

ISLAND OF SARK

**MICHAELMAS MEETING of the CHIEF PLEAS to be held on the 6th OCTOBER
2021**

At 5.00 PM in the ASSEMBLY ROOM

AGENDA

1. MATTERS ARISING from the Extraordinary (Emergency) Meeting held on Wednesday the 21st June 2021.
2. MATTERS ARISING from the Midsummer Meeting held on Wednesday the 7th July 2021.
3. QUESTIONS Not Related to the Business of the Day.
4. Douzaine: To Elect/Reappoint a Constable.
5. Douzaine: To Elect/Reappoint Assistant Constables.
6. To CONSIDER a Report with Proposition from the MEDICAL COMMITTEE entitled "**Medicines Law Stop-Gap Ordinance**" and to Approve the Ordinance entitled "**The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law (Amendment) Ordinance, 2021**" (copies enclosed).
7. To CONSIDER a Report with Propositions from the LAND REFORM SPECIAL COMMITTEE entitled "**Land Reform Saisie**" and to Approve the Ordinance entitled "**The Saisie (Sark) Ordinance, 2021**" (copies enclosed).
8. To CONSIDER a Report with Propositions from the DEFINITION OF A RESIDENT (SPECIAL) COMMITTEE entitled "**Definition of a Resident**" (copy enclosed).
9. To CONSIDER a Report with Propositions from the POLICY & FINANCE COMMITTEE entitled "**Civil Service Code of Conduct**" (copy enclosed).
10. To CONSIDER a Report with Proposition from the MEDICAL COMMITTEE entitled "**Transfer of Functions – Safeguarder**" (copy enclosed).
11. To CONSIDER a Report with Propositions from the TAXATION REVIEW (SPECIAL) COMMITTEE entitled "**Review of all Aspects and Categories of the Taxation System on Sark**" (copy enclosed).
12. To CONSIDER an Information Report from the POLICY & FINANCE COMMITTEE entitled "**The 2022 Budget**" (copy enclosed).

13. To CONSIDER an Information Report from the HARBOURS, SHIPPING & PILOTAGE COMMITTEE entitled “**Isle of Sark Shipping Report**” (copy enclosed).
14. To CONSIDER an Information Report from the POLICY & FINANCE COMMITTEE entitled “**Update Re: Facilitated Meeting with Isle of Sark Shipping**” (copy enclosed).
15. To CONSIDER an Information Report from the POLICY & FINANCE COMMITTEE entitled “**Public Consultation on the Future Shape of Chief Pleas**” (copy enclosed)
16. To CONSIDER an Information Report from EDUCATION COMMITTEE entitled “**Sark School Annual Report**” (copy enclosed).
17. To CONSIDER an Information Report from the DOUZAINÉ entitled “**Constable – New Role**” (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

**The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey)
(No. 7) (Amendment) Regulations, 2021**

(Came into operation on 1st July 2021.)

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

(Came into operation on 16th July 2021.)

**The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 8)
(Bailiwick of Guernsey) Regulations, 2021**

(Came into operation on 16th July 2021.)

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

(Came into operation on the 3rd August 2021.)

**The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey)
(No. 8) (Amendment) (No. 2) Regulations, 2021**

(Came into operation on the 6th August 2021.)

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

(Came into operation on the 13th August 2021.)

**The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 9)
(Bailiwick of Guernsey) Regulations, 2021**

(Came into operation on the 13th August 2021.)

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

(Came into operation on the 16th August 2021.)

**The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey)
(No. 9) (Amendment) (No.2) Regulations, 2021**

(Came into operation on the 23rd August 2021.)

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

(Came into operation on the 8th September 2021.)

**The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 10)
(Bailiwick of Guernsey) Regulations, 2021**

(Came into operation on the 8th September 2021)

The Child Protection (Sark) Regulations, 2021

(Came into operation on the 10th September 2021.)

Lt Col RJ Guille MBE

Speaker of Chief Pleas

13 September 2021

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

MEDICAL & EMERGENCY SERVICES COMMITTEE
Report with proposition to Michaelmas Chief Pleas, 6th October, 2021

MEDICINES LAW STOP-GAP ORDINANCE

The States of Guernsey propose to make amendments to the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008 ('the Medicines Law') to formalise a number of steps taken in legislation to limit and exclude liability associated with the use of temporarily authorised COVID-19 vaccines. There are also a number of amendments which are being recommended to mirror provisions of the UK Human Medicines Regulations, 2012 in relation to the use of temporary authorised medicinal products, to permit a more flexible response should similar public health emergency-like situations be experienced in the future.

While it is still the intention to progress these overarching policy recommendations for amendments to the Medicines Law to the States, St James' Chambers has advised that a 'stop gap' Ordinance made under the Law should be enacted as an interim step. This will replace the need for regulations to be made by the Civil Contingencies Authority (CCA) every 30 days, as at present, which limit the liability of the States of Guernsey to £120,000, should a vaccine recipient suffer any significant adverse consequences having been administered a COVID-19 vaccine with temporary authorisation.

This Ordinance would remain in place until the amended Medicines Law is passed by the States and is approved by Privy Council, at which point it would be repealed. This achieves the aim of placing the existing emergency regulations of the CCA on a more robust statutory footing at the earliest opportunity, initially through the 'stop gap' Ordinance and later through changes to the primary Law.

The Medical & Emergency Services Committee therefore ask that Chief Pleas approves the Ordinance entitled 'The Human (Medicines and Veterinary) (Bailiwick of Guernsey) Law (Amendment) Ordinance, 2021' appended to this report.

Proposition –

That Chief Pleas approves the Ordinance entitled, 'The Human (Medicines and Veterinary) (Bailiwick of Guernsey) Law (Amendment) Ordinance, 2021'

Conseiller Helen Plummer
Chairman, Medical & Emergency Services Committee

The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law (Amendment) Ordinance, 2021

THE STATES POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on the States by section 131 of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008^a and all other powers enabling them in that behalf, and on the Committee by Article 66A(1) of the Reform (Guernsey) Law, 1948^b, hereby order:-

Amendment of the Law of 2008.

1. (1) The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008 ("**the Law**") is amended as follows.

(2) Immediately after Part VII of the Law, insert the Part set out in the Schedule to this Ordinance.

Citation.

2. This Ordinance may be cited as the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law (Amendment) Ordinance, 2021.

Commencement.

3. This Ordinance shall come into force on a date to be appointed by regulations made by the States of Guernsey Committee for Health & Social Care.

^a Order in Council No. V of 2009; amended by Ordinance No. XXIV of 2009; No. XLI of 2013; No. IX of 2016; and G.S.I. No. 39 of 2019.

^b Ordres en Conseil Vol. XIII, p. 288; amended by Order in Council No. XVII of 2015; there are other amendments not relevant to this Ordinance.

SCHEDULE

Section 1(2)

PART TO INSERT AFTER PART VII OF THE LAW

"PART VIIA

LIMITATION OF LIABILITY FOR CORONAVIRUS VACCINATIONS

Application of this Part.

107A. (1) This Part applies where, at any time before or after this Part comes into force –

- (a) the Committee for Health & Social Care designates a 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 Ordinance,
- (b) a medicinal product falling within the description or class of the designated vaccine is sold, supplied or administered under –
 - (i) a Patient Group Direction approved or consented to by the Committee for Health & Social Care, or
 - (ii) a protocol,
- (c) a person dies or suffers any personal injury as a result of receiving the relevant medicinal product administered

under the Patient Group Direction or (as the case may be) protocol,

(d) any person (whether the person referred to in paragraph (c) or any other person) suffers or incurs any loss or damage arising out of or in connection with the death or personal injury, and

(e) any person brings civil proceedings against any other person in respect of the loss or damage referred to in paragraph (d).

(2) In this Part –

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

"**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,

"**designated vaccine**" means any medicinal product designated in accordance with subsection (1)(a),

"**loss or damage**" includes damages and costs,

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

"the Prescription Only Medicines Ordinance" means 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 subsection (1)(b), and

"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 Ordinance.

Limitation of liability.

107B. (1) Where this Part applies and, after this Part comes into force, a court determines in those civil proceedings that a responsible person is liable to any other person in respect of that loss or damage, 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) Subsection (1) –

- (a) is subject to sections 107C and 107D,
- (b) does not limit or affect the application of any Immunity Ordinance, and
- (c) 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 this section –

"Immunity Ordinance" means –

- (a) the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Guernsey) Ordinance, 2020,
- (b) the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Alderney) Ordinance, 2020, or
- (c) the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Sark) Ordinance, 2020,

"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, or
 - (ii) who made the arrangements under which the relevant medicinal product was sold, supplied or (as the case may be) administered, and
- (b) for the avoidance of doubt, includes (but is not limited to) –
 - (i) the States of Guernsey, and

- (ii) the Committee for Health & Social Care.

Time of sale, supply or administration.

107C. Section 107B(1) does not apply if the relevant medicinal product was sold, supplied or (as the case may be) administered before the 15th December, 2020.

Disapplication where designated vaccine is given a marketing authorisation.

107D. (1) Section 107B(1) does not apply in relation to a relevant medicinal product falling within the description or class of a designated vaccine if –

- (a) after its designation in accordance with section 107A(1)(a), the designated vaccine is given a UK marketing authorisation or European Union marketing authorisation, and
- (b) the relevant medicinal product was sold, supplied or (as the case may be) administered –
 - (i) in circumstances for which the marketing authorisation concerned was given, and
 - (ii) after that marketing authorisation was given.

- (2) In subsection (1) –

"European Union marketing authorisation" means an authorisation to market a medicinal product for human use in the European Union granted by the European Medicines Agency under Regulation (EEC) No. 2309/1993 of the European Parliament and Council laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary

use and establishing a European Agency for the Evaluation of Medicinal Products, or any related legislation, and

"**UK marketing authorisation**" has the meaning given by regulation 8(1) of the Human Medicines Regulations 2012 (UK S.I. 2012 No. 1916).".

