily amending the Reform (Sark) Law, 2008 to allow Chief Pleas and committees of the Chief Pleas to meet remotely, to allow members to vote by proxy in prescribed circumstances and to reduce the quorum to 7 during such emergency.

During circumstances requiring remote meetings, the enactment of emergency regulations may be delayed due to drafting pressures and may impact the ability of Chief Pleas to meet whilst the legislation is enacted. Furthermore, such emergency regulations lapse after a maximum of 30 days, under section 16 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 under which the regulations are made, and so such regulations need to be re-made regularly if the circumstances necessitating their enactment are continuing.

It is proposed that an amendment to the Reform (Sark) Law 2008 be made to allow the Speaker, upon representations from the CCA, in the light of circumstances prevailing in Sark in relation to an emergency, to make a determination that certain emergency procedures will apply until the Speaker makes a further determination that they should cease to apply. Before making any determination in accordance with a recommendation of the CCA the Speaker must also consult H M Procureur in relation to the appropriateness and proportionality of the determination.

The emergency provisions largely replicate the provisions put in place during the lockdown period in 2020 in order to avoid the need for the same provisions to be made using the emergency regulation-making powers of the CCA should there be a need for a further lockdown or other measures in Sark in response to any emergency in the future. It is considered preferable that the Chief Pleas of Sark, as the legislature for Sark, should consider and approve such provisions following the standard procedures for considering and approving primary legislation.

The emergency provisions, which are effective only for the duration of the determination made by the Speaker in accordance with the representations of the CCA and the advice of H M Procureur mentioned above, remove the requirement for meetings of the Chief Pleas to be held in public and enable meetings of the Chief Pleas to be held remotely, subject to the requirements set out in the provisions which will be similar to those applying under the emergency regulations. The quorum will again be reduced from the usual 9 Conseillers to 7.

It is also proposed that under certain specific circumstances prescribed by the Speaker, that Conseillers be permitted to appoint another Conseiller to act as their proxy and vote on their behalf. The Speaker shall direct the manner in which proxy arrangements shall operate in relation to an authorised absence. There will also be provision for modifications to be made to the rules of procedure as necessary to enable remote meetings to take place.

Similarly, provision will be made for Committee meetings to take place remotely.

The emergency provisions will also include power for the Chief Pleas to provide by Ordinance for the deferral of an election for up to 6 months or for an election to be held by postal ballot. This would enable some flexibility in the holding of elections during an emergency provided that any such variation is approved by the Chief Pleas and embodied in an Ordinance.

Proposition : –

That Chief Pleas authorises the Policy & Finance Committee to instruct the Law Officers to draft legislation to enable the amendment to the Reform (Sark) Law in accordance with this report.

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

POLICY & FINANCE COMMITTEE

Report with proposition to Easter Chief Pleas, 14th April, 2021

**CHANGES TO THE START TIMES OF CHIEF PLEAS
MEETINGS**

At the 2020 Easter Chief Pleas, held on 22nd April, Chief Pleas agreed to change by Resolution that Statutory Meetings of Chief Pleas would commence at 5pm and that Extraordinary Meetings would continue to take place at 7 pm.

The Policy and Finance Committee now propose that Extraordinary Meetings should commence at 5pm.

The times at which Chief Pleas meetings should be held is not specified in the Reform (Sark) Law, 2008 or any subsequent ordinances of same.

Therefore, the following proposition is put to Chief Pleas:

Proposition –

That Chief Pleas agrees to change the times of Extraordinary Chief Pleas meetings from 7pm to 5pm.

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

POLICY & FINANCE COMMITTEE

Report with proposition to Easter Chief Pleas, 14th April, 2021

IOSS INDEPENDENT REVIEW

At the extraordinary meeting of Chief Pleas held on 27th August, 2020, Chief Pleas approved the proposition that the Policy and Finance Committee instigate an independent review of Isle of Sark Shipping Company (IoSS).

The review was duly commissioned and carried out by Andrew Ozanne (OBE BA(Hons) Dip Arch (Oxford) RIBA MCI Arb ADR, Registered Adjudicator (ACA). Mediator (ADR)). It was completed and published in January 2021, and a public meeting was held to discuss the findings of the review on 20th January 2021.

The review covered:

1. The decision to decommission the Bon Marin, and the subsequent decision to purchase the MV Star Riviera.
2. The circumstances surrounding the purchase of the Corsaire des Isles including the financial transactions in connection therewith and the decision taken by the Board with particular reference to the availability of funds and the risks caused by the closure of French borders due to COVID 19.
3. In connection with the purchase of the Corsaire des Isles, the timing of the finance provision by the Bank and the Banks participation in the transaction.
4. The decisions and actions made by Chief Pleas regarding financial guarantees, and variation thereof, including Committee input and recommendations.
5. An analysis of the company's financial position as submitted to the Board leading to the notification of impending administration proceedings.
6. The reasons for the delays to the refurbishment of the Sark Venture, resulting in a potential single point failure and a reduced and unreliable service.

Subsequent to the publication and presentation of the review, Mr Ozanne made the following recommendations:

- A facilitator should be appointed.
- A round table open meeting with three from Chief Pleas and three from IoSS.
- Structured agenda (agreed by both parties).
- Application of the principle of critical analysis in decision making,
- Communications.

Mr Ozanne has offered to act as facilitator at no charge.

Proposition 1: –

That Chief Pleas approve that Policy and Finance appoint Andrew Ozanne to act as facilitator to enable a meeting between IoSS and Policy & Finance.

Proposition 2: –

That Chief Pleas approve a review of the Memorandum of Understanding and Service Level Agreement between Chief Pleas and Isle of Sark Shipping Company by the Policy & Finance Committee.

John Guille

Chairman, Policy & Finance Committe

POLICY & FINANCE COMMITTEE
Report with proposition to Chief Pleas, 14th April 2021

2020 Financial Statements

The Policy & Finance Committee presents the Financial Statements of the Island of Sark for the year ended 31 December 2020.

The Financial Statements have been reviewed and signed by an independent accountant, Brehon Limited, as required by The Reform (Sark) Law, 2008.

2020 was a very challenging year financially for the Island of Sark. Initial forecasts immediately following lockdown in March 2020 showed that all income streams would be seriously affected. Every effort was made to reduce expenditure, and regular meetings and dialogue with committees took place throughout the year. Whilst the result for 2020 shows a deficit of £224k and cash balances of £870k, this is a far better position that we could ever have hoped for a year ago. Cash flows have been drawn up for 2021 and will be monitored monthly. The forecast for 2021 currently shows a small increase in the level of cash reserves by the end of the year.

Attached to this Report are schedules comparing the 2020 Revenue Account with the 2020 Budget (Appendix 1) and with the previous year (Appendix 2). These schedules give detailed explanations of any variances. The headline variances are also noted below in this report.

The page numbers referred to in the following report relate to the page numbers of the Financial Statements accompanying this report.

REVENUE ACCOUNT – page 3

Income:

The total income for the year was £1,365,456 which was £20,670 higher than the total income in the previous year, but £191,664 lower than budget.

The reasons for significant variances in income when compared to budget are:

- **Direct taxation** - £33,500 lower than budget. Total tax due from both direct and deferred taxpayers was below budget and due to Covid some 2020 tax will be settled in 2021.
- **Impot** – £130,805 lower than budget. This is a significant shortfall, despite the increase in duty rates for 2020. Impot was seriously affected by the reduction in visitors during 2020, and the additional budgeted income expected by the rate rises did not materialise.

- **Property transfer tax** - £35,600 higher than budget due to the increased level of property transactions in the year.
- **Poll Tax** - £39,476 lower than budget. Revenues from passengers landing in Sark during the year was greatly reduced because of Bailiwick only travel, despite the budgeted £0.15 increase per passenger.
- **Public Works income** - £22,425 lower than budget due in part to no anticipated additional income from new recycling service, which has been postponed until 2021. There was reduced charging, especially to businesses, during lockdown.

The reasons for significant variances in income when compared to 2019 are:

- **Direct Tax** - £33,147 higher than 2019, due to increase in tax rates for 2020.
- **Impot** - £33,788 lower than 2019, due to reduction in visitors especially day trippers.
- **Property Transfer Tax** - £40,800 higher than 2019, due to increased level of property transactions in 2020.
- **Poll Tax** - £36,396 lower than 2019 due to reduced number of passengers landing in Sark during the year because of Bailiwick only travel.
- **School house rental income** - £35,920 higher. In 2019 this income stream was zero, as the rental income had been netted off against the cost of teachers.

Ordinary expenditure:

The total expenditure on ordinary activities was £1,564,232 for the year, which was £40,889 higher than budget and £351,672 higher than the comparative figure for the previous year.

The reasons for significant variances in expenditure when compared to budget are:

- **Education** - £33,892 lower than budget. Savings were made on the Learning hub, website, heat & light, and recruitment/removal costs.
- **Douzaine** - £24,409 lower than budget. Savings were made by deferring works to the Harbour café until 2021. Works to the Old Hall and Prison had been over budgeted. Savings were made on Island worker costs as they were allocated on a timesheet category basis rather than by person, but this has increased Public Works labour costs.
- **Tourism** - £26,881 lower than budget. Savings were made on advertising and printing & distribution costs, by reducing advertising to the Bailiwick and Isle of Man only after lockdown.
- **Public works** – £29,397 higher than budget. Two invoices were received in the year for the Incinerator relating to 2018. There was also an unbudgeted additional cost for sewage chemicals. Public works labour costs also increased compared to budget as actual hours were costed according to timesheets, rather than by person.
- **Harbours, Shipping & Crane** - £34,283 lower than budget. Harbour apron repairs have been deferred. Other savings were made across all cost centres.

- **Medical & Emergency Services** - £133,864 higher than budget. This additional expenditure is attributed to the cost of Locums providing continuity of medical services until the current doctor was recruited. Other increased costs have been negated by consultancy fees received.
- **Legal & Professional fees** - £32,685 higher than budget. The Price Control Commissioner's legal costs were higher than anticipated. There was also an unbudgeted cost for the IoSS review.
- **Miscellaneous expenditure** - £34,184 lower than budget, as savings were made on Seneschal, Liberation 75, Child Protection, and the Review fee.

The reasons for significant variances in expenditure when compared to 2019 are:

- **Education** - £33,641 higher than 2019. This is purely an accounting difference, as the rent received from the teacher's houses has been posted to income in 2020 rather than being netted off against cost as in 2019.
- **Tourism** - £23,441 lower than 2019. Savings were made on advertising and printing & distribution costs, by reducing advertising to the Bailiwick and Isle of Man only after lockdown.
- **Public Works** - £32,931 higher than 2019. Two invoices were received in the year for the Incinerator relating to 2018. There was also a cost for sewage chemicals not made in 2019. Public works labour costs also increased compared to last year, as actual hours were costed according to timesheets rather than by person.
- **Medical & Emergency Services** - £162,411 higher than 2019. This additional expenditure is attributed to the cost of Locums providing continuity of medical services until the current doctor was recruited. Other increased costs, including the provision of a nurse, and all heat, light, phones & IT have been in part negated by consultancy fees received.
- **Central wage/stipend costs** - £42,023 higher than 2019. This includes RPI increases across the board, the recruitment of the new Treasurer in January 2020 and a small increase in hours worked in the committee office.
- **Legal & Professional fees** - £46,818 higher than 2019. There were increased legal costs incurred by the electricity Price Control Commissioner compared to 2019, and the cost of the IoSS review also increased this expenditure line.

Unforeseen revenue expenditure:

The unforeseen expenditure for 2020 was £25,268, against a budget of £25,000 and was £49,313 lower than that of 2019. The only costs charged to unforeseen in the year were in relation to the North End electricity contingency, and include the generator purchase and set-up, maintenance, fuel and running costs.

Deficit for the year:

There is a deficit arising on the Island's ordinary activities of £198,776. The unforeseen expenditure amounting to £25,268 resulted in an overall deficit of £224,044 which has reduced the accumulated reserves.

STATEMENT OF BALANCES – page 4

Tangible assets:

The movements in tangible assets are detailed in note 22 on pages 12 and 13 of the financial statements. Additions in the year totalled £352,473. The main addition in the year was the new Abattoir. £339,998 was spent in the year, with an additional capital commitment of £27,293 to be paid in 2021. The project is forecast to be on budget. Depreciation provided in 2020 was £34,828. A tractor was disposed of during the year, resulting in a £1,645 gain on disposal.

Investments:

The cost of Chief Pleas' investment in Isle of Sark Shipping Company Limited ("IoSS") increased by £34,266 during 2020. £14,266 has been added to the long-term loan, and £20,000 is due to be repaid in March 2021. The net assets of IoSS as shown by its latest accounts to 30 September 2020 were £722,972. This has dipped below the level of Chief Pleas' investment, but recovery is expected post Covid 19.

Net current assets:

Net current assets have decreased in the year by £575,489. Cash balances have decreased by £628,930 in financing the deficit, abattoir and IoSS. Debtors, including prepayments have increased by £59,666, the majority of which is an increase in Impot due from Guernsey (£121k at the end of 2020, compared to £66k due at the end of 2019). Creditors and accruals have increased by £6,225.

Accumulated fund:

The accumulated fund (being the Island's general reserves) has decreased from £3,036,841 to £2,812,797 by the deficit for the year of £224,044.

La Ville Roussel fund:

The fund has assets, mainly bank balances, of £100,988 and accumulated reserves of the same figure. The fund is under the control of the Trustees of La Ville Roussel Trust for the benefit of the Island.

IN SUMMARY

The Financial Statements have been signed by the Treasurer and William Raymond, with the approval of the Policy and Finance Committee, and are presented for adoption.

Proposition –

That the Financial Statements of the Island for the year ended 31 December 2020 be adopted.

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



Island of Sark

Financial statements

Year Ended 31 December 2020

Island of Sark

Statement of responsibilities

Chief Pleas are responsible for preparing financial statements for each financial year, in accordance with the accounting policies set out in note 1 and Section 62 of The Reform (Sark) Law, 2008, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error. The financial statements have been prepared for the purpose of compliance with The Reform (Sark) Law, 2008.

Chief Pleas is responsible for the maintenance and integrity of the corporate and financial information included on Chief Pleas' website, and for the preparation and dissemination of financial statements. Legislation in Sark and the Bailiwick of Guernsey governing the preparation and dissemination of financial statements may differ from legislation in other jurisdictions.



William Raymond
Conseiller
Sark Policy and Finance Committee

Date: 4th March 2021.



Sarah Hudson
Treasurer
on behalf of Chief Pleas

Date: 4th March 2021.

Independent Practitioner's Review Report to Island of Sark

Conclusion

We have been engaged by Island of Sark ("the island") to review the financial statements of the Island, which comprise statement of balances as at 31 December 2020 and the revenue account for the year then ended, and note, comprising significant policies and other explanatory information.

Based on our review, nothing has come to our attention that causes us to believe that the financial statements are not prepared in all material respects in accordance with the accounting policies set out in Note 1, as selected by the Policy and Finance Committee of Chief Pleas, and section 62 of the Reform (Sark) Law, 2008.

Scope of Material

We conducted our review in accordance with the International Standard on Review Engagements 2400 – Engagements to review Financial Statements ("ISRE 2400"). The practitioner performs procedures, primarily consisting of making inquiries of management and others within the entity, as appropriate and applying analytical procedures and evaluates the evidence obtained.

The procedures performed in a review are substantially less than those performed in an audit conducted in accordance with International Standards on Auditing. Accordingly, we do not express an audit opinion on these financial statements.

Chief Pleas' responsibilities

The Chief Pleas are responsible for preparing the financial statements in accordance with the accounting policies set out in note 1 and Section 62 of The reform (Sark) Law, 2008, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error. The financial statements have been prepared for the purpose of compliance with The Reform (Sark) Law, 2008.

Practitioner's responsibilities

Our responsibility is to express to the Island a conclusion on the financial statements based on our review, in accordance with ISRE 2400. ISRE 2400 also requires us to comply with relevant ethical requirements.

The purpose of our review and to whom we owe our responsibilities

This report is made solely to the Island in accordance with the terms of our engagement. Our review has been undertaken so that we might state to the Island those matters we are required to state to in this report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Island for our review work, for this report, or for the conclusions we have reached.

Brehon Limited
Chartered Accountants
Mayfield House
Grande Rue
St Martin
Guernsey
GY4 6AA

Brehon Limited

DATE: 28 February 2021

Island of Sark

Revenue account

for the year ended 31 December 2020

	<i>Notes</i>	Year ended 31.12.20 £	Budget year to 31.12.20 £	Year ended 31.12.19 £
Revenue Income				
Direct tax		774,500	808,000	741,353
Impot	2	286,195	417,000	319,984
Property transfer tax		66,200	30,600	25,400
Poll tax		23,525	63,000	59,920
Public Works income	1 & 3	57,575	80,000	65,664
Crane income		23,467	18,500	17,108
Harbour income	4	35,770	44,750	42,474
Investment income	5	9,906	7,000	18,677
School house rental income		35,920	35,520	-
Constables income	1 & 6	19,862	24,000	21,726
Miscellaneous income	7	30,891	28,750	32,480
Gain on disposal of fixed assets		1,645	-	-
Total Revenue Income		1,365,456	1,557,120	1,344,786
Revenue Expenditure				
Education	8	198,383	232,275	164,742
Douzaine	9	164,773	189,182	155,927
Stipend, salaries and wages	10	202,578	194,616	160,555
Repairs and maintenance	11	89,100	66,525	67,016
Public Works expenses	12	106,387	76,990	73,456
Procureur	13	161,878	170,000	146,630
Legal and Professional expenses		131,185	98,500	84,366
Tourism	14	66,941	93,822	90,382
Harbours, Crane, Shipping & Pilotage	15	60,947	95,230	59,869
Insurance		47,325	48,750	37,044
Medical and emergency services	16	222,753	88,890	60,342
Police, customs and prisons	17	-	21,000	15,218
Grants, subsidies, etc	18	19,142	19,400	20,412
Agriculture, Environment and Sea Fisheries	19	14,360	15,500	848
Miscellaneous expenditure	20	78,480	112,664	75,753
Total Ordinary Expenditure		1,564,232	1,523,343	1,212,560
(Deficit)/Surplus on Ordinary Operations		(198,776)	33,777	132,226
Unforeseen Expenditure	21	25,268	25,000	74,581
(DEFICIT)/SURPLUS FOR FINANCIAL YEAR		(224,044)	8,777	57,645

Island of Sark

Statement of balances at 31 December 2020

	Notes	2020		2019	
		£	£	£	£
Assets employed					
Tangible assets	1 & 22		1,265,224		948,045
Investments	1 & 23		740,054		705,788
La Ville Roussel fund	24		100,988		100,534
Current assets					
Debtors and prepaid expenses	25	161,779		102,113	
Bank balances		870,368		1,499,298	
		<u>1,032,147</u>		<u>1,601,411</u>	
Liabilities falling due within one year					
Creditors	26	129,620		136,540	
Held for internal organisations	27	95,008		81,863	
		<u>224,628</u>		<u>218,403</u>	
Net current assets			<u>807,519</u>		<u>1,383,008</u>
Total assets less current liabilities			<u>2,913,785</u>		<u>3,137,375</u>
Financed by					
Accumulated fund	30		2,812,797		3,036,841
La Ville Roussel fund	31		100,988		100,534
Reserves	32		<u>2,913,785</u>		<u>3,137,375</u>



William Raymond
Conseiller
Sark Policy and Finance Committee

Date: 4th March 2021.



Sarah Hudson
Treasurer
on behalf of Chief Pleas

Date: 4th March 2021.

The notes on pages 5 to 16 form part of these financial statements.

Island of Sark

Notes forming part of the financial statements

1 Principal accounting policies

The following accounting policies have been applied consistently in dealing with items which are considered material in relation to the financial statements of the Island of Sark ("the Island") :

Basis of preparation

The financial statements have been prepared in accordance with Section 62 of The Reform (Sark) Law, 2008 and the accounting policies detailed below, as selected by the Policy and Finance Committee of Chief Pleas. They have been prepared on the historical cost basis and on a going concern basis. The budgeted revenue and expenditure figures have been included for illustrative purposes only.

Revenue

Income has been included on the accruals basis, with the exception of that of Public Works which has been included on the receipts basis.

Revenue

Expenditure is included on the accruals basis.

Tangible assets

Tangible assets are stated at cost less depreciation.

Depreciation

Depreciation is calculated in equal annual instalments at the following annual rates so as to write off the cost of tangible assets over their anticipated useful lives:

	%
Cranes	6.7 - 10
Tractors	10
Incinerators	10
Rollers	10
Trailers	10
Stone crusher	10 (fully depreciated)
Borehole pump	10 (fully depreciated)
Sewage system	10 (fully depreciated)
Water bowser	10 (fully depreciated)
Water treatment	10 (fully depreciated)
Sewage tanker	10 (fully depreciated)
Rubbish skips	20
New Abattoir	2.5
Abattoir equipment	10 - 20
Emergency services equipment	10 - 20
Constables equipment	33.33
Medical equipment	33.33 (fully depreciated)
Office equipment	33.33
School computers	33.33
School and Office furniture	10

Island of Sark

Notes forming part of the financial statements - continued

1 Principal accounting policies (continued)

Depreciation (continued)

No provision has been made for depreciation of Maseline Harbour or Island property (with the exception of the new Island Abattoir) as it is the Island's policy to maintain these assets in good condition to prolong their useful lives. Any depreciation involved would not be material. Costs of repairs and maintenance are charged against revenue in the year in which they are incurred.

Investments

Unquoted investments are stated at cost.

Funds held for internal organisations

Funds are held on behalf of the Ambulance Service, Old Hall Trust, Hathaway Settlement, Harbour Donation Account, School fund, Playground fund and Tourism Trading Accounts as these organisations do not hold accounts of their own. The amounts held are shown in the balance sheet as current liabilities.

Net Procureur expense

Procureur expenses are recognised on an accruals basis. Assistance is given in the form of loans but is written off as it is provided. The expense is presented net of income received from assistance repaid and donations received.

	Year ended 31.12.20 £	Budget year to 31.12.20 £	Year ended 31.12.19 £
2 Impot			
Tobacco	110,543		107,770
Beer	51,115		77,495
Wines	51,824		64,788
Spirits and cordials	66,654		53,890
Cider	15,263		26,437
Oils	655		626
	<hr/> 296,054		<hr/> 331,006
Less: Collection charges	9,859		11,022
	<hr/> 286,195	417,000	<hr/> 319,984
3 Public Works income			
Rubbish	41,284		49,400
Sewage	16,291		16,264
	<hr/> 57,575	80,000	<hr/> 65,664

Island of Sark

Notes forming part of the financial statements - continued

	Year ended 31.12.20 £	<i>Budget year to 31.12.20 £</i>	Year ended 31.12.19 £
4 Harbour income			
Harbour services	31,577	35,000	33,800
Harbour dues	2,199	7,750	6,716
Rents and sundry income	1,994	2,000	1,958
	<u>35,770</u>	<u>44,750</u>	<u>42,474</u>
5 Investment income			
Bank deposit interest	3,636		12,313
Loan interest	6,270		6,364
	<u>9,906</u>	<u>7,000</u>	<u>18,677</u>
6 Constables' income			
Licences	19,862	24,000	21,726
	<u>19,862</u>	<u>24,000</u>	<u>21,726</u>
7 Miscellaneous income			
Rent and ground rent	4,125	7,000	9,228
Accommodation permits	6,123	5,750	5,941
Court and registration fees	1,160	3,000	1,514
Hotel and public house licences	5,435	5,000	5,285
Share of profit of Guernsey Post	-	1,000	-
Share of C I Lottery profit/import duties	5,291	5,000	8,675
Development control application fees	555	1,000	750
Sundry	8,202	1,000	1,087
	<u>30,891</u>	<u>28,750</u>	<u>32,480</u>
8 Education			
Salaries, including pension contributions	170,457	181,725	138,431
Educational and technical support and software	3,114	9,000	4,240
Books, stationery, equipment and expenses	7,852	7,750	5,804
Repairs, maintenance, heat and light	3,434	10,000	14,880
Guernsey based tuition and accommodation	6,298	400	749
Home education	1,043	13,400	-
Recruitment expenses	6,185	10,000	638
	<u>198,383</u>	<u>232,275</u>	<u>164,742</u>

Island of Sark

Notes forming part of the financial statements - continued

	Year ended 31.12.20 £	<i>Budget year to 31.12.20 £</i>	Year ended 31.12.19 £
9 Douzaine and Constables			
Island workmen	92,586	<i>101,249</i>	89,050
Annual work programme	17,305	<i>25,000</i>	14,422
Repairs and Maintenance	16,381	<i>30,000</i>	21,494
Toilets and harbour stores	2,050	<i>4,000</i>	3,946
Maintenance of paths and signs	150	<i>1,500</i>	420
Salaries and honoraria	31,062	<i>23,433</i>	23,459
Constables' office expenses	5,239	<i>4,000</i>	3,136
	<u>164,773</u>	<u><i>189,182</i></u>	<u>155,927</u>
10 Stipend, salaries and wages			
Seigneur and Island Officers	93,147	<i>90,208</i>	160,167
Chief Secretary and Committee support officers	63,359	<i>48,904</i>	
Treasury function	46,072	<i>53,004</i>	
Training & development	-	<i>2,500</i>	388
	<u>202,578</u>	<u><i>194,616</i></u>	<u>160,555</u>
11 Repairs and maintenance			
Machinery - depreciation	34,828	<i>42,025</i>	36,167
Heat, light and power	10,196	<i>10,610</i>	11,408
Repairs:			
School houses	9,527	<i>2,934</i>	734
Committee office and fire station	255	<i>3,000</i>	4,327
Court/assembly room	23	<i>2,000</i>	6,155
Medical Centre	31,686	<i>1,956</i>	641
La Coupee	-	<i>2,000</i>	2,697
Crane shed roof	-	-	3,743
Other Island property	2,585	<i>2,000</i>	1,144
	<u>89,100</u>	<u><i>66,525</i></u>	<u>67,016</u>
12 Public Works expenses			
Landfill and other disposal costs	26,416		20,329
Wages	30,851		27,166
Incinerator operating costs	24,337		14,712
Sewage	24,783		11,249
	<u>106,387</u>	<u><i>76,990</i></u>	<u>73,456</u>

Island of Sark

Notes forming part of the financial statements - continued

	Year ended 31.12.20 £	<i>Budget year to 31.12.20 £</i>	Year ended 31.12.19 £
13 Procureur			
<i>Income</i>			
Contributions from third parties	-		-
Loan repayments	1,400		4,920
Donations	-		-
	<u>1,400</u>		<u>4,920</u>
<i>Expenditure</i>			
Medical insurance premiums	91,050		61,188
Medical costs and care workers	11,957		13,366
Groceries, meals, laundry and sundries	10,671		2,506
Rent and tax	1,075		525
Cash grants	22,760		23,120
Funeral Costs	-		3,263
Fuel assistance	4,996		3,488
Residential care	17,879		44,094
Other Costs	2,890		-
	<u>163,278</u>		<u>151,550</u>
<i>Net expenditure</i>	<u>161,878</u>	<u>170,000</u>	<u>146,630</u>
14 Tourism			
Advertising and visitor centre costs	66,095	89,822	92,122
Water testing and inspection costs	846	4,000	(1,740)
	<u>66,941</u>	<u>93,822</u>	<u>90,382</u>
15 Harbours , Shipping & Pilotage			
Harbour maintenance, salaries and training	39,374	76,230	48,234
Crane operation, repairs and maintenance	21,773	19,000	11,735
Pilotage	(200)	-	(100)
	<u>60,947</u>	<u>95,230</u>	<u>59,869</u>

Island of Sark

Notes forming part of the financial statements - continued

	Year ended 31.12.20 £	Budget year to 31.12.20 £	Year ended 31.12.19 £
16 Medical and emergency services			
Salaries	51,857	38,265	36,596
Consultancy fees	(30,231)	-	-
Locum & Paramedic cover	155,826	35,000	-
Other medical expenses	37,563	6,500	13,678
Fire protection	7,738	9,125	10,068
	<u>222,753</u>	<u>88,890</u>	<u>60,342</u>
17 Police, customs and prisons			
Police and customs costs	-	16,000	10,218
Maintenance of prisoners	-	5,000	5,000
	<u>-</u>	<u>21,000</u>	<u>15,218</u>
18 Grants, subsidies, etc			
Maintenance of Island Hall and School	9,742	10,000	11,012
St John's Marine Ambulance Fund	5,000	5,000	5,000
St Peter's Church	2,000	2,000	2,000
Methodist Church	500	500	500
Floral Sark	250	250	250
RNLI	650	650	1,000
Island Games	1,000	1,000	650
	<u>19,142</u>	<u>19,400</u>	<u>20,412</u>
19 Agriculture, Environment and Sea Fisheries			
Slaughterhouse management	8,519	6,000	186
Agriculture & Environment	384	2,000	(942)
Preventative measures	2,928	3,000	165
Sea Fisheries	2,529	4,500	1,439
	<u>14,360</u>	<u>15,500</u>	<u>848</u>

Island of Sark

Notes forming part of the financial statements - continued

	Year ended 31.12.20 £	Budget year to 31.12.20 £	Year ended 31.12.19 £
20 Miscellaneous expenditure			
Office expenses	35,036	34,000	23,796
Tax administration	7,183	8,500	4,644
Legal aid	27,000	27,000	27,000
Independent practitioner's review fee	3,297	6,500	6,521
Seneschal's court expenses	255	4,116	962
Costs of Lieutenant Seneschal	3,616	12,348	5,397
Digimap licensing	-	2,700	5,439
Hansard	2,093	2,500	1,405
Civic entertaining	-	10,000	400
Child protection costs	-	5,000	123
Other	-	-	66
	<u>78,480</u>	<u>112,664</u>	<u>75,753</u>
21 Unforeseen expenses			
Ivy Cottage repairs	-		13,450
Legal Fees	-		850
Locum & paramedic costs	-		37,513
Vin d'honneurs	-		(2,000)
North Island Electricity Contingency	25,268		-
Electricity Contingency	-		24,793
Election expenses	-		(25)
	<u>25,268</u>	<u>25,000</u>	<u>74,581</u>

Island of Sark

Notes forming part of the financial statements - continued

22 Tangible assets

	Cost			Depreciation			Net book values			
	At 01.01.20	Additions	Disposals	At 31.12.20	At 01.01.20	Provided	Disposals	At 31.12.20	At 01.01.20	31.12.19
	£	£	£	£	£	£	£	£	£	£
Maseline harbour	61,329	-	-	61,329	-	-	-	-	61,329	61,329
Land										
Les Laches	516	-	-	516	-	-	-	-	516	516
La Maseline	413	-	-	413	-	-	-	-	413	413
Harbour Hill path	1	-	-	1	-	-	-	-	1	1
	930	-	-	930	-	-	-	-	930	930
Property										
Ivy Cottage	118,731	-	-	118,731	-	-	-	-	118,731	118,731
Teacher's houses	98,295	-	-	98,295	-	-	-	-	98,295	98,295
Fire station	82,335	-	-	82,335	-	-	-	-	82,335	82,335
Assembly room/new offices	101,528	-	-	101,528	-	-	-	-	101,528	101,528
Visitor centre	34,217	-	-	34,217	-	-	-	-	34,217	34,217
Crane shed	26,803	-	-	26,803	-	-	-	-	26,803	26,803
Creux Harbour shelter	15,000	-	-	15,000	-	-	-	-	15,000	15,000
Grefte and committee offices	10,350	-	-	10,350	-	-	-	-	10,350	10,350
Medical centre	27,100	-	-	27,100	-	-	-	-	27,100	27,100
School adaptation	5,915	-	-	5,915	-	-	-	-	5,915	5,915
Vieux Clos	2,055	-	-	2,055	-	-	-	-	2,055	2,055
Prison improvements	1,702	-	-	1,702	-	-	-	-	1,702	1,702
Harbour Quarry shed	33,243	-	-	33,243	-	-	-	-	33,243	33,243
La Coupée toiletés	38,190	-	-	38,190	-	-	-	-	38,190	38,190
	595,464	-	-	595,464	-	-	-	-	595,464	595,464
Carried forward	657,723	-	-	657,723	-	-	-	-	657,723	657,723

Island of Sark

Notes forming part of the financial statements - continued

22 Tangible assets - continued

	Cost				Depreciation			Net book values		
	At 01.01.20		Additions		Disposals		At 31.12.20		At 31.12.20	
	£	£	£	£	£	£	£	£	£	£
Brought forward	657,723	-	-	657,723	-	-	-	-	657,723	657,723
Abattoir	3,690	315,998	-	319,688	-	1,332	-	1,332	3,690	318,356
Abattoir Equipment	3,303	24,000	-	27,303	3,303	400	-	3,703	-	23,600
Machinery	434,319	-	-	434,319	221,355	17,763	-	239,118	212,964	195,201
Tractors	60,562	-	(4,000)	56,562	42,922	2,866	(3,533)	42,254	17,640	14,308
Trailers	22,728	1,146	-	23,874	18,677	1,944	-	20,621	4,051	3,253
Lawnmowers	-	853	-	853	-	171	-	171	-	682
Stone crusher	8,947	-	-	8,947	8,947	-	-	8,947	-	-
Rollers	34,851	-	-	34,851	11,043	2,802	-	13,845	23,808	21,006
Constables equipment	1,100	-	-	1,100	1,100	-	-	1,100	-	-
Incinerators	83,848	-	-	83,848	65,387	3,076	-	68,463	18,461	15,385
Rubbish skips	12,312	-	-	12,312	10,107	735	-	10,842	2,205	1,470
Sewage tankers	13,498	-	-	13,498	13,498	-	-	13,498	-	-
Sewage system	9,750	-	-	9,750	9,750	-	-	9,750	-	-
Water treatment	5,288	-	-	5,288	5,288	-	-	5,288	-	-
Borehole pump	1,169	-	-	1,169	1,169	-	-	1,169	-	-
Emergency services equipment	16,282	-	-	16,282	13,352	807	-	14,159	2,930	2,123
Water bowser	4,397	-	-	4,397	4,397	-	-	4,397	-	-
Medical equipment	3,381	-	-	3,381	3,381	-	-	3,381	-	-
School computers & printers	9,377	2,580	-	11,957	8,209	600	-	8,809	1,168	3,148
School furniture	-	2,523	-	2,523	-	-	-	-	-	2,523
Island Finger Signs	-	2,000	-	2,000	-	-	-	-	-	2,000
Office furniture	1,114	-	-	1,114	903	36	-	939	211	175
Office equipment	24,329	3,373	-	27,702	21,135	2,296	-	23,431	3,194	4,271
	754,245	352,473	(4,000)	1,102,718	463,923	34,828	(3,533)	495,217	290,322	607,501
Total	1,411,968	352,473	(4,000)	1,760,441	463,923	34,828	(3,533)	495,217	948,045	1,265,224

Certain properties held by the Island Trustees are not included in tangible assets until such times as their values can be ascertained.

Island of Sark

Notes forming part of the financial statements - continued

23 Investments	2020	2019
	£	£
<i>Unquoted</i>		
Isle of Sark Shipping Company Limited -		
Ordinary shares of £1 each	451,000	451,000
Long term loan	269,054	254,788
Short term loan	20,000	-
	740,054	705,788
	740,054	705,788

Isle of Sark Shipping Company Limited ("IoSS") is a Guernsey registered company, wholly owned by the Island of Sark. As at 30 September 2020 the net assets of IoSS were £722,972 (2019 - £1,086,636).

Although the net asset value of IoSS has dipped below the cost of the investment, IoSS experienced extremely difficult trading conditions during the year ended 30 September 2020, and is expected to recover post Covid19.

The long term loan bears interest at the variable HMRC (UK) rate for beneficial loans (currently 2.25% p.a.) and becomes repayable on 31 August 2021. The short term loan is interest free and is repayable upon receipt of funding from NatWest bank.

24 La Ville Roussel Fund	2020	2019
	£	£
Debtors	207	86
Bank balances -		
Deposit	99,910	99,511
Current	871	938
	100,988	100,534
	100,988	100,534

25 Debtors	2020	2019
	£	£
Accrued income	133,759	81,511
Prepayments	18,341	14,403
Other debtors	9,679	6,199
	161,779	102,113
	161,779	102,113

26 Creditors	2020	2019
	£	£
Trade creditors	113,406	113,052
Advertising income received in advance	325	15,473
Constables licences paid in advance	3,452	994
Accommodation/catering permits paid in advance	1,584	1,117
Water tests paid in advance	768	750
Liquor licences paid in advance	3,835	4,635
Taxation paid in advance	6,250	-
	129,620	136,020
	129,620	136,020

Island of Sark

Notes forming part of the financial statements - continued

27	Held for internal organisations	2020	2019
		£	£
	Ambulance account	13,522	11,609
	Hathaway Trust	18,641	18,642
	Old Hall fund	186	5
	Harbour donation account	11,608	11,609
	School fund	12,546	14,286
	Tourism trade account	22,859	25,713
	Playground fund	15,646	520
		<u>95,008</u>	<u>82,383</u>
28	Contingent liabilities		
	Chief Pleas has guaranteed overdraft facilities granted to IoSS up to a maximum of £220,000 (2019 - £150,000). Chief Pleas has also guaranteed loan facilities granted to IoSS up to a maximum of £350,000 (2019 - £nil). The Island will only be liable to honour those guarantees in the event that IoSS defaults on repayments in relation to the overdraft. At 31 December 2020 the contingent liability arising from those guarantees was £Nil (2019 - £nil).		
29	Financial Commitments		
	As at the 31st December 2020 the Island had £27,293 of capital commitments in relation to the new abattoir, and £3,696 in relation to skip trailers. (2019 - £nil)		
30	Accumulated fund	2020	2019
		£	£
	Balance at 1 January	3,036,841	2,979,196
	Surplus/(Deficit) for the financial year	(224,044)	57,645
	Balance at 31 December	<u>2,812,797</u>	<u>3,036,841</u>
31	La Ville Roussel fund	2020	2019
		£	£
	<i>Income</i>		
	Bank interest	399	745
	Rent	125	125
		<u>524</u>	<u>870</u>
	<i>Expenditure</i>		
	Repairs	-	-
	Bank charges	70	70
		<u>70</u>	<u>70</u>
	Balance at 1 January	100,534	99,735
	Surplus for the financial year	454	799
	Balance at 31 December	<u>100,988</u>	<u>100,534</u>

Island of Sark

Notes forming part of the financial statements - continued

32 Reserves	2020	2019
	£	£
Balance at 1 January	3,137,375	3,078,931
(Decrease)/Increase in accumulated fund	(224,044)	57,645
Increase in La Ville Roussel fund	454	799
Balance at 31 December	<u>2,913,785</u>	<u>3,137,375</u>

33 Ultimate Controlling Party

The ultimate controlling party is the Chief Pleas of the Island of Sark.

34 Post Balance Sheet Events

There have been no material subsequent events up to the date of approval of these financial statements other than referred to in the notes above.

COMPARISON OF 2020 REVENUE ACCOUNT WITH 2020 BUDGET

	2020 RESULTS COMPARED TO BUDGET			COMMENTS
	ACTUALS	BUDGET	VARIANCE	
INCOME				
Direct Taxation	774,500	808,000	(33,500)	Total tax due from both direct and deferred tax payers was below budget. Due to Covid, there have also been some 2020 payments not received by year end, but they will be settled during 2021.
Impot	286,195	417,000	(130,805)	Impot was seriously affected by the reduction in visitor numbers to the Island during 2020, especially day trippers and those from outside the Bailiwick. Impot from Beer and Cider was down by £38k compared to 2019, however spirits were up by £13k. It appears that increasing the Impot rates by 7.5% for 2020 has had a negative effect on corresponding income.
Property transfer tax	66,200	30,600	35,600	The budget for PTT is based on the previous year's level of transactions. Actual transactions were better than budget by almost £36k in 2020.
Poll tax	23,525	63,000	(39,476)	Poll tax was almost £40k lower than budget due to reduced IOSS passengers and no Manche Isles in 2020, despite the £0.15 increase per passenger landing in Sark.
Public Works income	57,575	80,000	(22,425)	The 2020 budget had been increased in 2020 to reflect additional charges for recycling, but this service has been postponed until 2021. Income is also down against budget reflecting reduced charging, especially for businesses, during lockdown.
Crane receipts	23,467	18,500	4,967	There were more charters in 2020 than budgeted, mostly for the Slaughterhouse and Dairy. Income in the year also included IOSS crane usage for luggage lifting.
Harbour income	35,770	44,750	(8,980)	The budget is set for Harbour Services provided to IOSS and Manches Isles. The shortfall is due to no Manche Isles boats during the year. IOSS charges were in line with budget.
Investment income	9,906	7,000	2,906	Investment income from cash reserves was lower than budget, as investments were converted to cash during the year in case they were needed to support the Island's cashflow during lockdown. This was negated by the omission of the IOSS loan interest amount from the budget.
School houses rental income	35,920	35,520	400	Rental income from the 3 teachers houses, in line with budget.
Constables licence income	19,862	24,000	(4,138)	Licence numbers were down across the board compared to last year.
Miscellaneous income (including gain on disposal of fixed asset)	32,536	28,750	3,786	Island rents down against budget due to one rent no longer being chargeable. This was negated by a donation to the Slaughterhouse project and other small income streams.
TOTAL INCOME	1,365,456	1,557,120	(191,664)	
EXPENDITURE				
Education	198,383	232,275	33,892	Small savings were made on support staff costs and Director of Education expenses due to lockdown. Learning hub costs were not spent in 2020 as budgeted, nor was the budget for the website. There were other savings made on Heat & Light and Recruitment/Removals costs.
Douzaine and Constables	164,773	189,182	24,409	Savings were made against budget on repairs to Harbour café, Old Hall and Prison. Major works will be done on the Harbour café in 2021 under Capex. Other savings were made on Island worker costs. Since August, employee costs have been allocated according to timesheet categories rather than by person. From this, Public Works costs have increased and Island Works costs decreased.
Procureur	161,878	170,000	8,122	Costs to support Islanders in 2020 were £8k lower than budget.
Tourism	66,941	93,822	26,881	Savings have been made during the year both on advertising and printing & distribution costs, due to Bailiwick/Isle of Man only advertising post lockdown.
Public Works	106,387	76,990	(29,397)	Additional old invoices were received in the year for the Incinerator relating to 2018. There was also an unbudgeted sewage cost during the year. Public works labour costs have increased as actual hours have been costed according to timesheets, rather than by person.
Harbours, Shipping and Crane	60,947	95,230	34,283	Savings have been made across the board, but the main variance against the budget was the budgeted Harbour Apron repairs that were not carried out in 2020. This will be budgeted for 2022.
Medical and Emergency Services	222,753	88,890	(133,864)	The vast majority of overspend for 2020 was in relation to Locum costs, reflecting the time taken to recruit the current Doctor. Other unbudgeted additional costs, including a nurse and recruitment costs, have been negated by Dr and Nurse consultancy fee income.
Agriculture & Environment	14,360	15,500	1,140	Small savings made on Sea Fisheries budget.
Central Island Costs				
Seigneur, Officers, CS/CSOs/Treasury	202,578	194,616	(7,962)	Hours in the Committee office were slightly increased during the year, to reflect the increased workload of the department.
Repairs & maintenance of Island Property & Depreciation	89,100	66,525	(22,575)	Major repairs were needed to the Doctor's house and Medical Centre that had been unbudgeted.
Legal and professional fees	131,185	98,500	(32,685)	The Price Control Commissioner's legal costs were more than budget for the year. Other professional costs that were unbudgeted included the cost of the IOSS review.
Island Insurance	47,325	48,750	1,425	Insurance policy for Apr 20 - Mar 21 was slightly cheaper than budget.
Grants and subsidies	19,142	19,400	258	All grants as per budget.
Police, Customs & Prisoners	0	21,000	21,000	Previous years allowances for invoices received after year end accounts were finalised have been released at the end of 2020. This has negated the anticipated £15k cost for 2020, hence the zero cost for the year.
Miscellaneous expenditure	78,480	112,664	34,184	Seneschal costs were lower than budget, the budget for Liberation 75 celebrations was not spent, changing accountants has made savings, and the child protection budget was not used in the year.
TOTAL EXPENDITURE	1,564,232	1,523,343	(40,889)	
Unforeseen expenses	25,268	25,000	(268)	Unforeseen costs for 2020 were in relation to the North End electricity contingency. These costs included generator hire, maintenance and running costs including fuel and legal costs.
SURPLUS/(DEFICIT)	(224,044)	8,777	(232,820)	

COMPARISON OF 2020 REVENUE ACCOUNT TO 2019

	2020 RESULTS COMPARED TO 2019			COMMENTS
	2020	2019	VARIANCE	
INCOME				
Direct Taxation	774,500	741,353	33,147	The tax increases implemented for 2020 of £0.50 per quarter, £100 on minimum tax and £2,000 on maximum tax, have brought in an additional £33k of income compared to 2019.
Impot	286,195	319,984	(33,788)	Impot income was seriously affected by reduction in visitors to the Island during 2020, especially day trippers and those from outside the Bailiwick. Impot from Beer and Cider was down by £38k compared to 2019, however spirits were up by £13k.
Property transfer tax	66,200	25,400	40,800	The number of PTT transactions for 2020 was at a similar level to 2019, but the value of most was greater than in 2019.
Poll tax	23,525	59,920	(36,396)	Lockdown, along with Bailiwick only travel and large events being cancelled, seriously affected the level of visitors to Sark during 2020.
Public Works income	57,575	65,664	(8,089)	Income for 2020 was down £8k on last year, reflecting reduced charging during lockdown.
Crane receipts	23,467	17,108	6,359	There were more charters in 2020 than last year due to construction of the Slaughterhouse and Dairy. Charges in the year also included IOSS crane usage for luggage lifting.
Harbour income	35,770	42,474	(6,704)	The variance between 2020 and 2019 was due to no Manche Isles boats landing during the year.
Investment income	9,906	18,677	(8,771)	Investment income was reduced with the conversion of our investments to cash during the year. It was not known if and when Sark would open up to visitors, and as some investments had a 90 day notice term it was thought prudent to serve this notice in May.
School houses rental income	35,920	0	35,920	Rental income from the school houses has historically been posted against the cost of teaching. In 2020 this income was recorded separately.
Constables licence income	19,862	21,726	(1,864)	Licence numbers were down across the board compared to last year.
Miscellaneous income (including gain on disposal of fixed asset)	32,536	32,480	56	Income levels in line with 2019.
TOTAL INCOME	1,365,456	1,344,786	20,670	
EXPENDITURE				
Education	198,383	164,742	(33,641)	2020 Education expenditure was very similar to 2019 levels. The variance is due to the change in recording the school house rent income. In 2019 this was netted off against teaching costs. In 2020 it has been shown as income.
Douzaine and Constables	164,773	155,927	(8,846)	Expenditure for 2020 was at very similar levels to 2019 with the exception of the additional cost of the new Constables model implemented in October 2020.
Procureur	161,878	146,630	(15,248)	Medical insurance costs increased in 2020.
Tourism	66,941	90,382	23,441	Savings have been made during the year both on advertising and printing & distribution costs, due to Bailiwick/Isle of Man only advertising post lockdown.
Public Works	106,387	73,456	(32,931)	Costs for 2020 were higher than 2019 due to increased Incinerator maintenance costs (which included £4k of costs relating to 2018), increased recycling & waste costs and sewage chemicals that are bulk bought every few years. Public works labour costs have increased as actual hours have been costed according to timesheets, rather than by person.
Harbours, Shipping and Crane	60,947	59,969	(979)	Maintenance of the harbours and Harbourmaster costs were £9k lower than last year, but costs for maintaining the crane and shed were £10k higher, due to repairs to both during the year.
Medical and Emergency Services	222,753	60,342	(162,411)	Of the additional £162k spent in 2020, £156k related to the cost of Locums providing cover whilst the current doctor was recruited. Other additional costs were negated by consultancy fee income.
Agriculture, Environment & Sea Fisheries	14,360	748	(13,612)	Funds were spent at the beginning of 2020 in order to continue to use the old slaughterhouse after it was inspected. During the year works to existing equipment that could be used in the new slaughterhouse were incurred.
Central Island Costs				
Seigneur, Officers, CS, CSOs & Treasury	202,578	160,555	(42,023)	RPI increases across the board, the appointment of the new Treasurer and increased hours in the Committee office added an additional £42k of costs compared to 2019.
Repairs & maintenance of Island Property & Depreciation	89,100	67,016	(22,084)	Remedial works to the Medical Centre and Doctor's house were carried out in 2020.
Legal and professional fees	131,185	84,366	(46,818)	Higher legal costs for the electricity Price Control Commissioner and the IOSS review increased costs compared with 2019.
Island Insurance	47,325	37,044	(10,281)	The Island insurance policies run from April to March, and at the end of 2019 Jan-Mar 2020 costs were correctly accounted for in 2020. This process had not been carried out for 2019, therefore 2019 costs were artificially lower than the true cost.
Grants and subsidies	19,142	20,412	1,270	There was a small reduction in the maintenance costs of the Island Hall in 2020 compared with 2019.
Police, Customs & Prisoners	0	15,218	15,218	Previous years allowances for invoices received after year end accounts were finalised have now been released at the end of 2020. This has negated the anticipated £15k cost for 2020, hence the zero cost for the year.
Miscellaneous expenditure	78,480	75,754	(2,726)	The new Chief Pleas and Medical websites were built in 2020. A reduction of Review fee and other savings minimised any additional expenditure for the year.
TOTAL EXPENDITURE	1,564,232	1,212,560	(351,672)	
Unforeseen expenses	25,268	74,581	49,313	The only costs posted to Unforeseen for 2020 were in relation to the North End electricity contingency.
SURPLUS/(DEFICIT)	(224,044)	57,645	(281,689)	

POLICY & FINANCE COMMITTEE **Report with proposition to Easter Chief Pleas, 14th April 2021**

DEFINITION OF A RESIDENT (SPECIAL) COMMITTEE

The term 'ordinarily resident' appears eight times in the **Reform (Sark) Law, 2008** as well as in other legislation such as that concerning tax, as well as that concerning occupancy qualifications. In addition, there is a significant perception, particularly from the Sark residents, that a definition of a resident is a necessary step towards matters such as 'work permits', access to education, or the Procureur.

Following the resolutions at the Michaelmas Meeting of Chief Pleas, 1st October 2014, Item 18, the newly formed Policy Development Group agreed that the definition of a resident was of such importance that a team should be established to investigate the matter, then bring suggestions and possible legislation, to Chief Pleas.

The **Definition of a Resident Policy Development Team** was established at the Extraordinary Meeting of Chief Pleas, 10th February 2015, Item 4, as one of the Chief Pleas priorities for 2015. The subject remained a priority until the introduction of the 'New Shape and Functioning of Chief Pleas', approved at the Christmas Chief Pleas 2018, Item 10, and which came into effect 11th January 2019. Unlike other PDTs, which were '*active and close to the conclusion of their work*' the Definition of a Resident PDT was disbanded, its work handed back to the host committee, to what became the Policy & Finance Committee.

Work on defining a resident has not progressed as other priorities took precedence and attention was focussed elsewhere. The Policy & Finance Committee wishes the work into defining a resident to restart and has brought this report to Chief Pleas to request the formation of a Special Committee with the task of investigating a definition of a resident, and for it to return to one or more future Chief Pleas with reports.

If the proposition is approved the Committee would wish to populate the new Special Committee immediately. The names of the people to form the **Definition of a Resident (Special) Committee**, will be presented at the meeting.

Proposition

That Chief Pleas constitutes a Special Committee, to be called the Definition of a Resident (Special) Committee, and to give it the task of investigating a definition of a resident, and to return to one or more future Chief Pleas with reports.

Conseiller Simon Couldridge
Member, Policy & Finance Committee

DEVELOPMENT CONTROL COMMITTEE **Report with proposition to Easter Chief Pleas, 14th April 2021**

5TH COMMITTEE MEMBER

As part of the 'New Shape and Functioning of Chief Pleas', approved at the Christmas Chief Pleas 2018, Item 10, and coming into effect 11th January 2019, the membership of the Development Control Committee, like the other operational committees, was reduced to 4 Conseillers.

Due to the nature of Sark it is almost impossible for the Committee to consider an application were at least one member is conflicted in some way. Fortunately, the majority of these conflicts are so minor as to not impeded the Committee in its task. However, occasionally a conflict is so sufficient as to exclude a member from the debate or vote, a committee of 4 members is just able to suffer the loss of one member and still take a majority vote. Unfortunately, recently the Committee has had a number of applications were more than one member has been conflicted, to the point that a decision could not be taken.

Rule 3(1) of the **Constitution and Operation of Chief Pleas** document sets the size of (operational) Chief Pleas Committees as 4 Conseillers, '*unless Chief Pleas specifically resolve to have a large or small size committee*'. The Committee is asking Chief Pleas to permit the Committee to have an additional member, bringing the total to 5 Conseillers.

If the proposition is approved the Committee would wish to fill the new vacancy immediately. The name of the proposed Conseiller will be presented at the meeting.

Proposition

That Chief Pleas resolve to set the membership of the Development Control Committee as 5 (five) Conseillers.

Conseiller Simon Couldridge
Chairman, Development Control Committee

POLICY & FINANCE COMMITTEE
Report with proposition to Easter Chief Pleas, 14th April 2021

TAXATION REVIEW (SPECIAL) COMMITTEE

Since the last major Tax review in the early 2000's, Taxation in Sark has changed very little, with annual budgetary reviews determining the rate of Tax paid in different categories.

Over recent years, global impacts have been felt in Sark and with the welcome influx of new residents, the infrastructure needs to evolve to enable Sark to accommodate this growth.

Raising Tax is never a popular subject but is necessary if Sark wishes to keep its autonomy and degree of independence.

It is intended that a review be carried out into all aspects of Tax in Sark and to this end it is proposed that a special Committee be established.

If the proposition is approved the Committee would wish to populate the new Special Committee immediately. The suggested names of the people to form the **Taxation Review (Special) Committee** will be presented at the meeting.

Proposition

That Chief Pleas constitutes a Special Committee, to be called the Taxation Review (Special) Committee, and to task it to review all aspects and categories of the taxation system on Sark.

Conseiller William Raymond
Member, Policy & Finance Committee

DOUZAINE

Report with proposition to Easter Chief Pleas, 14th April 2021

TOPLIS PAINTINGS – RENEWAL OF LOAN AGREEMENT

At the Michaelmas Meeting of Chief Pleas, 1st October 2008, Item 11, Chief Pleas was asked to consider a loan agreement for three Toplis paintings, to the Guernsey Museum and Art Gallery (as it was then), for a period of ten years. Following that item an agreement was drawn up and signed to cover the loan of the three paintings. This agreement expired, unnoticed by either party, in November 2018.

At the Midsummer Chief Pleas, 8th July 2020, Item 10, Chief Pleas directed the Douzaine investigate the renewal of the loan agreement with Guernsey Museums & Galleries, in line with the terms contained in the expired agreement.

Since the Midsummer Meeting the Douzaine has discussed a replacement loan agreement with the Registrar, Guernsey Museums & Galleries, including a valuation of the three paintings.

In January this year Martel Maides submitted revised valuations. The revised valuation for the oil paintings of the 'Venus Pool' was £37,000 and 'A Fairy Grotto' was £24,000, and the watercolour painting of 'La Cave de la Fontaine' (Fern Cave) was £17,000. The artworks are covered by the States of Guernsey blanket insurance policy according to the valuations, as long as they remain in its care.

Guernsey Museums & Galleries has now drafted a replacement loan agreement, and as had been requested by Chief Pleas, it includes the clause that the loan can be cancelled providing six months' notice is given by either party, on the part of Sark only as a decision of a full meeting of Chief Pleas. A copy of this replacement loan agreement is attached to this report.

Proposition –

That Chief Pleas approves the replacement loan agreement and directs the Chairman of the Douzaine to sign the replacement loan agreement on behalf of Chief Pleas.

**Conseiller Christopher Drillot
Chairman, Douzaine**

LOAN-IN FORM LOAN NO.

Lender's Details: Name/Organisation: Court of Chief Pleas, Sark Address: Chief Pleas, La Chasse Marette, Sark, Channel Islands, GY10 1SF Telephone: 01481 832118		Loan start date: March 2021	Loan end date: March 2031
Address: Chief Pleas, La Chasse Marette, Sark, Channel Islands, GY10 1SF Telephone: 01481 832118		Purpose of Loan: For research and display	
Contact at GMAG:	Name: Telephone: Email:		
Contact for lender: <i>(if different from above)</i>	Name: Telephone: Email:		
Details of item to be borrowed: <i>(attach additional sheet if necessary)</i> GUEMG : GML 1978.39 GUEMG : GML 1978.40 GUEMG : GML 2008.23	Brief description: Oil painting; the Venus Pool, Sark, by William Toplis, 1887-1909 Oil painting on canvas; A Fairy Grotto, Sark, by William Toplis, 1896 Watercolour painting; 'La Cave de la Fontaine, Sark' (Fern Cave) by William Toplis, 1892/93	Insurance Value: £37,000 £24,000 £17,000	
Please indicate the form of acknowledgement for the loan on labels, publicity etc.: (If no acknowledgement wanted please write 'Private lender')			
The Lender agrees that s/he has full authority and power to enter into this agreement having read and accepted the conditions specified herein: Name (please print): Signed: _____ Date: _____			
Guernsey Museums & Galleries agrees to borrow the item(s) described, on acceptance by the Lender of the conditions specified herein: Name (please print): Signed: _____ Date: _____			

Legal Ownership of the Loan

1. The Lender declares that they are the absolute legal owner of the Loan with full powers to agree the Loan. They furthermore declare that no portion of the Loan was acquired by illegal or unethical means, which may compromise the Borrower.

Care

2. The Lender will notify the Borrower of any specific environmental, handling, security or display requirements for the Loan item(s) before the Loan begins.

3. If more than one item is loaned the Lender will provide a full list of the Loan item(s), which will be checked at the time of arrival at the museum premises. An object entry form acts as first receipt when the item(s) enter the Borrower's care and must be signed by both parties at this stage and again at the end of the Loan period to show the item(s) have been successfully returned to the Lender.

4. The Borrower shall at all times take the same care and precautions for the protection of the Loan item(s) during the duration of this Agreement and whilst in its custody as it does for items in its permanent collection.

5. The Loan will be monitored while in the Borrower's care and the Lender will be notified of any loss or damage. The Borrower may take necessary emergency remedial action to protect the object from further damage/danger. No subsequent repair, restoration or conservation will be undertaken without written permission from the lender.

6. The Borrower does not accept liability for natural deterioration of any Loan item(s) and if cause of any deterioration is in doubt, an independent conservation opinion can be obtained at the Lender's expense.

Valuation and Insurance

7. A valuation for the Loan item(s) will be agreed by the Borrower and the Lender at the start of the loan period. If the Borrower and the Lender cannot agree a valuation, an independent valuer should provide one, the cost of the valuation to be met by the Lender.

8. The item(s) are covered by the States of Guernsey blanket insurance policy according to the agreed valuation, as long as they remain in its care.

Display

9. The Borrower cannot guarantee to display items lent to it.

Photography

10. The Lender acknowledges the right of the Borrower to photograph Loan items for non-commercial purposes such as collections management, website use, education, publicity, marketing and publications, unless otherwise agreed.

Ownership

11. The Lender agrees to inform the Borrower of any change of address/contact details/change of ownership within a seven-day period. This Agreement is binding on all heirs and successors to the title of the Loan. Any new owner will be required to establish proof of ownership, prior to any return of Loan items.

Renewal

12. The loan is renewable by discussion during the last six months of the term agreed.

Early termination

13. This agreement may be cancelled providing six months' notice is given by either party. On the part of Sark this would be only as a decision of a full meeting of Chief Pleas.

POLICY & FINANCE COMMITTEE

Report with proposition to Easter Chief Pleas, 14th April, 2021

ELECTRICITY LAW SURVEY

Following initial discussions during 2020, the Policy & Finance Committee has met and corresponded with Sark Electricity Ltd (SEL) and their lawyers regarding the introduction of Wayleaves agreements between SEL and landowners to allow existing electrical installations to remain and new equipment be installed and maintained enabling the provision of electricity to properties. The original cabling was above ground and wayleave agreements have lapsed due to the effluxion of time and have not been renewed by SEL.

The absence of legal agreements has recently been highlighted by a legal dispute between SEL and the owner of La Tour tenement. This dispute resulted in the interruption of the main grid supply to 19 houses in the north east of the island, those houses now being supplied by generation equipment funded by Chief Pleas, including the running costs. Despite attempts to negotiate reconnection of those houses to the main grid no progress has been made.

Following the public meeting in November 2020, Chief Pleas have worked with the Law Officers to produce a wayleave template, which is now in the final stages of drafting. Recently, SEL lawyers have written to the Price Control Commissioner stating that Wayleaves are outdated, and they consider that resolution to the current situation can only be achieved by the introduction of the Electricity Law.

The Electricity Law is subject to a licensing authority which cannot be within Sark and this has been delayed due to changes within Channel Island Competition & Regulation Authority. It has now been agreed that the licensing authority will be the Guernsey Competition and Regulation Authority.

The draft Law contains transitional provisions for existing suppliers of power to the island, including the provision which will permit existing suppliers to retain cabling and equipment on private land, notwithstanding the absence of relevant Wayleaves, provided that a payment is made for that right from SEL to the landowner.

Any Government considering introducing legislation which is wide reaching and unqualified must consider future planning, public safety and their liability should there be defects within the current system. For the above reasons the Committee are of the opinion that a survey of the existing system, including ancillary distribution equipment should be commissioned to satisfy landowners and islanders generally of the overall safety of the system, and to identify the precise routing of all cabling which might pose a future danger.

The Committee consider this survey necessary whether the solution to the present impasse lies in Wayleaves of the transitional provisions of the Electricity Law.

Proposition:

That Chief Pleas authorise the Policy & Finance Committee to commission a survey of the existing cabling and ancillary equipment, with the exception of the Power Station equipment, currently providing electricity to households.

John Guille
Chairman, Policy & Finance Committee

POLICY & FINANCE COMMITTEE

Report with proposition to Easter Chief Pleas, 14th April, 2021

CENSUS AND REGISTER OF RESIDENTS

At the Policy Development Group meeting on the 11th March 2021, a discussion was held regarding carrying out a Sark census of all residents.

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 should record the basic population characteristics such as age, gender and tenure of residents 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

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 of questions can be tailored to suit the immediate needs of Chief Pleas 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 unnecessary or intrusive. However, there are occasions when such reservations have to be set aside, for a wider benefit and it is suggested that the introduction of a regular census should be regarded in such a manner. With regards to the introduction of the necessary legislation, a simple Ordinance should present few difficulties.

It is intended that the census will take place as soon as possible after submission and approval of the Ordinance by Chief Pleas.

Proposition : –

That Chief Pleas authorises the Policy & Finance Committee to instruct the Law Officers to draft legislation to enable a Sark Census.

John Guille
Chairman, Policy & Finance Committee

EDUCATION COMMITTEE

Information Report to Christmas Chief Pleas, 14th April, 2021

BRIEFING PAPER – SARK HOUSE**Introduction**

In 2017, the Sark Education System Review recommended the provision of a shared house in Guernsey as a means of addressing parental concern about the use of host families. The initial recommendation was subject to the adoption of Education Credits as a means of funding education and accommodation for children and young people. See the extract below.

EXTRACT FROM THE EDUCATION SYSTEM REVIEW (2017)

To ensure value for money and the ability to plan for educational costs over time, a system of 'education credits' should be used to establish a 'free at point of delivery' education system for children aged 3 years to 16 years whose parents are resident on Sark. The system runs alongside other fee paying options to ensure equity and breadth of opportunity, but is not transferrable to any other educational institution. Children born on the island (albeit in Guernsey) receive one nominal credit per year. They acquire 16 credits during their time in funded education. The nominal cost of funded education to include Foundation provision (3-6 years), Junior provision (7-10 years), and Senior provision (11-13 years) on Sark; and residential provision and secondary education on Guernsey to aged 16 years will equate to 16 credits. For those becoming resident on the island after birth, there would be an opportunity to purchase additional credits. Examples:

Child A Born to parents who are resident on the island at her birth. She attends nursery education at Yellow Brick Road until the term after her third birthday. Parents pay for this provision. At the beginning of term, following her third birthday, Child A begins school in class 1. She remains at Sark school until she is 13 years old, at the end of Year 8. This uses 10 education credits. She then transfers to a state secondary school in Guernsey until the end of June of the academic year in which she is 16 years old. This uses a further 3 credits. Finally, during her time in Guernsey, she stays at Sark House under the supervision of the houses parents. This takes the remaining 3 credits. Sark School (10) + Guernsey School (3) + Sark House Accommodation (3)

Child B Born to parents who do not become resident on the island until he is in Year 2. Child B begins school in class 2. He remains at Sark school until he is 13 years old, at the end of Year 8. This uses 7 education credits. He then transfers to a state secondary school in Guernsey. This uses a further 3 credits. Finally, during his time in Guernsey, he stays at Sark House under the supervision of the houses parents.

This takes the remaining 3 credits. Sark School (7) + Guernsey School (3) + Sark House Accommodation (3) However, Child B only has 10 credits and needs 13. The remaining 3 credits can be: i) Purchased at an agreed cost published by Chief Pleas ii) Gifted by an employer (as part of the employee's pay package) iii) Traded in lieu of work on behalf of the island (standard tariff to be published to ensure transparency for all).

Child C *Born to parents who are resident on the island at her birth. She attends nursery education at Yellow Brick Road until the term after her third birthday. Parent pay for this provision. At the beginning of term, following her third birthday, Child A begins school in class 1. She remains at Sark school until she is 11 years old, at the end of Year 6. This uses 7 education credits. She then transfers to a private school in England. Parents pay for this provision. Sark School (8) only.*

The cost of educating pupils aged 14-16 years in Guernsey would begin when the first three pupils move in 2019 and cost £17,550 and increase to £81,900 in five years when it is estimated that 14 children would be accessing education in Guernsey.

The cost of education (on Sark and in Guernsey) minus the costs for premises and care, plus future investment¹⁴ is £181,272.50 in 2019/20 and rises to £249,638.65 by 2023/24. It is unlikely to increase beyond this level as it is unlikely that more than 14 children will be educated in Guernsey (aged 14-16 years) at any one time in the foreseeable future.

An additional cost of providing a house in Guernsey run by two house parents, employed through and held accountable to the Board of Education via the Director of Education, is recommended to address the concerns of many islanders who do not want their children to reside with a host family. If the house were purchased (with the permission of the Guernsey government), this would remain an asset, and the nominal £2,000 per month included in the budget could fund a mortgage payment.

Under the new system, every child from birth will be allocated one education credit per year. This sum will be held by the island and invested to provide future income, when the child requires accommodation during their schooling in Guernsey.

If the Education Credits system is adopted, then additional income will be received from parents who are part-funding their children's secondary education and accommodation, as full payment will be reduced pro rata by the length of their residency on Sark. A decision will have to be made regarding the introduction of Education Credits and whether retrospective Credits will be paid to the families of young people participating in state education in Guernsey and living in Sark House; or whether they will need to contribute to their child's education, accommodation and care costs, or pay for these in full. The approximate value of one Education Credit will be £6,000. Education credits not used for secondary education (if the child attends a public boarding school), are surrendered to the island. Education credits cannot be transferred or surrendered for monetary gain.

Comment

Chief Pleas chose not to adopt the Education Credit system and therefore there are no funds within Island systems to support the purchase or operational aspects of a Sark House. Some cost analysis has been completed.

Analysis of a four bedroomed house in Guernsey

£525,000

To buy a four bedroomed house approx. cost

Basic costs to run the house £ 32,964

Annual cost of property if rented £ 58,164

These costs do not include food.

In addition to financial challenges (even at this level), if there are 14 young people of different ages and genders, a four-bedroomed house would not be sufficient.

Options

- 1) Introduce an Island programme that raises funds that are earmarked for the purchase/rental and running of a property.***
- 2) Receive a donation of a property and either charge parents for the running costs or utilise an Island programme that raises funds.***
- 3) Charge parents a significantly increased cost for accommodation, to cover the costs of Sark House (a minimum of £12,000 per annum – with no Island contribution)***

At this time, there is no opportunity to realise either of the three options regarding Sark House. The Education Committee remain in support of Sark House as an option for parents on Sark, but do not currently have access to the funding to make this a reality.

GUERNSEY STATUTORY INSTRUMENT

2021 No.

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

Made

23rd January, 2021

Coming into operation

On being made

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 a new and fast-spreading variant of Severe Acute Respiratory Syndrome Coronavirus 2 has recently been detected in the United Kingdom;

AND WHEREAS there is reason to believe there may be community transmission of Severe Acute Respiratory Syndrome Coronavirus 2 within the Bailiwick;

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

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

and by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and in respect of the measures necessary to prevent or slow the spread of infection) is satisfied that the conditions set out in section 13 of the Law are satisfied, and that the following regulations contain only provisions which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency referred to above;

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

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

Amendment of the General Provision Regulations.

1. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021^c are amended as follows.

(2) In regulation 14(9), for "this Part" substitute "this Part or Part 1A".

(3) After Part I, insert the Parts IA, IB and IC set out in Schedule 1.

(4) After regulation 21 (Court of Appeal), 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. 5 of 2021.

"Modification of Sark Reform Law.

21A. (1) The Reform (Sark) Law, 2008 shall apply as if modified as follows.

(2) After section 47 (functions of committees), insert –

"Meetings of Committees.

47A. (1) A member of a Committee of Chief Pleas who is in communication with the other members of the committee by telephone, live television link or any other means of telecommunications or electronic communications, so that each member of the committee can hear or read what is said or communicated by each of the others, is deemed, subject to subsection (2), to be present at a meeting of the committee for all purposes relating to that meeting, including calculating the quorum at the meeting under section 43(5) or 44(5) and under rule 13 of the Constitution and Operation of Chief Pleas Committee Rules, made on 2nd October, 2013.

(2) In the event that a means of communication referred to in subsection (1) fails or is corrupted, or the chairman or other person presiding at the meeting in accordance with section 46(3) ("**person presiding**") considers that confidentiality is compromised, the person presiding shall have discretion at any time during the meeting to determine that a member who is affected by that failure, corruption or compromise of confidentiality is no longer deemed to be present at the meeting.

(3) For the avoidance of doubt, a determination under subsection (2) does not affect the validity of the proceedings of the committee for any purpose prior to the making of that determination."

(5) After Schedule 3, insert the Schedule 3A set out in Schedule 2.

Citation.

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

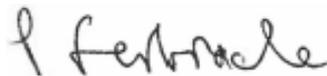
Extent.

3. These Regulations shall have effect throughout the Bailiwick.

Commencement.

4. These Regulations come into force on being made.

Dated this 23rd day of January, 2021

A handwritten signature in black ink, appearing to read 'P. T.R. Ferbrache', is centered on the page.

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

SCHEDULE 1

Regulation 1(3)

"PART IA

CONTROL OF PREMISES, GATHERINGS ETC., AND MOVEMENT OF PERSONS

Power to give directions.

17A. (1) The Authority may, for one or more of the purposes set out in section 14(2) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, issue a direction for the purpose of imposing conditions, prohibitions, requirements or restrictions in relation to –

- (a) premises,
- (b) the holding of an event, gathering or meeting (whether planned or unplanned and of whatever duration), and
- (c) the movement of persons outside the place where they are living,

and for the purposes of subparagraph (c), the place where a person is living includes the premises where he or she is living together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

(2) The Authority must consult the Medical Officer of Health before issuing a direction; and, in addition, before issuing a direction imposing conditions, prohibitions, requirements or restrictions in relation to the movement of persons outside the place where they are living, the Authority must seek the advice of Her Majesty's Procureur in relation to the appropriateness and proportionality of the proposed direction.

(3) A direction under paragraph (1)(a) may be issued in relation to

specified premises, or premises of a specified description, and may, amongst other things, impose requirements for the purpose of –

- (a) restricting the hours of opening of the premises,
- (b) closing the premises or a part of the premises to entry by members of the public,
- (c) restricting entry into the premises, whether by reference to the number of people in the premises, a period of time, or otherwise, or
- (d) securing restrictions in relation to the location of persons in the premises.

(4) Where a direction under paragraph (1)(a) is issued in respect of licensed premises, the terms of the licence issued in respect of those premises shall be deemed to be modified to reflect the prohibitions, requirements or restrictions imposed by the Schedule as amended by the direction, and shall have effect accordingly.

(5) A direction under paragraph (1)(b) may be issued in relation to a specified event, gathering or meeting, or events, gatherings or meetings of a specified description, or events, gatherings and meetings generally; and events, gatherings and meetings may be described by reference to the number of people attending the event, gathering or meeting, or in any other way.

(6) A direction under paragraph 1(b) may impose conditions, prohibitions, requirements or restrictions on –

- (a) the owner or occupier of premises at which an event, gathering or meeting to which the direction relates is to take place,

- (b) the organiser of such an event, gathering or meeting, and
- (c) any other person involved in holding or participating in such an event, gathering or meeting.

(7) A direction under paragraph 1(b) may, amongst other things, impose requirements about informing persons who may be planning to attend an event, gathering or meeting of its prohibition or any requirements or restrictions imposed in relation to the holding of it.

(8) A direction under paragraph (1)(c) may (without limitation) restrict the movement of persons outside the place where they are living by reference to the purpose, or duration, of the movement, and by reference to the age of persons.

(9) A direction may, amongst other things, specify a minimum distance that must be maintained between persons of different households.

(10) A direction may impose requirements on persons in relation to children in their care or under their control.

(11) For the avoidance of doubt, a direction may include provision enabling the Authority, and such other person or office holder (including but not limited to the Medical Officer of Health) as it may specify, to authorise in writing such exemption or disapplication from such provision of the direction and upon such conditions as it, or he or she, may think fit.

Procedure, variation and revocation.

17B. (1) A direction must specify the period during which it has effect, which period must not exceed 14 days.

(2) Where a direction imposes prohibitions, requirements or restrictions on a person specified by name, the direction –

- (a) must be given in writing to that person, and
- (b) may be published in such manner as the Authority considers appropriate to bring it to the attention of other persons who may be affected by it.

(3) The Authority may vary and revoke a direction, and the power to vary or revoke a direction is without prejudice to the power of the Authority to issue a new direction.

(4) Subject to paragraph (2), a direction, and a variation and revocation of a direction, may be given in such form as the Authority thinks fit, including by publication on the States of Guernsey website.

(5) The Authority must revoke a direction when satisfied that it is no longer necessary.

Alderney and Sark.

17C. (1) The Authority must consult the Policy and Finance Committee of the States of Alderney before issuing, varying or revoking a direction having effect in Alderney, and the Policy & Finance Committee of the Chief Pleas before issuing, varying or revoking a direction having effect in Sark.

(2) A failure to consult in accordance with paragraph (1) shall not invalidate any direction.

Enforcement.

17D. (1) A police officer may require any person to whom a direction has been

given, or to whom it otherwise applies, to comply with it.

(2) Subject to paragraph (4), where a police officer has required a person under paragraph (1) to comply with a direction issued under regulation 17A(1)(a), and that person has failed to do so, the police officer may require the premises in question to be closed until such time as the direction is complied with; and the police officer may take such steps, or require the person to take such steps, as are necessary to ensure that the requirement to close the premises is complied with.

(3) Subject to paragraph (4), where a police officer has required a person under paragraph (1) to comply with a direction, and that person has failed to do so, the police officer may take such steps as are necessary to ensure that the direction is complied with.

(4) A police officer must take account of any relevant advice issued by the Medical Officer of Health and the Chief Officer of the Island Police Force before exercising the powers conferred by paragraphs (1) to (3).

(5) In exercising the powers conferred by paragraphs (1) to (3), a police officer may –

- (a) enter any premises to which the direction relates, and
- (b) if necessary, use reasonable force.

Offences.

17E. (1) A person commits an offence if he or she fails, without reasonable excuse, to comply with a direction, or a requirement of a police officer under regulation 17D.

(2) A person commits an offence if he or she obstructs a police officer exercising a power conferred by regulation 17D.

(3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the uniform scale.

Schedule 3A.

17F. Schedule 3A (Direction No. 1 of 2021) shall have effect as if it were a direction.

Interpretation of this Part.

17G. (1) In this Part –

"**Authority**": see subparagraph (2),

"**direction**" means a direction issued under regulation 17A,

a "**household**" is comprised of persons living together for the time being in the same premises,

"**licensed premises**" has the meanings given by the Liquor Licensing Ordinance, 2006 in relation to premises in Guernsey, by the Alderney Liquor Licensing Ordinance, 1994 in relation to premises in Alderney, and by the Liquor Licensing (General Provisions) (Sark) Ordinance, 1979 in relation to premises in Sark, and "**licence**" shall be construed accordingly,

"**police officer**" includes a customs officer, and

"**premises**": see subparagraphs (4) and (5).

(2) In this Part, subject to subparagraph (3), the "**Authority**" means the Chairman of the Authority.

(3) Whenever reasonably practicable, before issuing, varying or revoking a direction the Chairman of the Authority must consult each other member of the Authority

(including, for the avoidance of doubt, any temporary members of the Authority); but a failure to consult one or more members of the Authority shall not invalidate any direction.

(4) In relation to a direction issued under regulation 17A(1)(a), "**premises**" includes, but is not limited to, retail premises and other business premises (excluding grocery stores and such other categories of business premises as the Authority may specify, whether in a direction or otherwise), places of worship, and parks, public gardens and other places of recreation, sport, leisure and entertainment, but does not include premises used solely as residential premises.

(5) In relation to a direction issued under regulation 17A(1)(b), "**premises**" includes land (including, for the avoidance of doubt, the foreshore), and pleasure vessels within the meaning of the Merchant Shipping (Registration of Ships) (Bailiwick of Guernsey) Regulations, 2009.

PART IB

REGISTRATION OF DEATHS AND STILL-BIRTHS

Legislation extending to the Bailiwick except for registration of deaths and still-births in Alderney

Modification of the Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey.

17H. (1) The Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey of 1935 ("**the 1935 Law**") is modified as follows for all purposes of or under the 1935 Law or any other enactment.

(2) The French text of the 1935 Law is modified in the same way as is set out in the following modifications to the official English translation of that Law.

(3) Articles 9 (declaration of death) and 17 (still-born children) have effect as if the requirement to make a declaration in person or to send it by a person of at least sixteen years of age were substituted by a requirement to send the declaration by post, electronic

means (including email message) or such other means as is specified by the Registrar-General in guidance.

(4) Article 11 (doctor's certificate) has effect as if the words "that he has seen the body of the deceased and stating" were omitted.

(5) Article 15 (limit of time for keeping body) is disapplied provided that the body is in the custody of the States of Guernsey or a funeral director.

(6) Form C (medical certificate of cause of death) and the notes to Form C in the Schedule have effect as if the following were omitted –

(a) on the second page –

(i) the words "that I was in medical attendance during the above-named deceased's last illness, and",

(ii) in Note 1, the second sentence, and

(b) the certification section at the end of the Form headed "CERTIFICATE (See Note 1 above)".

Legislation extending to Alderney

Modification of the Loi relative aux certificats de Décès et aux Enterrements.

17I. (1) The Loi relative aux certificats de Décès et aux Enterrements of 1910 ("the 1910 Law") is modified as follows for all purposes of or under that Law or any other enactment.

(7) The French text of the 1910 Law is modified in the same way as is set out in the following modifications in English.

(8) Articles 1 (déclaration par écrit etc.) and 8 (enfant mort-né) have effect as if the requirement to make a declaration in person or to send it by a person who has reached the age of majority were substituted by a requirement to send the declaration by post,

electronic means (including email message) or such other means as is specified by the Registrar-General in guidance.

(9) Article 6 (défense de garder sans permission un corps au-delà de six jours) is disapplied provided that the body is in the custody of the States of Alderney or a funeral director.

(10) Form A (medical certificate of cause of death) and the notes to Form A in the Schedule have effect as if the following were omitted –

- (a) in the certification following the table relating to cause of death–
 - (i) the words "that I was in medical attendance during the above-named deceased's last illness, and", and
 - (ii) in Note 1, the second sentence, and
- (b) the certification section at the end of the Form headed "CERTIFICATE (See Note 1 above)".

PART IC

MODIFICATIONS TO LEGISLATION RELATING TO CREMATIONS IN GUERNSEY

Modification of legislation relating to cremation.

17J. (1) The Cremation Ordinance, 1972 is modified as follows for all purposes of or under the Loi relative à la Crémation or any other enactment.

(2) Section 6 (applications for cremation) has effect as if subsections (3) and (5) requiring the application to be verified by being countersigned or accompanied by a declaration of truth made on oath were omitted.

(3) In section 7 (certificates of medical attendance or post-mortem examination), paragraph (a) has effect as if –

- (c) the words "who has attended the deceased during his last illness and" were omitted, and
- (d) it did not require a confirmatory medical certificate in Form C in the First Schedule to have been given before a cremation is allowed to take place.

(4) Section 9 (applications for cremation of remains of a person who died outside this Island) has effect as if –

- (a) it did not require the application to be verified by being countersigned or by a declaration by the applicant, and
- (b) the wording following paragraph (c) referred to "Forms B and D in the First Schedule".

SCHEDULE 2

Regulation 1(5)

"SCHEDULE 3A

Regulation 17F

DIRECTION NO. 1 OF 2021

1. Prohibition on entering and remaining on premises.

(1) A person shall not enter or remain on any premises of a type set out in Part 1 of the First Annex.

(2) Paragraph (1) shall not apply to –

(a) an essential worker who –

(i) subject to social distancing, enters or remains on premises for the purpose of discharging his or her work functions, and

(ii) where undertaking delivery work, observes the requirements set out in the Second Annex ,

(b) (other than in the case of premises referred to in paragraph 10 of Part 1 of the First Annex) –

(i) the owner or occupier of the premises,

(ii) any person who usually works at or on the premises or who is responsible for the management of the premises,

and who, subject to social distancing, enters or remains on the premises solely for the purpose of –

(A) securing them,

(B) carrying out or having carried out essential maintenance or repair work to the premises, or

- (C) taking measures to ensure that the premises can continue to be used for the purpose for which they were used immediately before 23rd January 2021,
- (c) in the case of premises referred to in paragraph 10 of Part 1 of the First Annex –
 - (i) the owner or occupier of the premises, any person who usually works at or on the premises or who is responsible for the management of the premises, and
 - (ii) any person who is residing lawfully at or on the premises,
- (d) any person authorised by the Authority or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Authority or Medical Officer of Health, as the case may be, shall specify, and
- (e) the persons, in the circumstances and subject to the conditions, described in the Third Annex.

2. Prohibition on events, gatherings and meetings of more than 2 persons

(1) The owner or occupier of any premises must not allow an event, gathering or meeting consisting of more than 2 persons, to take place at or on the premises.