LAND REFORM (SPECIAL) COMMITTEE

Report with propositions to Michaelmas Chief Pleas, 6th October, 2021

LAND REFORM SAISIE

Following the approval of the scheme for enforcement of debts and liabilities by Saisie in Sark passed at the MidSummer Chief Pleas a lot of work has gone into the compilation of the Ordinance to give effect to this and the final form is attached.

The Ordinance is lengthy, but the decision has been taken to produce a document which stands alone and covers all the aspects of the regime. At present the Saisie system that applies throughout the Bailiwick of Guernsey including Sark is founded on customary law modified by Ordinances of the 18th and 19th centuries and further augmented by Order of the Royal Court in 1952. All these provisions are replaced by **The Saisie (Sark) Ordinance, 2021**. The pre-existing ordinances together with the customary law will be superseded by this Ordinance.

The Ordinance differs in one respect only from the scheme set out in the Mid-Summer paper in that it includes provisions to allow the enforcement to continue in the event of the death of a debtor, clarifying that the death of a debtor after a Saisie has commenced will not require the original judgement creditor to restart the procedure.

The scheme differs from the existing Bailiwick system which disadvantages a debtor as it allows the Saisie to be conducted by a judgement creditor who may also take over the property or its value to the entire exclusion of the debtor. The proposed Ordinance installs the Prévôt as Trustee for sale for the benefit of creditors and ultimately for the debtor to whom he will return any surplus remaining after all claims have been met. The Prévôt will charge fees for the various functions that he is required to fulfil, and a fees schedule is also attached for the information of Chief Pleas. The fees are to be under the control of Policy and Finance, who will make the Regulations to be laid before Chief Pleas in the future.

The Ordinance will require the consent of the Royal Court to the disapplication of the 1952 Order and at the time of writing this consent has been applied for.

Chief Pleas should be aware that Saisie is seldom used in Guernsey, and it is unlikely that it will be a frequent occurrence in Sark, but as a part of the Land Reform measures it must be in place.

Proposition 1 –

That Chief Pleas approves the Ordinance entitled, ‘The Saisie (Sark) Ordinance 2021.’

Proposition 2 –

That Chief Pleas notes the proposed fees chargeable by the Prévôt for administering his functions under the Ordinance.

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

SARK STATUTORY INSTRUMENT

2021 No.

The Saisie (Fees) (Sark) Regulations, 2021

<i>Made</i>	* <i>October, 2021</i>
<i>Coming into operation</i>	<i>1st November, 2021</i>
<i>Laid before the Chief Pleas</i>	, 2021

THE POLICY & FINANCE COMMITTEE, in exercise of the powers conferred on it by section 18(2) of the Saisie (Sark) Ordinance, 2021^a, and all other powers enabling it in that behalf, hereby makes the following regulations:-

Fees.

1. (1) The fees payable to the Prévôt pursuant to section 18(2) of the Saisie (Sark) Ordinance, 2021 ("**the Ordinance**") in connection with the exercise of the Prévôt's functions under the Ordinance shall be those set out in the Schedule.

(2) For the avoidance of doubt, the fees set out in the Schedule do not include the expenses and liabilities incurred by the Prévôt in relation to the exercise of such functions.

Interpretation.

2. (1) In these Regulations, unless the context requires otherwise -

"**the Ordinance**" means the Saisie (Sark) Ordinance, 2021,

^a Sark Ordinance No. * of 2021.

and other expressions have the same meaning as in the Ordinance.

(2) References in the Schedule to legislative provisions are references to provisions of the Ordinance.

Citation and commencement.

3. These Regulations may be cited as the Saisie (Fees) (Sark) Regulations, 2021 and shall come into force on the 1st November, 2021.

Dated this * day of October, 2021

JOHN GUILLE

Chairman of the Policy & Finance Committee

For and on behalf of the Committee

SCHEDULE

Regulation 1

FEES

Description of proceeding or matter	Fee payable
Delivery of notifications (per notification)	£25
Functions in relation to administered property under section 6 (excluding Court applications) per hour or part thereof (maximum)	£30

Opening of claims register	£25
Publications per publication	£25
Entry of claim on register	£25
Noting of appeal under section 8(4)	£25
Marshalling of claims and preparation of Report under section 10 per hour or part thereof (maximum)	£30
Applications to Court Initial fee	£100
<i>plus</i> per hour or part thereof	£30
Functions in relation to trust property under Part III (excluding Court applications) per hour or part thereof (maximum)	£30
Appointment of Prévôt Délégué	£50
Preparation of information and accounts pursuant to section 18(1)(e) per hour or part thereof	£30

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the fees payable to the Prévôt in connection with the Prévôt's functions under the Saisie (Sark) Ordinance, 2021.

These Regulations come into force on the 1st day of November, 2021.

The Saisie (Sark) Ordinance, 2021

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY

1. Purpose and objectives.
2. Application of Ordinance.

PART II SAISIE ADMINISTRATION ORDERS

3. Execution of judgment on real property.
4. Effects and duration of saisie administration order.
5. Property subject to saisie administration order.
6. Functions of Prévôt in relation to administered property.
7. Register of claims.
8. Registered claimants.
9. Effect of death of debtor.
10. Marshalling of claims.
11. Duty of creditors.
12. Revocation of saisie administration order.

PART III SAISIE VESTING ORDERS

13. Saisie vesting order.
14. Procedure in case of inability to sell trust property.
15. Liability for breach of trust.
16. Court may relieve Prévôt of liability.

PART IV GENERAL

17. Notifications to the debtor.
18. Functions of Prévôt.

19. Appointment of Prévôt Délégué.
20. Appointment of attorney.
21. Dealings with third parties.
22. Prévôt's lien.
23. Applications for directions.
24. General powers of the Court.
25. Rules of Court.
26. Repeals.
27. Interpretation.
28. Savings.
29. Citation.
30. Commencement.

The Saisie (Sark) Ordinance, 2021

THE CHIEF PLEAS OF SARK, in pursuance of their Resolutions of the 11th April, 2018 and the 7th July, 2021, and in exercise of the powers conferred on them by section 3 of the Land Reform (Sark) Law, 2019^a, and all other powers enabling them in that behalf, hereby order:

PART I PRELIMINARY

Purpose and objectives.

1. (1) The principal purpose of this Ordinance ("**principal purpose**") is to provide for the enforcement of judgment debts against the real property of a judgment debtor in a fair, effective and timely manner.

(2) Without limiting the generality of the principal purpose under subsection (1), this Ordinance has the objectives –

(a) of empowering the Prévôt, under the supervision of the Court –

(i) to administer the real property of the judgment debtor pending its sale,

^a Order in Council No. VII of 2020.

(ii) to marshal the claims of the original judgment creditor and any other judgment creditors against the said real property,

(iii) to sell the said real property and distribute the proceeds of sale in satisfaction of the judgment debts, with any surplus accruing to the judgment debtor, and

(b) of empowering the Court to oversee the management of the procedure and to make such orders as it thinks just in pursuance of the principal purpose.

(3) The Court must seek to give effect to the principal purpose when

it –

(a) exercises any function given to it by this Ordinance, or

(b) interprets any provision.

Application of Ordinance.

2. (1) Subject to subsection (2), the provisions of this Ordinance shall apply where a person ("**original judgment creditor**") obtains judgment ("**original judgment**") for a sum of money against another person ("**debtor**") and proceeds to execute that judgment against the real property of the debtor, whether –

(a) as the original action in enforcement, or

(b) where the judgment creditor has first obtained judgment with power to levy execution on the personal property of the debtor and is subsequently granted leave to desist from such execution.

(2) No action or proceedings under this Ordinance may be taken in respect of a judgment for arrears of rente or otherwise founded on a rente.

(3) For the purposes of this Ordinance, a judgment –

- (a) must be given by the Court,
- (b) may originate in the Court or may be given by the Court for the purposes of enforcement of a judgment of a court in another jurisdiction, whether in accordance with the Judgments (Reciprocal Enforcement) (Guernsey) Law, 1957^b or otherwise, and
- (c) includes a judgment or order for the payment of money given or made in civil proceedings or such a judgment or order given or made in any criminal proceedings in respect of compensation or damages to an injured party.

(4) For the avoidance of doubt, where the ownership of any real property which is subject to a charge passes to a third party without the charge having been cancelled or otherwise vacated, the person in favour of whom the charge is secured may, pursuant to that person's droit de suite, bring proceedings under this Ordinance in respect of that real property notwithstanding the change of ownership; and for the purpose of any such proceedings any reference in this Ordinance to the real property of the debtor shall include a reference to the real property in the ownership of the successors in title to the debtor.

^b Ordres en Conseil Vol. XVII, p. 178; amended by Vol. XXXV(1), p. 218.

PART II
SAISIE ADMINISTRATION ORDERS

Execution of judgment on real property.

3. (1) The original judgment creditor may, at the time of the original judgment or, subject to section 2(1)(b) and subsection (5), at any time thereafter, apply for an order containing the words "with power to levy execution on the real property of the defendant", or words to the like effect, and such order shall be referred to as a "**saisie administration order**".

(2) Where the original judgment is founded upon an obligation secured by the debtor by way of charge in favour of the original judgment creditor over any real property of the debtor, such judgment –

- (a) must specify, by reference to the written document creating such charge, the real property of the debtor so charged, and
- (b) may be executed only on the real property so charged.

(3) Where the original judgment is founded otherwise than upon an obligation secured by way of charge in favour of the original judgment creditor over any real property of the debtor, the judgment shall be registered in the Charges Register under section 3(1)(b) of the Land Reform Ordinance and may be executed on -

- (a) all the real property of the debtor on the date of registration of the judgment, or
- (b) such of the real property of the debtor as the Court prescribes pursuant to section 3(1)(b)(ii) of the Land Reform Ordinance.

- (4) Where –
- (a) a person seeking judgment intends to apply for a saisie administration order, or
 - (b) a judgment creditor intends to apply for leave to desist from levying execution of the original judgment on the personal property of the debtor and for a saisie administration order,

prior notification of such intention must be given to the Prévôt and in the summons to the debtor by which judgment or leave to desist is sought.