(2) A person must not organise or hold an event, gathering or meeting consisting of more than 2 persons to take place at or on any premises.

(3) A person must not participate in an event, gathering or meeting of more than 2 persons, which is taking place at or on any premises.

3. Exemption from paragraph 2.

The prohibition under paragraph 2 shall not apply:

- (a) where the event, gathering or meeting involves persons who enter or remain on premises in circumstances where paragraph 1(1) does not apply further only to its disapplication under paragraph 1(2),
- (b) where the event, gathering or meeting consists only of members of the same household and takes place in a dwelling,
- (c) where the event, gathering or meeting –
 - (i) consists only of members of the same household,

- (ii) takes place outside a dwelling, and
- (iii) is allowed, organised or participated in, for any of the following purposes –
 - (A) shopping for basic necessities, for example food and medicine,
 - (B) walking, cycling, running, sea swimming or taking part in other open sea activities for the purpose of health and welfare for up to 2 hours every day provided that if sea swimming or sea activities are undertaken they may be undertaken with one other person (who is not a member of the same household) present, for safety reasons, provided social distancing is observed and maintained,
 - (C) attending a medical or dental appointment,
 - (D) obtaining any product from a pharmacy, or
 - (E) providing care or to help a vulnerable person,
- (d) where the event, gathering or meeting –
 - (i) is of a type described in the Fourth Annex,
 - (ii) consists of persons –
 - (A) of a type described in the Fifth Annex,
 - (B) who are attending the event, gathering or meeting for the purpose, and subject to the conditions, set out in that Annex, and
 - (iii) involves –
 - (A) maintenance of social distancing by, and
 - (B) the provision of adequate handwashing facilities for, persons attending the event, gathering or meeting,
- (e) where the event, gathering or meeting is authorised by the Authority or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Authority or Medical Officer of Health, as the case may be, shall specify.

4. Interpretation

In this Schedule –

an "**essential worker**" means a worker –

- (a) of a type, or who works in a business of a type, described in the Fifth Annex, and
- (b) who, if undertaking deliveries, observes the requirements set out in the Second Annex,

"**hand washing facilities**" includes facilities that enable the use of hand sanitising products,

"**intoxicating liquor**" has the same meaning as it does for the purposes of the Liquor Licensing Ordinance, 2006,

"**licensed premises**" has the same meaning as it does for the purposes of the Liquor Licensing Ordinance, 2006,

a person occupies a dwelling as a "**member of the same household**" as another person if -

- (a) that person –
 - (i) normally occupies the dwelling,
 - (ii) is occupying the dwelling on a temporary basis (with the intention of remaining in occupation for the duration of any emergency measures relating to the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19) for reasons associated with –
 - (A) the risk to public health caused by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, or
 - (B) some other risk to human welfare associated with those measures, or
 - (iii) is a child in respect of whom shared parenting arrangements are in place, the child occupies the dwelling, and the dwelling is owned or occupied by a person with parental responsibility for that child, and

- (b) that person is related to the other members of the household (by blood, marriage or adoption) or is treated by members of that household as a member of the household,

"**social distancing**" in relation to a person ("P") means, wherever reasonably practicable, the observance and maintenance by P of a distance of at least 2 metres from another person, other than a person who is a member of P's household, and

"**vulnerable person**" includes -

- (a) a person under the age of 18 years, and
- (b) a person above the age of 18 years who, by reason of mental or other disability, age, illness, or other situation is permanently or for the time being unable to take care of him or herself, or to protect him or herself against significant harm or exploitation.

5. Application.

This Direction applies throughout the Bailiwick.

6. Duration.

This Schedule shall cease to have effect at 23.59 hours on Friday 5th February 2021.

FIRST ANNEX

Paragraph 1

PART 1

Premises

1. Licensed premises.
2. Cinemas and theatres.
3. Restaurants, cafes, takeaways and kiosks.
4. Retail outlets, other than those essential retail outlets set out in Part 2.
5. Libraries.
6. Community and youth centres.

7. Indoor and outdoor leisure facilities.
8. Community places within parks.
9. Places of worship.
10. Hotels, guest houses, any other premises used for the purpose of the provision of sleeping accommodation, board, lodging or board and lodging for reward and campsites.

PART 2

Paragraph 3

Essential retail outlets

Retail and wholesale premises of the following types, or from which the following types of business are conducted -

1. Retail and wholesale sale of food, beverages (including intoxicating liquor) and newspapers.
2. Retail sale of household consumer products necessary to maintain the safety and sanitation of residences and businesses.
3. Pharmacies/chemists and retailers providing pharmaceuticals, pharmaceutical or dispensing services.
4. Fuel stations and heating fuel providers.
5. Retail sale of essential items for the health and welfare of animals, including animal feed and medicines, animal food, pet food and animal supplies including bedding.
6. Laundries
7. Banks, loan agencies, insurance brokers and post offices.

SECOND ANNEX

Paragraphs 1 and 4

Requirements for deliveries

1. Goods must be packed for delivery in line with social distancing and hygiene guidelines, including the wearing of gloves.

2. Deliveries must take place as part of a planned itinerary, and goods must not be sold by delivery drivers to other parties.
3. Deliveries must be undertaken by no more than one person wearing gloves.
4. A 70% alcohol hand gel should be rubbed on the gloves between deliveries.
5. Delivered goods must be left on the doorsteps of premises or in an agreed outside place – there must be no direct customer interaction.

THIRD ANNEX

Paragraph 1(2)(e)

Disapplication of prohibition on entering and remaining on premises

When exercising rights under this Annex, repair and maintenance personnel, Members of the States, persons attending a wedding or a funeral and individual and workers working in pairs in Sark must adopt practices designed to minimise, wherever possible and practical, risks to health, including –

- (a) maintenance of social distancing,
- (b) regular washing of hands, and
- (c) such other measures as –
 - (i) may be indicated in the following paragraphs, and
 - (ii) the Authority or Medical Officer of Health may from time to time specify in guidance.

1. Essential emergency home and building repair and maintenance

Plumbers, electricians, roofers, scaffolders and all others ("**repair and maintenance personnel**") who reasonably and necessarily provide essential emergency home and building repair and maintenance services.

2. Funerals

Up to 10 persons (excluding, essential workers and any person or official responsible for conducting any ceremony) who enter and remain on any premises for the purpose of a funeral ceremony.

FOURTH ANNEX

Paragraph 3(d)

Disapplication of prohibition on events, gatherings and meetings

The following provisions of this Annex apply subject to such other measures as the Authority or Medical Officer of Health may from time to time specify in guidance.

1. Essential workers and customers etc.

An event, gathering or meeting of essential workers who are attending the event, gathering or meeting solely for the purpose of discharging their work functions, together with –

- (a) customers, patients and other persons in receipt of goods or services from the workers in question, and
- (b) suppliers to the premises from which the functions are carried out.

2. Essential retail outlets

An event, gathering or meeting, at or on a retail outlet of a type set out in Part 2 of the First Annex, attended by persons who –

- (a) usually work at or on the premises, or
- (b) are customers or suppliers of the outlets, and

are present solely for the purpose of selling, purchasing and providing goods and services of a type usually sold, purchased or provided in the course of a business operated from the outlet in question.

3. Opticians, optometrists and audiologists

An event, gathering or meeting, at or on premises used for the business of optician, optometrist or audiologist, attended by persons who –

- (a) usually work at the premises, or
- (b) are customers, clients or patients of the business, and

are present for the purpose of the provision or receipt of essential emergency treatment.

4. Office premises

(1) An event, gathering or meeting of no more than 2 persons, at or on office premises, subject to the conditions in subparagraph (2).

(2) The conditions are that –

- (a) the persons attending –
 - (i) usually work at the premises,
 - (ii) are members of the same household,
- (b) the attendance of the persons referred to in items (a) (i) and (ii) is necessary for the functioning of the business carried out from the premises in question,
- (c) the work usually undertaken by those persons cannot be carried out satisfactorily without their attendance at the premises, and
- (d) all persons attending operate within specific areas or zones which are intended to maintain and, where possible, maximise social distancing.

5. Maintenance, repairs etc. of cars, motorcycles, bicycles and boats

(1) An event, gathering or meeting at premises used for the purpose of car, motorcycle, bicycle and/or boat maintenance, repair or building, subject to the conditions in subparagraph (2).

(2) The conditions are that –

- (a) wherever possible, maintenance and other services are provided by one person per vehicle or boat,
- (b) no more than 2 vehicle and boat maintenance or repair personnel are present on any premises from which maintenance and other services are provided, except where–
 - (i) the personnel are all members of the same household, or
 - (ii) the services are provided within specific areas or zones which are intended to maintain and, where possible, maximise social distancing,
- (c) vehicles and boats are suitably cleaned before and after completion of work, and
- (d) any work undertaken is, in the opinion of the person undertaking the work, essential.

6. Building wholesale and supply, manufacturing and warehouses

(1) An event, gathering or meeting, of no more than 5 persons (excluding customers present in accordance with subparagraph (2)(e)), at or on relevant premises, subject to the conditions in subparagraph (2).

(2) The conditions are that –

- (a) the persons attending –
 - (i) usually work at the premises, or
 - (ii) are members of the same household,
- (b) the attendance of those persons is necessary for the functioning of the business operated from the premises in question,
- (c) the work usually undertaken by those persons cannot be carried out satisfactorily without their attendance at the premises,
- (d) the persons attending operate within specific areas or zones which are intended to maintain and, where possible, maximise social distancing, and
- (e) the number of customers who are present on the premises at any one time is limited and controlled in order to maintain social distancing.

(3) For the purpose of this paragraph, "**relevant premises**" means premises used for the businesses of building wholesale and supply, manufacturing or warehousing.

FIFTH ANNEX

Paragraph 4

Essential worker

Private sector

- Businesses and workers ESSENTIAL to the functioning of any activity necessary to:

o Ensure the continuing supply and accessibility of food and other essential goods including

- ⊗ Supermarkets and grocery stores
- ⊗ Air and sea freight transport
- ⊗ Stevedores and other necessary port management activities

- ⊙ Freight operators
- o Ensure the continuing supply and accessibility of veterinary and animal health and husbandry services
- o Ensuring continuing health and community care services including
 - ⊙ GP surgeries/medical practices
 - ⊙ Pharmacies
 - ⊙ Residential and nursing homes
 - ⊙ Private and third sector agencies providing care services in a home or other setting (including the care of animals)
 - ⊙ Volunteers that provide services to those in need (Meals on Wheels, Samaritans, etc)
 - ⊙ Those responsible for management of the deceased or services celebrating, commemorating or otherwise recognising the life and/or death of a person
- o Those essential to the administration of justice
 - ⊙ Advocates and staff
- o Those providing private school services and daytime childcare
 - ⊙ Private primary and secondary schools
 - ⊙ Nurseries and day-care services
- o Maintain critical national infrastructure (essential staff)
 - ⊙ Utilities (water, electricity, gas, oil, post)
 - ⊙ Telecoms providers (essential staff required to deliver mobile and fixed line telecommunication services)
 - ⊙ Coastal defences
- o Maintain public transport
 - ⊙ Bus operators and school transport providers
- o Public service broadcasters and other mainstream news media
- o Banking services
 - ⊙ Staff that are critical to providing branch-based services to enable cash and other financial transactions
 - ⊙ Staff involved in maintaining critical economic infrastructure that requires on-site systems access
- o Services that ensure the cleanliness and hygiene of working environments

that can be undertaken while adhering to social distancing guidelines

Private sector employers falling within the above categories should determine which roles are essential to the ability to maintain critical services.

Public service

- Workers ESSENTIAL to the DELIVERY OF CRITICAL SERVICES by:

- ⊗ Courts and Judicial Services
- ⊗ Health and Social Care
- ⊗ Education
- ⊗ Emergency Services (Law Enforcement, Ambulance, Fire and Coastguard)
- ⊗ Prison
- ⊗ Law Officers
- ⊗ States Works
- ⊗ Guernsey Waste
- ⊗ Ports
- ⊗ Regulatory roles directly related to financial stability and banking supervision
- ⊗ Treasury
- ⊗ Social Security

Additionally –

- (a) any ancillary staff from the private or public sectors who are essential to supporting the States of Guernsey's response to COVID-19,
- (b) in the case of Alderney, civil servants or office holders specified by the Policy and Finance Committee of the States of Alderney, and
- (c) in the case of Sark, civil servants or office holders specified by the Policy and Finance Committee of the Chief Pleas of Sark.

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 are made in response to evidence of potential community transmission of Severe Acute Respiratory Syndrome Coronavirus 2 within the Bailiwick. They amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021 ("the 2021 Regulations"). The primary purpose of the amendments made is to insert a new Part 1A and a new Schedule 3A into the 2021 Regulations. Inserted Schedule 3A effectively imposes a "lockdown" through the imposition of conditions, prohibitions, requirements or restrictions in relation to premises, the holding of events, gatherings and meetings (whether planned or unplanned and of whatever duration), and the movement of persons outside the place where they are living. Schedule 3A has effect for 14 days. Inserted Part 1A enables directions to be made making further related provision, including provision amending or revoking Schedule 3A (which has effect as if it were a direction issued under Part 1A).

The Regulations also insert Parts IB and IC into the Regulations. These Parts temporarily modify procedures in relation to registration of deaths and still births in Guernsey and Sark and in Alderney (Part IB) and in relation to cremations in Guernsey (Part IC). These amendments are to remove requirements for things to be done in person and to simplify procedures relating to registration of deaths and still-births and cremations during the current emergency situation.

The modifications in relation to registration of deaths and still-births are to remove requirements to make declarations of death in person, for a doctor signing a medical certificate of death to certify that he or she had attended the deceased during his or her last illness and to disapply requirements limiting the time a body is kept provided it is in the custody of the States of Guernsey (where the body is in Guernsey), the States of Alderney (where the body is in Alderney) or the relevant funeral director.

The modifications in relation to cremations are to remove the requirements for an application for cremation to be verified by being countersigned or by the applicant giving a declaration made on oath and for a confirmatory medical certificate to be given (Form C in the Cremation Ordinance, 1972).

The Regulations also temporarily modify the application of the Sark (Reform) Law, 2008, to allow Committees of the Chief Pleas to meet remotely.

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

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GUERNSEY STATUTORY INSTRUMENT

2021 No.

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

Made

26th January, 2021

Coming into operation

On being made

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 a new and fast-spreading variant of Severe Acute Respiratory Syndrome Coronavirus 2 has recently been detected in the United Kingdom;

AND WHEREAS there is reason to believe there may be community transmission of Severe Acute Respiratory Syndrome Coronavirus 2 within the Bailiwick;

AND WHEREAS the Civil Contingencies Authority ("**the Authority**") (having

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

consulted the Medical Officer of Health in respect of the risk to public health created thereby and by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and in respect of the measures necessary to prevent or slow the spread of infection) is satisfied that the conditions set out in section 13 of the Law are satisfied, and that the following regulations contain only provisions which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency referred to above;

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

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

Amendment of the General Provision Regulations.

1. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021^c are further amended as follows.

(2) In regulation 17A(4), for "the Schedule" substitute "Schedule 3A".

(3) In Part II, before regulation 18 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. 5 of 2021; amended by G.S.I. No. 7 of 2021.

"Modification of the Reform Law.

17K. (1) The Reform (Guernsey) Law, 1948 shall apply as if modified as follows.

(2) Insert the following Article immediately after Article 3 –

"Remote meetings of the States of Deliberation.

3A. (1) The States of Deliberation may meet remotely.

(2) A Member shall be treated for all purposes as present at a remote meeting of the States of Deliberation (including, but not limited to, the purpose of forming a Quorum of the States of Deliberation in accordance with Article 3) if, by means of electronic communications or telecommunications or otherwise –

(a) the Member has declared that he or she is present, and

(b) (in the case of a Member other than the Bailiff) the Presiding Officer has declared that the Member shall be treated as present.

(3) The States' Assembly & Constitution Committee may make Rules of Procedure governing remote meetings of the States of Deliberation, including but not limited to provision supplementing paragraph (2), and provision applying (with or without modification) Rules of Procedure applicable in relation to assemblies of the States of Deliberation under Article 7; and Article 7 shall be construed accordingly.

(4) For the avoidance of doubt, and without prejudice to paragraph (3), the States of Deliberation may –

- (a) prescribe Rules of Procedure governing remote meetings of the States, and
- (b) (whether meeting remotely or otherwise) resolve to amend, or revoke, Rules of Procedure made by the States' Assembly & Constitution Committee under paragraph (3).

(5) For the purpose of this Article, a meeting of the States of Deliberation is a remote meeting if Members communicate and (in the case of voting Members) vote during the meeting solely, or primarily, by means of electronic communications or telecommunications."."

Citation.

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

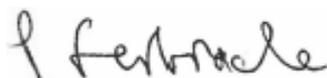
Extent.

3. These Regulations shall have effect throughout the Bailiwick.

Commencement.

4. These Regulations come into force on being made.

Dated this 26th day of January, 2021



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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations are made in response to evidence of potential community transmission of Severe Acute Respiratory Syndrome Coronavirus 2 within the Bailiwick, and in recognition of the importance of facilitating meetings of the States of Deliberation. They further amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021 ("the 2021 Regulations"). The main amendment provides that the Reform (Guernsey) Law, 1948 shall apply as if modified by the insertion of a new Article enabling the States of Deliberation to meet remotely. The modifications also empower the States' Assembly & Constitution Committee to make Rules of Procedure governing remote meetings of the States held pursuant to the inserted Article. The Regulations also correct a typographical error in a provision inserted by a previous amendment to the 2021 regulations.

These Regulations came into force on being made on the 26th January, 2021, and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

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GUERNSEY STATUTORY INSTRUMENT

2021 No.

**The Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (Amendment) (No. 3) Regulations,
2021**

Made

28th January, 2021

Coming into operation

On being made

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 a new and fast-spreading variant of Severe Acute Respiratory Syndrome Coronavirus 2 has recently been detected in the United Kingdom;

AND WHEREAS there is reason to believe there may be community transmission of Severe Acute Respiratory Syndrome Coronavirus 2 within the Bailiwick;

AND WHEREAS the Civil Contingencies Authority ("**the Authority**") (having

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

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: –

Amendment of the General Provision Regulations.

1. (1) The Third Annex to Schedule 3A to the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021^c is amended as follows.

(2) For the words from the start to paragraph (a), substitute –

"When exercising rights under this Annex, repair and maintenance personnel, persons attending a funeral and States Members on States premises for the purpose of

^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. 5 of 2021; amended by G.S.I. No. 7 of 2021 and G.S.I. No. 8 of 2021.

attending remote meetings of the States of Deliberation must adopt practices designed to minimise, wherever possible and practical, risks to health, including –".

(3) After paragraph 2 (funerals), insert–

"3. **Attendance by States Members at States premises for purposes of remote meetings of the States**

Members of the States who enter and remain on premises owned or occupied by the States of Guernsey for the purpose of attending remote meetings of the States of Deliberation. "

Citation.

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

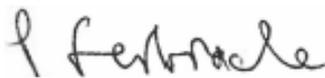
Extent.

3. These Regulations shall have effect throughout the Bailiwick.

Commencement.

4. These Regulations come into force on being made.

Dated this 28th day of January, 2021



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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations amend Schedule 3A to the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021 to provide for States members lawfully to enter and remain in States premises for the purpose of attending remote meetings of the States of Deliberation.

These Regulations came into force on being made on the 28th January, 2021, and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

SARK STATUTORY INSTRUMENT

2021 No.

The Land Reform (Fees) (Sark) Regulations, 2021

Made

26th January, 2021

Coming into operation

1st February, 2021

THE POLICY & FINANCE COMMITTEE, in exercise of the powers conferred on it by section 18 of the Land Reform (Miscellaneous Provisions) (Sark) Ordinance, 2020^a, and all other powers enabling them in that behalf, hereby makes the following regulations:-

Fees.

1. The fees payable to the Greffier for the account of the Chief Pleas in connection with the registration of charges of interests in real property under section 3, and the registration of elections under section 10, of the Land Reform (Miscellaneous Provisions) (Sark) Ordinance, 2020 shall be those set out in the Schedule.

Interpretation.

2. Expressions used in these Regulations have the same meaning as in the Law Reform (Miscellaneous Provisions) (Sark) Ordinance, 2020.

^a Sark Ordinance No. IX of 2020.

Citation.

3. These Regulations may be cited as the Land Reform (Fees) (Sark) Regulations, 2021.

Commencement

4. These Regulations shall come into force on the 1st February, 2021.

Dated this 26th day of January, 2021

A handwritten signature in black ink, appearing to read 'J. Guille', is centered on a light gray rectangular background.

JOHN GUILLE

Chairman of the Policy & Finance Committee

For and on behalf of the Committee

SCHEDULE

Regulation 1

FEES

Part I – Fees relating to charges of interests in real property	Fee
Registration of charge	£150
Note of agreed priority on Charges Register	£150
Cancellation of charge of interest in real property	£150
Rectification of entry on Charges Register at instance of any party	£50
Inspection of Charges register	£100
Fee in respect of copy of entry in Charges Register, per page – (a) certified (b) uncertified	£10 £2.50

Part II – Fees relating to chargeable leasehold interests	Fee
Registration of election by tenant	£150
Cancellation of registration of election by tenant	£150
Rectification of entry in Chargeable Leasehold Interests Register at instance of any party	£50
Inspection of Chargeable Leasehold Interests Register	£100
Fee in respect of copy of entry in Charges Register, per page –	
(a) certified	£10
(b) uncertified	£2.50

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe fees payable in connection with (a) the registration of charges of interests in real property and (b) registrations of elections by tenants who

wish their chargeable leasehold interest to be deemed to be real property for the purpose of eligibility to be charged as an interest in real property.

These Regulations will come into force on the 1st February, 2021.

GUERNSEY STATUTORY INSTRUMENT

ENTITLED

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) 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. Prohibition of non-essential travel.
5. Requirement to self-isolate on arrival in the Bailiwick.
6. Requirement to self-isolate on arrival in the Bailiwick: supplementary.
7. Screening requirements.
8. Imposition of further restrictions and requirements.
9. Self-isolation of persons suspected to be infected with coronavirus.
10. Detention or self-isolation: additional provisions.
11. Restrictions or requirements in respect of groups.
12. Variation and revocation of restrictions and requirements.
13. Initial detention of persons to enable screening and assessment.
14. Offences and enforcement.
15. False or misleading information.
16. Interpretation of this Part: general.
17. Definition of "self-isolate".

PART II

CONTROL OF PREMISES, GATHERINGS ETC., AND MOVEMENT OF PERSONS

18. Power to give directions.
19. Procedure, variation and revocation.
20. Alderney and Sark.

21. Enforcement.
22. Offences.
23. Interpretation of this Part.

PART III
REGISTRATION OF DEATHS AND STILL-BIRTHS

Legislation extending to the Bailiwick except for registration of deaths and still-births in Alderney

24. Modification of the Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey.

Legislation extending to Alderney

25. Modification of the Loi relative aux certificats de Décès et aux Enterrements.

PART IV
MODIFICATIONS TO LEGISLATION RELATING TO CREMATIONS IN
GUERNSEY

26. Modification of legislation relating to cremation.

PART V
STATES OF DELIBERATION AND CHIEF PLEAS OF SARK

27. Modification of the Reform Law.
28. Modification of the Sark Reform Law.

PART VI
SCHOOLS

29. Power of Medical Officer of Health to close schools.

PART VII
MISCELLANEOUS AND FINAL

30. Modification of legislation relating to mental health.
31. Population Management Law: Employment Permits.
32. Guernsey Financial Services Commission: officers appointed as Senior Decision Makers.

33. Court of Appeal.
34. Modification of the Driving Licences Ordinance.
35. Offences by legal persons and unincorporated bodies.
36. Revocation and savings.
37. Interpretation.
38. Citation.
39. Extent.
40. Commencement.

SCHEDULE 1 Essential Travel Permits.

SCHEDULE 2 Exception to requirement to self-isolate on arrival in the
Bailiwick: Critical Workers.

SCHEDULE 3 Modification of legislation relating to mental health.

Explanatory Note.

GUERNSEY STATUTORY INSTRUMENT

2021 No.

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

<i>Made</i>	<i>4th February, 2021</i>
<i>Coming into operation</i>	<i>5th February, 2021</i>
<i>Laid before the States</i>	<i>, 2021</i>

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

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

AND WHEREAS a new and fast-spreading variant of Severe Acute Respiratory Syndrome Coronavirus 2 has recently been detected in the United Kingdom;

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

AND WHEREAS the Civil Contingencies Authority ("**the Authority**") (having consulted the Medical Officer of Health in respect of the risk to public health created thereby and by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and in respect of the measures necessary to prevent or slow the spread of infection) is satisfied that the conditions set out in section 13 of the Law are satisfied, and that the following regulations contain only provisions which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency referred to above;

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

NOW THEREFORE THE AUTHORITY, in exercise of the powers conferred upon it by sections 12(1), 14 and 19 of the Law, and of all other powers enabling 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

^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.

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 has sought the advice of Her Majesty's Procureur in relation to the appropriateness and proportionality of the proposed requirement or restriction, and has taken account of that advice.

(2) Subject to paragraph (3), the Civil Contingencies Authority ("the Authority") may not impose a requirement under regulation 6(2) unless the Authority has sought the advice of the MOH in relation to the appropriateness of the proposed requirement and has taken account of that advice.

(3) Neither the requirement in paragraph (1) nor the requirement in paragraph (2) applies where the MOH or the Authority (as the case may be) considers that, in all the circumstances, it would be impracticable to comply with it.

(4) Where the MOH imposes a restriction or requirement under these Regulations without seeking the advice of Her Majesty's Procureur, in reliance on paragraph (3), the MOH shall, as soon as reasonably practicable, give notice that he or she has done so to Her Majesty's Procureur.

(5) Where the Authority imposes a requirement under regulation 6(2) without seeking the advice of the MOH, in reliance on paragraph (3), the Authority shall, as soon as reasonably practicable, give notice that it has done so to the MOH.

Detention of persons by the MOH.

2. (1) This regulation applies where the MOH has reasonable grounds to believe that a person ("P") –

- (a) is, or may be, infected or contaminated with, or is suspected or confirmed to be suffering from, coronavirus, and there is a risk that P might infect or contaminate others, or
- (b) has arrived in the Bailiwick by air or sea and has left an infected area within the 14 day period immediately preceding the date of P's arrival in the Bailiwick.

(2) Where paragraph (1)(a) or (b) is met in relation to P, the MOH may, for the purposes of screening, assessment or the imposition of any restriction or requirement under regulation 3, impose on P a requirement to be detained until the later of –

- (a) the end of the period of 48 hours beginning with the time from which P's detention under this regulation begins,
- (b) such time as any screening requirements imposed on or in relation to P under regulation 3 have been complied with and the assessment referred to in that regulation carried out in relation to P.

Imposition of restrictions and requirements: general.

3. (1) Where regulation 2(1)(a) or (b) is met in relation to a person ("P"), the MOH may –

- (a) (orally or in writing) impose on or in relation to P one

or more screening requirements to inform an assessment by the MOH of whether P presents, or could present, a risk of infecting or contaminating others,

- (b) carry out such an assessment in relation to P, and
- (c) following such an assessment, (orally or in writing) impose on or in relation to P any other restriction or requirement which the MOH considers necessary for the purposes of removing or reducing the risk referred to in subparagraph (a), including (without limitation) the restrictions or requirements set out in paragraph (2).

(2) The restrictions or requirements are –

- (a) that P submit to medical examination,
- (b) that P be removed to a hospital or other suitable establishment,
- (c) that P be detained in a hospital or other suitable establishment,
- (d) that P self-isolate,
- (e) that P be disinfected or decontaminated,

- (f) that P wear protective clothing,
- (g) that P provide information or answer questions about P's health or other circumstances,
- (h) that P's health be monitored and the results reported,
- (i) that P attend training or advice sessions on how to reduce the risk of infecting or contaminating others,
- (j) that P be subject to restrictions on where P goes or with whom P has contact,
- (k) that P abstain from working or trading.

(3) For the avoidance of doubt, a requirement to self-isolate imposed under paragraph (1) may be for such period as the MOH thinks necessary in all the circumstances, and may include provision for that period to be shortened in circumstances where P undergoes a test for COVID-19 and the result of that test is negative.

(4) A restriction or requirement imposed under paragraph (1) may be varied by the MOH orally or in writing.

(5) Neither paragraph (1) nor regulation 5 or 6 affects the exercise of any powers under regulation 10; and nothing in this regulation (or in any other provision in these Regulations) affects the MOH's powers under any other enactment.

(6) In this regulation and regulation 6 a power to vary a requirement or restriction includes a power to revoke it.

Prohibition of non-essential travel.

4. (1) Schedules 1 and 2 have effect.

(2) A person may not travel into the Bailiwick from outside unless he or she has been granted -

(a) an Essential Travel Permit under Schedule 1, or

(b) a Critical Worker Exemption under Schedule 2.

(3) A person who has been granted neither a Critical Worker Exemption nor an Essential Travel Permit and who travels into the Bailiwick from outside, in contravention of paragraph (2), commits an offence; and regulations 5 and 6 shall be construed accordingly.

Requirement to self-isolate on arrival in the Bailiwick.

5. (1) Subject to –

(a) provision made in or under Schedule 2 (concerning Critical Workers), 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 travel authority, and that of any child travelling with him or her, for inspection, and
- (d) answer any question put to him or her by a relevant officer relating to that travel document and travel authority.

(2) The Authority may, by publication on the relevant States of Guernsey website, impose a requirement that any person who has arrived in one Island in the Bailiwick from another Island in the Bailiwick must (subject to provision made in or under Schedule 2) 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 powers of the MOH under paragraph (3) to vary the requirement under regulation 5(1) and 5(2) or a requirement imposed under paragraph (2) include (but are not limited to) powers to –

- (a) specify exceptions to the requirement to self-isolate, and
- (b) shorten the duration of the requirement to self-isolate, either unconditionally or on the MOH being satisfied that one or more specified conditions have been met.

(5) For the avoidance of doubt, and without prejudice to the generality of paragraphs (3) and (4), in any case where the MOH varies the requirement to self-isolate under regulation 5(1) or 5(2) or a requirement to self-isolate imposed under paragraph (2), that variation may be amended in accordance with paragraph (6), and if so amended shall be treated for all purposes as continuing to have effect in accordance with its terms.

(6) In any case where the MOH has varied such a requirement to self-isolate, the MOH may amend or revoke that variation orally or in writing (in a case where the requirement was varied orally), and in writing (in a case where the requirement was varied in writing); and the amendment or revocation (as the case may be) shall have effect from such time as the MOH may specify.

(7) Where a restriction or requirement is imposed on or in relation to a child under regulation 5 or this regulation (including the requirement to self-isolate under regulation 5(1) and 5(2)), a person who is a responsible adult in relation to the child must ensure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(8) Where a restriction or requirement is imposed orally on a person under regulation 3, regulation 5 or this regulation, or a restriction or requirement is orally varied, the person (or, in the case of a child, a person who is a

responsible adult in relation to the child) must be provided with a written notification of the restriction or requirement that has been imposed or varied as soon as reasonably practicable.

(9) In this Part, "**travel authority**" means an Essential Travel Permit or a Critical Worker Exemption (as the case may be).

Screening requirements.

7. (1) For the purposes of these Regulations, the screening requirements in relation to a person ("P") are requirements to the effect that P must—

- (a) answer questions about P's health or other relevant circumstances (including travel history and information about other individuals with whom P may have had contact),
- (b) produce any documents which may assist the MOH in assessing P's health,
- (c) at such a time as the MOH may specify, allow a biological sample of P to be taken, including a biological sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample, and
- (d) provide sufficient information to enable P to be contacted immediately by the MOH during such period as the MOH may specify, where the MOH considers that such provision of information is

necessary in order to reduce or remove the risk of P infecting or contaminating others.

(2) Where P is a child who is accompanied by a responsible adult, the responsible adult must –

- (a) ensure that P answers questions in accordance with paragraph (1)(a),
- (b) answer the questions if P is unable to do so or cannot reliably do so,
- (c) produce any documents, required under paragraph (1)(b), on P's behalf,
- (d) allow a biological sample of P to be taken, including a sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample, and
- (e) provide information where required by the MOH under paragraph (1)(d).

Imposition of further restrictions and requirements.

8. (1) Where regulation 2(1)(a) or (b) is met in relation to a person ("P") –

- (a) following an assessment by the MOH of the risk presented by P in accordance with regulation 3(1), or

- (b) following P's release from detention under regulation 2, or from self-isolation under regulation 9,

the MOH may (orally or in writing) impose on P any one or more of the requirements specified in paragraph (2) where the MOH considers that it is necessary to do so in order to reduce or remove the risk of P infecting or contaminating others.

(2) The requirements specified for the purposes of paragraph (1) are for P to –

- (a) provide P's contact details to the MOH,
- (b) supply information to the MOH which may assist in assessing P's health,
- (c) at such time as the MOH may specify, allow a biological sample of P to be taken, including a sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample,
- (d) comply with any other specified condition or to take any other specified measure.

(3) The conditions or measures which may be specified under paragraph (2)(d) include –

- (a) a restriction on P's travel,
- (b) a restriction on P's activities,
- (c) a restriction on P's contact with specified persons.

(4) The MOH may (orally or in writing) revoke or vary any requirement or restriction imposed under this regulation, including by imposition of a restriction specified in paragraph (3).

(5) Subject to paragraph (6), the period for which a restriction set out in paragraph (3) is imposed may not exceed 14 days beginning with the day on which the restriction is imposed.

(6) Where a restriction set out in paragraph (3) is imposed, or the period of a restriction is extended under this paragraph, the MOH may (orally or in writing) extend the period of the restriction for a further specified period not exceeding 14 days if the MOH considers that the restriction is still necessary and proportionate.

(7) Before imposing or varying a requirement or restriction under this regulation, the MOH must –

- (a) inform P (or, where P is a child, a person who is a responsible adult in relation to P) of the requirement or variation that the MOH is minded to impose or make, and
- (b) have regard to any relevant representations by P (or,

where P is a child, a person who is a responsible adult in relation to P), as to its suitability.

(8) When imposing or varying a requirement or restriction under this regulation, the MOH must inform P that it is an offence to fail to comply with the requirement.

(9) Where a requirement or restriction under this regulation is imposed on or in relation to a child, or varied in relation to a child, a person who is a responsible adult in relation to the child must ensure that the child complies with the requirement or restriction, insofar as that person is reasonably able to do so.

(10) Where the MOH orally imposes a requirement or restriction on P under this regulation, or orally varies such a requirement or restriction, the MOH must provide P (or where P is a child, a person who is a responsible adult in relation to P) with a written notification of the requirement or restriction that has been imposed or varied.

(11) Paragraph (1) does not affect the exercise of any powers under regulation 3(1)(c).

Self-isolation of persons suspected to be infected with coronavirus.

9. (1) This regulation applies where regulation 2(1)(a) or (b) is met in relation to a person ("P").

(2) The MOH may require P to self-isolate if the MOH –

(a) has reasonable grounds to believe that P is, or may be, infected or contaminated with coronavirus, and

(b) considers that it is necessary to do so in order to reduce or remove the risk of P infecting or contaminating others.

(3) Where the MOH has reasonable grounds to believe that P is, or may be, infected or contaminated with coronavirus, the MOH may detain P pending the decision of the MOH whether to require P to self-isolate under paragraph (2).

(4) Where the MOH has detained P under paragraph (3) or has required P to self-isolate under paragraph (2), the MOH may impose on or in relation to P one or more screening requirements.

(5) When imposing a requirement under this regulation, the MOH must inform P that it is an offence to fail to comply with the requirement.

(6) Where a requirement under paragraph (2) is imposed on or in relation to a child, a person who is a responsible adult in relation to the child must ensure that the child complies with the requirement, insofar as that person is reasonably able to do so.

(7) This regulation does not affect the exercise of any powers under regulation 3(1)(c).

Detention or self-isolation: additional provisions.

10. (1) Where a person ("P") is required to be detained or to self-isolate under regulation 3 or 9 or subjected to restrictions or requirements under regulation 8, the MOH must have due regard to P's well-being.

(2) Where P is detained or required to self-isolate under regulation 3 or 9 or subjected to restrictions or requirements under regulation 8 for a period exceeding 14 days, the MOH must review the continuation of P's detention or self-isolation by reference to the provisions of those regulations.

(3) After each subsequent interval of 24 hours during which P is detained or required to self-isolate under regulation 3 or 9 or subjected to restrictions or requirements under regulation 8, the MOH must review the continuation of P's detention or self-isolation by reference to the provisions of those regulations.

(4) Where P is detained or required to self-isolate under regulation 3 or 9 or subjected to restrictions or requirements under regulation 8, the MOH may require P to comply with screening requirements if the MOH considers that it is necessary and proportionate to do so in order to reduce or remove the risk of P infecting or contaminating others.

(5) Where P is detained under regulation 2, the MOH may require P to move to a suitable place.

(6) The MOH must notify P (or, where P is a child, a person who is a responsible adult in relation to P), as soon as P's detention under regulation 3 starts, or as soon as it is decided to require P to self-isolate under regulation 9, of –

- (a) the fact of P's detention or requirement to self-isolate,
- (b) the powers under which P is detained or required to self-isolate,

- (c) the reason for P's detention or self-isolation,
- (d) the next steps that may be taken and by whom,
- (e) the obligation to keep the need for P's detention or self-isolation under review,
- (f) the penalty for obstructing a person carrying out a function under these Regulations under regulation 14(4), and
- (g) the right to apply for revocation or variation under regulation 12, where applicable.

Restrictions or requirements in respect of groups.

11. (1) The powers in regulations 2, 3 and 9 include powers to impose a restriction or requirement in relation to a group of persons and, for this purpose, those regulations have effect as follows.

- (2) In regulation 2, the references to "**a person**" and to P –
 - (a) as they apply in paragraph (1)(a) are to each person in the group,
 - (b) as they apply in paragraph (1)(b) are to each person in the group who has arrived on the same aircraft or ship and left the same area,

and the power to impose a requirement to be detained in paragraph (2) of regulation 2 is to be read as a power to impose that requirement on any one or more of the persons in the group in question.

- (3) In regulation 3 –
 - (a) in paragraph (1), the reference to "**a person**" is to be read in accordance with paragraph (2) of this regulation,
 - (b) in the rest of that regulation, the references to P are to one or more persons in the group in question.

- (4) In regulation 9 –
 - (a) in paragraph (1), the reference to "**a person**" is to be read in accordance with paragraph (2) of this regulation,
 - (b) in the rest of that regulation, references to P are to one or more of the persons in the group in question.

Variation and revocation of restrictions and requirements.

12. (1) A requirement, restriction or condition imposed under this Part or Schedule 1 or 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 an Essential Travel Permit has been granted under, and within the meaning of, Schedule 1, and
- (g) a person in respect of whom a Critical Worker Exemption has been granted under, and within the meaning of, Schedule 2,

and for the purposes of this paragraph, P includes a person subject to the

^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.

requirement under regulation 5(1) and 5(2) or to a requirement imposed under regulation 6(2).

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

Initial detention of persons to enable screening and assessment.

13. (1) This regulation applies if a police officer has reasonable grounds to suspect that –

- (a) a person ("P") is, or may be, infected or contaminated with coronavirus,
- (b) there is a risk that P might infect or contaminate others, and
- (c) it is necessary to direct, remove or detain P in the interests of P, for the protection of other persons or for the maintenance of public safety.

(2) This regulation also applies if a police officer has reasonable grounds to suspect that P is in breach of the requirement to self-isolate under regulation 5(1) or 5(2) or a requirement to self-isolate imposed under regulation 6(2).

(3) A police officer may –

- (a) direct P to go immediately to a hospital or other suitable place for the purposes of the imposition of any restrictions or requirements under regulation 3,

- (b) remove P to a hospital or other suitable place for the purposes of the imposition of any restrictions or requirements under regulation 3, or
 - (c) if P is already at a hospital or other suitable place, keep P at that place or remove P to another hospital or other suitable place for the purpose of the imposition of any restrictions or requirements under regulation 3.
- (4) The power in paragraph (3) may be exercised when P is at any place.
- (5) For the purpose of exercising the power in paragraph (3), a police officer may enter any place.
- (6) Before exercising the power in paragraph (3), the police officer must –
 - (a) so far as is reasonably practicable, consult the MOH and have due regard to the views of the MOH and any information provided by the MOH in relation to P,
 - (b) have due regard to any guidance issued by the MOH and the Chief Officer of the Island Police Force,
 - (c) where consultation has not been carried out under subparagraph (a) –

- (i) consult the MOH as soon as reasonably practicable after the power in paragraph (3) has been exercised, and
- (ii) have due regard to the views of the MOH and information provided by the MOH in relation to P.

(7) A person removed to or kept in a hospital or other suitable place under this regulation may be detained there for a period not exceeding the permitted period of detention.

(8) A police officer or the MOH, or a person authorised by either of them for the purposes of this paragraph, may, before the end of the permitted period of detention, take a person detained in a hospital or other suitable place to one or more other hospitals or other suitable places.

(9) A person taken to a hospital or other suitable place under paragraph (8) may be detained there for a period ending no later than the permitted period of detention.

(10) A police officer may use reasonable force, if necessary, in the exercise of a power under this regulation.

(11) The MOH may, at any time before the expiry of the initial period, authorise the detention of a person for a further period not exceeding 24 hours (beginning immediately at the end of the initial period).