(5) For the avoidance of doubt, any benefit received by a judgment creditor as a result of levying execution on the personal property of the debtor must be brought into account for the benefit of the debtor as a condition of being granted leave to desist from such execution for the purposes of this section.

(6) When a saisie administration order is made, the original judgment creditor in whose favour the order is made, and the debtor, if present or represented in the Court, shall furnish to the Prévôt an address for notification.

Effects and duration of saisie administration order.

4. (1) Where the Court has made a saisie administration order the following provisions shall apply.

(2) The original judgment creditor shall be deemed to have elected irrevocably, as respects the judgment debt to which the proceedings relate, not to levy execution on, or be entitled to recover out of, the personal property of the debtor other than –

- (a) personal property which, being real property on the date on which notification of the saisie administration order was delivered to the debtor under section 6(2) and which was at that date subject to the saisie administration order, subsequently becomes personal property by operation of law while the saisie administration order is still in force, or
 - (b) the net proceeds of the sale of the real property of the debtor, being a sale effected by the debtor while the saisie administration order in respect of the same real property is still in force or a sale effected by the Prévôt under this Ordinance.
- (3) During the subsistence of a saisie administration order –
- (a) no other saisie administration order may be granted in respect of the real property of the debtor which is subject to that saisie administration order ("**administered property**"),
 - (b) the debtor shall not be entitled to take any action in respect of the administered property without the prior written authority of the Prévôt, and
 - (c) without prejudice to paragraph (b), no disposition of the administered property or any part thereof may be made by or on behalf of the debtor (including, for the avoidance of doubt, by the Prévôt or by the judgment creditor acting as the agent or attorney of the debtor) without the leave of the Court; and for the purposes of

this paragraph "**disposition**" means a sale, or the grant of a lease, licence to occupy or grant of possession or occupation for a term exceeding one year, or any agreement for any such sale, lease, licence or grant.

(4) Where two or more judgment creditors obtain an original judgment against the same debtor in respect of the same real property and, having each applied for a saisie administration order, register the respective judgments under section 3(3) on the same day –

- (a) each such judgment creditor shall be an original judgment creditor under the saisie administration order, and
- (b) any reference in this Ordinance to the original judgment creditor shall be deemed to include each such original judgment creditor.

(5) A saisie administration order shall remain in force until –

- (a) it is revoked by the Court in accordance with section 12, or
- (b) a saisie vesting order is made under section 13.

Property subject to saisie administration order.

5. The administered property shall comprise –

- (a) such of the real property of the debtor on which the judgment of the original judgment creditor may be executed pursuant to section 3(2) or (3), and

- (b) such of the real property of the debtor on which the judgment of any other creditor who is registered as a claimant under section 7 ("**registered claimant**") may be executed pursuant to that section.

Functions of Prévôt in relation to administered property.

6. (1) During the subsistence of a saisie administration order, the Prévôt shall be the administrator of the administered property and shall have the functions assigned to the Prévôt for that purpose under this Ordinance.

(2) Except where the debtor was present or represented in the Court when the saisie administration order was made, the Prévôt shall not take any steps pursuant to that order unless the Prévôt has notified the debtor of the making of the order.

(3) During the subsistence of a saisie administration order the Prévôt shall, subject to subsection (2) -

- (a) have authority to take such action for the purposes of preserving and administering the administered property, including (without limitation) the maintenance, repair, insurance, security and occupation (including the lawful eviction of any person) of the administered property, as the Prévôt considers to be reasonably necessary or expedient in all the circumstances,
- (b) for the purposes of paragraph (a) -

- (i) have right of entry on the administered property for the purpose of exercising the Prévôt's functions under this Ordinance,
 - (ii) have the power to engage agents, workmen and others as the Prévôt thinks fit (who shall have the like right of entry set out in subparagraph (i) when so engaged), and
 - (iii) be deemed to be the duly authorised attorney of the debtor with power to do all such acts and things, and to perform and execute all such agreements, documents and instruments, in the name of the debtor, as if the act or thing were done, or the agreement, document or instrument were performed or executed, by the debtor personally,
- (c) if the debtor has remained in occupation of the administered property, or any part thereof, and the Prévôt proposes to take action under paragraph (a) which will affect the continuing ordinary and, in the circumstances, reasonable use by the debtor of the administered property, or of such part thereof, notify the debtor of the action which the debtor proposes to take, and
- (d) in any case, notify the original judgment creditor and the debtor before incurring any extraordinary expenditure under paragraph (a),

but failure to comply with paragraphs (c) and (d) shall not invalidate any action so taken.

Register of claims.

7. (1) Upon the making of a saisie administration order, and subject to section 6(2), the Prévôt shall open a register ("**claims register**") for the purpose of registering claims against the administered property.

(2) The claims register shall close on such date as the Court shall determine subject to the power of the Court, at any time before the claims register has closed, on the application of any person wishing to enter a claim ("**claimant**"), or of the Prévôt, the debtor, the original judgment creditor or a registered claimant, to defer the date when the claims register shall close.

(3) The Prévôt shall not enter a claim on the claims register unless the claimant has obtained judgment against the debtor, and

(a) the judgment is founded upon an obligation secured to the debtor by way of charge in favour of the claimant over any real property of the debtor, and the judgment specifies, by reference to the written document creating such charge, the real property of the debtor so charged, or

(b) the judgment is founded otherwise than upon an obligation secured by way of charge in favour of the claimant over any real property of the debtor, and the judgment is registered in the Charges Register under section 3(1)(b) of the Land Reform Ordinance.

(4) As soon as practicable after the making of the saisie administration order, subject to section 6(2), the Prévôt shall publish in the official notice boxes, in the Sark Gazette, and in La Gazette Officielle on two occasions in successive weeks, a notice –

- (a) stating that a saisie administration order has been made in favour of the original judgment creditor in respect of the administered property, and that a claims register has been opened in respect of that property, and specifying the date when such register will close in accordance with the direction of the Court ("**specified date**"),
- (b) identifying the administered property,
- (c) giving the name and address for notification of the original judgment creditor, and the name and address, or last known address, of the debtor,
- (d) requiring any person who intends to make a claim against the said real property to send to the Prévôt, before the specified date –
 - (i) particulars of the person's claim, including the date of the judgment referred to in subsection (3) and the Act of Court evidencing such judgment, or a certified copy thereof,
 - (ii) the date of registration of the charge in the Charges Register, whether such charge was registered in consequence of an obligation referred to in subsection (3)(a) or is a charge

consequent upon registration of the judgment referred to in subsection (3)(b),

(iii) particulars of the real property in respect of which the claim is made, and

(iv) an address for notification, and

(e) stating that priority of claims shall be determined by the order of registration in the Charges Register.

Registered claimants.

8. (1) Subject to subsection (3), a registered claimant shall be deemed to have elected irrevocably as respects the judgment debt to which the claim relates not to levy execution on, or be entitled to recover out of, the personal property of the debtor other than the personal property referred to in section 4(2)(a) and (b).

(2) A registered claimant may execute the judgment debt to which the claim relates –

(a) in the case of a judgment referred to in section 7(3)(a), only on the real property specified in the judgment, or

(b) in the case of a judgment referred to in section 7(3)(b), on –

(i) all the real property of the debtor on the date of registration of the judgment, or

(ii) such of the real property of the debtor as the Court prescribes pursuant to section 3(1)(b)(ii) of the Land Reform Ordinance.

(3) A registered claimant may, at any time before the closure of the claims register or, with leave of the Court, at any time before the grant of a saisie vesting order, apply to the Court for the claim to be withdrawn from the claims register; and upon such application being granted, the Court may make such consequential orders, including (without limitation) orders as to the execution of the claimant's judgment on the personal property of the debtor and as to costs, as the Court thinks fit.

(4) Where a claim entered on the claims register arises from a judgment which is or becomes subject to appeal –

(a) the registered claimant must notify the Prévôt of such appeal immediately upon becoming aware thereof, and keep the Prévôt informed of the progress of the appeal, and

(b) the Prévôt shall note the appeal against the entry relating to such claim on the claims register.

(5) For the purposes of subsection (4), "**appeal**" includes any proceedings by way of discharging or setting aside a judgment or an application for a new trial or a stay of execution.

Effect of death of debtor.

9. (1) In the event of the death of the debtor after the making of a saisie administration order, the following provisions of this section shall apply.

(2) The death of the debtor shall not -

(a) prejudice or affect the lawful and proper exercise by the Prévôt of the Prévôt's functions under this Ordinance, or

(b) extinguish or prejudice the right of a creditor pursuant to this Ordinance to execute judgment on the real property of a debtor in the ownership of the heirs to the said real property.

(3) The provisions of this Ordinance shall continue to apply to the original judgment creditor and to any registered claimants as at the date of the said death.

(4) If the death of the debtor occurs before the closure of the claims register –

(a) any person who has obtained judgment in the Court against the debtor but who has not, as at the date of the said death, registered a charge in the Charges Register in accordance with section 7(3)(b), may so register against such of the real property owned by the debtor immediately before the said death on which the person is entitled to execute judgment under section 8(2), and

(b) any person who intends to make a claim against the said real property but has not, as at the date of the said death, obtained judgment in the Court against the debtor may, notwithstanding the death of the debtor, proceed against the heirs to the real property of the debtor and register any judgment as a charge in the Charges Register for the purposes of this Ordinance against such of the real property owned by the debtor immediately before the said death on which the person is entitled to execute judgment under section 8(2),

and the person's claim may, before the closure of the claims register, be entered on the said register in accordance with section 7, whether or not the heirs of the debtor are, or include, the successors in title to the said real property; and thereafter each such person shall be a registered claimant for the purposes of this Ordinance.

(5) For the purposes of this section, "**heirs**" includes legatees and successors in title.

Marshalling of claims.