(12) An authorisation under paragraph (11) may be given only if

the MOH considers that the authorisation is necessary because it is not reasonably practicable for the imposition of any restrictions or requirements under regulation 3 to be completed before the end of the initial period.

(13) In this regulation –

"authorised extended period" means such further period as is specified in an authorisation under paragraph (11),

"initial period" means the period of 24 hours beginning with –

- (a) in a case where the person is removed to a hospital or other suitable place, the time when the person arrives at that place, or
- (b) in a case where the person is kept at a hospital or other suitable place, the time when the police officer decides to keep the person at that place, and

"permitted period of detention" means the initial period of detention and the authorised extended period.

Offences and enforcement.

14. (1) A person commits an offence if the person –

- (a) fails, without reasonable excuse, to comply with a restriction, condition or requirement imposed under regulation 2(2), 3(1), 6(1), 8(1), 9(2), 9(4) or 10(4) or 10(5), or a direction under regulation 13(3)(a),

- (b) fails, without reasonable excuse, to comply with a requirement that the person be detained under regulation 9(3), 13(7), 13(9) or 13(11).

(2) A person (D), and subject to paragraph (3), any person who is D's employer, commits an offence if D fails, without reasonable excuse, to comply with the requirement to self-isolate under regulation 5(1) or 5(2) or a restriction or requirement imposed under regulation 5(4) or regulation 6(2); including, for the avoidance of doubt, a requirement to self-isolate for any specified period of less than 14 days or 21 days (as the case may be), or until a specified event occurs –

- (a) imposed by a variation of the requirement under regulation 5(1) or 5(2), or of a requirement under regulation 6(2)), by the MOH in relation to a particular case, or
- (b) imposed by or under Schedule 1 or 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 responsible adult who fails without reasonable excuse to comply with regulation 6(7), 7(2), 8(9) or 9(6) commits an offence.

(6) A person guilty of an offence under paragraph (1), (4) or (5) is liable on conviction to a fine not exceeding level 3 on the uniform scale.

(7) A person guilty of an offence under regulation 4(3) (concerning the prohibition on non-essential travel) is liable on conviction to a fine not exceeding level 5 on the uniform scale.

(8) A person guilty of an offence under paragraph (2) is liable on conviction to a fine not exceeding level 5 on the uniform scale, to imprisonment for a term not exceeding 14 days, or to both.

(9) The investigation of an offence under this Part or Part II 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 and Part II 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

^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.

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 Schedule 2, in circumstances in which he or she knows or could reasonably be expected to know that the statement, information or document would or might be used by that officer for the purpose of exercising his or her functions under the relevant Schedule.

(3) A person guilty of an offence under this regulation is liable on conviction to a fine not exceeding level 3 on the uniform scale.

Interpretation of this Part: general.

16. (1) In this Part, unless the context otherwise requires –

"**child**" means a person under the age of 18 years,

"**customs officers**" has the meaning given by section 89(6) of PPACE, and "customs officer" shall be construed accordingly,

the "**employer**" of a person (A) includes (but is not limited to) a person who has engaged the services of A by way of a contract or other arrangement entered into with a third party (and for the avoidance of doubt, that third party may be resident or established outside Guernsey),

"hospital" means –

- (a) any hospital regulated or operated by the States Committee for Health & Social Care (including, for the avoidance of doubt, Le Mignot Memorial Hospital in Alderney), or
- (b) the Sark Medical Centre,

"infected area" means an area specified by the MOH as an infected area for the purposes of these Regulations on the relevant States of Guernsey website, or otherwise reasonably considered by the MOH to be an area where there is sustained human-to-human transmission of coronavirus, or from which there is a high risk of importation of infection or contamination (with coronavirus) via travel from that area to the Bailiwick or any part thereof,

"police officer" includes a customs officer,

"PPACE" means the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 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

^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.

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

"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

CONTROL OF PREMISES, GATHERINGS ETC., AND MOVEMENT OF PERSONS

Power to give directions.

18. (1) The Authority may, for one or more of the purposes set out in section 14(2) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, issue a direction for the purpose of imposing conditions, prohibitions, requirements or restrictions in relation to –

- (a) premises,
- (b) the holding of an event, gathering or meeting (whether planned or unplanned and of whatever duration), and
- (c) the movement of persons outside the place where they are living,

and for the purposes of subparagraph (c), the place where a person is living includes the premises where he or she is living together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

(2) The Authority must consult the MOH before issuing a direction; and, in addition, before issuing a direction imposing conditions,

prohibitions, requirements or restrictions in relation to the movement of persons outside the place where they are living, the Authority must seek the advice of Her Majesty's Procureur in relation to the appropriateness and proportionality of the proposed direction.

(3) A direction under paragraph (1)(a) may be issued in relation to specified premises, or premises of a specified description, and may, amongst other things, impose requirements for the purpose of –

- (a) restricting the hours of opening of the premises,
- (b) closing the premises or a part of the premises to entry by members of the public,
- (c) restricting entry into the premises, whether by reference to the number of people in the premises, a period of time, or otherwise,
- (d) securing restrictions in relation to the location of persons in the premises, or
- (e) requiring the wearing of face coverings by all persons, or prescribed categories of person, on entering and remaining within the premises.

(4) Where a direction under paragraph (1)(a) is issued in respect of licensed premises, the terms of the licence issued in respect of those premises shall be deemed to be modified to reflect the prohibitions, requirements or restrictions imposed by the direction, and shall have effect accordingly.

(5) A direction under paragraph (1)(b) may be issued in relation to a specified event, gathering or meeting, or events, gatherings or meetings of a specified description, or events, gatherings and meetings generally; and events, gatherings and meetings may be described by reference to the number of people attending the event, gathering or meeting, or in any other way.

(6) A direction under paragraph 1(b) may impose conditions, prohibitions, requirements or restrictions on –

- (a) the owner or occupier of premises at which an event, gathering or meeting to which the direction relates is to take place,
- (b) the organiser of such an event, gathering or meeting, and
- (c) any other person involved in holding or participating in such an event, gathering or meeting.

(7) A direction under paragraph 1(b) may, amongst other things, impose requirements about informing persons who may be planning to attend an event, gathering or meeting of its prohibition or any requirements or restrictions imposed in relation to the holding of it.

(8) A direction under paragraph (1)(c) may (without limitation) restrict the movement of persons outside the place where they are living by reference to the purpose, or duration, of the movement, and by reference to the age of persons.

(9) A direction may, amongst other things, specify a minimum distance that must be maintained between persons of different households.

(10) A direction may impose requirements on persons in relation to children in their care or under their control.

(11) For the avoidance of doubt, a direction may include provision enabling the Authority, and such other person or office holder (including but not limited to the MOH) as it may specify, to authorise in writing such exemption or disapplication from such provision of the direction and upon such conditions as it, or he or she, may think fit.

Procedure, variation and revocation.

19. (1) A direction must specify the period during which it has effect, which period must not exceed 14 days.

(2) Where a direction imposes prohibitions, requirements or restrictions on a person specified by name, the direction –

(a) must be given in writing to that person, and

(b) may be published in such manner as the Authority considers appropriate to bring it to the attention of other persons who may be affected by it.

(3) The Authority may vary and revoke a direction, and the power to vary or revoke a direction is without prejudice to the power of the Authority to issue a new direction.

(4) Subject to paragraph (2), a direction, and a variation and revocation of a direction, may be given in such form as the Authority thinks fit, including by publication on the States of Guernsey website.

(5) The Authority must revoke a direction when satisfied that it is no longer necessary.

Alderney and Sark.

20. (1) The Authority must consult the Policy and Finance Committee of the States of Alderney before issuing, varying or revoking a direction having effect in Alderney, and the Policy & Finance Committee of the Chief Pleas before issuing, varying or revoking a direction having effect in Sark.

(2) A failure to consult in accordance with paragraph (1) shall not invalidate any direction.

Enforcement.

21. (1) A police officer may require any person to whom a direction has been given, or to whom it otherwise applies, to comply with it.

(2) Subject to paragraph (4), where a police officer has required a person under paragraph (1) to comply with a direction issued under regulation 18(1)(a), and that person has failed to do so, the police officer may require the premises in question to be closed until such time as the direction is complied with; and the police officer may take such steps, or require the person to take such steps, as are necessary to ensure that the requirement to close the premises is complied with.

(3) Subject to paragraph (4), where a police officer has required a

person under paragraph (1) to comply with a direction, and that person has failed to do so, the police officer may take such steps as are necessary to ensure that the direction is complied with.

(4) A police officer must take account of any relevant advice issued by the MOH and the Chief Officer of the Island Police Force before exercising the powers conferred by paragraphs (1) to (3).

(5) In exercising the powers conferred by paragraphs (1) to (3), a police officer may –

- (a) enter any premises to which the direction relates, and
- (b) if necessary, use reasonable force.

Offences.

22. (1) A person commits an offence if he or she fails, without reasonable excuse, to comply with a direction, or a requirement of a police officer under regulation 21.

(2) A person commits an offence if he or she obstructs a police officer exercising a power conferred by regulation 21.

(3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the uniform scale.

Interpretation of this Part.

23. (1) In this Part –

"direction" means a direction issued under regulation 18,

a **"household"** is comprised of persons living together for the time being in the same premises,

"licensed premises" has the meanings given by the Liquor Licensing Ordinance, 2006 in relation to premises in Guernsey, by the Alderney Liquor Licensing Ordinance, 1994 in relation to premises in Alderney, and by the Liquor Licensing (General Provisions) (Sark) Ordinance, 1979 in relation to premises in Sark, and **"licence"** shall be construed accordingly, and

"premises": see subparagraphs (2) and (3).

(2) In relation to a direction issued under regulation 18(1)(a), **"premises"** includes, but is not limited to, retail premises and other business premises (excluding grocery stores and such other categories of business premises as the Authority may specify, whether in a direction or otherwise), places of worship, and parks, public gardens and other places of recreation, sport, leisure and entertainment, but does not include premises used solely as residential premises.

(3) In relation to a direction issued under regulation 18(1)(b), **"premises"** includes land (including, for the avoidance of doubt, the foreshore), and pleasure vessels within the meaning of the Merchant Shipping (Registration of Ships) (Bailiwick of Guernsey) Regulations, 2009^h.

PART III

REGISTRATION OF DEATHS AND STILL-BIRTHS

^h G. S. I. No. 9 of 2009.

*Legislation extending to the Bailiwick except for registration of deaths and still-births in
Alderney*

**Modification of the Loi relative à l'Enregistrement des Naissances et Décès dans
le Bailliage de l'Île de Guernesey.**

24. (1) The Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey of 1935 ("**the 1935 Law**") is modified as follows for all purposes of or under the 1935 Law or any other enactment.

(2) The French text of the 1935 Law is modified in the same way as is set out in the following modifications to the official English translation of that Law.

(3) Articles 9 (declaration of death) and 17 (still-born children) have effect as if the requirement to make a declaration in person or to send it by a person of at least sixteen years of age were substituted by a requirement to send the declaration by post, electronic means (including email message) or such other means as is specified by the Registrar-General in guidance.

(4) Article 11 (doctor's certificate) has effect as if the words "that he has seen the body of the deceased and stating" were omitted.

(5) Article 15 (limit of time for keeping body) is disapplied provided that the body is in the custody of the States of Guernsey or a funeral director.

(6) Form C (medical certificate of cause of death) and the notes to Form C in the Schedule have effect as if the following were omitted –

(a) on the second page –

- (i) the words "that I was in medical attendance during the above-named deceased's last illness, and",
 - (ii) in Note 1, the second sentence, and
- (b) the certification section at the end of the Form headed "CERTIFICATE (See Note 1 above)".

Legislation extending to Alderney

Modification of the Loi relative aux certificats de Décès et aux Enterrements.

25. (1) The Loi relative aux certificats de Décès et aux Enterrements of 1910 ("**the 1910 Law**") is modified as follows for all purposes of or under that Law or any other enactment.

(2) The French text of the 1910 Law is modified in the same way as is set out in the following modifications in English.

(3) Articles 1 (déclaration par écrit etc.) and 8 (enfant mort-né) have effect as if the requirement to make a declaration in person or to send it by a person who has reached the age of majority were substituted by a requirement to send the declaration by post, electronic means (including email message) or such other means as is specified by the Registrar-General in guidance.

(4) Article 6 (défense de garder sans permission un corps au-delà de six jours) is disapplied provided that the body is in the custody of the States of Alderney or a funeral director.

(5) Form A (medical certificate of cause of death) and the notes to Form A in the Schedule have effect as if the following were omitted –

- (a) in the certification following the table relating to cause of death–
 - (i) the words "that I was in medical attendance during the above-named deceased's last illness, and", and
 - (ii) in Note 1, the second sentence, and
- (b) the certification section at the end of the Form headed "CERTIFICATE (See Note 1 above)".

PART IV
MODIFICATIONS TO LEGISLATION RELATING TO CREMATIONS IN
GUERNSEY

Modification of legislation relating to cremation.

26. (1) The Cremation Ordinance, 1972 is modified as follows for all purposes of or under the Loi relative à la Crémation or any other enactment.

(2) Section 6 (applications for cremation) has effect as if subsections (3) and (5) requiring the application to be verified by being countersigned or accompanied by a declaration of truth made on oath were omitted.

(3) In section 7 (certificates of medical attendance or post-mortem examination), paragraph (a) has effect as if –

- (a) the words "who has attended the deceased during his last illness and" were omitted, and

(b) it did not require a confirmatory medical certificate in Form C in the First Schedule to have been given before a cremation is allowed to take place.

(4) Section 9 (applications for cremation of remains of a person who died outside this Island) has effect as if –

(a) it did not require the application to be verified by being countersigned or by a declaration by the applicant, and

(b) the wording following paragraph (c) referred to "Forms B and D in the First Schedule".

PART V

STATES OF DELIBERATION AND CHIEF PLEAS OF SARK

Modification of the Reform Law.

27. (1) The Reform (Guernsey) Law, 1948ⁱ shall apply as if modified as follows.

(2) Insert the following Article immediately after Article 3 –

ⁱ Ordres en Conseil Vol. XIII, p. 288; as amended by Ordres en Conseil Vol. XIV, p. 407; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, pp. 84 and 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, pp. 164 and 278; Vol. XXXII, p. 41; Vol. XXXIV, p. 397; Vol. XXXVI, p. 478; Vol. XXXVIII, pp. 150 and 295; Order in Council No. XIII of 2003; No. III of 2004; No. II of 2007; No. XX of 2007; Nos. XIII and XXII of 2008; No. VII of 2010. There are other amendments not relevant to this provision.

"Remote meetings of the States of Deliberation."

3A. (1) The States of Deliberation may meet remotely.

(2) A Member shall be treated for all purposes as present at a remote meeting of the States of Deliberation (including, but not limited to, the purpose of forming a Quorum of the States of Deliberation in accordance with Article 3) if, by means of electronic communications or telecommunications or otherwise –

(a) the Member has declared that he or she is present, and

(b) (in the case of a Member other than the Bailiff) the Presiding Officer has declared that the Member shall be treated as present.

(3) The States' Assembly & Constitution Committee may make Rules of Procedure governing remote meetings of the States of Deliberation, including but not limited to provision supplementing paragraph (2), and provision applying (with or without modification) Rules of Procedure applicable in relation to assemblies of the States of Deliberation under Article 7; and Article 7 shall be construed accordingly.

(4) For the avoidance of doubt, and without prejudice to paragraph (3), the States of Deliberation may –

(a) prescribe Rules of Procedure governing remote meetings of the States, and

(b) (whether meeting remotely or otherwise) resolve to amend, or revoke, Rules of Procedure made by the States' Assembly & Constitution Committee under paragraph (3).

(5) For the purpose of this Article, a meeting of the States of Deliberation is a remote meeting if Members communicate and (in the case of voting Members) vote during the meeting solely, or primarily, by means of electronic communications or telecommunications."

Modification of Sark Reform Law.

28. (1) The Reform (Sark) Law, 2008^j shall apply as if modified as follows.

(2) After section 47 (functions of committees), insert –

"Meetings of Committees.

47A. (1) A member of a Committee of Chief Pleas who is in communication with the other members of the committee by telephone, live television link or any other means of telecommunications or electronic communications, so that each member of the committee can hear or read what is said or communicated by each of the others, is deemed, subject to subsection (2), to be present at a meeting of the committee for all purposes relating to that meeting, including calculating the quorum at the meeting under section 43(5) or 44(5) and under rule 13 of the Constitution and Operation of Chief Pleas Committee Rules, made on 2nd October, 2013.

^j Order in Council No. V of 2008; amended by No. XII of 2011; No. IX of 2016. There are other amendments not relevant to this provision.

(2) In the event that a means of communication referred to in subsection (1) fails or is corrupted, or the chairman or other person presiding at the meeting in accordance with section 46(3) ("**person presiding**") considers that confidentiality is compromised, the person presiding shall have discretion at any time during the meeting to determine that a member who is affected by that failure, corruption or compromise of confidentiality is no longer deemed to be present at the meeting.

(3) For the avoidance of doubt, a determination under subsection (2) does not affect the validity of the proceedings of the committee for any purpose prior to the making of that determination."

PART VI SCHOOLS

Power of MOH to close schools.

29. (1) The powers of the MOH under Article VIII(8) of the Public Health Ordinance, 1936^k, to require measures to be taken by any school in order to prevent the spread of infection, shall apply in respect of Sark.

(2) For the avoidance of doubt, the measures that the MOH may

^k Recueil d'Ordonnances Tome VIII, p. 315; amended by Ordres en Conseil Vol. XXXI, p. 278; Order in Council No. XIV of 2012; No. VI of 2015; Recueil d'Ordonnances Tome X, pp. 35 and 61; Tome XIII, p. 264; Tome XV, p. 239; Tome XV, p. 387; Tome XIX, p. 91; Tome XX, p. 163; Tome XXIII, p. 427; Tome XXVIII, p. 80; Ordinance No. XXXIII of 2003; No. XXXVIII of 2006; No. XLI of 2010; No. XLII of 2014; Nos. IX and XXI of 2016. This Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948 and to the Islands of Herm and Jethou by the Public Health (Amendment) Ordinance, 1963.

require to be taken under the above enactment (including as it applies in Sark under paragraph (1)) include, but are not limited to, the immediate closure, partial closure, or closure subject to conditions, of any school for any period.

PART VII
MISCELLANEOUS AND FINAL

Modification of legislation relating to mental health.

30. Schedule 3 modifies –

- (a) the Mental Health (Bailiwick of Guernsey) Law, 2010^l, and
- (b) the Mental Health Review Tribunal Procedure Rules, 2012^m,

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

Population Management Law: Employment Permits.

31. (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

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

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

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

"(2A) Before granting an Employment Permit, the Administrator shall consult a determining officer appointed by the Civil Contingencies Authority under Schedule 1 (essential travel permits) to the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021."

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

(7) 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, 2016⁹⁹.

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

32. (1) This regulation applies when a Senior Decision Maker is undertaking work in connection with deciding whether sanctions, proposed against an individual or person, should be imposed, including, but not limited to –

- (a) the publication of a public statement under section 11C of the Financial Services Commission (Bailiwick of Guernsey) Law, 1987ⁿ (the "**Financial Services Commission Law**"),
- (b) the imposition of a discretionary financial penalty under section 11D of the Financial Services Commission Law, and
- (c) the imposition of a prohibition order under –

⁹⁹ 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.

ⁿ Ordres en Conseil Vol. XXX, p. 243; amended by Ordres en Conseil Vol. XXXI, p. 278; Vol. XXXII, p. 471; Vol. XXV(1), p. 271; Vol. XXXVII, p. 24; Order in Council No. XVII of 2002; Nos. III of XXII of 2003; Nos. XIX, XXIII and XXIV of 2008; No. XIX of 2010; No. III of 2013; No. I of 2015; No. XIII of 2017; Ordinance No. XXXIII of 2003; Nos. XII, XX, XXXIV and XXIX of 2015; Nos. IX and XXII of 2016; Nos. III, XIX and XXVII of 2017; Alderney Ordinance No. III of 2017; Sark Ordinance No. X of 2017; No. XXVI of 2018; G.S.I. No. 29 of 2009; and G.S.I. No. 49 of 2017.

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

^o Ordres en Conseil Vol. XXX, p. 281; amended by Ordres en Conseil Vol. XXX, p. 243; Vol. XXXII, p. 324; Vol. XXXV(1), p. 271; Vol. XXXVII, p. 264; Vol. XXXVII, p. 24; Order in Council No. XVII of 2002; Nos. XV and XXXII of 2003; Nos. XVIII and XX of 2008; No. XIII of 2010; Recueil d'Ordonnances Tome XXIV, p. 324; Tome XXVI, p. 333; Tome XXVIII, p. 51; Tome XXVIII, p. 87; Ordinance No. XXXIII of 2003; No. XXXI of 2008; No. VII of 2009; Nos. XII, XX and XXXIX of 2015; Nos. IX and XXIX of 2016; Nos. III and XXVII of 2017; Sark Ordinance No. X of 2017; Nos. XXVI and XXVII of 2018; G.S.I. No. 83 of 2010; and G.S.I. No. 50 of 2017.

^P Order in Council No. I of 2001; amended by Order in Council No. I of 2000; No. XIV of 2003; No. XVI of 2007; Nos. VIII and XXV of 2008; Nos. XIII and XIX of 2010; No. I of 2013; Ordinance No. XXXVII of 2001; No. XXXIII of 2003; No. VII of 2009; Nos. XII and XXXIX of 2015; Nos. II and IX of 2016; No. XXVII of 2017; Alderney Ordinance No. III of 2017; Sark Ordinance No. X of 2017; Nos. XXVI and XXVII of 2018; G.S.I. No. 3 of 2018; G.S.I. No. 83 of 2010; G.S.I. No. 4 of 2013; G.S.I. No. 50 of 2017; G.S.I. No. 56 of 2017; and G.S.I. No. 72 of 2017.

^q Order in Council No. XXI of 2002; amended by Order in Council No. I of 2000; No. XIII of 2010; Ordinance No. XXXIII of 2003; No. XII of 2008; Nos. VIII and XXXI of 2010; No. XXXVI of 2011; No. LV of 2014; Nos. XII and XXXIX of 2015; No. IX of 2016; No. III and XXVII of 2017; Sark Ordinance No. X of 2017; No. XXVI of 2018; G.S.I. No. 33 of 2004; G.S.I. No. 4 of 2008; G.S.I. No. 15 of 2010; G.S.I. No. 83 of 2010; G.S.I. No. 68 of 2014; G.S.I. No. 121 of 2015; and G.S.I. No. 50 of 2017.

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

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

and in this regulation, a "**Senior Decision Maker**" means an officer, appointed by the Guernsey Financial Services Commission ("**the Commission**") to fulfil the role of Senior Decision Maker, and exercising powers delegated by the Commission in relation to the same under section 19 of the Financial Services Commission Law.

(2) A Senior Decision Maker undertaking work described in paragraph (1) may undertake some or all of that work outside the Bailiwick, including, but not limited to –

(a) the consideration of representations,

(b) the preparation of reports, Minutes to Notices, final

^r Order in Council No. XXII of 2002; amended by Order in Council No. I of 2000; No. XIII of 2010; Ordinance No. XXXIII of 2003; No. XIII of 2008; No. IX of 2010; Nos. XII and XXXIX of 2015; Nos. II and IX of 2016; No. XXVII of 2017; Alderney Ordinance No. III of 2017; Sark Ordinance No. X of 2017; No. XXVI of 2018; G.S.I. No. 2 of 2008; G.S.I. No. 16 of 2010; G.S.I. No. 83 of 2010; and G.S.I. No. 50 of 2017.

^s Ordres en Conseil Vol. XXXV(1), p. 271 of 2001; amended by Order in Council Nos. XVII and XXI of 2002; No. XVI of 2003; No. XVI of 2008; No. IV of 2009; Nos. XIII and XXI of 2010; Ordinance No. XXXIII of 2003; Nos. XII, XX and XXXIX of 2015; Nos. II and IX of 2016; No. XXVII of 2017; Alderney Ordinance No. III of 2017; Sark Ordinance No. X of 2017; No. XXVI of 2018; G.S.I. No. 3 of 2000; G.S.I. No. 1 of 2008; G.S.I. No. 35 of 2010; and G.S.I. No. 50 of 2017.

decisions,

(c) the acceptance of written representations, and

(d) the holding of oral hearings.

(3) An oral hearing may be held by a Senior Decision Maker who is outside the Bailiwick by telephone, live television link or any other means of telecommunications or electronic communications, and for the purposes of such a hearing, a Senior Decision Maker, party or other person who is in communication with other persons at the hearing so that each person at the hearing can hear or read what is being said or communicated by each of the others, is deemed, subject to paragraph (4), to be present at the oral hearing for all purposes.

(4) In the event that a means of communication referred to in paragraph (3) fails or is corrupted, or the Senior Decision Maker considers that confidentiality is compromised, the Senior Decision Maker shall have the discretion at any time during the hearing to determine that a person who is affected by that failure, corruption or compromise of confidentiality is no longer deemed to be present at the hearing.

(5) For the avoidance of doubt, a determination under paragraph (4) does not affect the validity of the proceedings of the hearing for any purpose prior to the making of that determination.

Court of Appeal.

33. (1) Section 7 (Venue) of the Court of Appeal (Guernsey) Law,

1961^t 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.

Modification of the Driving Licences Ordinance.

34. (1) Notwithstanding section 11 of the Driving Licences (Guernsey) Ordinance, 1995^u, the holder of a full Category C or C1 licence endorsed with restriction code 78 ("Limited to vehicles with automatic transmission") shall be entitled to drive any vehicle -

(a) approved by the States of Guernsey Committee for the Environment & Infrastructure ("**the Committee**") for the purposes of Category C or C1 for use as an ambulance, in exercise of a power conferred by the

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

^u Recueil d'Ordonnance Tome XXVI, p. 374; amended by Recueil d'Ordonnance Tome XXVII, pp. 62, 138 and 149; Tome XXVIII, p. 55; Ordinance No. III of 2000; No. XXX of 2002; No. XII of 2007; No. V of 2010; No. V of 2015; G.S.I. No. 1 of 2001; G.S.I. No. 25 of 2002; G.S.I. No. 22 of 2006; G.S.I. No. 41 of 2012; G.S.I. No. 10 of 2013; G.S.I. Nos. 5, 26 and 55 of 2016; G.S.I. No. 1 of 2017; and G.S.I. No. 2 of 2019.

amendments made to that Ordinance by the Driving Licences (Amendment) Regulations, 2020^v, and

- (b) with manual transmission,

if paragraph (2) applies.

- (2) This paragraph applies where -

- (a) the holder of a Category C or C1 licence additionally holds a full Category B licence which is not endorsed with restriction code 78, and
- (b) the Committee gives an approval to that person to drive any vehicle approved for the purposes of Category C or C1.

- (3) An approval for the purposes of paragraph (2)(b) -

- (a) must be given in writing,
- (b) must include the person's full name, date of birth and driving licence number,
- (c) may contain any further conditions which the Committee thinks fit for the purposes of road safety, and

^v G.S.1. No. 46 of 2020.

- (d) may be revoked at any time by the Committee if it thinks fit.

Offences by legal persons and unincorporated bodies.

35. (1) Where a legal person is guilty of an offence under these Regulations, and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –

- (a) any director, manager, secretary or other similar officer, or any foundation official, of the legal person, or
- (b) any person purporting to act in any such capacity,

he or she as well as the legal person is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a legal person are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director.

(3) Where an offence under these Regulations is committed by an unincorporated body and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –

- (a) in the case of a partnership, any partner,
- (b) in the case of any other unincorporated body, any

officer of that body who is bound to fulfil any duty whereof the offence is a breach or, if there is no such officer, any member of the committee or other similar governing body, or

- (c) any person purporting to act in any capacity described in subparagraph (a) or (b),

that person as well as the unincorporated body is guilty of the offence and may be proceeded against and punished accordingly.

(4) Where an offence under these Regulations is alleged to have been committed by an unincorporated body, proceedings for the offence must be brought in the name of that body and not in the name of any of its members.

(5) A fine imposed on an unincorporated body on its conviction of an offence under these Regulations must be paid from the funds of that body.

Revocation and savings.

36. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021^w and the Emergency Powers (Coronavirus) (Population Management) (Guernsey) Regulations, 2021^x are revoked.

(2) Anything done under or for the purposes of regulations

^w G.S.I. No. 5 of 2021; as amended by G.S.I. No. 7 of 2021, G.S.I. No. 8 of 2021 and G.S.I. No. 9 of 2021.

^x G.S.I. No. 10 of 2021.

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 (including in Direction No 1 of 2021 set out in Schedule 3A to the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021, and anything done 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 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.

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

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

(4) 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.

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

Extent.

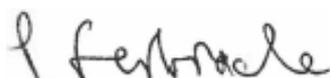
39. (1) Subject to paragraph (2), these Regulations shall have effect throughout the Bailiwick.

(2) Regulation 31 (Population Management Law: Employment Permits) shall have effect in the Island of Guernsey.

Commencement.

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

Dated this 4th day of February, 2021



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

SCHEDULE 1

Regulation 4(1).

ESSENTIAL TRAVEL PERMITS

Essential Travel.

1. This Schedule provides for the granting of permits ("**Essential Travel Permits**") to allow a person ("P") to travel into the Bailiwick from outside, in circumstances where P would otherwise be prohibited from so travelling by regulation 4.

2. An Essential Travel Permit may only be granted to a person ("P") in respect of his or her proposed travel into the Bailiwick if –

- (a) the travel is for a compassionate purpose (including but not limited to supporting a dependent relative),
- (b) the travel is to fulfil a legal obligation, including attending court or satisfying bail conditions, or participating in legal proceedings,
- (c) P has been granted an Employment Permit under the Population Management (Guernsey) Law, 2012, and the purpose of the travel is for P to move his or her residence to the Bailiwick to enable P to become employed in the post to which the Employment Permit relates,

- (d) P has entered a contract to purchase a residential property in the Bailiwick, and the purpose of the travel is for P to move his or her residence to the Bailiwick, or
- (e) P is ordinarily resident in the Bailiwick, and the travel is for one of the purposes set out in paragraph 3.

3. The purposes referred to in paragraph 2 are to return to the Bailiwick after travel out of the Bailiwick –

- (a) for a compassionate purpose (including but not limited to supporting a dependent relative),
- (b) to fulfil a legal obligation, including attending court or satisfying bail conditions, or participating in legal proceedings,
- (c) to receive medical treatment,
- (d) to undertake business that cannot be transacted remotely and that is of significant importance to a business based in the Bailiwick,
- (e) to attend school, university or other further education institution, or
- (f) in circumstances where the person travelled out of the Bailiwick (regardless of the purposes for which he or she travelled) before 12th January, 2021.

4. Further and explanatory provision in relation to the above purposes may be made from time to time by the Authority by publication on the States of Guernsey website, including (but not limited to) examples of types of travel falling within, and outside, specified purposes.

Essential Travel Permits: applications.

5. An application for an Essential Travel Permit shall be determined by an officer authorised by the Authority to determine applications under this Schedule (a "determining officer").

6. An applicant for an Essential Travel Permit must make an application in such form and providing such information as may from time to time be required, both generally by the Authority by publication on the States of Guernsey website, and by a determining officer in the applicant's particular case, including (but not limited to) information sufficient to allow a determination to be made as to whether the travel is for one of the purposes set out in paragraphs 2 and 3.

Essential Travel Permits: grant, amendment, revocation and appeals.

7. An Essential Travel Permit may be –

- (a) granted subject to conditions,
- (b) granted in respect of one journey or multiple journeys,
- (c) time-bound,
- (d) otherwise granted in such terms as the determining officer thinks fit.

8. A determining officer may amend an Essential Travel Permit on a request being made by the holder, or on the officer's own volition.

9. An officer authorised by the Authority to review the determination of applications under this Schedule (a "**reviewing officer**") may revoke an Essential Travel Permit if he or she is satisfied that –

- (a) it was granted in error,
- (b) any false, deceptive or misleading statement was made, or information or document provided or furnished, by the applicant in the course of his or her application, or
- (c) any condition of it has been contravened.

10. (1) An applicant for an Essential Travel Permit who is aggrieved by a decision to refuse the application, or to grant the application subject to the imposition of conditions under paragraph 7, and the holder of an Essential Travel Permit who is aggrieved by a decision to amend that permit under paragraph 8 or to revoke that permit under paragraph 9, may make written representations to a reviewing officer concerning the outcome of his or her application within 14 days of being notified of that decision, by emailing those representations to essential.travel@gov.gg.

(2) If an applicant exercises his or her right under subparagraph (1), the reviewing officer must consider those representations and shall –

- (a) uphold the decision of the determining officer, or

- (b) make a different decision (including the imposition of different, or no, conditions),

and must, within 48 hours of receipt of the applicant's written representations, inform the applicant in writing of –

- (i) his or her decision,
- (ii) the reasons for that decision, and
- (iii) if the decision is to impose different specific conditions, the applicant's right to make an application to the Royal Court under regulation 12 to vary or revoke those conditions.

SCHEDULE 2

Regulation 4(1).

EXCEPTION TO THE REQUIREMENT TO SELF-ISOLATE ON ARRIVAL IN THE BAILIWICK: CRITICAL WORKERS

Introductory.

1. (1) This Schedule provides for the granting of exemptions from –
 - (a) the prohibition on non-essential travel at regulation 4,
 - (b) the requirement to self-isolate at regulation 5(1) and 5(2), and
 - (c) 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 Infrastructure	National	Those individuals directly involved in maintaining and protecting the Islands' critical national

	infrastructure.
Frontline Health and Care and Veterinary Services	Those individuals providing, or directly facilitating, 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 mask 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 direction given or requirement imposed by the MOH.

(2) Further specific conditions may be imposed in particular cases.

Additional risk mitigation conditions: business stability and recovery.

7. (1) The conditions in this paragraph apply to a person falling into

the business stability and recovery category of Critical Workers.

(2) For the avoidance of doubt, when these conditions apply they apply in addition to the general risk mitigation conditions set out in paragraph 6.

(3) The conditions in this paragraph are that the Critical Worker's business must –

(a) provide a method statement of how it will meet social distancing and hygiene standards, and

(b) meet the cost of any testing undertaken and any associated medical treatment that is required, including hospital treatment for COVID-19.

Additional risk mitigation conditions: technical specialist contractors in the construction sector.

8. (1) The conditions in this paragraph apply to the following subcategory of persons falling into the technical specialist contractor category of Critical Workers (and referred to in the table at subparagraph (3) as "workers"): specialist technical consultants required in situ on-island to support projects considered necessary to support business recovery work in the construction sector, where there is a clear requirement to augment on-island capacity and capability for a designated period.

(2) For the avoidance of doubt, when these conditions apply they apply in addition to the general risk mitigation conditions set out in paragraph 6.

(3) The conditions in this paragraph are those set out in the

following table –

<i>Movement on-island</i>	<p>Any worker who is not resident in the Bailiwick may only travel between their place of work and a specified place of residence.</p> <p>The worker must be able to self-isolate at the specified place of residence when not at work.</p>
<i>Site precautions</i>	<p>During works the site must be zoned, i.e. the areas of work must be isolated using fencing and barriers, with a separate vehicular entrance for the worker.</p> <p>The name of a designated contact person for the site must be provided to the States of Guernsey.</p> <p>All elements of work must be an outside activity and a distance of over 10 metres from all other persons must be maintained at all times.</p> <p>Dedicated toilet and hand washing facilities must be provided to each of the work areas for the sole use of workers. Spray disinfectant must be supplied for use on handles for before and after each use. Running water and hand washing points must be located in each of the work areas. Hand sanitiser must be provided to be used regularly throughout the day.</p>
<i>Accommodation</i>	<p>Workers on a single project must stay in one hotel or set of self-catering units.</p> <p>Food must be supplied either via the hotel as cooked meals or groceries delivered to the door of the self-catering unit. The cooked food must be supplied on a ‘closed tray’ system. 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 3

Regulation 30.

MODIFICATION OF LEGISLATION RELATING TO MENTAL HEALTH

Interpretation.

1. References in this Schedule to –

- (a) sections are to sections of the Mental Health (Bailiwick of Guernsey) Law, 2010 ("**the 2010 Law**"), and
- (b) rules are to rules of the Mental Health Review Tribunal Procedure Rules, 2012 ("**the 2012 Rules**").

2. Expressions in this Schedule and in the 2010 Law or the 2012 Rules shall have the same meaning as in that Law or those Rules (as the case may be).

Forms.

3. Where any form prescribed in the Mental Health (Treatment and Forms) Regulations, 2013 or under the 2012 Rules is inconsistent with a modification made by these Regulations, the form –

- (a) may, in connection with that modification, be used with appropriate amendments, and
- (b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect that modification.

Modification of the 2010 Law.

4. Where section 56(1)(b) applies (administration of medicine for more than three months), an approved medical practitioner (other than the responsible medical officer of the patient) may give a certificate under section 56(3)(b) (appropriateness of treatment without understanding or consent) if the responsible medical officer is of the opinion that complying with the requirement under that provision for the certificate to be given by a second opinion approved doctor is not reasonably practicable or would involve unreasonable delay.

Modification of the 2012 Rules.

5. For the purposes of any hearing subject to the 2012 Rules –
- (a) the Tribunal is deemed to be properly constituted by the members of the Tribunal sitting within or without the Bailiwick, or a combination thereof,
 - (b) where the legally qualified member is of the opinion that it is not reasonably practicable or would involve unreasonable delay for one, or both, of the other members of the Tribunal to participate in the hearing, the Tribunal is deemed to be properly constituted by the legally qualified member –
 - (i) sitting with the other member able to participate, or
 - (ii) sitting alone,

(as the case may be),

- (c) notwithstanding subparagraph (b), where, after hearing from the patient's legal representative or the patient (if unrepresented), the legally qualified member is of the opinion that it is in the patient's interests that the hearing takes place before a single member of the Tribunal (including, but not limited to, where the patient's mental disorder might be adversely affected by the participation of multiple members of the Tribunal by telephone), the Tribunal is deemed to be properly constituted by the legally qualified member sitting alone, and that member may consult with the other members of the Tribunal where it is in the interests of justice to do so, and
- (d) for the avoidance of doubt, the Tribunal may exercise any or all of its powers under the 2010 Law where it is constituted in accordance with this paragraph.

6. Any hearing which takes place in accordance with paragraph 5 shall be deemed for all purposes (including that of determining the *lex fori*) to have taken place in Guernsey and the courts of Guernsey accordingly have jurisdiction in accordance with Part VI of the Law, and sections 46 and 47 have effect accordingly.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations revoke and re-enact (with modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations will come into force on the 5th February, 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

Part I - screening, assessment and powers to detain etc.

This Part places a requirement to self-isolate on persons arriving in the Bailiwick, enables the Medical Officer of Health to place restrictions and requirements on other persons who are or who may be infected with coronavirus, and makes provision in respect of related matters, including powers for the Medical Officer of Health to impose screening requirements, to detain people and to require people to self-isolate. The provisions also create criminal offences and confer powers of enforcement on police officers, and provide for applications to vary or revoke requirements or restrictions imposed under this part to be made to the Royal Court.

This Part also prohibits non-essential travel into the Bailiwick. Further provision in respect of essential travel, and the granting of Essential Travel Permits, is set out in Schedule 1. The effect of this prohibition is that it is unlawful for a person to travel into the Bailiwick from outside unless he or she has been granted either an Essential Travel Permit or a Critical Worker Exemption. A person who has been granted an Essential Travel Permit will have to self-isolate on arrival in accordance with regulations 5 and 6, and a person who has been granted a Critical Worker Exemption will have to self-isolate in accordance with, and otherwise comply with, the provisions of Schedule 2. 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 - control of premises, gatherings etc., and movement of persons

This Part enables the Civil Contingencies Authority to impose restrictions in relation to licensed (and other non-residential) premises, and empower the Committee to impose restrictions in relation to events, gatherings and meetings, and the movement of people outside their homes. The regulations in this Part also create criminal offences, and confer powers of enforcement on police officers. The Authority must consult the Medical Officer of Health before exercising the powers under the regulations, and in addition must consult Her Majesty's Procureur when issuing a direction imposing restrictions in relation to the movement of persons outside their homes; and when exercising powers in relation to premises in Alderney and Sark, the relevant Committees on those islands must also be consulted.

Parts III and IV - registration of deaths and still-births, and cremations in Guernsey

These Parts temporarily modify procedures in relation to registration of deaths and still births in Guernsey and Sark and in Alderney (Part III) and in relation to cremations in Guernsey (Part IV). These amendments are to remove requirements for things to be done in person and to simplify procedures relating to registration of deaths and still-births and cremations during the current emergency situation.

The modifications in relation to registration of deaths and still-births are to remove requirements to make declarations of death in person, for a doctor signing a medical certificate of death to certify that he or she had attended the deceased during his or her last illness and to disapply requirements limiting the time a body is kept provided it is in the custody of the States of Guernsey (where the body is in Guernsey), the States of Alderney (where the body is in Alderney) or the relevant funeral director.

The modifications in relation to cremations are to remove the requirements for an application for cremation to be verified by being countersigned or by the applicant giving a declaration made on oath and for a confirmatory medical certificate to be given (Form C in the Cremation Ordinance, 1972).

Part V - the States of Deliberation and the Chief Pleas of Sark

The regulations relating to the States of Deliberation provide that the Reform (Guernsey) Law, 1948 shall apply as if modified by the insertion of a new Article enabling the States of Deliberation to meet remotely. It also empowers the States'

Assembly & Constitution Committee to make Rules of Procedure governing remote meetings of the States held pursuant to the inserted Article. The regulations relating to the Chief Pleas of Sark temporarily modify the application of the Sark (Reform) Law, 2008 to allow Committees of the Chief Pleas to meet remotely.