10. (1) Following the closure of the claims register, the Prévôt shall prepare a report ("**Report**") –

- (a) marshalling the claims of the original judgment creditor and the registered claimants,
- (b) summarising the actions taken by the Prévôt in the conduct of the saisie administration order, and
- (c) setting out the fees, expenses and liabilities recoverable by the Prévôt in accordance with section 18(2), up to the date of the Report.

(2) For the purposes of subsection (1)(a), the claims shall be ranked –

- (a) by reference to each of the parcels of the real property in respect of which each registered claimant has a claim, and
- (b) subject to paragraph (a), in order of priority,

and each parcel of such property shall be contained in a separate schedule and therein identified separately.

- (3) Having prepared the Report, the Prévôt shall –
 - (a) within seven days or such longer period as the Court may authorise, notify the original judgment creditor, the registered claimants and the debtor, and
 - (b) publish a notice in the official notice boxes, in the Sark Gazette, and on one occasion in La Gazette Officielle,

of the date and time when the Prévôt shall present the Report to the Court.

- (4) The Court may, having given the said creditor, the registered claimants and the debtor and, with leave of the Court, any other person wishing to make representations, an opportunity to be heard –
 - (a) approve the Report, with or without modifications,
 - (b) defer the approval of the Report, on such conditions, if any, as the Court thinks fit, or
 - (c) give such directions as it thinks fit.

Duty of creditors.

11. The original judgment creditor and any registered claimant shall each have a duty to report to the Prévôt any payment in full or partial satisfaction of that person's judgment debt made by or on behalf of the debtor at any time after the grant of a saisie administration order.

Revocation of saisie administration order.

12. (1) Where, during the subsistence of a saisie administration order –

- (a) the judgment debt of the original judgment creditor is paid by or on behalf of the debtor, together with the recoverable costs and expenses of the original judgment creditor, or is otherwise satisfied, or
- (b) the original judgment creditor intends to desist from levying execution on the real property of the debtor,

the Court may, on the application of the Prévôt or the original judgment creditor, revoke the saisie administration order.

(2) On an application under subsection (1) the Court may make such order as to costs, including the fees, expenses and liabilities of the Prévôt recoverable under section 18(2), as it thinks fit.

PART III SAISIE VESTING ORDERS

Saisie vesting order.

13. (1) Where the Court has approved a Report pursuant to section 10(4), the Prévôt may, having notified the original judgment creditor and the debtor of the Prévôt's intention so to do, apply for a saisie vesting order.

(2) Where the Court makes a saisie vesting order, such parcels of the real property of the debtor to which the respective claims and priorities contained in the Report relate ("**trust property**"), shall vest in the Prévôt to hold the same as trustee for such of –

- (a) the original judgment creditor, and
- (b) the registered claimants,

whose judgments may, in accordance with section 3(2) or (3), or section 8(2), as the case may be, be executed on the trust property, and subject thereto for the debtor.

(3) The Prévôt shall –

(a) subject to subsection (4) –

(i) sell the trust property within such period or periods as the Court may specify in respect of each of the parcels of the trust property,

(ii) distribute the proceeds of sale thereof in accordance with the Report, and

(iii) pay any surplus to the debtor,

(b) pending the sale of the trust property or any part thereof, continue to administer that property, and

(c) after the sale of the trust property, or any part thereof, administer the said proceeds pending such distribution and payment,

in accordance with this Ordinance.

(4) The Prévôt, as trustee for sale pursuant to a saisie vesting order –

(a) may postpone, but shall not unreasonably delay, the sale of the trust property, but

(b) may not, pending the sale of the trust property, borrow against the security of the trust property, or otherwise

cause any charge or encumbrance to be attached to the trust property, without the prior approval of the Court.

(5) The Prévôt selling, letting or otherwise dealing with the trust property under a saisie vesting order shall be deemed to have, and to be able to convey, all such right, title and interest in that property as was vested in the debtor immediately before the making of the saisie vesting order, to the exclusion of any other person and for all purposes.

(6) Following the sale of the trust property, or any part thereof, which may be by private treaty, by public auction, by tender or by any other means, the Prévôt shall –

- (a) hold the proceeds of sale, and any income accrued in relation to the said trust property before the sale, less any fees, expenses and liabilities of the Prévôt recoverable under section 18(2), separate from any other property of which the Prévôt is trustee for sale, pending distribution of the proceeds in accordance with the Report,
- (b) as soon as reasonably practicable after the sale of the said trust property, distribute the proceeds of sale, less any further fees, expenses and liabilities of the Prévôt recoverable under section 18(2), in accordance with the Report.

Procedure in case of inability to sell trust property.

14. (1) Should the Prévôt, within the period or periods specified by the Court under section 13(3)(a)(i), be unable to sell the trust property or any part thereof ("**unsold property**") at a fair and reasonable price taking into consideration the market conditions prevailing at the time, and if there appears to be no reasonable prospect of

a sale within such period as the Court shall deem appropriate having regard to all the circumstances, the provisions of this section shall apply.

(2) For the purposes of this section "**relevant claimant**" means such of the original judgment creditor and the registered claimants whose judgments may, in accordance with section 3(2) or (3), or section 8(2), as the case may be, be executed on the unsold property.

(3) The Prévôt shall notify the relevant claimants and the debtor of the date and time when the Prévôt shall apply to the Court for permission to proceed in accordance with subsection (5).

(4) On an application under subsection (3), the Court may –

(a) grant the application, or

(b) make such other order concerning the unsold property as it thinks fit.

(5) If the application under subsection (3) is granted then, immediately or on such future date as the Court may specify, each relevant claimant shall appear personally or by counsel before the Court, in inverse order of priority, to declare whether or not that claimant elects to have the unsold property vested in that claimant for an estate of inheritance subject to the assumption of liability for all claims over the unsold property ranking in priority to that claimant's claim.

(6) A relevant claimant who does not elect to have the unsold property vested in that claimant in accordance with subsection (5) shall be deemed to have renounced the right to do so, and –

- (a) the right of such person to claim against the unsold property or its proceeds of sale shall cease to be of any effect, and
- (b) any charge in the Charges Register in favour of such person shall be deemed to be extinguished as respects the unsold property.

(7) Where a relevant claimant ("**electing creditor**") elects to have the unsold property vested in the electing creditor in accordance with subsection (5), the Court shall make an order –

- (a) vesting the unsold property in the electing creditor for an estate of inheritance, subject to the electing creditor making the payments specified in paragraph (b), and
- (b) declaring that the electing creditor shall, within such reasonable period as may be specified, pay –
 - (i) to any relevant claimant having a prior claim, the full amount of that claimant's claim with costs, and
 - (ii) to the Prévôt, the fees, expenses and liabilities recoverable under section 18(2).

Liability for breach of trust.

15. The Prévôt is not liable for a breach of trust unless the breach arises from the Prévôt's fraud or wilful misconduct, whether alone or with another person.

Court may relieve Prévôt of liability.

16. Subject to section 15, the Court may relieve the Prévôt wholly or partly of liability for a breach of trust if the Court is satisfied that the Prévôt –

- (a) has acted honestly and reasonably, and
- (b) ought fairly to be excused –
 - (i) for the breach, and
 - (ii) for failing to obtain the directions of the Court in the matter in respect of which the breach arose.

PART IV

GENERAL

Notifications to the debtor.

17. (1) Where the debtor has not furnished an address for notification pursuant to section 3(6), any requirement in this Ordinance that notification of any matter be given to the debtor shall be deemed to be satisfied, subject to any order of the Court in any particular case and without prejudice to any other lawful means of service -

- (a) by delivering such notification to the debtor personally,
- (b) by delivering such notification to a member of the debtor's family who –
 - (i) ordinarily occupies the same household as the debtor, and

(ii) undertakes to deliver the notification to the debtor, or to inform the debtor of the fact of such notification,

(and in such a case the notification shall be deemed to have been delivered to the debtor on the day following delivery to the said member of the debtor's family), or

(c) if the debtor is absent from Sark, without prejudice to paragraphs (a) and (b), by sending such notification to the last-known email address, if any, of the debtor,

and for the purposes of paragraph (b) a person is a member of the debtor's family if that person is the debtor's spouse, cohabitee, parent, sibling or adult child.

(2) Where the notification is sent by email, whether such address was given as the debtor's address for notification or whether the notification is sent pursuant to subsection (1)(c), the notification shall be deemed to be received by the addressee on the date when it is sent.

(3) Where in any case, despite the provisions of subsection (1), it is not practicable in the circumstances for the Prévôt to comply with a requirement in this Ordinance to notify the debtor of any matter, the failure of the Prévôt so to comply shall not of itself invalidate any action taken by the Prévôt.

Functions of Prévôt.

18. (1) The Prévôt shall, in the exercise of the Prévôt's functions under this Ordinance –

(a) observe the utmost good faith,

- (b) act in the interests of the original judgment creditor and the registered claimants, to the extent of their respective claims, and, subject thereto, in the interests of the debtor,
 - (c) act en bon père de famille,
 - (d) keep accurate accounts and records of the administration of the property and of the proceeds of sale thereof,
 - (e) at any time, at the reasonable written request of the original judgment creditor or any of the registered claimants, or at the direction of the Court, provide full and accurate information as to the state of the property and any income received and expenditure incurred in relation thereto and, after the sale of the trust property or any part thereof, provide full and accurate accounts in relation to the proceeds of sale, and
 - (f) without prejudice to paragraphs (d) and (e), provide a full account of the exercise of the Prévôt's functions, and the conduct of any proceedings, under this Ordinance at the conclusion of any such proceedings for whatever reason.
- (2) The Prévôt shall be entitled to –
- (a) such fees as shall be prescribed by regulations of the Committee, and
 - (b) reimbursement of all expenses and liabilities,

provided they have been reasonably and properly incurred in the exercise of the Prévôt's functions under this Ordinance and are reasonable in amount; and all such fees, expenses and liabilities shall be recoverable from, and shall constitute a charge on, the property and the proceeds of its sale, in priority to all other claims.