Part VI - schools

Part VI empowers the Medical Officer of Health to exercise her powers to require schools to take measures to prevent the spread of infection in Sark, and provide, for the avoidance of doubt, that such measures may include the immediate closure of any school.

Part VII – miscellaneous and final

Schedule 3 to these Regulations, which is given effect by regulation 30, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraph 4 modifies the Mental Health (Bailiwick of Guernsey) Law, 2010 to permit an approved medical practitioner (rather than only a second opinion approved doctor) to provide a certificate for the purposes of section 56 where the practitioner is of the opinion that it is not reasonably practicable or would involve unreasonable delay to comply with the unmodified requirement of that section. Paragraphs 5 to 6 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal may properly be constituted according to specified criteria.

Regulation 31 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. It also amends the Population Management (Guernsey) Law, 2016 to impose a duty on the Administrator of Population Management to consult a determining officer appointed under Schedule 1 before granting an Employment Permit.

Regulation 32 makes provision in relation to Senior Decision Makers ("**SDMs**") appointed by the Guernsey Financial Services Commission, including providing for SDMs to hold oral hearings remotely. Regulation 33 enables the Court of Appeal to conduct its proceedings remotely.

Regulation 34 permits the holder of a Category C or C1 driving licence which is restricted to automatic transmission to drive a vehicle with manual transmission which is approved for use as an ambulance under the Driving Licences

(Amendment) Regulations, 2020 where (a) that licence holder also holds a category B licence which is not restricted to automatic transmission and (b) the Committee for the Environment and Infrastructure approves that licence holder to do so.

GUERNSEY STATUTORY INSTRUMENT

2021 No.

**The Emergency Powers (Coronavirus) (Vaccine)
(Limitation of Liability) (No. 2) (Bailiwick of Guernsey)
Regulations, 2021**

<i>Made</i>	<i>4th February, 2021</i>
<i>Coming into operation</i>	<i>5th February, 2021</i>
<i>Laid before the States</i>	<i>, 2021</i>

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

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

AND WHEREAS a new and fast-spreading variant of Severe Acute Respiratory Syndrome Coronavirus 2 has recently been detected in the United Kingdom;

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

AND WHEREAS the 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 one or more vaccines that have been temporarily authorised by the licensing authority in the United Kingdom,

AND WHEREAS the Civil Contingencies Authority ("**the Authority**") (having consulted the Medical Officer of Health in respect of the risk to public health created thereby and by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and in respect of the measures necessary to prevent or slow the spread of infection) is satisfied that the conditions set out in section 13 of the Law are satisfied, and that the following regulations contain only provisions which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency referred to above;

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

NOW THEREFORE THE AUTHORITY, in exercise of the powers conferred upon it by sections 12(1), 14 and 19 of the Law, and of all other powers enabling 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 any equivalent enactment.

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) (Bailiwick of Guernsey) Regulations, 2021[§] are revoked.

Extent.

7. These Regulations apply throughout the Bailiwick of Guernsey.

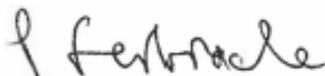
Citation.

8. These Regulations may be cited as the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 2) (Bailiwick of Guernsey) Regulations, 2021.

Commencement

9. These Regulations shall come into force on the 5th February, 2021.

Dated this 4th day of February, 2021



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

[§] G.S.I. No. 4 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) (Bailiwick of Guernsey) Regulations, 2021.

These Regulations will come into force on the 5th February, 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

GUERNSEY STATUTORY INSTRUMENT

ENTITLED

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2021

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4. Prohibition of non-essential travel.
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- SCHEDULE 1 Essential Travel Permits.
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Explanatory Note.

GUERNSEY STATUTORY INSTRUMENT

2021 No.

**The Emergency Powers (Coronavirus) (General
Provision) (Bailiwick of Guernsey) (No. 3) Regulations,
2021**

<i>Made</i>	<i>4th March, 2021</i>
<i>Coming into operation</i>	<i>5th March, 2021</i>
<i>Laid before the States</i>	<i>, 2021</i>

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

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

AND WHEREAS a new and fast-spreading variant of Severe Acute Respiratory Syndrome Coronavirus 2 has recently been detected in the United Kingdom;

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

AND WHEREAS the Civil Contingencies Authority ("**the Authority**") (having consulted the Medical Officer of Health in respect of the risk to public health created thereby and by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and in respect of the measures necessary to prevent or slow the spread of infection) is satisfied that the conditions set out in section 13 of the Law are satisfied, and that the following regulations contain only provisions which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency referred to above;

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

NOW THEREFORE THE AUTHORITY, in exercise of the powers conferred upon it by sections 12(1), 14 and 19 of the Law, and of all other powers enabling 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

^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.

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 has sought the advice of Her Majesty's Procureur in relation to the appropriateness and proportionality of the proposed requirement or restriction, and has taken account of that advice.

(2) Subject to paragraph (3), the Civil Contingencies Authority ("the Authority") may not impose a requirement under regulation 6(2) unless the Authority has sought the advice of the MOH in relation to the appropriateness of the proposed requirement and has taken account of that advice.

(3) Neither the requirement in paragraph (1) nor the requirement in paragraph (2) applies where the MOH or the Authority (as the case may be) considers that, in all the circumstances, it would be impracticable to comply with it.

(4) Where the MOH imposes a restriction or requirement under these Regulations without seeking the advice of Her Majesty's Procureur, in reliance on paragraph (3), the MOH shall, as soon as reasonably practicable, give notice that he or she has done so to Her Majesty's Procureur.

(5) Where the Authority imposes a requirement under regulation 6(2) without seeking the advice of the MOH, in reliance on paragraph (3), the Authority shall, as soon as reasonably practicable, give notice that it has done so to the MOH.

Detention of persons by the MOH.

2. (1) This regulation applies where the MOH has reasonable grounds to believe that a person ("P") –

- (a) is, or may be, infected or contaminated with, or is suspected or confirmed to be suffering from, coronavirus, and there is a risk that P might infect or contaminate others, or
- (b) has arrived in the Bailiwick by air or sea and has left an infected area within the 14 day period immediately preceding the date of P's arrival in the Bailiwick.

(2) Where paragraph (1)(a) or (b) is met in relation to P, the MOH may, for the purposes of screening, assessment or the imposition of any restriction or requirement under regulation 3, impose on P a requirement to be detained until the later of –

- (a) the end of the period of 48 hours beginning with the time from which P's detention under this regulation begins,
- (b) such time as any screening requirements imposed on or in relation to P under regulation 3 have been complied with and the assessment referred to in that regulation carried out in relation to P.

Imposition of restrictions and requirements: general.

3. (1) Where regulation 2(1)(a) or (b) is met in relation to a person ("P"), the MOH may –

- (a) (orally or in writing) impose on or in relation to P one

or more screening requirements to inform an assessment by the MOH of whether P presents, or could present, a risk of infecting or contaminating others,

- (b) carry out such an assessment in relation to P, and
- (c) following such an assessment, (orally or in writing) impose on or in relation to P any other restriction or requirement which the MOH considers necessary for the purposes of removing or reducing the risk referred to in subparagraph (a), including (without limitation) the restrictions or requirements set out in paragraph (2).

(2) The restrictions or requirements are –

- (a) that P submit to medical examination,
- (b) that P be removed to a hospital or other suitable establishment,
- (c) that P be detained in a hospital or other suitable establishment,
- (d) that P self-isolate,
- (e) that P be disinfected or decontaminated,

- (f) that P wear protective clothing,
- (g) that P provide information or answer questions about P's health or other circumstances,
- (h) that P's health be monitored and the results reported,
- (i) that P attend training or advice sessions on how to reduce the risk of infecting or contaminating others,
- (j) that P be subject to restrictions on where P goes or with whom P has contact,
- (k) that P abstain from working or trading.

(3) For the avoidance of doubt, a requirement to self-isolate imposed under paragraph (1) may be for such period as the MOH thinks necessary in all the circumstances, and may include provision for that period to be shortened in circumstances where P undergoes a test for COVID-19 and the result of that test is negative.

(4) A restriction or requirement imposed under paragraph (1) may be varied by the MOH orally or in writing.

(5) Neither paragraph (1) nor regulation 5 or 6 affects the exercise of any powers under regulation 10; and nothing in this regulation (or in any other provision in these Regulations) affects the MOH's powers under any other enactment.

(6) In this regulation and regulation 6 a power to vary a requirement or restriction includes a power to revoke it.

Prohibition of non-essential travel.

4. (1) Schedules 1 and 2 have effect.

(2) A person may not travel into the Bailiwick from outside unless he or she has been granted -

(a) an Essential Travel Permit under Schedule 1, or

(b) a Critical Worker Exemption under Schedule 2.

(3) A person who has been granted neither a Critical Worker Exemption nor an Essential Travel Permit and who travels into the Bailiwick from outside, in contravention of paragraph (2), commits an offence; and regulations 5 and 6 shall be construed accordingly.

Requirement to self-isolate on arrival in the Bailiwick.

5. (1) Subject to –

(a) provision made in or under Schedule 2 (concerning Critical Workers), 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 travel authority, and that of any child travelling with him or her, for inspection, and
- (d) answer any question put to him or her by a relevant officer relating to that travel document and travel authority.

(2) The Authority may, by publication on the relevant States of Guernsey website, impose a requirement that any person who has arrived in one Island in the Bailiwick from another Island in the Bailiwick must (subject to provision made in or under Schedule 2) 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 powers of the MOH under paragraph (3) to vary the requirement under regulation 5(1) and 5(2) or a requirement imposed under paragraph (2) include (but are not limited to) powers to –

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

and

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

(5) For the avoidance of doubt, and without prejudice to the generality of paragraphs (3) and (4), in any case where the MOH varies the requirement to self-isolate under regulation 5(1) or 5(2) or a requirement to self-isolate imposed under paragraph (2), that variation may be amended in accordance with paragraph (6), and if so amended shall be treated for all purposes as continuing to have effect in accordance with its terms.

(6) In any case where the MOH has varied such a requirement to self-isolate, the MOH may amend or revoke that variation orally or in writing (in a case where the requirement was varied orally), and in writing (in a case where the requirement was varied in writing); and the amendment or revocation (as the case may be) shall have effect from such time as the MOH may specify.

(7) Where a restriction or requirement is imposed on or in relation to a child under regulation 5 or this regulation (including the requirement to self-isolate under regulation 5(1) and 5(2)), a person who is a responsible adult in relation to the child must ensure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(8) Where a restriction or requirement is imposed orally on a person under regulation 3, regulation 5 or this regulation, or a restriction or requirement is orally varied, the person (or, in the case of a child, a person who is a responsible adult in relation to the child) must be provided with a written

notification of the restriction or requirement that has been imposed or varied as soon as reasonably practicable.

(9) In this Part, "**travel authority**" means an Essential Travel Permit or a Critical Worker Exemption (as the case may be).

Screening requirements.

7. (1) For the purposes of these Regulations, the screening requirements in relation to a person ("P") are requirements to the effect that P must—

- (a) answer questions about P's health or other relevant circumstances (including travel history and information about other individuals with whom P may have had contact),
- (b) produce any documents which may assist the MOH in assessing P's health,
- (c) at such a time as the MOH may specify, allow a biological sample of P to be taken, including a biological sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample, and
- (d) provide sufficient information to enable P to be contacted immediately by the MOH during such period as the MOH may specify, where the MOH considers that such provision of information is necessary in order to reduce or remove the risk of P

infecting or contaminating others.

(2) Where P is a child who is accompanied by a responsible adult, the responsible adult must –

- (a) ensure that P answers questions in accordance with paragraph (1)(a),
- (b) answer the questions if P is unable to do so or cannot reliably do so,
- (c) produce any documents, required under paragraph (1)(b), on P's behalf,
- (d) allow a biological sample of P to be taken, including a sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample, and
- (e) provide information where required by the MOH under paragraph (1)(d).

Imposition of further restrictions and requirements.

8. (1) Where regulation 2(1)(a) or (b) is met in relation to a person ("P") –

- (a) following an assessment by the MOH of the risk presented by P in accordance with regulation 3(1), or

- (b) following P's release from detention under regulation 2, or from self-isolation under regulation 9,

the MOH may (orally or in writing) impose on P any one or more of the requirements specified in paragraph (2) where the MOH considers that it is necessary to do so in order to reduce or remove the risk of P infecting or contaminating others.

(2) The requirements specified for the purposes of paragraph (1) are for P to –

- (a) provide P's contact details to the MOH,
- (b) supply information to the MOH which may assist in assessing P's health,
- (c) at such time as the MOH may specify, allow a biological sample of P to be taken, including a sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample,
- (d) comply with any other specified condition or to take any other specified measure.

(3) The conditions or measures which may be specified under paragraph (2)(d) include –

- (a) a restriction on P's travel,

- (b) a restriction on P's activities,
- (c) a restriction on P's contact with specified persons.

(4) The MOH may (orally or in writing) revoke or vary any requirement or restriction imposed under this regulation, including by imposition of a restriction specified in paragraph (3).

(5) Subject to paragraph (6), the period for which a restriction set out in paragraph (3) is imposed may not exceed 14 days beginning with the day on which the restriction is imposed.

(6) Where a restriction set out in paragraph (3) is imposed, or the period of a restriction is extended under this paragraph, the MOH may (orally or in writing) extend the period of the restriction for a further specified period not exceeding 14 days if the MOH considers that the restriction is still necessary and proportionate.

(7) Before imposing or varying a requirement or restriction under this regulation, the MOH must –

- (a) inform P (or, where P is a child, a person who is a responsible adult in relation to P) of the requirement or variation that the MOH is minded to impose or make, and
- (b) have regard to any relevant representations by P (or, where P is a child, a person who is a responsible adult

in relation to P), as to its suitability.

(8) When imposing or varying a requirement or restriction under this regulation, the MOH must inform P that it is an offence to fail to comply with the requirement.

(9) Where a requirement or restriction under this regulation is imposed on or in relation to a child, or varied in relation to a child, a person who is a responsible adult in relation to the child must ensure that the child complies with the requirement or restriction, insofar as that person is reasonably able to do so.

(10) Where the MOH orally imposes a requirement or restriction on P under this regulation, or orally varies such a requirement or restriction, the MOH must provide P (or where P is a child, a person who is a responsible adult in relation to P) with a written notification of the requirement or restriction that has been imposed or varied.

(11) Paragraph (1) does not affect the exercise of any powers under regulation 3(1)(c).

Self-isolation of persons suspected to be infected with coronavirus.

9. (1) This regulation applies where regulation 2(1)(a) or (b) is met in relation to a person ("P").

(2) The MOH may require P to self-isolate if the MOH –

(a) has reasonable grounds to believe that P is, or may be, infected or contaminated with coronavirus, and

(b) considers that it is necessary to do so in order to reduce or remove the risk of P infecting or contaminating others.

(3) Where the MOH has reasonable grounds to believe that P is, or may be, infected or contaminated with coronavirus, the MOH may detain P pending the decision of the MOH whether to require P to self-isolate under paragraph (2).

(4) Where the MOH has detained P under paragraph (3) or has required P to self-isolate under paragraph (2), the MOH may impose on or in relation to P one or more screening requirements.

(5) When imposing a requirement under this regulation, the MOH must inform P that it is an offence to fail to comply with the requirement.

(6) Where a requirement under paragraph (2) is imposed on or in relation to a child, a person who is a responsible adult in relation to the child must ensure that the child complies with the requirement, insofar as that person is reasonably able to do so.

(7) This regulation does not affect the exercise of any powers under regulation 3(1)(c).

Detention or self-isolation: additional provisions.

10. (1) Where a person ("P") is required to be detained or to self-isolate under regulation 3 or 9 or subjected to restrictions or requirements under regulation 8, the MOH must have due regard to P's well-being.

(2) Where P is detained or required to self-isolate under regulation 3 or 9 or subjected to restrictions or requirements under regulation 8 for a period exceeding 14 days, the MOH must review the continuation of P's detention or self-isolation by reference to the provisions of those regulations.

(3) After each subsequent interval of 24 hours during which P is detained or required to self-isolate under regulation 3 or 9 or subjected to restrictions or requirements under regulation 8, the MOH must review the continuation of P's detention or self-isolation by reference to the provisions of those regulations.

(4) Where P is detained or required to self-isolate under regulation 3 or 9 or subjected to restrictions or requirements under regulation 8, the MOH may require P to comply with screening requirements if the MOH considers that it is necessary and proportionate to do so in order to reduce or remove the risk of P infecting or contaminating others.

(5) Where P is detained under regulation 2, the MOH may require P to move to a suitable place.

(6) The MOH must notify P (or, where P is a child, a person who is a responsible adult in relation to P), as soon as P's detention under regulation 3 starts, or as soon as it is decided to require P to self-isolate under regulation 9, of –

- (a) the fact of P's detention or requirement to self-isolate,
- (b) the powers under which P is detained or required to self-isolate,
- (c) the reason for P's detention or self-isolation,

- (d) the next steps that may be taken and by whom,
- (e) the obligation to keep the need for P's detention or self-isolation under review,
- (f) the penalty for obstructing a person carrying out a function under these Regulations under regulation 14(4), and
- (g) the right to apply for revocation or variation under regulation 12, where applicable.

Restrictions or requirements in respect of groups.

11. (1) The powers in regulations 2, 3 and 9 include powers to impose a restriction or requirement in relation to a group of persons and, for this purpose, those regulations have effect as follows.

- (2) In regulation 2, the references to "**a person**" and to P –
 - (a) as they apply in paragraph (1)(a) are to each person in the group,
 - (b) as they apply in paragraph (1)(b) are to each person in the group who has arrived on the same aircraft or ship and left the same area,

and the power to impose a requirement to be detained in paragraph (2) of regulation 2 is to be read as a power to impose that requirement on any one or more of the

persons in the group in question.

- (3) In regulation 3 –
 - (a) in paragraph (1), the reference to "**a person**" is to be read in accordance with paragraph (2) of this regulation,
 - (b) in the rest of that regulation, the references to P are to one or more persons in the group in question.

- (4) In regulation 9 –
 - (a) in paragraph (1), the reference to "**a person**" is to be read in accordance with paragraph (2) of this regulation,
 - (b) in the rest of that regulation, references to P are to one or more of the persons in the group in question.

Variation and revocation of restrictions and requirements.

12. (1) A requirement, restriction or condition imposed under this Part or Schedule 1 or 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 an Essential Travel Permit has been granted under, and within the meaning of, Schedule 1, and
- (g) a person in respect of whom a Critical Worker Exemption has been granted under, and 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).

^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.

(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
- (b) imposed by or under Schedule 1 or 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) A person guilty of an offence under regulation 4(3) (concerning the prohibition on non-essential travel) is liable on conviction to a fine not exceeding level 5 on the uniform scale.

(11) The investigation of an offence under this Part or Part II 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 and Part II 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 Schedule 2, in circumstances in which he or she knows or could reasonably be expected to know that the statement, information or document would or might be used by that officer for the purpose of exercising his or her functions under the relevant Schedule,

(3) A person guilty of an offence under this regulation is liable on conviction to a fine not exceeding level 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,

^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.

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

CONTROL OF PREMISES, GATHERINGS ETC., AND MOVEMENT OF PERSONS

Power to give directions.

18. (1) The Authority may, for one or more of the purposes set out in section 14(2) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, issue a direction for the purpose of imposing conditions, prohibitions, requirements or

restrictions in relation to –

- (a) premises,
- (b) the holding of an event, gathering or meeting (whether planned or unplanned and of whatever duration),
- (c) the movement of persons outside the place where they are living, and
- (d) the use of any public transport service,

and for the purposes of subparagraph (c), the place where a person is living includes the premises where he or she is living together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

(2) The Authority must consult the MOH before issuing a direction; and, in addition, before issuing a direction imposing conditions, prohibitions, requirements or restrictions in relation to the movement of persons outside the place where they are living, the Authority must seek the advice of Her Majesty's Procureur in relation to the appropriateness and proportionality of the proposed direction.

(3) A direction under paragraph (1)(a) may be issued in relation to specified premises, or premises of a specified description, and may, amongst other things, impose requirements for the purpose of –

- (a) restricting the hours of opening of the premises,

- (b) closing the premises or a part of the premises to entry by members of the public,
- (c) restricting entry into the premises, whether by reference to the number of people in the premises, a period of time, or otherwise,
- (d) securing restrictions in relation to the location of persons in the premises, or
- (e) requiring the wearing of face coverings by all persons, or prescribed categories of person, on entering and remaining within the premises.

(4) Where a direction under paragraph (1)(a) is issued in respect of licensed premises, the terms of the licence issued in respect of those premises shall be deemed to be modified to reflect the prohibitions, requirements or restrictions imposed by the direction, and shall have effect accordingly.

(5) A direction under paragraph (1)(b) may be issued in relation to a specified event, gathering or meeting, or events, gatherings or meetings of a specified description, or events, gatherings and meetings generally; and events, gatherings and meetings may be described by reference to the number of people attending the event, gathering or meeting, or in any other way.

(6) A direction under paragraph 1(b) may impose conditions, prohibitions, requirements or restrictions on –

- (a) the owner or occupier of premises at which an event, gathering or meeting to which the direction relates is to take place,
- (b) the organiser of such an event, gathering or meeting, and
- (c) any other person involved in holding or participating in such an event, gathering or meeting.

(7) A direction under paragraph 1(b) may, amongst other things, impose requirements about informing persons who may be planning to attend an event, gathering or meeting of its prohibition or any requirements or restrictions imposed in relation to the holding of it.

(8) A direction under paragraph 1(c) may (without limitation) restrict the movement of persons outside the place where they are living by reference to the purpose, or duration, of the movement, and by reference to the age of persons.

(9) A direction under paragraph 1(d) may be issued in relation to a specified public transport service, or a public transport service of a specified description, and may, amongst other things, impose requirements for the purpose of requiring the wearing of face coverings by all persons, or prescribed categories of person, using a public transport service.

(10) A direction under paragraph 1(d) may impose conditions, prohibitions, requirements or restrictions on –

- (a) a person who is boarding any vehicle by means of

which a public transport service is provided, and

- (b) a person (whether or not for the purposes of travel) on board any vehicle by means of which a public transport service is provided.

(11) A direction may, amongst other things, specify a minimum distance that must be maintained between persons of different households.

(12) A direction may impose requirements on persons in relation to children in their care or under their control.

(13) For the avoidance of doubt, a direction may include provision enabling the Authority, and such other person or office holder (including but not limited to the MOH) as it may specify, to authorise in writing such exemption or disapplication from such provision of the direction and upon such conditions as it, or he or she, may think fit.

Procedure, variation and revocation.

19. (1) A direction must specify the period during which it has effect, which period must not exceed 14 days.

(2) Where a direction imposes prohibitions, requirements or restrictions on a person specified by name, the direction –

- (a) must be given in writing to that person, and

(b) may be published in such manner as the Authority considers appropriate to bring it to the attention of other persons who may be affected by it.

(3) The Authority may vary and revoke a direction, and the power to vary or revoke a direction is without prejudice to the power of the Authority to issue a new direction.

(4) Subject to paragraph (2), a direction, and a variation and revocation of a direction, may be given in such form as the Authority thinks fit, including by publication on the States of Guernsey website.

(5) The Authority must revoke a direction when satisfied that it is no longer necessary.

Alderney and Sark.

20. (1) The Authority must consult the Policy and Finance Committee of the States of Alderney before issuing, varying or revoking a direction having effect in Alderney, and the Policy & Finance Committee of the Chief Pleas before issuing, varying or revoking a direction having effect in Sark.

(2) A failure to consult in accordance with paragraph (1) shall not invalidate any direction.

Enforcement.

21. (1) A police officer may require any person to whom a direction has been given, or to whom it otherwise applies, to comply with it.

(2) Subject to paragraph (4), where a police officer has required a

person under paragraph (1) to comply with a direction issued under regulation 18(1)(a), and that person has failed to do so, the police officer may require the premises in question to be closed until such time as the direction is complied with; and the police officer may take such steps, or require the person to take such steps, as are necessary to ensure that the requirement to close the premises is complied with.

(3) Subject to paragraph (4), where a police officer has required a person under paragraph (1) to comply with a direction, and that person has failed to do so, the police officer may take such steps as are necessary to ensure that the direction is complied with.

(4) A police officer must take account of any relevant advice issued by the MOH and the Chief Officer of the Island Police Force before exercising the powers conferred by paragraphs (1) to (3).

(5) In exercising the powers conferred by paragraphs (1) to (3), a police officer may –

(a) enter any premises to which the direction relates, and

(b) if necessary, use reasonable force.

Offences.

22. (1) A person commits an offence if he or she fails, without reasonable excuse, to comply with a requirement in a direction to wear a face covering, or a requirement of a police officer under regulation 21 to wear a face covering.

(2) A person commits an offence if he or she fails, without reasonable excuse, to comply with a direction, or a requirement of a police officer under regulation 21, other than a failure to comply falling within paragraph (1).

(3) A person commits an offence if he or she obstructs a police officer exercising a power conferred by regulation 21.

(4) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 1 on the uniform scale.

(5) A person guilty of an offence under paragraph (2) is liable on summary conviction to a fine not exceeding level 5 on the uniform scale.

(6) A person guilty of an offence under paragraph (3) 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.

23. (1) In this Part –

"**direction**" means a direction issued under regulation 18,

"**face covering**" means a covering of any type which covers a person's nose and mouth and complies with any guidance issued by the MOH,

a "**household**" is comprised of persons living together for the time being in the same premises,

"**licensed premises**" has the meanings given by the Liquor Licensing

Ordinance, 2006 in relation to premises in Guernsey, by the Alderney Liquor Licensing Ordinance, 1994 in relation to premises in Alderney, and by the Liquor Licensing (General Provisions) (Sark) Ordinance, 1979 in relation to premises in Sark, and "**licence**" shall be construed accordingly, and

"**premises**": see subparagraphs (2) and (3).

(2) In relation to a direction issued under regulation 18(1)(a), "**premises**" includes, but is not limited to, retail premises and other business premises (excluding grocery stores and such other categories of business premises as the Authority may specify, whether in a direction or otherwise), places of worship, and parks, public gardens and other places of recreation, sport, leisure and entertainment, but does not include premises used solely as residential premises.

(3) In relation to a direction issued under regulation 18(1)(b), "**premises**" includes land (including, for the avoidance of doubt, the foreshore), and pleasure vessels within the meaning of the Merchant Shipping (Registration of Ships) (Bailiwick of Guernsey) Regulations, 2009^h.

PART III

REGISTRATION OF DEATHS AND STILL-BIRTHS

*Legislation extending to the Bailiwick except for registration of deaths and still-births in
Alderney*

^h G. S. I. No. 9 of 2009.

Modification of the Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey.

24. (1) The Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey of 1935 ("**the 1935 Law**") is modified as follows for all purposes of or under the 1935 Law or any other enactment.

(2) The French text of the 1935 Law is modified in the same way as is set out in the following modifications to the official English translation of that Law.

(3) Articles 9 (declaration of death) and 17 (still-born children) have effect as if the requirement to make a declaration in person or to send it by a person of at least sixteen years of age were substituted by a requirement to send the declaration by post, electronic means (including email message) or such other means as is specified by the Registrar-General in guidance.

(4) Article 11 (doctor's certificate) has effect as if the words "that he has seen the body of the deceased and stating" were omitted.

(5) Article 15 (limit of time for keeping body) is disapplied provided that the body is in the custody of the States of Guernsey or a funeral director.

(6) Form C (medical certificate of cause of death) and the notes to Form C in the Schedule have effect as if the following were omitted –

(a) on the second page –

(i) the words "that I was in medical attendance during the above-named deceased's last illness, and",

- (ii) in Note 1, the second sentence, and
- (b) the certification section at the end of the Form headed "CERTIFICATE (See Note 1 above)".

Legislation extending to Alderney

Modification of the Loi relative aux certificats de Décès et aux Enterrements.

25. (1) The Loi relative aux certificats de Décès et aux Enterrements of 1910 ("**the 1910 Law**") is modified as follows for all purposes of or under that Law or any other enactment.

(2) The French text of the 1910 Law is modified in the same way as is set out in the following modifications in English.

(3) Articles 1 (déclaration par écrit etc.) and 8 (enfant mort-né) have effect as if the requirement to make a declaration in person or to send it by a person who has reached the age of majority were substituted by a requirement to send the declaration by post, electronic means (including email message) or such other means as is specified by the Registrar-General in guidance.

(4) Article 6 (défense de garder sans permission un corps au-delà de six jours) is disapplied provided that the body is in the custody of the States of Alderney or a funeral director.

(5) Form A (medical certificate of cause of death) and the notes to Form A in the Schedule have effect as if the following were omitted –

- (a) in the certification following the table relating to cause of death–

- (i) the words "that I was in medical attendance during the above-named deceased's last illness, and", and
 - (ii) in Note 1, the second sentence, and
- (b) the certification section at the end of the Form headed "CERTIFICATE (See Note 1 above)".

PART IV
MODIFICATIONS TO LEGISLATION RELATING TO CREMATIONS IN
GUERNSEY

Modification of legislation relating to cremation.

26. (1) The Cremation Ordinance, 1972 is modified as follows for all purposes of or under the Loi relative à la Crémation or any other enactment.

(2) Section 6 (applications for cremation) has effect as if subsections (3) and (5) requiring the application to be verified by being countersigned or accompanied by a declaration of truth made on oath were omitted.

(3) In section 7 (certificates of medical attendance or post-mortem examination), paragraph (a) has effect as if –

- (a) the words "who has attended the deceased during his last illness and" were omitted, and
- (b) it did not require a confirmatory medical certificate in Form C in the First Schedule to have been given before a cremation is allowed to take place.

(4) Section 9 (applications for cremation of remains of a person who died outside this Island) has effect as if –

(a) it did not require the application to be verified by being countersigned or by a declaration by the applicant, and

(b) the wording following paragraph (c) referred to "Forms B and D in the First Schedule".

PART V

STATES OF DELIBERATION AND CHIEF PLEAS OF SARK

Modification of the Reform Law.

27. (1) The Reform (Guernsey) Law, 1948ⁱ shall apply as if modified as follows.

(2) Insert the following Article immediately after Article 3 –

"Remote meetings of the States of Deliberation.

3A. (1) The States of Deliberation may meet remotely.

ⁱ Ordres en Conseil Vol. XIII, p. 288; as amended by Ordres en Conseil Vol. XIV, p. 407; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, pp. 84 and 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, pp. 164 and 278; Vol. XXXII, p. 41; Vol. XXXIV, p. 397; Vol. XXXVI, p. 478; Vol. XXXVIII, pp. 150 and 295; Order in Council No. XIII of 2003; No. III of 2004; No. II of 2007; No. XX of 2007; Nos. XIII and XXII of 2008; No. VII of 2010; Nos. II and XIV of 2012; No. XVII of 2015; Ordinance No. XXXIII of 2003; No. XXVI of 2008; No. XXXII of 2011; No. IX of 2016; No. XXVII of 2019; and the Reform (Guernsey) Law, 1948 (Amendment) (No. 2) Ordinance, 2019.

(2) A Member shall be treated for all purposes as present at a remote meeting of the States of Deliberation (including, but not limited to, the purpose of forming a Quorum of the States of Deliberation in accordance with Article 3) if, by means of electronic communications or telecommunications or otherwise –

(a) the Member has declared that he or she is present, and

(b) (in the case of a Member other than the Bailiff) the Presiding Officer has declared that the Member shall be treated as present.

(3) The States' Assembly & Constitution Committee may make Rules of Procedure governing remote meetings of the States of Deliberation, including but not limited to provision supplementing paragraph (2), and provision applying (with or without modification) Rules of Procedure applicable in relation to assemblies of the States of Deliberation under Article 7; and Article 7 shall be construed accordingly.

(4) For the avoidance of doubt, and without prejudice to paragraph (3), the States of Deliberation may –

(a) prescribe Rules of Procedure governing remote meetings of the States, and

(b) (whether meeting remotely or otherwise) resolve to amend, or revoke, Rules of

Procedure made by the States' Assembly &
Constitution Committee under paragraph (3).

(5) For the purpose of this Article, a meeting of the States of Deliberation is a remote meeting if Members communicate and (in the case of voting Members) vote during the meeting solely, or primarily, by means of electronic communications or telecommunications."

Modification of Sark Reform Law.

28. (1) The Reform (Sark) Law, 2008^j shall apply as if modified as follows.

(2) After section 47 (functions of committees), insert –

"Meetings of Committees.

47A. (1) A member of a Committee of Chief Pleas who is in communication with the other members of the committee by telephone, live television link or any other means of telecommunications or electronic communications, so that each member of the committee can hear or read what is said or communicated by each of the others, is deemed, subject to subsection (2), to be present at a meeting of the committee for all purposes relating to that meeting, including calculating the quorum at the meeting under section 43(5) or 44(5) and under rule 13 of the Constitution and Operation of Chief Pleas Committee Rules, made on 2nd October, 2013.

(2) In the event that a means of communication referred to

^j Order in Council No. V of 2008; amended by No. XII of 2011; No. IX of 2016. There are other amendments not relevant to this provision.

in subsection (1) fails or is corrupted, or the chairman or other person presiding at the meeting in accordance with section 46(3) ("**person presiding**") considers that confidentiality is compromised, the person presiding shall have discretion at any time during the meeting to determine that a member who is affected by that failure, corruption or compromise of confidentiality is no longer deemed to be present at the meeting.

(3) For the avoidance of doubt, a determination under subsection (2) does not affect the validity of the proceedings of the committee for any purpose prior to the making of that determination."

PART VI

PAROCHIAL MEETINGS, ETC.

Application of this Part.

29. (1) This Part shall apply, despite the provisions of any other enactment, upon being made and shall cease to apply in the circumstances set out in paragraph (2).

(2) This Part shall cease to apply if the Dean of the Douzaine of a parish makes a determination, upon representations from the Authority, in the light of circumstances prevailing in the Bailiwick in relation to coronavirus, that it is appropriate for them to cease to apply.

Determination of parish matters.

30. (1) Parish meetings attended by the ratepayers of the parish, whether in relation to ecclesiastical matters or to secular matters, need not be held.

(2) For the purpose of determining matters which would, but for

the provisions of paragraph (1), be determined at a parish meeting, the following provisions of this regulation shall apply.

(3) Where a decision is required in relation to ecclesiastical or secular matters in any parish, including, but not limited to, the amount to be raised by means of parochial taxation for the purposes set out in Article I of the 1923 Law ("**parochial tax**"), or the parish waste rate to be levied under the Parochial Collection of Waste (Guernsey) Ordinance, 2018^k ("**parish waste rate**"), such decision shall be made at a meeting of the Constables and Douzaine, after consultation with the Rector and Churchwardens in the case of ecclesiastical matters, subject to the following conditions being fulfilled.

(4) A notice shall be published on one occasion in La Gazette Officielle, setting out –

- (a) a summary of the matters requiring determination,
- (b) details of the proposed decision of the Constables and Douzaine in relation to such matters,
- (c) the address of a website on which the details of any proposed expenditure, accounts and other information necessary for a proper understanding of the matters requiring determination shall be published, and notification of such other means by which such accounts and other information may be made available

^k Ordinance No. XXIV of 2018.

to ratepayers of the parish, as the Constables and Douzaine may think fit, and

- (d) the date of the meeting of the Constables and Douzaine at which the decision will be made, and the date, being not earlier than seven days after the date of the notice, before which any representations by parishioners should be received,

and stating that any representations received by the Constables and Douzaine before the date specified in the notice will be taken into account by them in reaching any decision.

(5) On the date of the meeting specified in the notice published under paragraph (4), the Constables and Douzaine may, having considered any representations received, make a decision in respect of each of the matters requiring determination.

(6) The person presiding at a meeting held in accordance with this regulation shall make a note of the decisions made at such meeting, which note shall be made available for inspection by, or notified to, the ratepayers of the relevant parish by such means as the Constables and Douzaine may decide.

Application to Royal Court for confirmation of parochial tax or parish waste rate.

31. (1) Where, at a meeting of the Constables and Douzaine under regulation 30, a decision has been made to raise a parochial tax, whether ecclesiastical or secular in nature, or a parish waste rate, notice of such decision must be published on one occasion in La Gazette Officielle, together with a notification of the date and time when application will be made to the Royal Court for confirmation

of the decision.

(2) Any person intending to oppose an application for confirmation of a decision to raise a parochial tax or a parish waste rate should give written notification of such intention to the Greffe, sending a copy of such notification to the relevant Constables and Douzaine, prior to the date of the application to the Royal Court.

Parish elections.

32. (1) Where there is a vacancy in any parish office, including without limitation the offices of –

- (a) Churchwarden, or member of the Management Board of an ancient parish under section 6 of the Parochial Church Property (Guernsey) Law, 2015¹,
- (b) Constable or Douzenier of a parish, or
- (c) member of a cemeteries committee,

the following provisions of this regulation shall apply.

(2) The Dean of the Douzaine of the relevant parish, after consultation with the Constables and other members of the Douzaine, and with the Rector and Churchwardens where appropriate, may appoint a person to hold an office in relation to which there is a vacancy, and such person shall hold office until the expiration of one month after these regulations, or any re-enactment thereof,

¹ Order in Council No. III of 2015.

cease to apply in accordance with regulation 29(2).

(3) A person may not be appointed to the office of Constable or Douzenier unless the person is eligible for office in accordance with Article 51 of the Reform (Guernsey) Law, 1948 and a person so appointed must take an oath of office in accordance with Article 61 of the said Law.

Meetings of Constables and Douzaine.

33. (1) A Constable or Douzenier ("**parish official**") who is in communication with the other parish officials by telephone, live television link or any other means of telecommunications or electronic communications, so that each parish official can hear or read what is being said or communicated by each of the others, is deemed, subject to paragraph (2), to be present at a meeting of the Constables and Douzaine for all purposes relating to that meeting.

(2) In the event that a means of communication referred to in paragraph (1) fails or is corrupted, or the Dean or other person presiding at a meeting of the parish officials ("**person presiding**") considers that confidentiality is compromised, the person presiding shall have the discretion at any time during the meeting to determine that a parish official who is affected by that failure, corruption or compromise of confidentiality is no longer deemed to be present at the meeting.

(3) For the avoidance of doubt, a determination under paragraph (2) does not affect the validity of the proceedings of the meeting for any purpose prior to the making of that determination.

(4) For the purposes of these regulations, the Dean or, in the Dean's absence the Vice-Dean, shall preside at a meeting of the Constables and Douzaine, and in the absence of both the Dean and Vice-Dean, any parish official

present at the meeting who is appointed by the other parish officials present at the meeting, shall preside, and the person presiding shall have an original and a casting vote.

Interpretation of this Part.

34. In this Part, unless the context otherwise requires –

"**1902 Law**" means the Loi relative aux Assemblées Paroissiales, registered on the 29th November, 1902^m,

"**1923 Law**" means the Loi relative à la Taxation Paroissiale, registered on the 27th October, 1923ⁿ,

"**Dean**", in relation to any parish, means the Dean of the Douzaine and includes the Vice-Dean,

"**ecclesiastical matters**" means "Les Affaires Ecclésiastiques" within the meaning of Article 3 of the 1902 Law,

"**parish waste rate**": see regulation 30(3),

"**parochial tax**": see regulation 30(3),

"**secular matters**" means "Les Affaires Séculières" within the meaning

^m Ordres en Conseil Vol. III, p. 274; amended by Vol. VI, p. 115; Vol. VII, p. 481; Vol. XIX, p. 155; Order in Council No. III of 2017.

ⁿ Ordres en Conseil Vol. VII, p. 146; amended by Vol. VII, p. 392; Vol. XIX, p. 152; Order in Council No. III of 2017.

of Article 4 of the 1902 Law.

PART VII
SCHOOLS

Power of MOH to close schools.

35. (1) The powers of the MOH under Article VIII(8) of the Public Health Ordinance, 1936^o, to require measures to be taken by any school in order to prevent the spread of infection, shall apply in respect of Sark.

(2) For the avoidance of doubt, the measures that the MOH may require to be taken under the above enactment (including as it applies in Sark under paragraph (1)) include, but are not limited to, the immediate closure, partial closure, or closure subject to conditions, of any school for any period.

PART VIII
MISCELLANEOUS AND FINAL

Modification of legislation relating to mental health.

36. Schedule 3 modifies –

^o Recueil d'Ordonnances Tome VIII, p. 315; amended by Ordres en Conseil Vol. XXXI, p. 278; Order in Council No. XIV of 2012; No. VI of 2015; Recueil d'Ordonnances Tome X, pp. 35 and 61; Tome XIII, p. 264; Tome XV, p. 239; Tome XV, p. 387; Tome XIX, p. 91; Tome XX, p. 163; Tome XXIII, p. 427; Tome XXVIII, p. 80; Ordinance No. XXXIII of 2003; No. XXXVIII of 2006; No. XLI of 2010; No. XLII of 2014; Nos. IX and XXI of 2016. This Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948 and to the Islands of Herm and Jethou by the Public Health (Amendment) Ordinance, 1963.

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

(b) the Mental Health Review Tribunal Procedure Rules, 2012^Q,

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

Population Management Law: Employment Permits.

37. (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,

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

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

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

"(2A) Before granting an Employment Permit, the Administrator shall consult a determining officer appointed by the Civil Contingencies Authority under Schedule 1 (essential travel permits) to the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2021."