(3) Regulations made under subsection (2) shall be laid before a meeting of the Chief Pleas as soon as practicable after being made and if, at that meeting, the Chief Pleas resolve to annul them, they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

Appointment of Prévôt Délégué.

19. (1) The Court may, on application by the Prévôt and upon sufficient cause being shown, at any time give leave for the Prévôt to delegate the functions of the Prévôt under this Ordinance in any particular case to an individual who is –

- (a) resident in Sark or Guernsey,
- (b) in the opinion of the Court, independent and impartial,
and
- (c) otherwise, in the opinion of the Court, suitably qualified to exercise the said functions,

and such leave may be granted subject to such terms, conditions and limitations as the Court may deem necessary or expedient.

(2) An individual appointed as the delegate of the Prévôt pursuant to leave given under subsection (1) shall, for the purposes of the particular case for which the individual is so appointed (but not otherwise), be referred to as "**Prévôt Délégué**", and –

- (a) shall be sworn into office by the Court and shall not exercise any of the functions of the Prévôt under this Ordinance until so sworn, and
- (b) subject to paragraph (a) and to any order of the Court to the contrary, shall have the same functions, and be subject to the same obligations, as are conferred on the Prévôt by this Ordinance.

(3) As soon as reasonably practicable after an individual has been sworn into office as Prévôt Délégué in accordance with this section, the Prévôt shall publish notice of the appointment in the official notice boxes, in the Sark Gazette, and on one occasion in La Gazette Officielle.

(4) Where an individual has been appointed as Prévôt Délégué in any particular case in which the Prévôt has lawfully and properly exercised any function, the functions, rights and obligations of the Prévôt in such case shall be transferred to, and shall enure to the benefit of, and be binding upon, the Prévôt Délégué, without prejudice –

- (a) to any act or thing done by the Prévôt, or to the rights of any third parties in relation thereto, and
- (b) to the Prévôt's liability for any breach of trust,

before the said appointment.

Appointment of attorney.

20. The Prévôt may appoint any person as the Prévôt's attorney for the purpose of executing any document (including a document creating or evidencing any

charge or encumbrance on the property) or attending in court to consent to a sale of the trust property, but, in any such case, subject to the prior approval of the Prévôt to the terms of the document or the sale; and nothing in this section shall relieve the Prévôt from any liability therefor.

Dealings with third parties.

21. (1) Subject to subsections (3) and (4), where, in a transaction or matter affecting the property or the proceeds of sale, the Prévôt informs a third party that the Prévôt is acting as administrator or trustee pursuant to a saisie administration order or saisie vesting order in respect of the property, or the third party is otherwise aware of the fact, the Prévôt does not incur any personal liability and a claim by the third party in respect of the transaction or matter extends only to the property or proceeds of sale.

(2) If the Prévôt fails to inform the third party that the Prévôt is acting as administrator or trustee, and the third party is otherwise unaware of that fact -

- (a) the Prévôt incurs liability to the third party in respect of the transaction or matter, and
- (b) the Prévôt has a right of indemnity against the property and the proceeds of sale in respect of the Prévôt's personal liability, unless the Prévôt acted in breach of trust.

(3) Nothing in this section prejudices -

- (a) the Prévôt's liability for breach of trust or any claim for breach of warranty of authority, or

- (b) any lien, indemnity or other security over the trust property or its proceeds of sale, or any other right, subsisting for the benefit of the Prévôt as trustee.

(4) Any person, including the Prévôt, dealing with third parties in relation to the property or any part thereof, shall ensure that adequate notice is given to such third parties that the said property is the subject of a saisie administration order or a saisie vesting order, as the case may be; and for such purpose the use of the expression "**subject to saisie**" or "**en saisie**", or cognate expressions, coupled with the name or description of the property, shall be deemed to be sufficient.

Prévôt's lien.

22. Nothing in this Ordinance shall be taken to prejudice or affect any lien or other indemnity or security to which the Prévôt is entitled in the performance of the Prévôt's functions under this Ordinance.

Applications for directions.

23. The Prévôt may apply to the Court for directions as to how the Prévôt should or might act in the course of the Prévôt's functions under this Ordinance, and the Court may make such order as it thinks fit.

General powers of the Court.

24. (1) On the application of any person mentioned in subsection (2), or of its own motion, the Court may –

- (a) make any order in respect of –
 - (i) the execution or enforcement of a saisie administration order or a saisie vesting order,
 - (ii) the Prévôt, including (without limitation) an order as to the exercise of the Prévôt's functions,

the keeping, submission and approval of accounts and the making of payments, whether into court or otherwise,

(iii) the property, including (without limitation) an order as to its vesting, preservation, application or recovery,

(iv) any requirement under this Ordinance to give notice, including any order abrogating any such requirement, or extending or restricting any period of notice, or imposing any conditions on, or relating to, the giving of any notice,

(v) costs and expenses incurred by any person in relation to a saisie administration order or a saisie vesting order, including (without limitation) liability for, and the recoverability of, such costs and disbursements,

(b) rescind or vary an order or direction, or make a new or further order or direction,

as the Court thinks fit.

(2) An application under subsection (1) may be made by the Prévôt, the original judgment creditor, any registered claimant, the debtor or, with leave of the Court, any other person.

Rules of Court.

25. The Court may, from time to time, make rules making provision for all procedural and incidental matters which may be necessary or expedient for bringing this Ordinance into effect.

Repeals.

26. (1) The following Orders are revoked in their application to Sark –
- (a) the Saisie Procedure (Simplification) (Bailiwick) Order, 1952^c,
 - (b) the Saisie Procedure (Simplification) (Bailiwick) (Amendment) Order, 1989^d.

(2) Consent to the revocation in their application to Sark of the Orders referred to in subsection (1) was given for the purposes of section 3(2) of the Land Reform (Sark) Law, 2019 by order of the Royal Court dated *, 2021.

Interpretation.

27. In this Ordinance, unless the context otherwise requires -

"address for notification" means an address in Sark or Guernsey to which any notification or other document for the purposes of this Ordinance can validly be sent or delivered to the person providing the address for notification, and may be an email address,

"administered property": see section 4(3),

^c Order of the Royal Court No. III of 1952; amended by No. XIV of 1989.

^d Order of the Royal Court No. XIV of 1989.

"**Charges Register**" means the register established under section 2(1) of the Land Reform Ordinance,

"**claims register**": see section 7(1),

"**closure of the claims register**" means the date when the claims register closes in accordance with section 7(2),

"**Committee**" means the Policy & Finance Committee of the Chief Pleas,

"**the Court**" means the Court of the Seneschal,

"**debtor**" has the meaning given in section 2(1) and includes any person against whom the judgment is enforceable,

"**expenses**" includes disbursements,

"**judgment**": see section 2(3),

"**judgment creditor**" means the person in whose favour the judgment was given and includes any person in whom the rights under the judgment have become vested by succession or assignment or otherwise,

"**La Gazette Officielle**" means La Gazette Officielle of Guernsey established under the Law entitled "Loi par rapport à la Publication des Annonces Officielles", registered on 21st March, 1936^e,

^e Ordres en Conseil Vol. X, p. 304.

"Land Reform Ordinance" means the Land Reform (Miscellaneous Provisions) (Sark) Ordinance, 2020^f,

"obligation" includes a debt or liability of whatsoever nature and howsoever incurred or arising, and, in the case of a contractual obligation, whether as principal, surety or otherwise,

"original judgment": see section 2(1),

"original judgment creditor": see sections 2(1) and 4(4),

"Prévôt" means the person appointed to act as Prévôt pursuant to section 49 of the Reform (Sark) Law, 2008 and includes the Deputy Prévôt and any individual appointed as a Prévôt Délégué pursuant to section 17,

"proceeds of sale" means the proceeds of sale of the trust property or part thereof,

"the property" means the administered property or the trust property, as the context may require,

"real property" includes a chargeable leasehold interest which is deemed to be real property under Part III of the Land Reform Ordinance,

"registered claimant" means a person whose claim has been entered on the claims register under section 7,

^f Ordinance No. IX of 2020.

"saisie administration order": see section 3(1),

"Sark Gazette" means the Sark Gazette Officielle published on the website of the Sark Gazette Officielle,

"trust property": see section 13(2).

Savings.

28. (1) Subsection (2) applies where, before commencement of this Ordinance, a preliminary vesting order has been made in favour of any person against the real property of a debtor.

(2) The provisions of the 1952 Order shall continue to apply in relation to the proceedings in saisie to which the preliminary vesting order relates.

Citation.

29. This Ordinance may be cited as the Saisie (Sark) Ordinance, 2021.

Commencement.

30. This Ordinance shall come into force on the 1st November, 2021.

DEFINITION OF A RESIDENT (SPECIAL) COMMITTEE

Report with propositions to Michaelmas Chief Pleas, 6th October 2021

DEFINITION OF A RESIDENT

For many reasons, including both Sark's reputation and the value of our citizenship, there is island-wide consensus that Residency Definition is in the best interests of both Sark and Sark's community.

Defining a Sark resident has been examined by various Chief Pleas Committees and was first attempted in January 2014. The project has never been completed for two reasons, it couldn't be agreed how many nights on the island residency should comprise and thereafter it couldn't be decided how those requirements would be policed.

The problems that our previous Committees have encountered are understandable, but they are not insurmountable. Several pieces of important Sark legislation already cite residency or refer to time spent on island. The most logical solution to the problem of Defining Residency is to tie all these separate pieces of legislation together and simply reflect the status quo.

Existing Sark legislation that already references residency.