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

(7) 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, 2016^r.

Modification of Fixed Penalties Law.

38. (1) The Offences (Fixed Penalties) (Guernsey) Law, 2009^s shall apply as if modified as follows.

^r 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.

^s Order in Council No. XV of 2010; there are amendments not relevant to these Regulations.

(2) In the Schedule, immediately after the entry relating to Offences against sections 4(1) and 5(1) of the Road Traffic (Guernsey) Ordinance, 2019, insert –

"Offences against regulation 22(2) of the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations	Failing, without reasonable excuse, to comply with a requirement in a direction to wear a face covering, or a requirement of a police officer under regulation 21 to wear a face covering	C	£100	£90".
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Guernsey Financial Services Commission: officers appointed as Senior Decision Makers.

39. (1) This regulation applies when a Senior Decision Maker is undertaking work in connection with deciding whether sanctions, proposed against an individual or person, should be imposed, including, but not limited to –

- (a) the publication of a public statement under section 11C of the Financial Services Commission (Bailiwick of Guernsey) Law, 1987^t (the "**Financial Services Commission Law**"),

^t Ordres en Conseil Vol. XXX, p. 243; amended by Ordres en Conseil Vol. XXXI, p. 278; Vol. XXXII, p. 471; Vol. XXV(1), p. 271; Vol. XXXVII, p. 24; Order in Council No. XVII of 2002; Nos. III of XXII of 2003; Nos. XIX, XXIII and XXIV of 2008; No. XIX of 2010; No. III of 2013; No. I of 2015; No. XIII of 2017; Ordinance No. XXXIII of 2003; Nos. XII, XX, XXXIV and XXIX of 2015; Nos. IX and XXII of 2016; Nos. III, XIX and XXVII of 2017; Alderney Ordinance No. III of 2017; Sark Ordinance No. X of 2017; No. XXVI of 2018; G.S.I. No. 29 of 2009; and G.S.I. No. 49 of 2017.

- (b) the imposition of a discretionary financial penalty under section 11D of the Financial Services Commission Law, and
- (c) the imposition of a prohibition order under –
 - (i) section 34E of the Protection of Investors (Bailiwick of Guernsey) Law, 1987^u,
 - (ii) section 17A of the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2000^v,

^u Ordres en Conseil Vol. XXX, p. 281; amended by Ordres en Conseil Vol. XXX, p. 243; Vol. XXXII, p. 324; Vol. XXXV(1), p. 271; Vol. XXXVII, p. 264; Vol. XXXVII, p. 24; Order in Council No. XVII of 2002; Nos. XV and XXXII of 2003; Nos. XVIII and XX of 2008; No. XIII of 2010; Recueil d'Ordonnances Tome XXIV, p. 324; Tome XXVI, p. 333; Tome XXVIII, p. 51; Tome XXVIII, p. 87; Ordinance No. XXXIII of 2003; No. XXXI of 2008; No. VII of 2009; Nos. XII, XX and XXXIX of 2015; Nos. IX and XXIX of 2016; Nos. III and XXVII of 2017; Sark Ordinance No. X of 2017; Nos. XXVI and XXVII of 2018; G.S.I. No. 83 of 2010; and G.S.I. No. 50 of 2017.

^v Order in Council No. I of 2001; amended by Order in Council No. I of 2000; No. XIV of 2003; No. XVI of 2007; Nos. VIII and XXV of 2008; Nos. XIII and XIX of 2010; No. I of 2013; Ordinance No. XXXVII of 2001; No. XXXIII of 2003; No. VII of 2009; Nos. XII and XXXIX of 2015; Nos. II and IX of 2016; No. XXVII of 2017; Alderney Ordinance No. III of 2017; Sark Ordinance No. X of 2017; Nos. XXVI and XXVII of 2018; G.S.I. No. 3 of 2018; G.S.I. No. 83 of 2010; G.S.I. No. 4 of 2013; G.S.I. No. 50 of 2017; G.S.I. No. 56 of 2017; and G.S.I. No. 72 of 2017.

- (iii) section 28A of the Insurance Business (Bailiwick of Guernsey) Law, 2002^W,
- (iv) section 18A of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002^X, and
- (v) section 17A of the Banking Supervision (Bailiwick of Guernsey) Law, 1994^Y,

and in this regulation, a "**Senior Decision Maker**" means an officer, appointed by the Guernsey Financial Services Commission ("**the Commission**") to fulfil the role of Senior Decision Maker, and exercising powers delegated by the Commission in relation to the same under section 19 of the Financial Services Commission Law.

^W Order in Council No. XXI of 2002; amended by Order in Council No. I of 2000; No. XIII of 2010; Ordinance No. XXXIII of 2003; No. XII of 2008; Nos. VIII and XXXI of 2010; No. XXXVI of 2011; No. LV of 2014; Nos. XII and XXXIX of 2015; No. IX of 2016; No. III and XXVII of 2017; Sark Ordinance No. X of 2017; No. XXVI of 2018; G.S.I. No. 33 of 2004; G.S.I. No. 4 of 2008; G.S.I. No. 15 of 2010; G.S.I. No. 83 of 2010; G.S.I. No. 68 of 2014; G.S.I. No. 121 of 2015; and G.S.I. No. 50 of 2017.

^X Order in Council No. XXII of 2002; amended by Order in Council No. I of 2000; No. XIII of 2010; Ordinance No. XXXIII of 2003; No. XIII of 2008; No. IX of 2010; Nos. XII and XXXIX of 2015; Nos. II and IX of 2016; No. XXVII of 2017; Alderney Ordinance No. III of 2017; Sark Ordinance No. X of 2017; No. XXVI of 2018; G.S.I. No. 2 of 2008; G.S.I. No. 16 of 2010; G.S.I. No. 83 of 2010; and G.S.I. No. 50 of 2017.

^Y Ordres en Conseil Vol. XXXV(1), p. 271 of 2001; amended by Order in Council Nos. XVII and XXI of 2002; No. XVI of 2003; No. XVI of 2008; No. IV of 2009; Nos. XIII and XXI of 2010; Ordinance No. XXXIII of 2003; Nos. XII, XX and XXXIX of 2015; Nos. II and IX of 2016; No. XXVII of 2017; Alderney Ordinance No. III of 2017; Sark Ordinance No. X of 2017; No. XXVI of 2018; G.S.I. No. 3 of 2000; G.S.I. No. 1 of 2008; G.S.I. No. 35 of 2010; and G.S.I. No. 50 of 2017.

(2) A Senior Decision Maker undertaking work described in paragraph (1) may undertake some or all of that work outside the Bailiwick, including, but not limited to –

- (a) the consideration of representations,
- (b) the preparation of reports, Minded to Notices, final decisions,
- (c) the acceptance of written representations, and
- (d) the holding of oral hearings.

(3) An oral hearing may be held by a Senior Decision Maker who is outside the Bailiwick by telephone, live television link or any other means of telecommunications or electronic communications, and for the purposes of such a hearing, a Senior Decision Maker, party or other person who is in communication with other persons at the hearing so that each person at the hearing can hear or read what is being said or communicated by each of the others, is deemed, subject to paragraph (4), to be present at the oral hearing for all purposes.

(4) In the event that a means of communication referred to in paragraph (3) fails or is corrupted, or the Senior Decision Maker considers that confidentiality is compromised, the Senior Decision Maker shall have the discretion at any time during the hearing to determine that a person who is affected by that failure, corruption or compromise of confidentiality is no longer deemed to be present at the hearing.

(5) For the avoidance of doubt, a determination under paragraph

(4) does not affect the validity of the proceedings of the hearing for any purpose prior to the making of that determination.

Court of Appeal.

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

41. (1) Where a legal person is guilty of an offence under these Regulations, and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –

(a) any director, manager, secretary or other similar officer, or any foundation official, of the legal person,
or

(b) any person purporting to act in any such capacity,

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

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.

42. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021^{aa} and the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) (Amendment) Regulations, 2021^{bb} 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) Notwithstanding the revocation of the revoked regulations, Direction No. 5 of 2021 made under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021 shall continue in force.

(4) 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.

^{aa} G.S.I. No. 12 of 2021.

^{bb} G.S.I. No. 17 of 2021.

(5) 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.

(6) 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.

43. (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) Words and expressions used in Schedules 1 and 2 have the

meanings given in these Regulations, unless contrary provision is made.

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

(4) 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.

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

Extent.

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

(2) Regulation 37 (Population Management Law: Employment Permits) shall have effect in the Island of Guernsey.

Commencement.

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

Dated this 4th day of March, 2021



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

SCHEDULE 1

Regulation 4(1).

ESSENTIAL TRAVEL PERMITS

Essential Travel.

1. This Schedule provides for the granting of permits ("**Essential Travel Permits**") to allow a person ("P") to travel into the Bailiwick from outside, in circumstances where P would otherwise be prohibited from so travelling by regulation 4.

2. An Essential Travel Permit may only be granted to a person ("P") in respect of his or her proposed travel into the Bailiwick if –

- (a) the travel is for a compassionate purpose (including but not limited to supporting a dependent relative),
- (b) the travel is to fulfil a legal obligation, including attending court or satisfying bail conditions, or participating in legal proceedings,
- (c) P has been granted an Employment Permit under the Population Management (Guernsey) Law, 2012, and the purpose of the travel is for P to move his or her residence to the Bailiwick to enable P to become employed in the post to which the Employment Permit relates,
- (d) P has entered a contract to purchase or lease a residential property in the Bailiwick, or is actively engaged in the process

of becoming a resident of the Bailiwick, and the purpose of the travel is for P to move his or her residence to the Bailiwick, or

- (e) P is ordinarily resident in the Bailiwick, and the travel is for one of the purposes set out in paragraph 3.

3. The purposes referred to in paragraph 2 are to return to the Bailiwick after travel out of the Bailiwick –

- (a) for a compassionate purpose (including but not limited to supporting a dependent relative),
- (b) to fulfil a legal obligation, including attending court or satisfying bail conditions, or participating in legal proceedings,
- (c) to receive medical treatment,
- (d) to undertake business that cannot be transacted remotely and that is of significant importance to a business based in the Bailiwick,
- (e) to attend school, university or other further education institution, or
- (f) in circumstances where the person travelled out of the Bailiwick (regardless of the purposes for which he or she travelled) before 12th January, 2021.

4. Further and explanatory provision in relation to the above purposes may be made from time to time by the Authority by publication on the States of Guernsey website, including (but not limited to) examples of types of travel falling within, and outside, specified purposes.

Essential Travel Permits: applications.

5. An application for an Essential Travel Permit shall be determined by an officer authorised by the Authority to determine applications under this Schedule (a "determining officer").

6. An applicant for an Essential Travel Permit must make an application in such form and providing such information as may from time to time be required, both generally by the Authority by publication on the States of Guernsey website, and by a determining officer in the applicant's particular case, including (but not limited to) information sufficient to allow a determination to be made as to whether the travel is for one of the purposes set out in paragraphs 2 and 3.

Essential Travel Permits: grant, amendment, revocation and appeals.

7. An Essential Travel Permit may be –

- (a) granted subject to conditions,
- (b) granted in respect of one journey or multiple journeys,
- (c) time-bound,
- (d) otherwise granted in such terms as the determining officer thinks fit.

8. A determining officer may amend an Essential Travel Permit on a request being made by the holder, or on the officer's own volition.

9. An officer authorised by the Authority to review the determination of applications under this Schedule (a "**reviewing officer**") may revoke an Essential Travel Permit if he or he is satisfied that –

- (a) it was granted in error,
- (b) any false, deceptive or misleading statement was made, or information or document provided or furnished, by the applicant in the course of his or her application, or
- (c) any condition of it has been contravened.

10. (1) An applicant for an Essential Travel Permit who is aggrieved by a decision to refuse the application, or to grant the application subject to the imposition of conditions under paragraph 7, and the holder of an Essential Travel Permit who is aggrieved by a decision to amend that permit under paragraph 8 or to revoke that permit under paragraph 9, may make written representations to a reviewing officer concerning the outcome of his or her application within 14 days of being notified of that decision, by emailing those representations to essential.travel@gov.gg.

(2) If an applicant exercises his or her right under subparagraph (1), the reviewing officer must consider those representations and shall –

- (a) uphold the decision of the determining officer, or

- (b) make a different decision (including the imposition of different, or no, conditions),

and must, within 48 hours of receipt of the applicant's written representations, inform the applicant in writing of –

- (i) his or her decision,
- (ii) the reasons for that decision, and
- (iii) if the decision is to impose different specific conditions, the applicant's right to make an application to the Royal Court under regulation 12 to vary or revoke those conditions.

SCHEDULE 2

Regulation 4(1).

EXCEPTION TO THE REQUIREMENT TO SELF-ISOLATE ON ARRIVAL IN THE BAILIWICK: CRITICAL WORKERS

Introductory.

1. (1) This Schedule provides for the granting of exemptions from –
 - (a) the prohibition on non-essential travel at regulation 4,
 - (b) the requirement to self-isolate at regulation 5(1) and 5(2), and
 - (c) 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 Infrastructure	National	Those individuals directly involved in maintaining and protecting the Islands' critical national

	infrastructure.
Frontline Health and Care and Veterinary Services	Those individuals providing, or directly facilitating, 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 direction given or requirement imposed by the MOH.
- (2) Further specific conditions may be imposed in particular cases.

Additional risk mitigation conditions: business stability and recovery.

7. (1) The conditions in this paragraph apply to a person falling into the business stability and recovery category of Critical Workers.

(2) For the avoidance of doubt, when these conditions apply they apply in addition to the general risk mitigation conditions set out in paragraph 6.

(3) The conditions in this paragraph are that the Critical Worker's business must –

(a) provide a method statement of how it will meet social distancing and hygiene standards, and

(b) meet the cost of any testing undertaken and any associated medical treatment that is required, including hospital treatment for COVID-19.

Additional risk mitigation conditions: technical specialist contractors in the construction sector.

8. (1) The conditions in this paragraph apply to the following subcategory of persons falling into the technical specialist contractor category of Critical Workers (and referred to in the table at subparagraph (3) as "workers"): specialist technical consultants required in situ on-island to support projects considered necessary to support business recovery work in the construction sector, where there is a clear requirement to augment on-island capacity and capability for a designated period.

(2) For the avoidance of doubt, when these conditions apply they apply in addition to the general risk mitigation conditions set out in paragraph 6.

(3) The conditions in this paragraph are those set out in the following table –

<i>Movement on-island</i>	<p>Any worker who is not resident in the Bailiwick may only travel between their place of work and a specified place of residence.</p> <p>The worker must be able to self-isolate at the specified place of residence when not at work.</p>
<i>Site precautions</i>	<p>During works the site must be zoned, i.e. the areas of work must be isolated using fencing and barriers, with a separate vehicular entrance for the worker.</p> <p>The name of a designated contact person for the site must be provided to the States of Guernsey.</p> <p>All elements of work must be an outside activity and a distance of over 10 metres from all other persons must be maintained at all times.</p> <p>Dedicated toilet and hand washing facilities must be provided to each of the work areas for the sole use of workers. Spray disinfectant must be supplied for use on handles for before and after each use. Running water and hand washing points must be located in each of the work areas. Hand sanitiser must be provided to be used regularly throughout the day.</p>
<i>Accommodation</i>	<p>Workers on a single project must stay in one hotel or set of self-catering units.</p> <p>Food must be supplied either via the hotel as cooked meals or groceries delivered to the door of the self-catering unit.</p>

	<p>The cooked food must be supplied on a 'closed tray' system.</p> <p>Collection of the used plates will be at pre-arranged times.</p> <p>Towelling and bedding must be left outside self-catering units if used in a sealed bag to all direct loading into a 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 3

Regulation 36.

MODIFICATION OF LEGISLATION RELATING TO MENTAL HEALTH

Interpretation.

1. References in this Schedule to –

- (a) sections are to sections of the Mental Health (Bailiwick of Guernsey) Law, 2010 ("**the 2010 Law**"), and
- (b) rules are to rules of the Mental Health Review Tribunal Procedure Rules, 2012 ("**the 2012 Rules**").

2. Expressions in this Schedule and in the 2010 Law or the 2012 Rules shall have the same meaning as in that Law or those Rules (as the case may be).

Forms.

3. Where any form prescribed in the Mental Health (Treatment and Forms) Regulations, 2013 or under the 2012 Rules is inconsistent with a modification made by these Regulations, the form –

- (a) may, in connection with that modification, be used with appropriate amendments, and
- (b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect that modification.

Modification of the 2010 Law.

4. Where section 56(1)(b) applies (administration of medicine for more than three months), an approved medical practitioner (other than the responsible medical officer of the patient) may give a certificate under section 56(3)(b) (appropriateness of treatment without understanding or consent) if the responsible medical officer is of the opinion that complying with the requirement under that provision for the certificate to be given by a second opinion approved doctor is not reasonably practicable or would involve unreasonable delay.

Modification of the 2012 Rules.

5. For the purposes of any hearing subject to the 2012 Rules –
- (a) the Tribunal is deemed to be properly constituted by the members of the Tribunal sitting within or without the Bailiwick, or a combination thereof,
 - (b) where the legally qualified member is of the opinion that it is not reasonably practicable or would involve unreasonable delay for one, or both, of the other members of the Tribunal to participate in the hearing, the Tribunal is deemed to be properly constituted by the legally qualified member –
 - (i) sitting with the other member able to participate, or
 - (ii) sitting alone,

(as the case may be),

- (c) notwithstanding subparagraph (b), where, after hearing from the patient's legal representative or the patient (if unrepresented), the legally qualified member is of the opinion that it is in the patient's interests that the hearing takes place before a single member of the Tribunal (including, but not limited to, where the patient's mental disorder might be adversely affected by the participation of multiple members of the Tribunal by telephone), the Tribunal is deemed to be properly constituted by the legally qualified member sitting alone, and that member may consult with the other members of the Tribunal where it is in the interests of justice to do so, and
- (d) for the avoidance of doubt, the Tribunal may exercise any or all of its powers under the 2010 Law where it is constituted in accordance with this paragraph.

6. Any hearing which takes place in accordance with paragraph 5 shall be deemed for all purposes (including that of determining the *lex fori*) to have taken place in Guernsey and the courts of Guernsey accordingly have jurisdiction in accordance with Part VI of the Law, and sections 46 and 47 have effect accordingly.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations revoke and re-enact (with modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations will come into force on the 5th March, 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

Part I - screening, assessment and powers to detain etc.

This Part places a requirement to self-isolate on persons arriving in the Bailiwick, enables the Medical Officer of Health to place restrictions and requirements on other persons who are or who may be infected with coronavirus, and makes provision in respect of related matters, including powers for the Medical Officer of Health to impose screening requirements, to detain people and to require people to self-isolate. The provisions also create criminal offences and confer powers of enforcement on police officers, and provide for applications to vary or revoke requirements or restrictions imposed under this part to be made to the Royal Court.

This Part also prohibits non-essential travel into the Bailiwick. Further provision in respect of essential travel, and the granting of Essential Travel Permits, is set out in Schedule 1. The effect of this prohibition is that it is unlawful for a person to travel into the Bailiwick from outside unless he or she has been granted either an Essential Travel Permit or a Critical Worker Exemption. A person who has been granted an Essential Travel Permit will have to self-isolate on arrival in accordance with regulations 5 and 6, and a person who has been granted a Critical Worker Exemption will have to self-isolate in accordance with, and otherwise comply with, the provisions of Schedule 2. 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 - control of premises, gatherings etc., and movement of persons

This Part enables the Civil Contingencies Authority to impose restrictions in relation to licensed (and other non-residential) premises, and empower the Committee to impose restrictions in relation to events, gatherings and meetings, and the movement of people outside their homes. The regulations in this Part also create criminal offences, and confer powers of enforcement on police officers. The Authority must consult the Medical Officer of Health before exercising the powers under the regulations, and in addition must consult Her Majesty's Procureur when issuing a direction imposing restrictions in relation to the movement of persons outside their homes; and when exercising powers in relation to premises in Alderney and Sark, the relevant Committees on those islands must also be consulted.

Parts III and IV - registration of deaths and still-births, and cremations in Guernsey

These Parts temporarily modify procedures in relation to registration of deaths and still births in Guernsey and Sark and in Alderney (Part III) and in relation to cremations in Guernsey (Part IV). These amendments are to remove requirements for things to be done in person and to simplify procedures relating to registration of deaths and still-births and cremations during the current emergency situation.

The modifications in relation to registration of deaths and still-births are to remove requirements to make declarations of death in person, for a doctor signing a medical certificate of death to certify that he or she had attended the deceased during his or her last illness and to disapply requirements limiting the time a body is kept provided it is in the custody of the States of Guernsey (where the body is in Guernsey), the States of Alderney (where the body is in Alderney) or the relevant funeral director.

The modifications in relation to cremations are to remove the requirements for an application for cremation to be verified by being countersigned or by the applicant giving a declaration made on oath and for a confirmatory medical certificate to be given (Form C in the Cremation Ordinance, 1972).

Part V - the States of Deliberation and the Chief Pleas of Sark

The regulations relating to the States of Deliberation provide that the Reform (Guernsey) Law, 1948 shall apply as if modified by the insertion of a new Article enabling the States of Deliberation to meet remotely. It also empowers the States' Assembly & Constitution Committee to make Rules of Procedure governing remote

meetings of the States held pursuant to the inserted Article. The regulations relating to the Chief Pleas of Sark temporarily modify the application of the Sark (Reform) Law, 2008 to allow Committees of the Chief Pleas to meet remotely.

Part VI - parochial meetings, etc.

Part VI makes provision enabling parish business to be conducted despite the inability to hold parish meetings. For all normal parish business, including approval of the expenditure to be incurred by each parish, and the rates to be levied in order to meet that expenditure, decisions will be made by the Constables and Douzaine in respect of all matters, but after consultation with the Rector and Churchwardens where the decision concerns ecclesiastical matters. Notice of the matters to be determined and the proposed decision in each case will be published in La Gazette Officielle and further information and documents will be made available on a specified website; and ratepayers will be given an opportunity to make representations. Meetings of the Constables and Douzaine may be held remotely, in line with the provisions for States' Committees already agreed. The Constables and Douzaine must take into account of any representations received. Their decision must be notified to the ratepayers who will then have the opportunity to oppose the application to the Royal Court for confirmation of the decision in relation to the "remède", having given prior notification to the Greffe and the parish of their intention to object. Any necessary elections during the emergency period may be substituted by appointments by the Dean of the Douzaine, after consultation with the Rector and Churchwardens where appropriate. Such appointments will expire one month after the regulations cease to have effect when an election will need to be held in order to fill any vacancy in the normal way.

Part VII - schools

Part VII empowers the Medical Officer of Health to exercise her powers to require schools to take measures to prevent the spread of infection in Sark, and provide, for the avoidance of doubt, that such measures may include the immediate closure of any school.

Part VIII – miscellaneous and final

Schedule 3 to these Regulations, which is given effect by regulation 36, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraph 4 modifies the Mental Health (Bailiwick of Guernsey) Law, 2010 to permit an approved medical practitioner (rather than only a second opinion approved doctor) to provide a certificate for the purposes of section 56 where the practitioner is of the opinion that is not reasonably practicable or would involve unreasonable

delay to comply with the unmodified requirement of that section. Paragraphs 5 to 6 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal may properly be constituted according to specified criteria.

Regulation 37 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. It also amends the Population Management (Guernsey) Law, 2016 to impose a duty on the Administrator of Population Management to consult a determining officer appointed under Schedule 1 before granting an Employment Permit.

Regulation 38 temporarily modifies the Offences (Fixed Penalties) (Guernsey) Law, 2009. The modification enables fixed penalty notices in the sum of £100 to be issued by police officers to persons who fail, without reasonable excuse, to comply with a direction or requirement of a police officer to wear a face covering, where the Regulations and any Direction made under them require the wearing of a face covering.

Regulation 39 makes provision in relation to Senior Decision Makers ("**SDMs**") appointed by the Guernsey Financial Services Commission, including providing for SDMs to hold oral hearings remotely. Regulation 40 enables the Court of Appeal to conduct its proceedings remotely.

GUERNSEY STATUTORY INSTRUMENT

2021 No.

**The Emergency Powers (Coronavirus) (Vaccine)
(Limitation of Liability) (No. 3) (Bailiwick of Guernsey)
Regulations, 2021**

<i>Made</i>	<i>4th March, 2021</i>
<i>Coming into operation</i>	<i>5th March, 2021</i>
<i>Laid before the States</i>	<i>, 2021</i>

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

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

AND WHEREAS a new and fast-spreading variant of Severe Acute Respiratory Syndrome Coronavirus 2 has recently been detected in the United Kingdom;

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

AND WHEREAS the 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 one or more vaccines that have been temporarily authorised by the licensing authority in the United Kingdom,

AND WHEREAS the Civil Contingencies Authority ("**the Authority**") (having consulted the Medical Officer of Health in respect of the risk to public health created thereby and by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and in respect of the measures necessary to prevent or slow the spread of infection) is satisfied that the conditions set out in section 13 of the Law are satisfied, and that the following regulations contain only provisions which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency referred to above;

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

NOW THEREFORE THE AUTHORITY, in exercise of the powers conferred upon it by sections 12(1), 14 and 19 of the Law, and of all other powers enabling 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 any equivalent enactment.

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. 2) (Bailiwick of Guernsey) Regulations, 2021[§] are revoked.

Extent.

7. These Regulations apply throughout the Bailiwick of Guernsey.

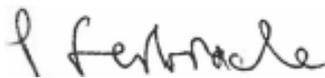
Citation.

8. These Regulations may be cited as the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 3) (Bailiwick of Guernsey) Regulations, 2021.

Commencement

9. These Regulations shall come into force on the 5th March, 2021.

Dated this 4th day of March, 2021



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

[§] G.S.I. No. 13 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.

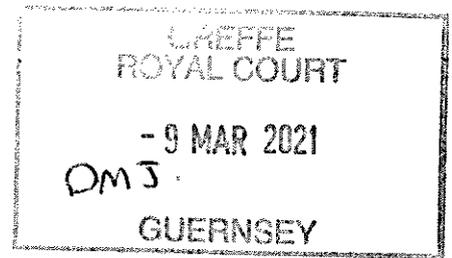
Where these Regulations apply they will limit the aggregate amount of damages and costs that may be awarded by any court in respect of death or personal injury suffered by any one person receiving the vaccine administered in accordance with the Patient Group Direction or protocol.

These Regulations revoke (and replace) the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 2) (Bailiwick of Guernsey) Regulations, 2021.

These Regulations will come into force on the 5th March, 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

GUERNSEY STATUTORY INSTRUMENT

2021 No. **22**



**The Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No. 3) (Amendment) Regulations,
2021**

<i>Made</i>	<i>9th March, 2021</i>
<i>Coming into operation</i>	<i>10th March, 2021</i>
<i>Laid before the States</i>	<i>, 2021</i>

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

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

AND WHEREAS a new and fast-spreading variant of Severe Acute Respiratory Syndrome Coronavirus 2 has been detected in the United Kingdom and has been recently detected in the Bailiwick;

AND WHEREAS there is reason to believe there is community transmission of Severe Acute Respiratory Syndrome Coronavirus 2 within the Bailiwick;

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

AND WHEREAS the Civil Contingencies Authority ("**the Authority**") (having consulted the Medical Officer of Health in respect of the risk to public health created thereby and by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and in respect of the measures necessary to prevent or slow the spread of infection) is satisfied that the conditions set out in section 13 of the Law are satisfied, and that the following regulations contain only provisions which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency referred to above;

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

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

Amendment of the General Provision (No. 3) Regulations, 2021.

1. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2021^c are amended as follows.

(2) For paragraph 2(c) of Schedule 1, substitute –

"(c) P has been granted an Employment Permit under the Population Management (Guernsey) Law, 2012, or the

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

^c G.S.I. No. 21 of 2021.

Employment Permits (Alderney) Law, 1975, and the purpose of the travel is for P to move his or her residence to the Bailiwick to enable P to become employed in the post to which the Employment Permit relates,

(ca) P has accepted the offer of a job working in Sark on a temporary or permanent basis –

(i) in a hotel, guesthouse, restaurant, café or pub, or

(ii) for any other tourism-related business,

and the purpose of the travel is for P to move his or her residence to Sark to enable P to become employed in the job to which the offer relates,".

Citation.

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

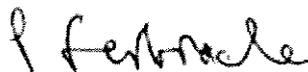
Extent.

3. These Regulations shall have effect throughout the Bailiwick.

Commencement.

4. These Regulations come into force on 10th March, 2021.

Dated this 9th day of March, 2021



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

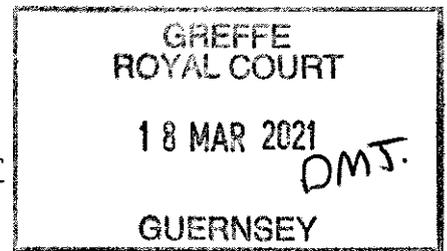
EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations amend Schedule 1 to the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2021. The purpose of the amendments is to enable Essential Travel Permits to be issued for the purpose of travelling to Sark and Alderney to take up employment in the hospitality sector on those Islands.

These Regulations come into force on the 10th March, 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 Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No. 3) (Amendment) (No. 2)
Regulations, 2021**

<i>Made</i>	18 th March, 2021
<i>Coming into operation</i>	22 nd March, 2021
<i>Laid before the States</i>	, 2021

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

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

AND WHEREAS a new and fast-spreading variant of Severe Acute Respiratory Syndrome Coronavirus 2 has been detected in the United Kingdom and has been recently detected in the Bailiwick;

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

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

the disease COVID-19, and in respect of the measures necessary to prevent or slow the spread of infection) is satisfied that the conditions set out in section 13 of the Law are satisfied, and that the following regulations contain only provisions which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency referred to above;

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

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

Amendment of the General Provision (No. 3) Regulations, 2021.

1. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2021^c are further amended as follows.

(2) For regulation 4 (Prohibition of non-essential travel), substitute –

"Critical Workers.

4. Schedule 2 (concerning Critical Workers) has effect."

(3) In regulation 6(1), for subparagraph (c) substitute –

^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. 21 of 2021; amended by G.S.I. No. 22 of 2021.

"(c) provide his or her Critical Worker Exemption (if any) for inspection, and".

- (4) The following are revoked –
- (a) regulation 6(9),
 - (b) in regulation 12 –
 - (i) the words "1 or" in paragraph (1), and
 - (ii) subparagraph (f) in paragraph (2),
 - (c) in regulation 14 –
 - (i) the words "1 or" in paragraph (2)(b), and
 - (ii) paragraph (10),
 - (d) in regulation 15(2)(c), the words "Schedule 1 or".
 - (e) Parts II to VI inclusive,
 - (f) in regulation 37, paragraph (5),
 - (g) regulations 38 and 39,
 - (h) Schedule 1, and
 - (i) in Schedule 2, paragraph 1(1)(a).

- (5) For regulation 35 (power of MOH to close schools), substitute –

"Power of MOH to close schools.

35. For the avoidance of doubt, the measures that the MOH may require to be taken by a school in order to prevent the spread of infection under Article VIII(8) of the Public Health Ordinance, 1936 include, but are not limited to, the immediate closure, partial closure, or closure subject to conditions, of any school for any period."

- (6) In regulation 43(3), for "Schedules 1 and 2" substitute "Schedule 2".

Savings.

2. (1) For the avoidance of doubt, the revocations and substitutions made by regulation 1 do not affect –

- (a) any liability, penalty, forfeiture, punishment or other sanction incurred, imposed or ordered (in respect of any offence or otherwise) under the revoked or substituted provisions, or
- (b) any investigation or legal proceeding in respect of any such liability, penalty, forfeiture, punishment or sanction,

and any such investigation or legal proceeding may be instituted or continued, and any such liability, penalty, forfeiture, punishment or sanction shall be incurred and may be imposed or enforced, as if these regulations had not been made.

(2) Any person who before the date of the commencement of these regulations is charged with an offence under a provision revoked or substituted by regulation 1 may be proceeded against, tried and punished in respect of that offence as if these regulations had not been made.

Citation.

3. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) (Amendment) (No. 2) Regulations, 2021.

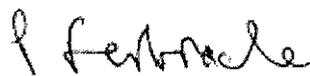
Extent.

4. These Regulations shall have effect throughout the Bailiwick.

Commencement.

5. These Regulations come into force on 22nd March, 2021.

Dated this 18th day of March, 2021



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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations come into force on Guernsey entering "Stage 3 of the exit from lockdown", and in large part revoke the prohibition on non-essential travel, and other provisions that are no longer necessary with the lifting of existing internal restrictions within Guernsey (including all of Parts II to VI), and make minor amendments consequential on those revocations. They also revoke a provision in respect of the GFSC on the coming into force of equivalent permanent provision.

These Regulations come into force on the 22nd March, 2021, and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

DIRECTION NO. 2 OF 2021

Direction of the Civil Contingencies Authority under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021.

This Direction is issued by the Civil Contingencies Authority in exercise of its powers under regulation 18(1)(a) and (b) of the above regulations and following consultation with the Medical Officer of Health:-

1. Prohibition on entering and remaining on premises.

(1) A person shall not enter or remain on any premises of a type set out in Part 1 of the First Annex.

(2) Paragraph (1) shall not apply to –

(a) an essential worker who –

- (i) subject to social distancing, enters or remains on premises for the purpose of discharging his or her work functions, and
- (ii) where undertaking delivery work, observes the requirements set out in the Second Annex ,

(b) (other than in the case of premises referred to in paragraph 10 of Part 1 of the First Annex) –

- (i) the owner or occupier of the premises,
- (ii) any person who usually works at or on the premises or who is responsible for the management of the premises,

and who, subject to social distancing, enters or remains on the premises solely for the purpose of –

- (A) securing them,
- (B) carrying out or having carried out essential maintenance or repair work to the premises, or
- (C) taking measures to ensure that the premises can continue to be used for the purpose for which they were used immediately before 23rd January 2021,

- (c) in the case of premises referred to in paragraph 10 of Part 1 of the First Annex –
 - (i) the owner or occupier of the premises, any person who usually works at or on the premises or who is responsible for the management of the premises, and
 - (ii) any person who is residing lawfully at or on the premises,
- (d) any person authorised by the Authority or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Authority or Medical Officer of Health, as the case may be, shall specify, and
- (e) the persons, in the circumstances and subject to the conditions, described in the Third Annex.

2. Prohibition on events, gatherings and meetings of more than 2 persons.

(1) The owner or occupier of any premises must not allow an event, gathering or meeting consisting of more than 2 persons, to take place at or on the premises.

(2) A person must not organise or hold an event, gathering or meeting consisting of more than 2 persons to take place at or on any premises.

(3) A person must not participate in an event, gathering or meeting of more than 2 persons, which is taking place at or on any premises.

3. Exemption from paragraph 2.

The prohibition under paragraph 2 shall not apply:

- (a) where the event, gathering or meeting involves persons who enter or remain on premises in circumstances where paragraph 1(1) does not apply further only to its disapplication under paragraph 1(2),
- (b) where the event, gathering or meeting consists only of members of the same household and takes place in a dwelling,
- (c) where the event, gathering or meeting –
 - (i) consists only of members of the same household,
 - (ii) takes place outside a dwelling, and

- (iii) is allowed, organised or participated in, for any of the following purposes –
 - (A) shopping for basic necessities, for example food and medicine,
 - (B) walking, cycling, running, sea swimming or taking part in other open sea activities for the purpose of health and welfare for up to 2 hours every day provided that if sea swimming or sea activities are undertaken they may be undertaken with one other person (who is not a member of the same household) present, for safety reasons, provided social distancing is observed and maintained,
 - (C) attending a medical or dental appointment,
 - (D) obtaining any product from a pharmacy, or
 - (E) providing care or to help a vulnerable person,
- (d) where the event, gathering or meeting –
 - (i) is of a type described in the Fourth Annex,
 - (ii) consists of persons –
 - (A) (other than in the cases described in paragraphs 7 and 8 of the Fourth Annex) of a type described in the Fifth Annex,
 - (B) who are attending the event, gathering or meeting for the purpose, and subject to the conditions, set out in the Fourth Annex, and
 - (iii) involves –
 - (A) maintenance of social distancing by, and
 - (B) where reasonably practicable, the provision of adequate handwashing facilities for,

persons attending the event, gathering or meeting,
- (e) where the event, gathering or meeting is authorised by the Authority or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Authority or Medical Officer of Health, as the case may be, shall specify.

4. Interpretation.

In this Schedule –

an "**essential worker**" means a worker –

- (a) of a type, or who works in a business of a type, described in the Fifth Annex, and
- (b) who, if undertaking deliveries, observes the requirements set out in the Second Annex,

"**hand washing facilities**" includes facilities that enable the use of hand sanitising products,

"**intoxicating liquor**" has the same meaning as it does for the purposes of the Liquor Licensing Ordinance, 2006,

"**licensed premises**" has the same meaning as it does for the purposes of the Liquor Licensing Ordinance, 2006,

a person occupies a dwelling as a "**member of the same household**" as another person if –

- (a) that person –
 - (i) normally occupies the dwelling,
 - (ii) is occupying the dwelling on a temporary basis (with the intention of remaining in occupation for the duration of any emergency measures relating to the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19) for reasons associated with –
 - (A) the risk to public health caused by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, or
 - (B) some other risk to human welfare associated with those measures, or
 - (iii) is a child in respect of whom shared parenting arrangements are in place, the child occupies the dwelling, and the dwelling is owned or occupied by a person with parental responsibility for that child, and

- (b) that person is related to the other members of the household (by blood, marriage or adoption) or is treated by members of that household as a member of the household,

"**social distancing**" in relation to a person ("**P**") means, wherever reasonably practicable, the observance and maintenance by P of a distance of at least 2 metres from another person, other than a person who is a member of P's household, and

"**vulnerable person**" includes –

- (a) a person under the age of 18 years, and
- (b) a person above the age of 18 years who, by reason of mental or other disability, age, illness, or other situation is permanently or for the time being unable to take care of him or herself, or to protect him or herself against significant harm or exploitation.

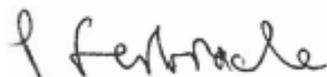
5. Application.

This Direction applies throughout the Bailiwick.

6. Duration.

This Direction has effect from Friday 5th February, 2021 until 23.59 hours on Thursday 18th February 2021.

Dated this 4th day of February, 2021



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

PART 1

Premises

1. Licensed premises.
2. Cinemas and theatres.
3. Restaurants, cafes, takeaways and kiosks.
4. Retail outlets, other than those essential retail outlets set out in Part 2.
5. Libraries.
6. Community and youth centres.
7. Indoor and outdoor leisure facilities.
8. Community places within parks.
9. Places of worship.
10. Hotels, guest houses, any other premises used for the purpose of the provision of sleeping accommodation, board, lodging or board and lodging for reward and campsites.

PART 2

Paragraph 3

Essential retail outlets

Retail and wholesale premises of the following types, or from which the following types of business are conducted –

1. Retail and wholesale sale of food, beverages (including intoxicating liquor) and newspapers.
2. Retail sale of household consumer products necessary to maintain the safety and sanitation of residences and businesses.
3. Pharmacies/chemists and retailers providing pharmaceuticals, pharmaceutical or dispensing services.
4. Fuel stations and heating fuel providers.
5. Retail sale of essential items for the health and welfare of animals, including animal

feed and medicines, animal food, pet food and animal supplies including bedding.

6. Laundries

7. Banks, loan agencies, insurance brokers and post offices.

Requirements for deliveries

1. Goods must be packed for delivery in line with social distancing and hygiene guidelines, including the wearing of gloves.
2. Deliveries must take place as part of a planned itinerary, and goods must not be sold by delivery drivers to other parties.
3. Deliveries must be undertaken by no more than one person wearing gloves.
4. A 70% alcohol hand gel should be rubbed on the gloves between deliveries.
5. Delivered goods must be left on the doorsteps of premises or in an agreed outside place – there must be no direct customer interaction.

Disapplication of prohibition on entering and remaining on premises

When exercising rights under this Annex, repair and maintenance personnel, persons attending a funeral and States Members on States premises for the purpose of attending remote meetings of the States of Deliberation must adopt practices designed to minimise, wherever possible and practical, risks to health, including –

- (a) maintenance of social distancing,
- (b) regular washing of hands, and
- (c) such other measures as –
 - (i) may be indicated in the following paragraphs, and
 - (ii) the Authority or Medical Officer of Health may from time to time specify in guidance.

1. Essential emergency home and building repair and maintenance

Plumbers, electricians, roofers, scaffolders and all others ("**repair and maintenance personnel**") who reasonably and necessarily provide essential emergency home and building repair and maintenance services.

2. Funerals

Up to 10 persons (excluding, essential workers and any person or official responsible for conducting any ceremony) who enter and remain on any premises for the purpose of a funeral ceremony.

3. Attendance by States Members at States premises for purposes of remote meetings of the States

Members of the States who enter and remain on premises owned or occupied by the States of Guernsey for the purpose of attending remote meetings of the States of Deliberation.

Disapplication of prohibition on events, gatherings and meetings

The following provisions of this Annex apply subject to such other measures as the Authority or Medical Officer of Health may from time to time specify in guidance.

1. Essential workers and customers etc.

An event, gathering or meeting of essential workers who are attending the event, gathering or meeting solely for the purpose of discharging their work functions, together with –

- (a) customers, patients and other persons in receipt of goods or services from the workers in question, and
- (b) suppliers to the premises from which the functions are carried out.

2. Essential retail outlets

An event, gathering or meeting, at or on a retail outlet of a type set out in Part 2 of the First Annex, attended by persons who –

- (a) usually work at or on the premises, or
- (b) are customers or suppliers of the outlets, and

are present solely for the purpose of selling, purchasing and providing goods and services of a type usually sold, purchased or provided in the course of a business operated from the outlet in question.

3. Opticians, optometrists and audiologists

An event, gathering or meeting, at or on premises used for the business of optician, optometrist or audiologist, attended by persons who –

- (a) usually work at the premises, or
- (b) are customers, clients or patients of the business, and

are present for the purpose of the provision or receipt of essential emergency treatment.

4. Office premises

(1) An event, gathering or meeting of no more than 2 persons, at or on office premises, subject to the conditions in subparagraph (2).

- (2) The conditions are that –

- (a) the persons attending –
 - (i) usually work at the premises,
 - (ii) are members of the same household,
- (b) the attendance of the persons referred to in items (a) (i) and (ii) is necessary for the functioning of the business carried out from the premises in question,
- (c) the work usually undertaken by those persons cannot be carried out satisfactorily without their attendance at the premises, and
- (d) all persons attending operate within specific areas or zones which are intended to maintain and, where possible, maximise social distancing.

5. Maintenance, repairs etc. of cars, motorcycles, bicycles and boats

(1) An event, gathering or meeting at premises used for the purpose of car, motorcycle, bicycle and/or boat maintenance, repair or building, subject to the conditions in subparagraph (2).

(2) The conditions are that –

- (a) wherever possible, maintenance and other services are provided by one person per vehicle or boat,
- (b) no more than 2 vehicle and boat maintenance or repair personnel are present on any premises from which maintenance and other services are provided, except where–
 - (i) the personnel are all members of the same household, or
 - (ii) the services are provided within specific areas or zones which are intended to maintain and, where possible, maximise social distancing,
- (c) vehicles and boats are suitably cleaned before and after completion of work, and
- (d) any work undertaken is, in the opinion of the person undertaking the work, essential.

6. Building wholesale and supply, manufacturing and warehouses

(1) An event, gathering or meeting, of no more than 5 persons (excluding customers present in accordance with subparagraph (2)(e)), at or on relevant premises, subject to the conditions in subparagraph (2).

(2) The conditions are that –

(a) the persons attending –

(i) usually work at the premises, or

(ii) are members of the same household,

(b) the attendance of those persons is necessary for the functioning of the business operated from the premises in question,

(c) the work usually undertaken by those persons cannot be carried out satisfactorily without their attendance at the premises,

(d) the persons attending operate within specific areas or zones which are intended to maintain and, where possible, maximise social distancing, and

(e) the number of customers who are present on the premises at any one time is limited and controlled in order to maintain social distancing.

(3) For the purpose of this paragraph, "relevant premises" means premises used for the businesses of building wholesale and supply, manufacturing or warehousing.

7. Essential emergency home and building repair and maintenance

Plumbers, electricians, roofers, scaffolders and all others ("**repair and maintenance personnel**") who reasonably and necessarily provide essential emergency home and building repair and maintenance services.

8. Attendance by States Members at States premises for purposes of remote meetings of the States

Members of the States who enter and remain on premises owned or occupied by the States of Guernsey for the purpose of attending remote meetings of the States of Deliberation.

Essential worker**Private sector**

- - Businesses and workers ESSENTIAL to the functioning of any activity necessary to:
 - Ensure the continuing supply and accessibility of food and other essential goods including
 - ❖ Supermarkets and grocery stores
 - ❖ Air and sea freight transport
 - ❖ Stevedores and other necessary port management activities
 - ❖ Freight operators
 - Ensure the continuing supply and accessibility of veterinary and animal health and husbandry services
 - Ensuring continuing health and community care services including
 - ❖ GP surgeries/medical practices
 - ❖ Pharmacies
 - ❖ Residential and nursing homes
 - ❖ Private and third sector agencies providing care services in a home or other setting (including the care of animals)
 - ❖ Volunteers that provide services to those in need (Meals on Wheels, Samaritans, etc)
 - ❖ Those responsible for management of the deceased or services celebrating, commemorating or otherwise recognising the life and/or death of a person
 - Those essential to the administration of justice
 - ❖ Advocates and staff
 - Those providing private school services and daytime childcare
 - ❖ Private primary and secondary schools
 - ❖ Nurseries and day-care services
 - Maintain critical national infrastructure (essential staff)
 - ❖ Utilities (water, electricity, gas, oil, post)
 - ❖ Telecoms providers (essential staff required to deliver mobile and fixed line telecommunication services)
 - ❖ Coastal defences

- Maintain public transport
 - ❖ Bus operators and school transport providers
- Public service broadcasters and other mainstream news media
- Banking services
 - ❖ Staff that are critical to providing branch-based services to enable cash and other financial transactions
 - ❖ Staff involved in maintaining critical economic infrastructure that requires on-site systems access
- Services that ensure the cleanliness and hygiene of working environments that can be undertaken while adhering to social distancing guidelines

Private sector employers falling within the above categories should determine which roles are essential to the ability to maintain critical services.

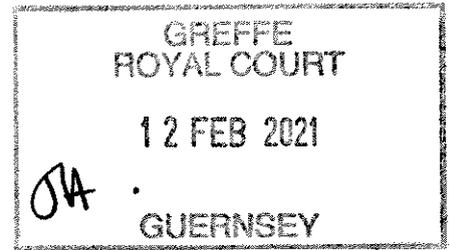
Public service

- - Workers ESSENTIAL to the DELIVERY OF CRITICAL SERVICES by:
 - ❖ Courts and Judicial Services
 - ❖ Health and Social Care
 - ❖ Education
 - ❖ Emergency Services (Law Enforcement, Ambulance, Fire and Coastguard)
 - ❖ Prison
 - ❖ Law Officers
 - ❖ States Works
 - ❖ Guernsey Waste
 - ❖ Ports
 - ❖ Regulatory roles directly related to financial stability and banking supervision
 - ❖ Treasury
 - ❖ Social Security

Additionally –

- (a) any ancillary staff from the private or public sectors who are essential to supporting the States of Guernsey's response to COVID-19,
- (b) in the case of Alderney, civil servants or office holders specified by the Policy and Finance Committee of the States of Alderney, and
- (c) in the case of Sark, civil servants or office holders specified by the Policy and Finance Committee of the Chief Pleas of Sark.

GUERNSEY STATUTORY INSTRUMENT
2021 No. 17



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

<i>Made</i>	<i>11th February, 2021</i>
<i>Coming into operation</i>	<i>13th February, 2021</i>
<i>Laid before the States</i>	<i>, 2021</i>

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

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

AND WHEREAS a new and fast-spreading variant of Severe Acute Respiratory Syndrome Coronavirus 2 has been detected in the United Kingdom and has been recently detected in the Bailiwick;

AND WHEREAS there is reason to believe there is community transmission of Severe Acute Respiratory Syndrome Coronavirus 2 within the Bailiwick;

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

AND WHEREAS the Civil Contingencies Authority ("**the Authority**") (having consulted the Medical Officer of Health in respect of the risk to public health created thereby and by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and in respect of the measures necessary to prevent or slow the spread of infection) is satisfied that the conditions set out in section 13 of the Law are satisfied, and that the following regulations contain only provisions which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency referred to above;

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

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

Amendment of the General Provision (No. 2) Regulations, 2021.

1. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021^c are amended as follows.

(2) In regulation 18 –

(a) delete "and" at the end of paragraph (1)(b),

^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. of 2021.

(b) immediately after paragraph (1)(c), insert –

"and

(d) the use of any public transport service," and

(c) immediately after paragraph (8), insert –

"(8A) A direction under paragraph (1)(d) may be issued in relation to a specified public transport service, or a public transport service of a specified description, and may, amongst other things, impose requirements for the purpose of requiring the wearing of face coverings by all persons, or prescribed categories of person, using a public transport service.

(8B) A direction under paragraph (1)(d) may impose conditions, prohibitions, requirements or restrictions on –

(a) a person who is boarding any vehicle by means of which a public transport service is provided, and

(b) a person (whether or not for the purposes of travel) on board any vehicle by means of which a public transport service is provided."

(3) Immediately after regulation 22, insert the following regulation –

"Modification of Fixed Penalties Law.

22A. (1) The Offences (Fixed Penalties) (Guernsey) Law, 2009 shall apply as if modified as follows.

(2) In the Schedule, immediately after the entry relating to Offences

against sections 4(1) and 5(1) of the Road Traffic (Guernsey) Ordinance, 2019, insert –

"Offences against regulation 22(1) of the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations	Failing, without reasonable excuse, to comply with a direction, or a requirement of a police officer	C	£100	£90"".
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(4) In regulation 23(1), immediately after the definition of "direction" insert-

""**face covering**" means a covering of any type which covers a person's nose and mouth and complies with any guidance issued by the MOH,".

Citation.

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

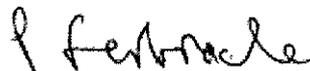
Extent.

3. These Regulations shall have effect throughout the Bailiwick.

Commencement.

4. These Regulations come into force on 13th February 2021.

Dated this 11th day of February, 2021



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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations are made in response to evidence of community transmission of Severe Acute Respiratory Syndrome Coronavirus 2 within the Bailiwick. They amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021 ("the 2021 Regulations"). The primary purpose of the amendments made is to insert provision to enable the making of a direction or requirement relating to the wearing of face coverings by persons using any public transport service. The amendments augment the existing power under the 2021 Regulations to enable the making of a direction or requirement relating to the wearing of face coverings by persons entering or remaining on premises.

The Regulations also insert a new regulation 22A into the 2021 Regulations. The new regulation temporarily modifies the Offences (Fixed Penalties) (Guernsey) Law, 2009. The modification enables fixed penalty notices in the sum of £100 to be issued by police officers to persons who fail, without reasonable excuse, to comply with a direction or requirement of a police officer to wear a face covering, where the 2021 Regulations and any Direction made under those Regulations, require the wearing of a face covering.

These Regulations come into force on the 13th February, 2021, and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

DIRECTION NO. 3 OF 2021

Direction of the Civil Contingencies Authority under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021.

This Direction is issued by the Civil Contingencies Authority in exercise of its powers under regulation 18(1)(a), (b) and (d) and 19(3) of the above regulations and all other powers enabling it and following consultation with the Medical Officer of Health:-

1. Prohibition on entering and remaining on premises.

(1) A person shall not enter or remain on any premises of a type set out in Part 1 of the First Annex.

(2) Paragraph (1) shall not apply to –

(a) an essential worker or lone worker who –

- (i) subject to social distancing, enters or remains on premises for the purpose of discharging his or her work functions, and
- (ii) where undertaking delivery work, observes the requirements set out in the Second Annex ,

(b) (other than in the case of premises referred to in paragraph 10 of Part 1 of the First Annex) –

- (i) the owner or occupier of the premises,
- (ii) any person who usually works at or on the premises or who is responsible for the management of the premises,

and who, subject to social distancing, enters or remains on the premises solely for the purpose of –

- (A) securing them,
- (B) carrying out or having carried out essential maintenance or repair work to the premises, or
- (C) taking measures to ensure that the premises can continue to be used for the purpose for which they were used immediately before 23rd January 2021,

- (c) in the case of premises referred to in paragraph 10 of Part 1 of the First Annex –
 - (i) the owner or occupier of the premises, any person who usually works at or on the premises or who is responsible for the management of the premises, and
 - (ii) any person who is residing lawfully at or on the premises,
- (d) any person authorised by the Authority or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Authority or Medical Officer of Health, as the case may be, shall specify, and
- (e) the persons, in the circumstances and subject to the conditions, described in the Third Annex.

2. Prohibition on events, gatherings and meetings of more than 2 persons.

(1) The owner or occupier of any premises must not allow an event, gathering or meeting consisting of more than 2 persons, to take place at or on the premises.

(2) A person must not organise or hold an event, gathering or meeting consisting of more than 2 persons to take place at or on any premises.

(3) A person must not participate in an event, gathering or meeting of more than 2 persons, which is taking place at or on any premises.

3. Exemption from paragraph 2.

The prohibition under paragraph 2 shall not apply:

- (a) where the event, gathering or meeting involves persons who enter or remain on premises in circumstances where paragraph 1(1) does not apply further only to its disapplication under paragraph 1(2),
- (b) where the event, gathering or meeting consists only of members of the same household and takes place in a dwelling,
- (c) where the event, gathering or meeting –
 - (i) consists only of members of the same household,
 - (ii) takes place outside a dwelling, and

- (iii) is allowed, organised or participated in, for any of the following purposes –
 - (A) shopping for basic necessities, for example food and medicine,
 - (B) walking, cycling, running, sea swimming or taking part in other open sea activities for the purpose of health and welfare for up to 2 hours every day provided that if sea swimming or sea activities are undertaken they may be undertaken with one other person (who is not a member of the same household) present, for safety reasons, provided social distancing is observed and maintained,
 - (C) attending a medical or dental appointment,
 - (D) obtaining any product from a pharmacy, or
 - (E) providing care or to help a vulnerable person,
- (d) where the event, gathering or meeting –
 - (i) is of a type described in the Fourth Annex,
 - (ii) consists of persons –
 - (A) (other than in the cases described in paragraphs 7 and 8 of the Fourth Annex) of a type described in the Fifth Annex,
 - (B) who are attending the event, gathering or meeting for the purpose, and subject to the conditions, set out in the Fourth Annex, and
 - (iii) involves –
 - (A) maintenance of social distancing by, and
 - (B) where reasonably practicable, the provision of adequate handwashing facilities for,

persons attending the event, gathering or meeting,
- (e) where the event, gathering or meeting –
 - (i) consists only of members of –

- (A) 2 households, or
- (B) 2 households plus any child subject to shared caring arrangements involving another household,

one or both of which households satisfy one or more of the criteria set out in Part 1 of the Sixth Annex, and

- (ii) takes place in accordance with –
 - (A) an exclusive support bubble arrangement between the members of the households involved, and
 - (B) such guidance, advice or other measures as the Authority or Medical Officer of Health may, from time to time, publish for the observance by persons attending an event, gathering or meeting further to a support bubble arrangement, or
- (f) where the event, gathering or meeting is authorised by the Authority or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Authority or Medical Officer of Health, as the case may be, shall specify.

4. **Compulsory wearing of face coverings.**

The provisions relating to the compulsory wearing of face coverings set out in Part 1 of the Seventh Annex shall have effect.

5. **Interpretation.**

In this Direction –

an "**essential worker**" means a worker –

- (a) of a type, or who works in a business of a type, described in the Fifth Annex, and
- (b) who, if undertaking deliveries, observes the requirements set out in the Second Annex,

an "**exclusive support bubble arrangement**" means an arrangement of a type described in Part 2 of the Sixth Annex,

"**hand washing facilities**" includes facilities that enable the use of hand sanitising products,

"intoxicating liquor" has the same meaning as it does for the purposes of the Liquor Licensing Ordinance, 2006,

"licensed premises" has the same meaning as it does for the purposes of the Liquor Licensing Ordinance, 2006,

"lone worker" means an individual who discharges his or her work functions in their place of work unaccompanied,

a person occupies a dwelling as a **"member of the same household"** as another person if –

- (a) that person –
 - (i) normally occupies the dwelling,
 - (ii) is occupying the dwelling on a temporary basis (with the intention of remaining in occupation for the duration of any emergency measures relating to the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19) for reasons associated with –
 - (A) the risk to public health caused by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, or
 - (B) some other risk to human welfare associated with those measures, or
 - (iii) is a child in respect of whom shared parenting arrangements are in place, the child occupies the dwelling, and the dwelling is owned or occupied by a person with parental responsibility for that child, and
- (b) that person is related to the other members of the household (by blood, marriage or adoption) or is treated by members of that household as a member of the household,

"public transport service" means -

- (a) in relation to Guernsey a public transport service consisting of motor vehicles which are licenced under the Public Transport Ordinance, 1986,
- (b) in relation to Alderney, a public transport service consisting of public vehicles which are licensed under the Alderney Road Traffic and Public

Highways Ordinance, 1966, and

- (c) in relation to Sark, horse or vehicle drawn carriages which members of the public are carried on for reward,

"**relevant child**" means a child who is aged 12 or over,

"**relevant premises**" means any premises of a type set out in Part 2 of the Seventh Annex,

"**social distancing**" in relation to a person ("**P**") means, wherever reasonably practicable, the observance and maintenance by P of a distance of at least 2 metres from another person, other than a person who is a member of P's household, and

"**vulnerable person**" includes –

- (a) a person under the age of 18 years, and
- (b) a person above the age of 18 years who, by reason of mental or other disability, age, illness, or other situation is permanently or for the time being unable to take care of him or herself, or to protect him or herself against significant harm or exploitation.

6. Revocation of Direction No. 2 of 2021.

(1) Direction No. 2 of 2021 made by the Authority on Friday 4th February, 2021 is revoked.

(2) Anything done under or for the purposes of Direction No. 2 before the commencement of this Direction shall, to the extent that the same is required or authorised to be done under or for the purposes of this Direction, have effect as if done under or for the purposes of the equivalent provision of this Direction.

(3) Anything in the process of being done under or for the purposes of Direction No. 2 before the commencement of this Direction may, to the extent that the same is required or authorised to be done under or for the purposes of this Direction, be continued to be done under or for the purposes of the equivalent provision of this Direction.

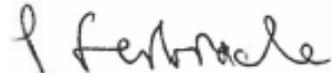
7. Application.

This Direction applies throughout the Bailiwick.

8. Duration.

This Direction has effect from Saturday 13th February, 2021 until 23.59 hours on Friday 26th February 2021.

Dated this 11th day of February, 2021

A handwritten signature in black ink, appearing to read 'P. T. R. Ferbrache'. The signature is written in a cursive style with a large initial 'P'.

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

PART 1

Premises

1. Licensed premises.
2. Cinemas and theatres.
3. Restaurants, cafes, takeaways and kiosks.
4. Retail outlets, other than those essential retail outlets set out in Part 2.
5. Libraries.
6. Community and youth centres.
7. Indoor and outdoor leisure facilities.
8. Community places within parks.
9. Places of worship.
10. Hotels, guest houses, any other premises used for the purpose of the provision of sleeping accommodation, board, lodging or board and lodging for reward and campsites.

PART 2

Paragraph 3

Essential retail outlets

Retail and wholesale premises of the following types, or from which the following types of business are conducted –

1. Retail and wholesale sale of food, beverages (including intoxicating liquor) and newspapers.
2. Retail sale of household consumer products necessary to maintain the safety and sanitation of residences and businesses.
3. Pharmacies/chemists and retailers providing pharmaceuticals, pharmaceutical or dispensing services.
4. Fuel stations and heating fuel providers.
5. Retail sale of essential items for the health and welfare of animals, including animal

feed and medicines, animal food, pet food and animal supplies including bedding.

6. Laundries

7. Banks, loan agencies, insurance brokers and post offices.

Requirements for deliveries

1. Goods must be packed for delivery in line with social distancing and hygiene guidelines, including the wearing of gloves.
2. Deliveries must take place as part of a planned itinerary, and goods must not be sold by delivery drivers to other parties.
3. Deliveries must be undertaken by no more than one person wearing gloves.
4. A 70% alcohol hand gel should be rubbed on the gloves between deliveries.
5. Delivered goods must be left on the doorsteps of premises or in an agreed outside place – there must be no direct customer interaction.

Disapplication of prohibition on entering and remaining on premises

When exercising rights under this Annex, repair and maintenance personnel, persons attending a funeral and States Members on States premises for the purpose of attending remote meetings of the States of Deliberation must adopt practices designed to minimise, wherever possible and practical, risks to health, including –

- (a) maintenance of social distancing,
- (b) regular washing of hands, and
- (c) such other measures as –
 - (i) may be indicated in the following paragraphs, and
 - (ii) the Authority or Medical Officer of Health may from time to time specify in guidance.

1. Essential emergency home and building repair and maintenance

Plumbers, electricians, roofers, scaffolders and all others ("**repair and maintenance personnel**") who reasonably and necessarily provide essential emergency home and building repair and maintenance services.

2. Funerals

Up to 10 persons (excluding, essential workers and any person or official responsible for conducting any ceremony) who enter and remain on any premises for the purpose of a funeral ceremony.

3. Attendance by States Members at States premises for purposes of remote meetings of the States

Members of the States who enter and remain on premises owned or occupied by the States of Guernsey for the purpose of attending remote meetings of the States of Deliberation.

Disapplication of prohibition on events, gatherings and meetings

The following provisions of this Annex apply subject to such other measures as the Authority or Medical Officer of Health may from time to time specify in guidance.

1. Essential workers and customers etc.

An event, gathering or meeting of essential workers who are attending the event, gathering or meeting solely for the purpose of discharging their work functions, together with –

- (a) customers, patients and other persons in receipt of goods or services from the workers in question, and
- (b) suppliers to the premises from which the functions are carried out.

2. Essential retail outlets

An event, gathering or meeting, at or on a retail outlet of a type set out in Part 2 of the First Annex, attended by persons who –

- (a) usually work at or on the premises, or
- (b) are customers or suppliers of the outlets, and

are present solely for the purpose of selling, purchasing and providing goods and services of a type usually sold, purchased or provided in the course of a business operated from the outlet in question.

3. Opticians, optometrists and audiologists

An event, gathering or meeting, at or on premises used for the business of optician, optometrist or audiologist, attended by persons who –

- (a) usually work at the premises, or
- (b) are customers, clients or patients of the business, and

are present for the purpose of the provision or receipt of essential emergency treatment.

4. Office premises

(1) An event, gathering or meeting of no more than 2 persons, at or on office premises, subject to the conditions in subparagraph (2).

- (2) The conditions are that –
- (a) the persons attending –
 - (i) usually work at the premises,
 - (ii) are members of the same household,
 - (b) the attendance of the persons referred to in items (a) (i) and (ii) is necessary for the functioning of the business carried out from the premises in question,
 - (c) the work usually undertaken by those persons cannot be carried out satisfactorily without their attendance at the premises, and
 - (d) all persons attending operate within specific areas or zones which are intended to maintain and, where possible, maximise social distancing.

5. Maintenance, repairs etc. of cars, motorcycles, bicycles and boats

(1) An event, gathering or meeting at premises used for the purpose of car, motorcycle, bicycle and/or boat maintenance, repair or building, subject to the conditions in subparagraph (2).

- (2) The conditions are that –
- (a) wherever possible, maintenance and other services are provided by one person per vehicle or boat,
 - (b) no more than 2 vehicle and boat maintenance or repair personnel are present on any premises from which maintenance and other services are provided, except where–
 - (i) the personnel are all members of the same household, or
 - (ii) the services are provided within specific areas or zones which are intended to maintain and, where possible, maximise social distancing,
 - (c) vehicles and boats are suitably cleaned before and after completion of work, and
 - (d) any work undertaken is, in the opinion of the person undertaking the work, essential.

6. Building wholesale and supply, manufacturing and warehouses

(1) An event, gathering or meeting, of no more than 5 persons (excluding customers present in accordance with subparagraph (2)(e)), at or on relevant premises, subject to the conditions in subparagraph (2).

(2) The conditions are that –

(a) the persons attending –

(i) usually work at the premises, or

(ii) are members of the same household,

(b) the attendance of those persons is necessary for the functioning of the business operated from the premises in question,

(c) the work usually undertaken by those persons cannot be carried out satisfactorily without their attendance at the premises,

(d) the persons attending operate within specific areas or zones which are intended to maintain and, where possible, maximise social distancing, and

(e) the number of customers who are present on the premises at any one time is limited and controlled in order to maintain social distancing.

(3) For the purpose of this paragraph, "relevant premises" means premises used for the businesses of building wholesale and supply, manufacturing or warehousing.

7. Essential emergency home and building repair and maintenance

Plumbers, electricians, roofers, scaffolders and all others ("**repair and maintenance personnel**") who reasonably and necessarily provide essential emergency home and building repair and maintenance services.

8. Attendance by States Members at States premises for purposes of remote meetings of the States

Members of the States who enter and remain on premises owned or occupied by the States of Guernsey for the purpose of attending remote meetings of the States of Deliberation.

Essential worker**Private sector**

- - Businesses and workers ESSENTIAL to the functioning of any activity necessary to:
 - Ensure the continuing supply and accessibility of food and other essential goods including
 - ❖ Supermarkets and grocery stores
 - ❖ Air and sea freight transport
 - ❖ Stevedores and other necessary port management activities
 - ❖ Freight operators
 - Ensure the continuing supply and accessibility of veterinary and animal health and husbandry services
 - Ensuring continuing health and community care services including
 - ❖ GP surgeries/medical practices
 - ❖ Pharmacies
 - ❖ Residential and nursing homes
 - ❖ Private and third sector agencies providing care services in a home or other setting (including the care of animals)
 - ❖ Volunteers that provide services to those in need (Meals on Wheels, Samaritans, etc)
 - ❖ Those responsible for management of the deceased or services celebrating, commemorating or otherwise recognising the life and/or death of a person
 - Those essential to the administration of justice
 - ❖ Advocates and staff
 - Those providing private school services and daytime childcare
 - ❖ Private primary and secondary schools
 - ❖ Nurseries and day-care services
 - Maintain critical national infrastructure (essential staff)
 - ❖ Utilities (water, electricity, gas, oil, post)
 - ❖ Telecoms providers (essential staff required to deliver mobile and fixed line telecommunication services)
 - ❖ Coastal defences

- Maintain public transport
 - ❖ Bus operators and school transport providers
- Public service broadcasters and other mainstream news media
- Banking services
 - ❖ Staff that are critical to providing branch-based services to enable cash and other financial transactions
 - ❖ Staff involved in maintaining critical economic infrastructure that requires on-site systems access
- Services that ensure the cleanliness and hygiene of working environments that can be undertaken while adhering to social distancing guidelines

Private sector employers falling within the above categories should determine which roles are essential to the ability to maintain critical services.

Public service

- - Workers ESSENTIAL to the DELIVERY OF CRITICAL SERVICES by:
 - ❖ Courts and Judicial Services
 - ❖ Health and Social Care
 - ❖ Education
 - ❖ Emergency Services (Law Enforcement, Ambulance, Fire and Coastguard)
 - ❖ Prison
 - ❖ Law Officers
 - ❖ States Works
 - ❖ Guernsey Waste
 - ❖ Ports
 - ❖ Regulatory roles directly related to financial stability and banking supervision
 - ❖ Treasury
 - ❖ Social Security

Additionally –

- (a) any ancillary staff from the private or public sectors who are essential to supporting the States of Guernsey's response to COVID-19,
- (b) in the case of Alderney, civil servants or office holders specified by the Policy and Finance Committee of the States of Alderney, and
- (c) in the case of Sark, civil servants or office holders specified by the Policy and Finance Committee of the Chief Pleas of Sark.

SIXTH ANNEX

Part 1

Paragraph 3(e)

Support bubble – household criteria

The criteria for a household for the purposes of paragraph 3(e) are that the household is –

- (a) a household consisting of one adult only;
- (b) a household consisting of one adult only, plus –
 - (i) a child or children who is or are under the age of 18 years, and/or
 - (ii) a vulnerable person aged 18 years or over for whom that adult provides continuous care;
- (c) a household which includes a member who is a child under the age of one;
- (d) a household which includes a member who is a child under 5 years of age with a disability that requires continuous care (regardless of how many other adults are in the household); or
- (e) a household which includes a member who requires to move to another household to support their physical and/or mental wellbeing.

Part 2

Paragraph 5

Exclusive support bubble arrangement

1. Subject to the following paragraphs of this Annex, an exclusive support bubble arrangement is an exclusive arrangement agreed by all the members (other than persons under the age of 18 years) of the households concerned to meet or gather in a dwelling occupied by one or other of the households concerned, as if they (and any child subject to shared caring arrangements involving another household) were all members of the same household.

2. An exclusive support bubble arrangement cannot be agreed in respect of any household where a member of the household –

- (a) is subject to a restriction or requirement imposed by the Medical Officer of Health under Part I of the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021 ("the Emergency Powers Regulations") or is exhibiting symptoms of COVID-19,

- (b) has been subject to such a restriction or requirement or has exhibited such symptoms within the last 14 days, or
- (c) is self-isolating further to a requirement to do so under the Emergency Powers Regulations or is self-isolating for some other reason.

3. An exclusive support bubble arrangement comes to an end if a member of a household becomes subject to a restriction or requirement imposed by the Medical Officer of Health under Part I of the Emergency Powers Regulations, or exhibits symptoms of COVID-19.

4. If an exclusive support bubble arrangement ("the former arrangement") comes to an end, a new arrangement may not be formed until –

- (a) at least 14 days have expired since the former arrangement came to an end, and
- (b) the members of the households subject to the former arrangement have, since the former arrangement came to an end, lived separately as part of their original households.

SEVENTH ANNEX

Paragraph 4

Part 1

Compulsory wearing of face coverings

Whilst entering or remaining on relevant premises

1. Requirement to wear a face covering whilst entering or remaining on relevant premises.

(1) Subject to subparagraph (2), no person may, without reasonable excuse, enter or remain within relevant premises without wearing a face covering.

(2) The requirement in subparagraph (1) does not apply –

- (a) to a child who is under the age of 12,
- (b) to a person responsible for relevant premises or an employee of that person acting in the course of their employment,
- (c) to any other person providing services in the relevant premises under arrangements made with the person responsible for the relevant premises, or

- (d) to an essential worker who has entered or remained in the relevant premises for the purpose of discharging their work functions or whilst acting in the course of their duties.

2. Reasonable excuse for the purposes of paragraph 1.

For the purposes of paragraph 1(1), the circumstances in which a person (“P”) has a reasonable excuse include those where -

- (a) P cannot put on, wear or remove a face covering -
 - (i) because of any physical or mental illness or impairment, or disability, or
 - (ii) without severe distress,
- (b) P is accompanying, or providing assistance to, another person (“B”) and B relies on lip reading to communicate with P,
- (c) P removes their face covering to avoid harm or injury, or the risk of harm or injury, to themselves or others,
- (d) P is entering or within relevant premises to avoid injury, or to escape a risk of harm, and does not have a face covering with them,
- (e) it is reasonably necessary for P to eat or drink and P removes their face covering to eat or drink,
- (f) P has to remove their face covering for the purpose of medical or dental treatment or to take medication,
- (g) a person responsible for relevant premises or an employee of that person acting in the course of his or her employment, requires that P remove their face covering in order to verify P’s identity,
- (h) in a pharmacy, an employee of that pharmacy acting in the course of his or her employment, requires that P remove their face covering in order to assist in the provision of healthcare or healthcare advice to P, and
- (i) a police officer requests that P remove their face covering.

Where using a public transport system

3. Requirement to wear a face covering whilst on public transport.

(1) Subject to subparagraph (2), no person may, without reasonable excuse, use a public transport service without wearing a face covering.

(2) For the purposes of subparagraph (1), a person is using a public transport service at any time when -

- (a) they are boarding any vehicle by means of which a public transport service is provided, or
- (b) they are (whether or not for the purposes of travel) on board any vehicle by means of which a public transport service is provided.

(3) The requirement in subparagraph (1) does not apply -

- (a) to a child who is under the age of 12,
- (b) to an employee of the operator of the relevant public transport service acting in the course of his or her employment,
- (c) to any other person providing services under arrangements made with the operator of the relevant public transport service who is providing those services,
- (d) to an essential worker discharging their work functions or whilst acting in the course of their duties.

4. Reasonable excuse for the purposes of paragraph 4.

For the purposes of paragraph 3(1), the circumstances in which a person (“P”) has a reasonable excuse include those where—

- (a) P cannot put on, wear or remove a face covering—
 - (i) because of any physical or mental illness or impairment, or disability, or
 - (ii) without severe distress,
- (b) P is travelling with, or providing assistance to, another person (“B”) and B relies on lip reading to communicate with P,
- (c) P removes their face covering to avoid harm or injury, or the risk of harm or injury, to themselves or others,
- (d) P is travelling to avoid injury, or to escape a risk of harm, and does not have a face covering with them,
- (e) it is reasonably necessary for P to eat or drink and P removes their face covering to eat or drink,

- (f) P has to remove their face covering to take medication,
- (g) a relevant person requests that P remove their face covering.

Part 2

Relevant Premises

1. Shops
2. Supermarkets
3. Pharmacies
4. Banks
5. Post Offices
6. Petrol Stations
7. Airport Terminals
8. Harbour Terminals
9. GP Surgeries
10. Princess Elizabeth Hospital
11. Dental Surgeries
12. Health Clinics and Allied Health Services
13. Residential and Nursing Homes
14. Crematoriums and Funeral Directors' Premises

DIRECTION NO. 4 OF 2021

Direction of the Civil Contingencies Authority under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021.

This Direction is issued by the Civil Contingencies Authority in exercise of its powers under regulation 18(1)(a), (b) and (c) and 19(3) of the above regulations and all other powers enabling it and following consultation with the Medical Officer of Health:-

1. Variation of Direction No. 3.

(1) Direction No. 3 of 2021 made by the Authority on Thursday 11th February, 2021 is varied as follows.

(2) In paragraph 5, immediately after the definition of "relevant child", insert –

""**relevant person**" means –

(a) a police officer, and

(b) in relation to a public transport service, includes –

(i) the operator of the service, or

(ii) any employee or agent of the operator who is authorised by the operator for the purpose of this Direction,".

(3) In Part 1 of the Seventh Annex, immediately after paragraph 1(2), insert the following subparagraph –

"(2A) The exceptions from the requirement to wear a face covering provided in paragraph 1(2)(b) or (c) do not apply to any person who, when acting in the course of their employment or providing services under arrangements made with the person responsible for any relevant premises, is in any part of the relevant premises which are open to the public, and comes or is likely to come within close contact of any member of the public."

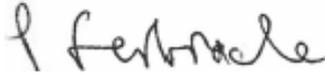
2. Application.

This Direction applies throughout the Bailiwick.

3. Duration.

This Direction has effect from Tuesday 16th February, 2021 until 23.59 hours on Friday 26th February 2021.

Dated this 16th day of February, 2021

A handwritten signature in black ink, appearing to read 'P. T. R. Ferbrache', is centered on the page.

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

Explanatory Note

Direction No. 4 is made by the Civil Contingencies Authority ("the Authority") on 16th February, 2021 further to powers conferred on it by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021 as made by the Authority under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012.

The Direction varies Direction No. 3, as made by the Authority on 11th February 2021 in 2 respects.

First it inserts a definition of "relevant person" into the interpretation provision. The phrase means a police officer and includes, in relation to a public transport system, the operator of the system or any employee or agent of the operator who is authorised by the operator for the purpose of the Direction. The effect of the variation is that it is a reasonable excuse for a person not to wear a face covering in circumstances where a relevant person has requested the person to remove the covering.

Second, it varies Part 1 of the Seventh Annex to Direction No. 3. The variation clarifies that the exceptions from the requirement to wear a face covering provided in paragraph 1(2)(b) or (c) of Part 1 of the Seventh Annex to the Direction, do not apply to any person who, when acting in the course of their employment or providing services under arrangements made with the person responsible for any relevant premises, is in any part of the relevant premises which are open to the public, and comes or is likely to come within close contact of any member of the public.

The variation expires at the same time as Direction No. 3 namely, at 2359 hours on Friday 26th February 2021.

DIRECTION NO. 5 OF 2021

Direction of the Civil Contingencies Authority under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021.

This Direction is issued by the Civil Contingencies Authority in exercise of its powers under regulation 18(1)(a), (b) and (d) and 19(3) of the above regulations and all other powers enabling it and following consultation with the Medical Officer of Health:-

1. Prohibition on entering and remaining on premises.

(1) A person shall not enter or remain on any premises of a type set out in Part 1 of the First Annex.

(2) Paragraph (1) shall not apply to –

(a) an essential worker or lone worker who –

- (i) subject to social distancing, enters or remains on premises for the purpose of discharging his or her work functions, and
- (ii) where undertaking delivery work, observes the requirements set out in the Second Annex,

(b) (other than in the case of premises referred to in paragraph 10 of Part 1 of the First Annex) –

- (i) the owner or occupier of the premises,
- (ii) any person who usually works at or on the premises or who is responsible for the management of the premises,

and who, subject to social distancing, enters or remains on the premises solely for the purpose of –

- (A) securing them,
- (B) carrying out or having carried out essential maintenance or repair work to the premises, or
- (C) taking measures to ensure that the premises can continue to be used for the purpose for which they were used immediately before 23rd January 2021,

- (c) in the case of premises referred to in paragraph 10 of Part 1 of the First Annex –
 - (i) the owner or occupier of the premises, any person who usually works at or on the premises or who is responsible for the management of the premises, and
 - (ii) any person who is residing lawfully at or on the premises,
- (d) any person authorised by the Authority or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Authority or Medical Officer of Health, as the case may be, shall specify, and
- (e) the persons, in the circumstances and subject to the conditions, described in the Third Annex.

2. Prohibition on events, gatherings and meetings of more than 2 persons.

(1) The owner or occupier of any premises must not allow an event, gathering or meeting consisting of more than 2 persons, to take place at or on the premises.

(2) A person must not organise or hold an event, gathering or meeting consisting of more than 2 persons to take place at or on any premises.

(3) A person must not participate in an event, gathering or meeting of more than 2 persons, which is taking place at or on any premises.

3. Exemption from paragraph 2.

The prohibition under paragraph 2 shall not apply:

- (a) where the event, gathering or meeting involves persons who enter or remain on premises in circumstances where paragraph 1(1) does not apply further only to its disapplication under paragraph 1(2),
- (b) where the event, gathering or meeting consists only of members of the same household and takes place in a dwelling,
- (c) where the event, gathering or meeting –
 - (i) consists only of members of the same household or expanded bubble arrangement,
 - (ii) takes place outside a dwelling, and

- (iii) is allowed, organised or participated in, for any of the following purposes –
 - (A) shopping for basic necessities, for example food and medicine,
 - (B) walking, cycling, running, sea swimming or taking part in other open sea activities for the purpose of health and welfare for up to 4 hours every day provided that if sea swimming or sea activities are undertaken they may be undertaken with one other person (who is not a member of the same household or expanded bubble arrangement) present, for safety reasons, provided social distancing is observed and maintained,
 - (C) attending a medical or dental appointment,
 - (D) obtaining any product from a pharmacy, or
 - (E) providing care or to help a vulnerable person,
- (d) where the event, gathering or meeting –
 - (i) is of a type described in the Fourth Annex,
 - (ii) consists of persons –
 - (A) (other than in the cases described in paragraphs 7 and 8 of the Fourth Annex) of a type described in the Fifth Annex,
 - (B) who are attending the event, gathering or meeting for the purpose, and subject to the conditions, set out in the Fourth Annex, and
 - (iii) involves –
 - (A) maintenance of social distancing by, and
 - (B) where reasonably practicable, the provision of adequate handwashing facilities for,

persons attending the event, gathering or meeting,
- (e) where the event, gathering or meeting –
 - (i) consists of up to 5 persons,

- (ii) takes place outdoors and not within the confines of a dwelling or any other premises, and
 - (iii) involves the maintenance of social distancing by persons attending the event, gathering or meeting,
- (f) where the event, gathering or meeting –
- (i) consists only –
 - (A) of members of 2 households, or
 - (B) of members of 2 households plus any child subject to shared caring arrangements involving another household, and
 - (ii) takes place in a dwelling, occupied by one or other of the households concerned, in accordance with –
 - (A) an exclusive expanded bubble arrangement, and
 - (B) such guidance, advice or other measures as the Authority or Medical Officer of Health may, from time to time, publish for the observance by persons attending an event, gathering or meeting further to an exclusive expanded bubble arrangement, or
- (g) where the event, gathering or meeting is authorised by the Authority or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Authority or Medical Officer of Health, as the case may be, shall specify.

4. **Compulsory wearing of face coverings.**

The provisions relating to the compulsory wearing of face coverings set out in Part 1 of the Seventh Annex shall have effect.

5. **Interpretation.**

In this Direction and its Annexes –

an "**essential worker**" means a worker –

- (a) of a type, or who works in a business of a type, described in the Fifth Annex, and

- (b) who, if undertaking deliveries, observes the requirements set out in the Second Annex,

"**an exclusive expanded bubble arrangement**" has the meaning set out in the Sixth Annex,

"**hand washing facilities**" includes facilities that enable the use of hand sanitising products,

"**intoxicating liquor**" has the same meaning as it does for the purposes of the Liquor Licensing Ordinance, 2006,

"**licensed premises**" has the same meaning as it does for the purposes of the Liquor Licensing Ordinance, 2006,

"**lone worker**" means an individual who discharges his or her work functions in their place of work unaccompanied,

a person occupies a dwelling as a "**member of the same household**" as another person if –

- (a) that person –
 - (i) normally occupies the dwelling,
 - (ii) is occupying the dwelling on a temporary basis (with the intention of remaining in occupation for the duration of any emergency measures relating to the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19) for reasons associated with –
 - (A) the risk to public health caused by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, or
 - (B) some other risk to human welfare associated with those measures, or
 - (iii) is a child in respect of whom shared parenting arrangements are in place, the child occupies the dwelling, and the dwelling is owned or occupied by a person with parental responsibility for that child, and
- (b) that person is related to the other members of the household (by blood, marriage or adoption) or is treated by members of that household as a member of the household,

the "**notification requirement**" means a requirement –

- (a) to notify the Director of Environmental Health and Pollution Regulation and the Medical Officer of Health by completion and electronic submission of the Business Notification Form accessible via the States of Guernsey GOV.GG website, and
- (b) to notify those office holders of any change in the details submitted in the Business Notification Form,

"**public transport service**" means -

- (a) in relation to Guernsey a public transport service consisting of motor vehicles which are licenced under the Public Transport Ordinance, 1986,
- (b) in relation to Alderney, a public transport service consisting of public vehicles which are licensed under the Alderney Road Traffic and Public Highways Ordinance, 1966, and
- (c) in relation to Sark, horse or vehicle drawn carriages which members of the public are carried on for reward,

"**relevant child**" means a child who is aged 12 or over,

"**relevant person**" means –

- (a) a police officer, and
- (b) in relation to a public transport service, includes –
 - (i) the operator of the service, or
 - (ii) any employee or agent of the operator who is authorised by the operator for the purpose of this Direction,

"**relevant premises**" means any premises of a type set out in Part 2 of the Seventh Annex,

"**social distancing**" in relation to a person ("P") means, wherever reasonably practicable, the observance and maintenance by P of a distance of at least 2 metres from another person, other than a person who is a member of P's household, and

"**vulnerable person**" includes –

- (a) a person under the age of 18 years, and

- (b) a person above the age of 18 years who, by reason of mental or other disability, age, illness, or other situation is permanently or for the time being unable to take care of him or herself, or to protect him or herself against significant harm or exploitation.