The Direct Taxes (Sark) Law, 2002: *"For the purposes of liability to personal capital tax a natural person has a taxable connection with Sark in any financial year if – he has at any time during the preceding 12 calendar months (whether during that or the preceding financial year) either –*

- (i) spent an aggregate of 90 nights or more in Sark,*
- (ii) had an ownership, leasehold or other interest in, or contractual right in relation to, any dwelling situated in Sark and available for his use for an aggregate of 90 nights or more."*

The Reform (Sark) Law, 2008: The Reform Law cites 'ordinarily resident' 17 times and only people deemed ordinarily resident on Sark are able to take up certain positions of office. These positions include the Seneschal, the Procureur des Pauvres, the Deputy Seigneur, the Prévôt, the Greffier, the Treasurer (and their Deputies), the Constable and the Vingtenier. The Reform Law also uses ordinary residence to determine whether or not somebody can join the electoral roll and by implication can stand for office. **Whilst the Reform Law cites ordinary residency many times as a qualification, it does not define what it actually is.**

The Housing (Control of Occupation) (Sark) Law, 2011: The Housing Control Law actually defines "ordinarily resident" for the purposes of local market housing qualification, as someone who resides **on Sark for 273 days per annum**. "A person is a qualified resident if he has been ordinarily resident in the Island of Sark for a period of, or periods amounting in the aggregate to, at least fifteen years" and "a person shall be regarded as ordinarily resident in Sark in any year if and only if he is in the Island for an aggregate of not less than 273 days during that year"

In order to simply reflect the status quo within residency definition, the Committee believes that Sark Residency, like Sark legislation, and like other comparable jurisdictions, notably Guernsey, should apply a tiered approach to residency definition. The suggested tiers are represented in the table below.

Resident	Days required	Benefits and Obligations
Tax	90+	Triggers Personal Capital Tax
Ordinary	183+	Qualification towards electoral role
Principle	273+	Qualification towards 'local market' residency.

There are many areas within Sark's financial and social structure where this framework could be useful. Different types of residency provide a flexible tool that could be used to confer different rights or indeed denote different obligations in many situations. The Definition of a Resident (Special) Committee believes that it is important to underline that this Special Committee does not seek to make any such determinations. Adoption of any of the residency definitions will be the responsibility of Sark's various Committees.

There obviously remains the practical problem of how these definitions can be policed and such practicalities will comprise the next phase of the Committees work. It has been suggested that one possible route would be for an applicant to simply 'self-certify' and make a signed declaration to the effect they had been resident in Sark for the required number of days.

The Committee has also looked at a Sark Register of Residents. There already exists a number of Sark registers, the Electoral Roll, the Cadastre and indeed Tax Identification Numbers. Whilst all of these registers provide some detail of both past and current Sark residents none of them are comprehensive. The Committee believes that a Sark Register may aid and complement the administration of Sark residency and potentially facilitate a rolling census. One of the pieces of legislation that the Committee has referenced with regard to a Sark register is the **Register of Names and Addresses (Jersey) Law 2012**. The Committee considers that such a register, modified for use in Sark, could go a long way to solving the problem of knowing who is actually here in Sark.

The Committee is seeking approval from Chief Pleas to proceed as outlined above.

Proposition 1 -

That Chief Pleas directs the Definition of a Resident (Special) Committee to consult with the Law Officers in respect of the practical and administrative implications of a tiered residency solution as outlined in this report.

Proposition 2 -

That Chief Pleas directs the Definition of a Resident (Special) Committee to continue working on a Register of Sark Residents bringing a more detailed report to a future Meeting.

**Conseiller Nichola McHugh
Chair of the Definition of a Resident (Special) Committee**

POLICY & FINANCE COMMITTEE

Report with proposition to Michaelmas Chief Pleas, 6th October, 2021

CIVIL SERVICE CODE OF CONDUCT

At Michaelmas Chief Pleas 2016, (Item 26), and at the extraordinary meeting in November, (Item 8), the Good Governance Policy Development Team, (PDT), brought forward the Code of Conduct for Conseillers, which now forms part of the Rules and Procedures of Chief Pleas.

The PDT informed Chief Pleas that it would return when it was ready to undertake the next stage of this work on the Code of Conduct for Officers of Chief Pleas.

At the Easter Meeting of Chief Pleas, 26th April 2017, the Policy and Performance Committee brought an information report stating that it had commenced the groundwork for a Code of Conduct for Officers of Chief Pleas, including Treasurer, Speaker, Greffier, Seneschal and Prévôt. This Code of Conduct would only relate to the work within Chief Pleas and not to any other area of work for the Government of Sark or Court of the Seneschal.

Whilst some initial groundwork was done on this project, it was never formally taken forward and is now in the drafting stage.

The Policy & Finance Committee has completed the 'Civil Service Code of Conduct' (appended to this report) and brings this to Chief Pleas for consideration. As before, this Code of Conduct would only relate to the work within Chief Pleas and not to any other area of work for the Government of Sark or Court of the Seneschal.

Proposition –

That Chief Pleas approves the Civil Service Code of Conduct appended to this report.

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

GOVERNMENT OF SARK: CIVIL SERVICE CODE:

INTRODUCTION

1. The Civil Service forms an integral and key part of government. It supports the Chief Pleas of Sark, Committees and Boards in formulating and implementing their policies, and in the delivery of public services. Civil servants are recruited on merit through fair and open competition. You can take pride in carrying out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality.
 - **Integrity** is about putting the public good above your own personal interests in whatever you do as a civil servant.
 - **Honesty** involves being truthful and transparent.
 - **Objectivity** means that you base your advice and decisions on rigorous analysis of the evidence.
 - **Impartiality** requires you to act solely according to the merits of the case and without bias. In a politically impartial Civil Service, you must not let your own political views influence your work.
2. These core values support good government and ensure the achievement of the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of Chief Pleas Members, the public, other organisations it works with, and its many customers, and to fulfil its role in Island life.
3. This Code sets out the standards of behaviour expected of you and all other civil servants and the duties that civil servants owe to Chief Pleas members the public, other organisations the Civil Service works with, and its many customers. These standards and duties flow from the core values. Individual Committees may also have their own separate mission and values statements based on the core values including the standards of behaviour expected of you in your dealings with your colleagues.

STANDARDS OF BEHAVIOUR

INTEGRITY

4. You must:

- conscientiously fulfil your duties and obligations.
- always act in a way that is professional and that deserves and retains the confidence of those with whom you have dealings, whether they be Conseillers, members of the public or other civil servants
- ensure the proper and efficient use of public money.
- deal with the public and their affairs fairly, efficiently, promptly and effectively
- comply with the law.

5. You must not:

- misuse your official position or information acquired in the course of your official duties to further your private interests or those of others, and after leaving your official position must not take improper advantage of your previous office.
- accept gifts or hospitality or receive other benefits from a third party which might reasonably be seen to compromise your personal judgement or integrity.
- disclose confidential information without authority. This duty continues to apply after you leave the Civil Service.

HONESTY

6. You must:

- set out facts and issues truthfully.
- use resources only for the authorised public purposes for which they are provided.

7. You must not:

- be influenced by pressures from others or the prospect of personal gain.
- deceive or knowingly mislead Conseillers, other civil servants or members of the public.

OBJECTIVITY

8. You must:

- provide information and advice, including advice to Conseillers, on the basis of the evidence, and accurately present the options.
- take decisions on the merits of the case.
- take due account of expert and professional advice.

9. You must not:

- ignore inconvenient facts or relevant considerations when providing advice or taking decisions.
- frustrate the implementation of policies once decisions are taken by declining to take, or abstaining from, action which flows from decisions.

IMPARTIALITY

10. You must:

- carry out your responsibilities in a way that is fair, just and equitable and reflects the Civil Service commitment to equality and diversity.

11. You must not:

- act in a way that unjustifiably favours or discriminates against particular individuals or interests.

POLITICAL IMPARTIALITY

12. Civil servants must maintain political impartiality: you must serve the Government of Sark to the best of your ability in a way which is consistent with the requirements of this Code and irrespective of your own political beliefs.

13. You must:

- implement decisions conscientiously.
- act in a way which deserves and retains the confidence of Conseillers, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in the future.
- comply with any restrictions that have been laid down on your political activities.

14. You must not:

- allow your personal political views to determine any advice you give or your actions.

RIGHTS & RESPONSIBILITIES

15. Your Line Manager has a duty to make you aware of this Code and its values. If you believe you are being required to act in a way which conflicts with this Code, your Chief Secretary has a duty to consider your concern, and to ensure that you are not penalised for raising such a concern.
16. If you have such a concern, you should in the first instance raise it with your line manager or someone else in your line management chain. If for any reason you would find this difficult, you should raise the matter with your Chief Secretary or equivalent.
17. If you become aware of actions by others which you believe conflict with this Code you should report this to your line manager or someone else in your line management chain; alternatively you may wish to seek advice from your Chief Secretary or equivalent.
18. This Code is part of the contractual relationship between you and the Chief Pleas of Sark as your employer. It lays down the high standards of behaviour expected of you which follow from your position in public and Island life as a civil servant. You can take pride in living up to these values.

Evidence of criminal or unlawful activity should be reported to the Police or other appropriate authorities.

MEDICAL & EMERGENCY SERVICES COMMITTEE
Report with proposition to Michaelmas Chief Pleas, 6th October, 2021

TRANSFER OF FUNCTIONS - SAFEGUARDING

At the Easter Meeting held on 11th April 2018, Chief Pleas approved the appointment of a Safeguarding Officer and the establishment of a Multi-Action Safeguarding Hub (MASH). The Education Committee was directed to oversee the appointment of the relevant Designated Safeguarding Leads from each Agency.

The need for a Safeguarding Officer and MASH was identified in the Education Review undertaken in 2017/18. It was therefore logical at the time for these functions to be attributed to the Education Committee.

Since then, the role of the Safeguarding Officer and the MASH has evolved, encompassing work with vulnerable adults as well as children. In light of this, the Medical & Emergency Services Committee consider that functions relating to matters of safeguarding should be transferred from the Education Committee to the Medical & Emergency Services Committee.

If Chief Pleas agrees to transfer this function, an Ordinance will be brought at a later date to enact this, and the Mandates of Education and Medical & Emergency Services Committees will need to be amended and brought for approval at the same time.

Supporting Papers:

Appendix A: Briefing Paper – Director of Education

Appendix B: Concerns of the Sark MASH

Proposition –

That Chief Pleas agrees to the transfer of the safeguarding function from the Education Committee to the Medical & Emergency Services Committee.