6. Revocation of Directions No. 3 and No. 4 of 2021.

(1) Direction No. 3 of 2021 made by the Authority on Thursday 11th February, 2021 and Direction No. 4 of 2021 made by the Authority on 16th February 2021 are revoked.

(2) Anything done under or for the purposes of Direction No. 3 as varied by Direction No. 4 before the commencement of this Direction shall, to the extent that the same is required or authorised to be done under or for the purposes of this Direction, have effect as if done under or for the purposes of the equivalent provision of this Direction.

(3) Anything in the process of being done under or for the purposes of Direction No. 3 as varied by Direction No. 4 before the commencement of this Direction may, to the extent that the same is required or authorised to be done under or for the purposes of this Direction, be continued to be done under or for the purposes of the equivalent provision of this Direction.

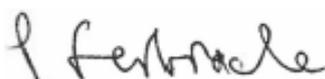
7. Application.

This Direction applies throughout the Bailiwick.

8. Commencement and duration.

- (1) This Direction commences –
 - (a) in relation to Alderney and Sark, as from Thursday 18th February, 2021, and
 - (b) in relation to Guernsey as from Monday 22nd February, 2021.
- (2) This Direction ceases to have effect at 2359 hours on Friday 26th February, 2021.

Dated this 18th day of February, 2021



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

PART 1

Premises

1. Licensed premises.
2. Cinemas and theatres.
3. Restaurants, cafes, takeaways and kiosks.
4. Retail outlets, other than those essential retail outlets set out in Part 2.
5. Libraries.
6. Community and youth centres.
7. Indoor and outdoor leisure facilities.
8. Community places within parks.
9. Places of worship.
10. Hotels, guest houses, any other premises used for the purpose of the provision of sleeping accommodation, board, lodging or board and lodging for reward and campsites.

PART 2

Paragraph 3

Essential retail outlets

Retail and wholesale premises of the following types, or from which the following types of business are conducted –

1. Retail and wholesale sale of food, beverages (including intoxicating liquor) and newspapers.
2. Retail sale of household consumer products necessary to maintain the safety and sanitation of residences and businesses.
3. Pharmacies/chemists and retailers providing pharmaceuticals, pharmaceutical or dispensing services.
4. Fuel stations and heating fuel providers.
5. Retail sale of essential items for the health and welfare of animals, including animal

feed and medicines, animal food, pet food and animal supplies including bedding.

6. Laundries

7. Banks, loan agencies, insurance brokers and post offices.

Requirements for deliveries

1. Goods must be packed for delivery in line with social distancing and hygiene guidelines, including the wearing of gloves.
2. Deliveries must take place as part of a planned itinerary, and goods must not be sold by delivery drivers to other parties.
3. Deliveries must be undertaken by no more than one person wearing gloves.
4. A 70% alcohol hand gel should be rubbed on the gloves between deliveries.
5. Delivered goods must be left on the doorsteps of premises or in an agreed outside place – there must be no direct customer interaction.

Disapplication of prohibition on entering and remaining on premises

When exercising rights under this Annex, repair and maintenance personnel, persons attending a funeral, States Members on States premises for the purpose of attending remote meetings of the States of Deliberation and those involved in low risk activities must adopt practices designed to minimise, wherever possible and practical, risks to health, including –

- (a) maintenance of social distancing,
- (b) regular washing of hands, and
- (c) such other measures and/or conditions as –
 - (i) may be indicated in the following paragraphs, and
 - (ii) the Authority or Medical Officer of Health may from time to time specify in guidance.

1. Essential emergency home and building repair and maintenance

Plumbers, electricians, roofers, scaffolders and all others ("**repair and maintenance personnel**") who reasonably and necessarily provide essential emergency home and building repair and maintenance services.

2. Funerals

Up to 10 persons (excluding, essential workers and any person or official responsible for conducting any ceremony) who enter and remain on any premises for the purpose of a funeral ceremony.

3. Attendance by States Members at States premises for purposes of remote meetings of the States

Members of the States who enter and remain on premises owned or occupied by the States of Guernsey for the purpose of attending remote meetings of the States of Deliberation.

4. Low risk activities (10 outdoor/5 indoor workers) involving no public contact

- (1) Workers –
 - (a) working on or in any building or work sites or premises, in circumstances where they have no direct or close physical contact with members of the public, and
 - (b) subject to the measures and conditions set out in subparagraph (2).

- (2) The measures and conditions are –
- (a) the works usually undertaken by the persons attending cannot be carried out satisfactorily without their attendance at the building, work site or premises (i.e. cannot be carried out satisfactorily by remote means),
 - (b) the number of workers in or on any building, work site or premises (not including any regulatory official) does not exceed –
 - (i) 10, where the building, site or premises are an outdoor location, and
 - (ii) 5, where the building, site or premises are an indoor location,
 - (c) adequate and a sufficient number of handwashing facilities and/or hand sanitisers are available for use by workers on or in any building, site or premises,
 - (d) deliveries to or from the building, site or premises concerned are undertaken in accordance with the requirements set out in the Second Annex, and
 - (e) the notification requirement is satisfied.

(3) For the purpose of this paragraph a "**regulatory official**" includes any person who discharges a building control, planning, public health, environmental health or similar function.

Disapplication of prohibition on events, gatherings and meetings

The following provisions of this Annex apply subject to such other measures as the Authority or Medical Officer of Health may from time to time specify in guidance.

1. Essential workers and customers etc.

An event, gathering or meeting of essential workers who are attending the event, gathering or meeting solely for the purpose of discharging their work functions, together with –

- (a) customers, patients and other persons in receipt of goods or services from the workers in question, and
- (b) suppliers to the premises from which the functions are carried out.

2. Essential retail outlets

An event, gathering or meeting, at or on a retail outlet of a type set out in Part 2 of the First Annex, attended by persons who –

- (a) usually work at or on the premises, or
- (b) are customers or suppliers of the outlets, and

are present solely for the purpose of selling, purchasing and providing goods and services of a type usually sold, purchased or provided in the course of a business operated from the outlet in question.

3. Opticians, optometrists and audiologists

An event, gathering or meeting, at or on premises used for the business of optician, optometrist or audiologist, attended by persons who –

- (a) usually work at the premises, or
- (b) are customers, clients or patients of the business, and

are present for the purpose of the provision or receipt of essential emergency treatment.

4. Essential emergency home and building repair and maintenance

An event, gathering or meeting on any premises attended by plumbers, electricians, roofers, scaffolders and all others ("**repair and maintenance personnel**") for the purpose of providing reasonably and necessarily required essential emergency home and building repair

and maintenance services.

5. Attendance by States Members at States premises for purposes of remote meetings of the States

An event, gathering or meeting attended by Members of the States on premises owned or occupied by the States of Guernsey for the purpose of attending remote meetings of the States of Deliberation.

6. Low risk activities (10 outdoor/5 indoor workers) involving no public contact

(1) An event, gathering or meeting in or on any building or work site or premises attended by workers –

- (a) in circumstances where they have no direct or close physical contact with members of the public, and
- (b) subject to the measures and conditions set out in subparagraph (2).

(2) The measures and conditions are –

- (a) the works usually undertaken by the persons attending cannot be carried out satisfactorily without their attendance at the building, work site or premises (i.e. cannot be carried out satisfactorily by remote means),
- (b) the number of workers on or in any building, work site or premises (not including any regulatory official) does not exceed –
 - (i) 10, where the building, site or premises are an outdoor location, and
 - (ii) 5, where the building, site or premises are an indoor location,
- (c) adequate and a sufficient number of handwashing facilities and/or hand sanitisers are available for use by workers on or in any building, site or premises,
- (d) deliveries to and/or from the building, site or premises concerned are undertaken in accordance with the requirements set out in the Second Annex, and
- (e) the notification requirement is satisfied.

(3) For the purpose of this paragraph a "**regulatory official**" includes any person who discharges a building control, planning, public health, environmental health or similar function.

Essential worker**Private sector**

- - Businesses and workers ESSENTIAL to the functioning of any activity necessary to:
 - Ensure the continuing supply and accessibility of food and other essential goods including
 - ❖ Supermarkets and grocery stores
 - ❖ Air and sea freight transport
 - ❖ Stevedores and other necessary port management activities
 - ❖ Freight operators
 - Ensure the continuing supply and accessibility of veterinary and animal health and husbandry services
 - Ensuring continuing health and community care services including
 - ❖ GP surgeries/medical practices
 - ❖ Pharmacies
 - ❖ Residential and nursing homes
 - ❖ Private and third sector agencies providing care services in a home or other setting (including the care of animals)
 - ❖ Volunteers that provide services to those in need (Meals on Wheels, Samaritans, etc)
 - ❖ Those responsible for management of the deceased or services celebrating, commemorating or otherwise recognising the life and/or death of a person
 - Those essential to the administration of justice
 - ❖ Advocates and staff
 - Those providing private school services and daytime childcare
 - ❖ Private primary and secondary schools
 - ❖ Nurseries and day-care services
 - Maintain critical national infrastructure (essential staff)
 - ❖ Utilities (water, electricity, gas, oil, post)
 - ❖ Telecoms providers (essential staff required to deliver mobile and fixed line telecommunication services)
 - ❖ Coastal defences

- Maintain public transport
 - ❖ Bus operators and school transport providers
- Public service broadcasters and other mainstream news media
- Banking services
 - ❖ Staff that are critical to providing branch-based services to enable cash and other financial transactions
 - ❖ Staff involved in maintaining critical economic infrastructure that requires on-site systems access
- Services that ensure the cleanliness and hygiene of working environments that can be undertaken while adhering to social distancing guidelines

Private sector employers falling within the above categories should determine which roles are essential to the ability to maintain critical services.

Public service

- - Workers ESSENTIAL to the DELIVERY OF CRITICAL SERVICES by:
 - ❖ Courts and Judicial Services
 - ❖ Health and Social Care
 - ❖ Education
 - ❖ Emergency Services (Law Enforcement, Ambulance, Fire and Coastguard)
 - ❖ Prison
 - ❖ Law Officers
 - ❖ States Works
 - ❖ Guernsey Waste
 - ❖ Ports
 - ❖ Regulatory roles directly related to financial stability and banking supervision
 - ❖ Treasury
 - ❖ Social Security

Additionally –

- (a) any ancillary staff from the private or public sectors who are essential to supporting the States of Guernsey's response to COVID-19,
- (b) in the case of Alderney, civil servants or office holders specified by the Policy and Finance Committee of the States of Alderney, and
- (c) in the case of Sark, civil servants or office holders specified by the Policy and Finance Committee of the Chief Pleas of Sark.

SIXTH ANNEX

Exclusive expanded bubble arrangement

Paragraph 5

1. Subject to the following paragraphs of this Annex, an exclusive expanded bubble arrangement is an exclusive arrangement agreed by all the members (other than persons under the age of 18 years) of the households concerned to meet or gather in a dwelling occupied by one or other of the households concerned, as if they (and any child subject to shared caring arrangements involving another household) were all members of the same household, for the purpose of maintaining familial or friendship connections and/or enabling the provision of care or support for persons living alone or otherwise isolated.

2. An exclusive expanded bubble arrangement cannot be agreed in respect of any household where a member of the household –

- (a) is subject to a restriction or requirement imposed by the Medical Officer of Health under Part I of the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021, or any regulations amending or replacing those Regulations ("the Emergency Powers Regulations") or is exhibiting symptoms of COVID-19,
- (b) has been subject to such a restriction or requirement or has exhibited such symptoms within the last 14 days, or
- (c) is self-isolating further to a requirement to do so under the Emergency Powers Regulations or is self-isolating for some other reason.

3. An exclusive expanded bubble arrangement comes to an end if a member of a household becomes subject to a restriction or requirement imposed by the Medical Officer of Health under Part I of the Emergency Powers Regulations, or exhibits symptoms of COVID-19.

4. If an exclusive expanded bubble arrangement ("the former arrangement") comes to an end, a new arrangement may not be formed until –

- (a) at least 14 days have expired since the former arrangement came to an end, and
- (b) the members of the households subject to the former arrangement have, since the former arrangement came to an end, lived separately as part of their original households.

Part 1

Compulsory wearing of face coverings*Whilst entering or remaining on relevant premises***1. Requirement to wear a face covering whilst entering or remaining on relevant premises.**

(1) Subject to subparagraph (2), no person may, without reasonable excuse, enter or remain within relevant premises without wearing a face covering.

(2) The requirement in subparagraph (1) does not apply –

- (a) to a child who is under the age of 12,
- (b) to a person responsible for relevant premises or an employee of that person acting in the course of their employment,
- (c) to any other person providing services in the relevant premises under arrangements made with the person responsible for the relevant premises, or
- (d) to an essential worker who has entered or remained in the relevant premises for the purpose of discharging their work functions or whilst acting in the course of their duties.

(3) The exceptions from the requirement to wear a face covering provided in paragraph 1(2)(b) or (c) do not apply to any person who, when acting in the course of their employment or providing services under arrangements made with the person responsible for any relevant premises, is in any part of the relevant premises which are open to the public, and comes or is likely to come within close contact of any member of the public.

2. Reasonable excuse for the purposes of paragraph 1.

For the purposes of paragraph 1(1), the circumstances in which a person ("P") has a reasonable excuse include those where -

- (a) P cannot put on, wear or remove a face covering -
 - (i) because of any physical or mental illness or impairment, or disability, or
 - (ii) without severe distress,

- (b) P is accompanying, or providing assistance to, another person ("B") and B relies on lip reading to communicate with P,
- (c) P removes their face covering to avoid harm or injury, or the risk of harm or injury, to themselves or others,
- (d) P is entering or within relevant premises to avoid injury, or to escape a risk of harm, and does not have a face covering with them,
- (e) it is reasonably necessary for P to eat or drink and P removes their face covering to eat or drink,
- (f) P has to remove their face covering for the purpose of medical or dental treatment or to take medication,
- (g) a person responsible for relevant premises or an employee of that person acting in the course of his or her employment, requires that P remove their face covering in order to verify P's identity,
- (h) in a pharmacy, an employee of that pharmacy acting in the course of his or her employment, requires that P remove their face covering in order to assist in the provision of healthcare or healthcare advice to P, and
- (i) a police officer requests that P remove their face covering.

Where using a public transport system

3. Requirement to wear a face covering whilst on public transport.

(1) Subject to subparagraph (2), no person may, without reasonable excuse, use a public transport service without wearing a face covering.

(2) For the purposes of subparagraph (1), a person is using a public transport service at any time when -

- (a) they are boarding any vehicle by means of which a public transport service is provided, or
- (b) they are (whether or not for the purposes of travel) on board any vehicle by means of which a public transport service is provided.

(3) The requirement in subparagraph (1) does not apply -

- (a) to a child who is under the age of 12,

- (b) to an employee of the operator of the relevant public transport service acting in the course of his or her employment,
- (c) to any other person providing services under arrangements made with the operator of the relevant public transport service who is providing those services,
- (d) to an essential worker discharging their work functions or whilst acting in the course of their duties.

4. Reasonable excuse for the purposes of paragraph 4.

For the purposes of paragraph 3(1), the circumstances in which a person (“P”) has a reasonable excuse include those where -

- (a) P cannot put on, wear or remove a face covering -
 - (i) because of any physical or mental illness or impairment, or disability, or
 - (ii) without severe distress,
- (b) P is travelling with, or providing assistance to, another person (“B”) and B relies on lip reading to communicate with P,
- (c) P removes their face covering to avoid harm or injury, or the risk of harm or injury, to themselves or others,
- (d) P is travelling to avoid injury, or to escape a risk of harm, and does not have a face covering with them,
- (e) it is reasonably necessary for P to eat or drink and P removes their face covering to eat or drink,
- (f) P has to remove their face covering to take medication, and
- (g) a relevant person requests that P remove their face covering.

Part 2

Relevant Premises

1. Shops
2. Supermarkets
3. Pharmacies
4. Banks

5. Post Offices
6. Petrol Stations
7. Airport Terminals
8. Harbour Terminals
9. GP Surgeries
10. Princess Elizabeth Hospital
11. Dental Surgeries
12. Health Clinics and Allied Health Services
13. Residential and Nursing Homes
14. Crematoriums and Funeral Directors' Premises

Explanatory Note

Direction No. 5 is made by the Civil Contingencies Authority ("the Authority") on 18th February, 2021 further to powers conferred on it by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021 as made by the Authority under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012.

It has been made following consultation with the Medical Officer of Health. It replaces and largely repeats, but with amendment, provisions included in previous Directions made by the Committee. Its intent is to give effect to Stage 1 of the exit from the "lockdown" which was put in place on 23rd January, 2021 following detection of new cases of infection with the Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19. The principal purpose of the Direction however remains prevention of the further introduction and spread within the Bailiwick of the virus.

In brief summary, the Direction prohibits persons from entering and remaining on certain premises as set out in Part 1 of the First Annex to the Direction (see numbered section 1 below), prohibits persons from attending events, gatherings and meetings of more than 2 persons (see numbered section 2 below) and provides for the compulsory wearing of face coverings (see numbered section 9 below).

1. The prohibition on entering and remaining on premises relates to premises of the types set out in Part 1 of the First Schedule (e.g. licensed premises, cinemas and theatres, restaurants, cafes, takeaways and kiosks, non-essential retail outlets, libraries, community and youth centres, indoor and outdoor leisure facilities, community places within parks, places of worship and hotels, guest houses and any other premises used for the purpose of the provision of sleeping accommodation, board, lodging or board and lodging for reward and campsites). The prohibition however has several exceptions. The key exceptions are as follows:-

- (a) essential retail outlets of the types set out in Part 2 of the First Annex, such as premises from which the business of the retail and/or wholesale sale of food, beverages and newspapers is conducted,
- (b) premises whilst essential workers or lone workers are present for the purposes of their work and subject to the requirements set out in the Second Annex relating to delivery work,
- (c) other than in the cases of hotels and guest houses, owners or occupiers of premises and any person who usually works at or on the premises or who is responsible for the management of the premises and who enters or remains on the premises solely for the purpose of securing them, carrying out or having carried out essential maintenance or repair work to the premises, or taking measures to ensure that the premises can continue to be used for the purpose for which they were used immediately before 23rd January, 2021,

- (d) in the cases of hotels and guest houses, owners or occupiers, any person who usually works at or on the premises or who is responsible for the management of the premises and any person who is residing lawfully at or on the premises,
- (e) any person authorised by the Authority or the Medical Officer of Health for such purpose and for such duration as the Authority or Medical Officer of Health, as the case may be, shall specify, and
- (f) persons referred to in the circumstances and subject to the conditions described in the Third Annex.

However, in each case, the Direction is intended to ensure that any individual who does enter and remain on premises observes "social distancing". That is defined as maintaining a distance of at least 2 metres from another person. In addition the prohibition on events, gatherings and meetings of more than 2 persons (see paragraph 2 of the Direction) applies to individuals who usually work at or on the premises or who are responsible for the management of the premises, unless further exemption applies under paragraph 3 of the Direction.

2. The prohibition on attending events, gatherings and meetings of more than 2 persons, places obligations on certain persons who might be in a position to organise or attend events etc. In particular:-

- (a) owners and/ or occupiers of any premises must not allow an event, gathering or meeting consisting of more than 2 persons, to take place at or on their premises,
- (b) a person must not organise or hold an event, gathering or meeting consisting of more than 2 persons to take place at or on any premises, and
- (c) a person must not participate in an event, gathering or meeting of more than 2 persons, which is taking place at or on any premises.

3. There are several exemptions from the prohibition described above. They are set out in paragraph 3 of the Direction. In very general terms, they are as follows:-

- (a) where the event, gathering or meeting involves people who enter or remain on premises in circumstances where paragraph 1(1) (prohibition on entering and remaining on premises), further to its disapplication under paragraph 1(2), does not apply,
- (b) where the event, gathering or meeting consists only of members of the same household and takes place in a dwelling,
- (c) where the event, gathering or meeting consists only of members of the same household or expanded bubble arrangement, takes place outside a dwelling and is allowed, organised or participated in, for a number of specific purposes

(e.g. to go shopping, walking, cycling, running, sea swimming or taking part in other open sea activities for up to 4 hours every day, attending a medical or dental appointment, obtaining any product from a pharmacy, or providing care or to help a vulnerable person),

- (d) where the event, gathering or meeting is of a type described in the Fourth Annex to the Direction and consists of the persons described in the Fifth Annex and which involves the maintenance of social distancing and the provision of adequate handwashing facilities,
- (e) where the event, gathering or meeting consists of up to 5 persons, takes place outdoors and not within the confines of a dwelling or any other premises and involves the maintenance of social distancing by persons attending the event, gathering or meeting,
- (f) where the event, gathering or meeting consists only of members of up to 2 households, or of up to 2 households plus any child subject to shared caring arrangements involving another household, and takes place in accordance with an exclusive expanded bubble arrangement (as defined in the Sixth Annex) and any relevant guidance, advice or other measures as published by the Authority or Medical Officer of Health, or
- (g) where the event, gathering or meeting is authorised by the Authority or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Authority or Medical Officer of Health, as the case may be, shall specify.

4. The Second Annex sets out a list of measures that must be observed by individuals whilst undertaking delivery work.

5. The Third Annex incorporates into the Direction, four specific circumstances in which the prohibition on entering and remaining on premises under paragraph 1(1) is disapplied. These relate to (1) essential emergency home and building repair and maintenance workers, (2) people attending funerals (subject to a limit of 10 individuals plus essential workers and officials), (3) Members of the States who enter and remain on States' premises for the purposes of attending remote meetings of the States of Deliberation and (4) workers working on or in sites or premises, in circumstances where they have no direct or close physical contact with members of the public, and subject to additional conditions, which include a limit on the numbers of workers involved of up to 10, where the site or premises are an outdoor location, and 5, where the site or premises are an indoor location.

6. The Fourth Annex is given effect under paragraph 3(d) of the Direction and disapplies some specific events, gatherings and meetings from the general prohibition on attendance at events, gatherings and meetings. These include events, gatherings and meetings involving the following individuals: -

- essential workers and persons receiving goods or services from those essential workers,
- in the case of the essential retail outlets of the types set out in Part 2 of the First Annex, persons who usually work at or on the outlet or are customers or suppliers of the outlet and are present solely for the purpose of selling, purchasing and providing goods and services of a type usually sold, purchased or provided in the course of a business operated from the outlet in question,
- persons at or on premises used for the business of optician, optometrist or audiologist and who usually work at the premises, are customers, clients or patients of the business and are present for the purpose of the provision or receipt of essential emergency treatment,
- plumbers, electricians, roofers, scaffolders and others workers on premises for the purpose of providing reasonably and necessarily required essential emergency home and building repair and maintenance services,
- Members of the States on premises owned or occupied by the States of Guernsey for the purpose of attending remote meetings of the States of Deliberation,
- workers working on or in sites or premises, in circumstances where they have no direct or close physical contact with members of the public, and subject to additional conditions, which include a limit on the numbers of workers involved of up to 10, where the site or premises are an outdoor location, and 5, where the site or premises are an indoor location.

In each case the disapplication under the Fourth Annex applies in conjunction with and subject to guidance issued by the Authority or Medical Officer of Health.

7. The Fifth Annex to the Direction contains the list of "essential workers".

8. The Sixth Annex sets out the definition of "an exclusive expanded bubble arrangement" which, in broad and simple terms, is an arrangement made between up to 2 households to meet together in one dwelling subject to conditions which include, for example, that any such arrangement comes to an end if a member of a household becomes subject to a restriction or requirement imposed by the Medical Officer of Health under the Emergency Powers Regulations, or exhibits symptoms of COVID-19.

9. The Seventh Annex deals with the compulsory wearing of face coverings. Subject to the exceptions set out in the Annex no person may, without reasonable excuse enter or remain within relevant premises or use a public transport service without wearing a face covering.

The Annex also lists circumstances that constitute a reasonable excuse. Relevant premises where wearing is compulsory are listed in Part 2 of the Annex.

10. The Direction revokes Direction No. 3 of 2021 made by the Authority on Thursday 11th February, 2021 and Direction No. 4 of 2021 made by the Authority on 16th February 2021

11. The Direction applies throughout the Bailiwick. However its provisions take effect at different times in relation to Alderney and Sark (where it commences on Thursday 18th February, 2021), and in relation to Guernsey (where it commences on Monday 22nd February, 2021). It ceases to have effect at 2359 hours on Friday 26th February, 2021.

DIRECTION NO. 7 OF 2021

(Sark)

Direction of the Civil Contingencies Authority under the Emergency Powers (Coronavirus) (General Provision) (No. 2) (Bailiwick of Guernsey) Regulations, 2021

This Direction is issued by the Authority, in exercise of its powers under regulation 18(1)(a), (b) and (d) and 19(3) of the above Regulations and following consultation with the Medical Officer of Health:-

1. Prohibitions on events, gatherings and meetings of more than 2 persons.

(1) The owner or occupier of any premises must not allow an event, gathering or meeting consisting of more than 2 persons, to take place at or on the premises.

(2) A person must not organise or hold an event, gathering or meeting consisting of more than 2 persons to take place at or on any premises.

(3) A person must not participate in an event, gathering or meeting of more than 2 persons, which is taking place at or on any premises.

2. Disapplication of prohibitions under paragraph 1.

The prohibitions under paragraph 2 –

(a) shall not apply in respect of an event, gathering or meeting of a type described in the First Annex, and

(b) are subject to such exceptions, conditions and other matters as the Authority or Medical Officer of Health may from time to time specify and publish in written guidance.

4. Compulsory wearing of face coverings.

The provisions relating to the compulsory wearing of face coverings set out in Part 1 of the Second Annex shall have effect.

5. Application.

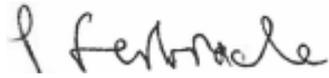
This Direction applies in Sark.

6. Commencement and duration.

This Direction commences on Thursday 25th February, 2021 and ceases to have

effect on 2359 hours on Wednesday 3rd March, 2021.

Dated this 25th day of February, 2021

A handwritten signature in black ink, appearing to read "P. T. R. Ferbrache". The signature is written in a cursive style with a large initial 'P'.

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

FIRST ANNEX

Paragraph 2.

Disapplication of prohibitions under paragraph 1

1. Members of same household.

An event, gathering or meeting attended solely by members of the same household.

2. Members of two households: exclusive expanded bubble arrangement.

An event, gathering or meeting which -

- (a) consists only –
 - (i) of members of 2 households, or
 - (i) of members of 2 households plus any child subject to shared caring arrangements involving another household, and
- (b) takes place in a dwelling, occupied by one or other of the households concerned, in accordance with –
 - (i) an exclusive expanded bubble arrangement, and
 - (ii) such guidance, advice or other measures as the Authority or Medical Officer of Health may, from time to time, publish for the observance by persons attending an event, gathering or meeting further to an exclusive expanded bubble arrangement.

3. Gatherings on qualifying premises.

An event, gathering or meeting which –

- (a) takes place on qualifying premises, and
- (b) is attended by no more than 30 qualified persons –
 - (i) who –
 - (A) where possible, comply with measures intended to maintain social distancing, and

(B) in all other circumstances, observe reduced social distancing, and

(ii) for whom adequate handwashing facilities are provided.

4. Gatherings other than on qualifying premises.

(1) An event, gathering or meeting which takes place on any premises other than qualifying premises, and which is attended by no more than 30 qualified persons (where held on licensed premises or other commercial premises, excluding the owner or occupier of the premises or any person who works at or on the premises, or who is responsible for the management of the premises), and which satisfies the conditions in subparagraph (2).

(2) The conditions are that –

(a) persons (other than persons who are members of the same household) attending the event, gathering or meeting observe –

(i) strict social distancing (including when exercising), or

(ii) reduced social distancing,

(b) where strict social distancing is not observed for the duration of the event, gathering or meeting, a responsible person –

(i) compiles, and maintains for a period of at least 14 days, a legible written record of –

(A) the date and place of the event, gathering or meeting, and

(B) the name and address or telephone number of every person attending the event, gathering or meeting, and

(ii) upon the request of an authorised person, produces the record to that authorised person,

(c) no person sings at the event, gathering or meeting,

(d) there are adequate handwashing facilities available or provided for persons attending the event, gathering or meeting, and

(e) the event, gathering or meeting is otherwise, or in addition, organised and conducted in accordance with such other or further measures as the Authority or Medical Officer of Health may from time to time specify and publish in guidance.

5. Other gatherings authorised by the Authority or the Medical Officer of Health.

An event, gathering or meeting which is authorised by the Authority or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Authority or Medical Officer of Health, as the case may be, shall specify in writing.

6. Interpretation: general.

In this Annex -

an "**authorised person**" means –

- (a) the Director of Environmental Health and Pollution Regulation,
- (b) the Medical Officer of Health,
- (c) a police officer, or
- (d) the Constable, the Vingtenier or an Assistant Constable,

"**exclusive expanded bubble arrangement**" has the meaning given in paragraph 7 below,

"**hand washing facilities**" includes facilities that enable the use of hand sanitising products,

"**licensed premises**" has the meaning given in the Liquor Licensing (General Provisions) (Sark) Ordinance, 1979,

a person occupies a dwelling as a "**member of the same household**" as another person if -

- (a) that person –
 - (i) normally occupies the dwelling, or
 - (ii) is occupying the dwelling on a temporary basis (with the intention of remaining in occupation for the duration of any emergency measures relating to the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19) for reasons associated with –
 - (A) the risk to public health caused by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, or

- (B) some other risk to human welfare associated with those measures, or
- (iii) is a child in respect of whom shared parenting arrangements are in place, the child occupies the dwelling, and the dwelling is owned or occupied by a person with parental responsibility for that child, and
- (b) that person is related to the other members of the household (by blood, marriage or adoption) or is treated by members of that household as a member of the household,

the "**notification requirement**" means a requirement –

- (a) to notify the Director of Environmental Health and Pollution Regulation and the Medical Officer of Health by completion and electronic submission of the Business Notification Form accessible via the States of Guernsey GOV.GG website, and
- (b) to notify those office holders of any change in the details submitted in the Business Notification Form,

a "**qualified person**" means any person, other than a person who –

- (a) is subject to a restriction or requirement imposed by the Medical Officer of Health under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020 or any regulations amending or replacing those Regulations, or is exhibiting symptoms of Covid-19, or
- (b) has been subject to such a restriction or requirement or has exhibited such symptoms within the last 14 days,

"**qualifying premises**" means –

- (a) relevant premises which are maintained in conformity with standards of hygiene in written guidance applicable to the type of premises and published by the Authority or Medical Officer of Health from time to time, and
- (b) in respect of which, other than in the case of a school, the notification requirement is satisfied,

"**reduced social distancing**" in relation to a person ("P") means, wherever reasonably practicable, the observance and maintenance by P of a distance of at least one metre from another person, other than a person who is a member of P's household,

"**relevant premises**" means premises used for the purpose of an office, cinema, theatre, school, retail outlet, library, community or youth centre, indoor or outdoor leisure facility, factory, warehouse, place of worship, hotel, guest house, campsite or the provision of sleeping accommodation, board, lodging or board and lodging for reward,

"**responsible person**" means, in relation to an event, gathering or meeting –

- (a) the owner or occupier of the premises upon which the event, gathering or meeting takes or has taken place,
- (b) the person responsible for organising or holding the event, gathering or meeting, or
- (c) any other person, appointed in writing for the purpose, by a person of a description falling in paragraph (a) or (b), and

"**strict social distancing**" in relation to a person ("P") means the observance and maintenance by P of a distance of at least 2 metres from another person, other than a person who is a member of P's household.

7. **Interpretation: exclusive expanded bubble arrangement.**

(a) Subject to the following subparagraphs, an "**exclusive expanded bubble arrangement**" is an exclusive arrangement agreed by all the members (other than persons under the age of 18 years) of the households concerned to meet or gather in a dwelling occupied by one or other of the households concerned, as if they (and any child subject to shared caring arrangements involving another household) were all members of the same household, for the purpose of maintaining familial or friendship connections and/or enabling the provision of care or support for persons living alone or otherwise isolated.

(b) An exclusive expanded bubble arrangement cannot be agreed in respect of any household where a member of the household –

- (i) is subject to a restriction or requirement imposed by the Medical Officer of Health under Part I of the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021, or any regulations amending or replacing those Regulations ("the Emergency Powers Regulations") or is exhibiting symptoms of COVID-19,
- (ii) has been subject to such a restriction or requirement or has exhibited such symptoms within the last 14 days, or
- (iii) is self-isolating further to a requirement to do so under the Emergency Powers Regulations or is self-isolating for some other reason.

(c) An exclusive expanded bubble arrangement comes to an end if a member of a household becomes subject to a restriction or requirement imposed by the Medical Officer of Health under Part I of the Emergency Powers Regulations, or exhibits symptoms of COVID-19.

(d) If an exclusive expanded bubble arrangement ("the former arrangement") comes to an end, a new arrangement may not be formed until –

- (i) at least 14 days have expired since the former arrangement came to an end, and
- (ii) the members of the households subject to the former arrangement have, since the former arrangement came to an end, lived separately as part of their original households.

Part 1

Compulsory wearing of face coverings*Whilst entering or remaining on relevant premises***1. Requirement to wear a face covering whilst entering or remaining on relevant premises.**

(1) Subject to subparagraph (2), no person may, without reasonable excuse, enter or remain within relevant premises without wearing a face covering.

(2) The requirement in subparagraph (1) does not apply –

- (a) to a child who is under the age of 12,
- (b) to a person responsible for relevant premises or an employee of that person acting in the course of their employment,
- (c) to any other person providing services in the relevant premises under arrangements made with the person responsible for the relevant premises, or
- (d) to an essential worker who has entered or remained in the relevant premises for the purpose of discharging their work functions or whilst acting in the course of their duties.

(3) The exceptions from the requirement to wear a face covering provided in paragraph 1(2)(b) or (c) do not apply to any person who, when acting in the course of their employment or providing services under arrangements made with the person responsible for any relevant premises, is in any part of the relevant premises which are open to the public, and comes or is likely to come within close contact of any member of the public.

2. Reasonable excuse for the purposes of paragraph 1.

For the purposes of paragraph 1(1), the circumstances in which a person ("P") has a reasonable excuse include those where -

- (a) P cannot put on, wear or remove a face covering -
 - (i) because of any physical or mental illness or impairment, or disability, or
 - (ii) without severe distress,

- (b) P is accompanying, or providing assistance to, another person ("B") and B relies on lip reading to communicate with P,
- (c) P removes their face covering to avoid harm or injury, or the risk of harm or injury, to themselves or others,
- (d) P is entering or within relevant premises to avoid injury, or to escape a risk of harm, and does not have a face covering with them,
- (e) it is reasonably necessary for P to eat or drink and P removes their face covering to eat or drink,
- (f) P has to remove their face covering for the purpose of medical or dental treatment or to take medication,
- (g) a person responsible for relevant premises or an employee of that person acting in the course of his or her employment, requires that P remove their face covering in order to verify P's identity,
- (h) in a pharmacy, an employee of that pharmacy acting in the course of his or her employment, requires that P remove their face covering in order to assist in the provision of healthcare or healthcare advice to P, and
- (i) a police officer or the Constable requests that P remove their face covering.

Where using a public transport system

3. Requirement to wear a face covering whilst on public transport.

(1) Subject to subparagraph (2), no person may, without reasonable excuse, use a public transport service without wearing a face covering.

(2) For the purposes of subparagraph (1), a person is using a public transport service at any time when -

- (a) they are boarding any vehicle by means of which a public transport service is provided, or
- (b) they are (whether or not for the purposes of travel) on board any vehicle by means of which a public transport service is provided.

(3) The requirement in subparagraph (1) does not apply –

- (a) to a child who is under the age of 12,

- (b) to an employee of the operator of the relevant public transport service acting in the course of his or her employment,
- (c) to any other person providing services under arrangements made with the operator of the relevant public transport service who is providing those services,
- (d) to an essential worker discharging their work functions or whilst acting in the course of their duties.

(4) In this paragraph, "**public transport service**" means horse or vehicle drawn carriages in which members of the public are carried for reward.

4. Reasonable excuse for the purposes of paragraph 3(1).

For the purposes of paragraph 3(1), the circumstances in which a person ("P") has a reasonable excuse include those where -

- (a) P cannot put on, wear or remove a face covering -
 - (i) because of any physical or mental illness or impairment, or disability, or
 - (ii) without severe distress,
- (b) P is travelling with, or providing assistance to, another person ("B") and B relies on lip reading to communicate with P,
- (c) P removes their face covering to avoid harm or injury, or the risk of harm or injury, to themselves or others,
- (d) P is travelling to avoid injury, or to escape a risk of harm, and does not have a face covering with them,
- (e) it is reasonably necessary for P to eat or drink and P removes their face covering to eat or drink,
- (f) P has to remove their face covering to take medication, and
- (g) a relevant person requests that P remove their face covering.

5. Essential workers

For the purposes of this Annex, "**essential workers**" are workers essential to the delivery of critical services, and civil servants or office holders specified by the Policy and Finance Committee of the Chief Pleas.

Part 2

Relevant Premises

1. Shops
2. Pharmacies
3. Banks
4. Pubs
5. The Island Hall and Community Centre
6. The Assembly Rooms
7. Restaurants and cafes
8. The Post Office
9. La Maseline Harbour
10. The doctor's surgery
11. Public areas of hotels and guest houses

Explanatory Note

Direction No. 7 is made by the Civil Contingencies Authority ("the Authority") on 25th February, 2021 further to powers conferred on it by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021 as made by the Authority under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012.

It has been made following consultation with the Medical Officer of Health. It applies only in Sark, and replaces Direction No. 5 in that Island. Its intent is to give effect in Sark to Stage 2 of the exit from the "lockdown" which was put in place on 23rd January, 2021 following detection of new cases of infection with the Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19. The purpose of the Direction is the prevention of the further introduction and spread within Sark and the Bailiwick of that virus, while removing or loosening restrictions in Sark where that can be done safely.

The Direction removes restrictions formerly in place in respect of premises. In respect of gatherings, the default prohibition on attending events, gatherings and meetings of more than 2 persons places obligations on certain persons who might be in a position to organise or attend events etc. In particular:-

- (a) owners and/or occupiers of any premises must not allow an event, gathering or meeting consisting of more than 2 persons, to take place at or on their premises,
- (b) a person must not organise or hold an event, gathering or meeting consisting of more than 2 persons to take place at or on any premises, and
- (c) a person must not participate in an event, gathering or meeting of more than 2 persons, which is taking place at or on any premises.

There are several significant exemptions from the prohibition described above. These are set out in the First Annex to the Direction. In summary they are as follows:-

- (a) An event, gathering or meeting attended solely by members of the same household, or members of an established exclusive expanded bubble arrangement.
- (b) An event, gathering or meeting which takes place on qualifying premises, and is attended by persons who, where possible, comply with measures intended to maintain social distancing, and in all other circumstances, observe reduced social distancing, and for whom adequate handwashing facilities are provided. Qualifying premises are those used for the purpose of an office, cinema, theatre, school, retail outlet, library, community or youth centre, indoor or outdoor leisure facility, factory, warehouse, place of worship, hotel, guest house, campsite or the provision of sleeping accommodation, board, lodging or board and lodging for reward.

- (c) An event, gathering or meeting which takes place on any premises other than qualifying premises and which is attended by no more than 30 qualified persons. Several conditions apply to this exemption, including the observance of strict social distancing (i.e. 2 metre separation). If strict social distancing cannot be observed, reduced social distancing must be observed (i.e. at least 1 metre separation) and a record kept of the names and addresses or telephone numbers of persons attending the event, gathering or meeting. The record must be retained for 14 days and produced to an authorised person (e.g. a public health officer or police officer, or the Sark Constable).
- (d) An event, gathering or meeting which is authorised by the Authority or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Authority or Medical Officer of Health, as the case may be, shall specify in writing.

The Second Annex deals with the compulsory wearing of face coverings. Subject to the exceptions set out in the Annex no person may, without reasonable excuse enter or remain within relevant premises or use a public transport service (as defined for the context of Sark) without wearing a face covering. The Annex also lists circumstances that constitute a reasonable excuse. Relevant premises where wearing is compulsory are listed in Part 2 of the Annex.

The Direction will remain in place from Thursday 25th February 2021 until 2359 hours on Wednesday 3rd March, 2021 unless revoked before that time.