Conseiller Helen Plummer
Chairman, Medical & Emergency Services Committee

Briefing Paper – 06 September 2021

Author – Director of Education

Should Safeguarding to move to Medical and Emergency?

History

When the review took place in 2017, there was a limited approach to Safeguarding children and no legal framework. Since 2017, the laws have been introduced to detail responsibilities within the law and establish the role of Island Safeguarding Officer and the Multi Agency Safeguarding Hub. Since 2017, the ISO has worked with children and increasingly with vulnerable adults. In 2019, Amanda DeCarteret, as Chair of the Safeguarding Committee and the Director of Education worked with Guernsey legal teams to begin the process of writing the laws in respect of Safeguarding vulnerable adults. The COVID19 pandemic highlighted the significant need on Sark, and there are now more cases involving vulnerable adults than cases involving children.

Why should safeguarding move to Medical and Emergency

- The Medical and Emergency Committee already have a brief that covers all Islanders.
- Safeguarding now addresses the needs of more adults than children.
- The Education Committee has no remit for managing the safeguarding of adults.
- There are occasions when some details about a case must be shared. The rules around confidentiality for safeguarding mirrors that of medical-in-confidence. Medical committee members understand the implications.
- The Medical and Emergency Committee have mirrored the role of Health and Social Care in Guernsey during the pandemic – these departments have responsibility for Safeguarding in Guernsey.
- MASH is concerned that the Education Committee currently has a parent member. Offers an opportunity to separate Education and Safeguarding.
- The School Designated Safeguarding Lead could advise the Education Committee on aspects of process that was relevant to education.

Why should safeguarding remain with Education

- The Child Protection Law currently makes reference to the Committee, being the 'Education Committee' and this would require change through the law officers.
- The Director of Education is currently the line manager for the Island Safeguarding Officer – although this role could be split.
- Islanders are used to Safeguarding falling under the Education Committee.

Sark Multi Agency Safeguarding Hub

The transfer of responsibility for Sark Island Safeguarding to the Sark Medical and Emergency Committee.

It has become increasingly apparent to members of the Sark MASH team that responsibility for island safeguarding should be transferred to the Sark Medical and Emergency Committee.

When the Sark Safeguarding legislation was originally introduced it was felt that Safeguarding would be best served as the responsibility of the Education Committee because the needs of Sark children were greater. Subsequently, a significant amount of Sark Safeguarding time is now spent dealing with more vulnerable adults in Sark than children.

The Sark Education Committee has no remit for managing the safeguarding of adults. The Medical and Emergency Committee already have a brief that covers all Islanders. The rules around confidentiality for Safeguarding closely mirror those of confidential medical matters. There are occasions when some details about specific cases must be shared, albeit in outline, and members of the Sark Medical and Emergency Committee already respect and understand these implications, needs and requirements.

The Sark Medical and Emergency Committee have mirrored the role of Health and Social Care in Guernsey throughout the Covid pandemic, and these departments have responsibility for Safeguarding in Guernsey.

The Sark MASH team are also concerned that the Education Committee currently has a parent member. This has further exacerbated the need to move the responsibility for Safeguarding to the Sark Medical and Emergency Committee, primarily because this potentially seriously compromises the effective role of Safeguarding in Sark.

The designated Safeguarding Lead in Sark School could advise the Education Committee on any aspects of process that were relevant to education.

The Sark MASH team met recently and unanimously agreed that, in view of all these facts, they wished to separate responsibility for Safeguarding away from the Sark Education Committee.

On behalf of the
Sark MASH team

13th September 2021

TAXATION REVIEW (SPECIAL) COMMITTEE
Report with propositions to Michaelmas Chief Pleas, 6th October 2021

**REVIEW OF ALL ASPECTS AND CATEGORIES
OF THE TAXATION SYSTEM ON SARK**

Attached to this report, for information purposes, is a 'blank' Tax Declaration Form to assist Chief Pleas in better understanding the matters raised in the report. All the tax related figures quoted in this report are based upon the various rates agreed for 2021 and may change if Chief Pleas varies the rates for 2022.

At the Midsummer Assembly, 7th July 2021, the Chairman delivered a short verbal report on behalf of the committee stating that:

"From the outset it was apparent to the Committee that our work would likely fall into two distinct categories:

*The first, being proposals that can be brought to Chief Pleas with a view to delivering short-term increases to tax revenues by enacting amendments to the existing laws. We are advised that these changes may likely require a *Projet de Loi*. This being the case, the Committee will bring a report with proposals to the Michaelmas Assembly of 6th October for Chief Pleas' consideration.*

The second category will look to address revenue raising measures that Chief Pleas would wish to implement through direct and indirect taxation over the medium to long-term. To this end, we ask that Committees develop a medium and long-term plan for public expenditure to allow the Tax Review (Special) Committee to bring forward proposals for fair and equitable tax laws that can adequately support Chief Pleas' objectives."

The Committee's proposals set out in this first report are not necessarily aimed at increasing taxes or tax revenue, but to produce a fairer system of tax

91st Day

At present the date upon which a person's liability to personal capital tax falls, is 1st January.

The Committee has identified that people arriving on Sark very early in the financial year, or within the last 89 days of the previous financial year, effectively get a 'free year' of paying no personal capital tax. Furthermore, persons arriving early in the financial year and leaving later in the same financial year (having spent more than 90 days on Sark) do not pay any personal capital tax at all. This latter group would also cover those 'seasonal workers' that are not subject to section (10) of **The Direct Taxes (General Provisions) (Sark) Ordinance 2003**.

The Committee proposes that a person should be liable for personal capital tax from their 91st day on Sark.

There is still a great deal of work to be done in investigating the consequences to existing legislation, as well as means of implementation, before any amendment to legislation is put to Chief Pleas. The Committee requests permission to speak with the Law Officers of the Crown for advice and guidance on this matter.

Tax Declaration Form – Changes to Option 2

The Committee has considered Option 2 on the Tax Declaration Form and how for 2021 there were 77 people who chose this option, each having a total tax liability for the year of £475, which worked out at around £9.13 per week. Option 2 currently reads:

'As a member of the household where the Possessor has elected to pay the Forfait, I elect to pay the Minimum Tax'

The Committee is proposing that a fairer and more equitable Option 2, would read something to the effect:

'As a member of the household where the Possessor has elected to pay the Forfait, and my net capital assets are less than the Minimum Asset Rate, I elect to pay the Minimum Tax'.

This proposed change would mean that person who had Net Capital Assets of more than £121,795 would not be able to select Option 2 and would instead have to select Option 3 (*to pay on Net Assets*) or Option 5 (*Maximum Tax*).

If it is the opinion of Chief Pleas for the proposed change to be made, it will require an amendment to section 8 (2)(c) of The Direct Taxes (Sark) Law, 2002, Proposition 2 has been drafted to reflect this.

Banding of Forfait

At present the payment of Forfait is based upon the Total Dwelling Quarters, the Quarter Rate and the Forfait Factor and follows the admittedly simplistic assumption that *'the larger the house you live in the greater your wealth and your ability to pay the proportionate level of tax*. Whilst this statement certainly does not apply in every case, it does leave the possibility of a person of substantive means choosing to occupy a modest property and subsequently paying a comparatively small amount of tax. The present system means that any dwelling of less than 253 Quarters, would yield a tax lower than the Maximum Tax of £9,500 (which for 2021 no one paid).

The Committee is considering investigating the Forfait further, to possibly produce a 'banding' system rather than have the 'one size fits all' approach. The Committee does not have firm proposals presently and simply wishes to know if Chief Pleas feels this is matter that should pursued further.

Reviewing and Simplifying the Tax Declaration Form

When faced with the Tax Declaration Form, particularly the first time, it can be a bewildering experience. The Committee believes that more clarity would lead to less confusion.

The Committee is proposing a redraft of the existing form to make it easier to understand, and to provide a guide to be sent out with the forms each year.

Proposition 1 -

That Chief Pleas approves the Taxation Review (Special) Committee to speak with the Law Officers of the Crown, for advice and guidance as to possible amendments to the taxation legislation, such as a person should be liable for personal capital tax from their 91st day on Sark.

Proposition 2 -

That Chief Pleas directs the Taxation Review (Special) Committee to consult with the Law Officers of the Crown to prepare an amendment to section 8 (2)(c) of The Direct Taxes (Sark) Law, 2002 as detailed in the above report.

Proposition 3 -

That Chief Pleas recommends that the Taxation Review (Special) Committee continues its work looking at the Forfait with an aim to introducing a 'banding system'.

Proposition 4 -

That Chief Pleas recommends that the Taxation Review (Special) Committee proceed with reviewing and simplifying the Tax Declaration Form.

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

OFFICIAL USE ONLY	
PAID IN FULL	<input type="checkbox"/>
QUARTERLY	<input type="checkbox"/>
MONTHLY	<input type="checkbox"/>
ELEC/TRANSFER	<input type="checkbox"/>

January 1st 2021

DECLARATION FORM 2021

Tax identification number: ---

Quarter Rate:	£15.00
Total registered quarters :	
Total dwelling quarters:	
Forfait Factor:	2.5
Minimum Personal Capital Tax:	£475
Net Asset Factor:	0.39%
Minimum Asset Rate:	£121,795.00
Maximum Personal Capital Tax:	£9,500

PROPERTY TAX

Being my Total Registered Quarters times the Quarter Rate. £.....

PLUS

PERSONAL CAPITAL TAX

1) I elect the Forfait payment being my Total **Dwelling** Quarters x Quarter Rate x Forfait Factor. £.....

OR

2) As a member of the household where the Possessor has elected to pay the Forfait, I elect to pay the Minimum Tax. £.....

OR

3) My Total World Wide Assets are: £.....
 Less Allowable Liabilities: £.....

I elect to pay on my Net Assets of: £..... Times Net Asset Factor £.....

OR

4) My Assets being below the **Minimum Asset Rate**, I elect to pay the **Minimum Tax**. £.....

OR

5) I elect to pay the **Maximum Tax**. £.....

6) My net capital assets are **less** than the **Minimum Asset Rate**

(a) I am aged under **69 yrs.** on **December 31st 2020.**

(b) I am the Possessor of The Property named above (which is my principal dwelling).

Therefore, I am not liable P.C.T.

(This will apply to one individual who is the possessor in the principal dwelling)

Please tick.....

OR

7) As a Possessor living outside of Sark, I declare that accommodation **WAS NOT** available to me for **90 nights** or more, during the **preceding 12 months** therefore my P.C.T is Zero.

Please tick.....

OR

8) My net capital assets are **£150,000** or less **AND**

(a) I am aged **69 yrs.** or above on **December 31st 2020.** OR

(b) I hold a Medical Certificate stating that I am permanently unfit for gainful employment.

Therefore I am not liable for P.C.T.

Please tick.....

Sub Total (Property Tax PLUS Personal Capital Tax) £.....

Less 2.5% discount if paid in FULL on or before 28th January 2021 £.....

DECLARED TAX £.....

Payment Options:

Please Tick

- A I enclose my full payment for the Declared Tax as detailed overleaf.
- B I elect to pay 4 equal payments on or before 28th January, 28th April, 28th July and 28th October.
- C I elect to pay 9 equal payments commencing 28th January, and on the 28th of each month thereafter.
- D I elect to pay by Electronic Transfer. **You must return your Declaration Form as confirmation**

ALL deferred payments must be accompanied by a Standing Order Mandate.

(b) Failure to honour your Deferred Payment date will result in the Treasurer claiming the FULL balance within 28 days

Standing Order details are as follows:

NatWest Bank
Branch: Sark
Account Name: Inhabitants of Sark Tax Collection Account
Account N°: 74038427
Sort Code: 60 09 20
IBAN: GB15NWBK60092074038427
BIC: RBOSGGSX

Please ask your Bank Manager to make a Copy of the Mandate and attach it to your Declaration Form

I declare that the details listed on this Declaration Form are a true statement of my Tax Liabilities to the Island of Sark for this **current year ending 31st December.**

I am aware that under the Direct Taxes (Sark), Law 2002, it is an offence to knowingly make a false, misleading or incomplete statement, or recklessly make a statement which is false or incomplete in any material form

Signed..... (Please print name)Date:

All Cheques must be made payable to:

Inhabitants of Sark Tax Collection Account abbreviated to **I o S Tax Collection A/C**

PLEASE NOTE!

1

Failure to submit your Tax by the **28th January** will incur a Formal Assessment being issued under Section 14 of the Law. This will include a fixed Penalty not exceeding 100% of that Assessment PLUS a **Monthly Penalty** not exceeding 5% of the whole under Section 16(a) (b) of the Law. **Fixed Penalty only** may be deducted if Tax is paid in full by the **28th February**.

2

The **Monthly Penalty** will be added, on the first day of each and every Calendar Month thereafter until final settlement.

3

All Taxes that are **unpaid** by **28th February**, will result in a Summons being issued by the Treasurer, under Section 11 (6) of the Law, for recovery through the Seneschal's Court as a Civil Debt to Chief Pleas. This will include the Fixed Penalty and Accrued Monthly Penalties, **PLUS** Costs and Court Fees.

4

Please be advised that anyone claiming to have net assets below the minimum asset value shown under 'Personal Information' and tendering only the minimum Personal Capital Tax may be required to produce verified documentation and/or information under Section 15(1) of The Law.

POLICY & FINANCE COMMITTEE

Report for Information only to Michaelmas Chief Pleas, 6th October 2021

THE 2022 BUDGET

Historically the annual budget paper has been brought to Michaelmas Chief Pleas, with initial expenditure budget requests being presented at the preceding Midsummer Chief Pleas.

The summer season is extremely busy for most Conseillers, which has meant that expenditure plans for the Island are essentially decided by May for the following year.

In order to produce a relevant and more accurate budget for the Island as possible, delaying the presentation until November will result in more robust and pertinent figures for the following year.

Budget request forms were sent to all Committees in July, and 'Budget Plans' have been added to Committee meeting agendas to start the planning process. Tender invitations and quotations requests for significant expenditure have been requested and it is anticipated that these will be received in time for the November meeting.

The Treasurer will meet with all Committees in September and will bring the 2022 Budget to an extraordinary meeting in November.

Conseiller John Guille
Chairman, Policy & Finance Committee

ITEM 13

HARBOURS, SHIPPING & PILOTAGE COMMITTEE

Information Report to Michaelmas Chief Pleas, 6th October, 2021

ISLE OF SARK SHIPPING REPORT

The Harbours, Shipping & Pilotage Committee have received a comprehensive report from the Director of Isle of Sark Shipping including volume and financial performance in the months of June, July and August, advanced books, promotions and a fleet and operations update. This document is attached to this report.

Conseiller Sandra Williams
Chairman, Harbours, Shipping & Pilotage Committee.

Isle of Sark Shipping - Update

June July August 2021

Volume Performance/Financial to date



Volume performance:

	DX		variance	% var
	2021	2019		
June	4803	11876	-7073	-60
July	8147	16697	-8550	-51
August	12137	16814	-4677	-28

	PR		variance	% var
	2021	2019		
June	4400	3179	1221	38
July*	9616	6725	2891	43
August	7485	5442	2043	38

	Single		variance	% var
	2021	2019		
June	496	769	-273	-36
July*	1125	1592	-467	-29
August	778	1192	-414	-35

Total	Total		variance	% var
	2021	2019		
June	9699	15824	-6125	-39
July*	18888	25014	-6126	-24
August	20400	23448	-3048	-13

Cargo

Satandard Cargo	2021		2019		Tonnes Variance	Revenue Variance
	Tonnes	Revenue	Tonnes	Revenue		
June	340	£35,399	290	£32,269	50	£3,130
July	382	£39,057	392	£42,821	-10	-£3,764
August	378	£37,704	407	£37,782	-29	-£77

Charter	2021		2019	
	Tonnes	Revenue	Tonnes	Revenue
June	195	£9,825	0	£0
July	65	£3,275	65	£3,275
August	0	£0	0	£0

Financial performance

Bank balance/overdraft at end of month (August/YTD)

Forecast
+£230,136

Actual
+£285,670

Improved position in comparison to forecast

+£55,530

Year to date and advanced bookings



Through to the end of June IoSS has been running to the Bailiwick only budget for both volume and revenue. Costs have been variable but again broadly within budget despite fairly significant increases in the price of fuel and completion costs for the “Corsaire de Sercq”, mortgage arrangement fees and un budgeted repairs to Sark Belle.

From mid July onwards outside Bailiwick visitors to Guernsey started to appear. The performance for both revenue and costs moved in line with the “recovery budget” that had been compiled earlier in the year.

Volume comparisons

Month	Volume performance against Budget PY & 2019										
	2021	2020	2021/20 Variance	2019	2021/2019 Variance	Budget 2021	Variance	Recovery Budget	Variance	pre 2020 5yr ave	5 yr ave Variance
October	2,352	4,057	- 1,705	3,687	- 1,335	1,500	852	1,500	852	4,301	- 1,949
November	2,049	1,259	790	1,287	762	1,500	549	1,500	549	1,191	858
December	2,009	1,569	440	1,368	641	1,439	570	1,439	570	1,438	571
January	952	1,052	- 100	1,176	- 224	890	62	890	62	893	59
February	-	802	- 802	1,146	- 1,146	1,100	- 1,100	1,100	- 1,100	1,079	- 1,079
March	876	777	99	1,633	- 757	1,750	- 874	1,750	- 874	1,838	- 962
April	6,001	-	6,001	6,753	- 752	3,000	3,001	3,000	3,001	6,193	- 192
May	7,170	-	7,170	13,945	- 6,775	6,500	670	6,500	670	12,579	- 5,409
June	9,699	3,181	6,518	15,633	- 5,934	8,500	1,199	8,500	1,199	16,654	- 6,955
July	18,898	12,079	6,819	24,533	- 5,635	12,000	6,898	18,000	898	22,654	- 3,756
August	20,400	16,818	3,582	22,984	- 2,584	17,000	3,400	20,000	400	21,724	- 1,324
September	5,541	8,364	- 2,823	12,427	- 6,886	6,000	- 459	6,500	- 959	12,253	- 6,712
	75,947	49,958	25,989	106,572	- 30,625	61,179	14,768	70,679	5,268	102,795	- 26,848

Note: September bookings are travelled and booked for the period as of 5th Sept.

Schedule - July through to October

With the opening of the borders, in conjunction with Sark Tourism we have printed a visitor brochure that has been distributed to hotels and other tourist centres using Sark Tourism's distribution agent.

Eating out on Sark A treat for the whole family

Sark has a good choice of places to eat and drink with a variety of cafes and restaurants offering everything from a delicious local crab sandwich to a full lunch or dinner featuring the island's lobsters, fish or locally reared pork, beef and lamb. There are several tea gardens and a poolside bistro where you can enjoy a swim followed by a tasty meal or cream tea. Sark has three pubs, all with outside areas to make the most of the sunshine. For those with a sweet tooth, the island also has its very own chocolatier producing superb handmade chocolates including truffles, liquors and bars as well as the finest hot chocolate. You certainly won't go hungry on Sark!

The perfect day trip & even better for a longer stay

Sark is the smallest of the four main Channel Islands and is just a short trip by sea from Guernsey. Whether you decide to explore on foot, on a bicycle or in a horse and carriage, there is plenty for the whole family to enjoy on this magical little island. There are beautiful bays to explore and fascinating places to discover. A horticultural highlight is a visit to the Seigneurie Gardens, considered to be one of the finest Victorian walled gardens in Europe. There's more than enough to fill a day but to really appreciate the peace and unique atmosphere of Sark you need to stay longer. There is a wide choice of accommodation from award-winning hotels and self-catering properties to guesthouses and campsites.



Discover a World Apart

TRAVEL INFORMATION 2021

For further information visit
www.sark.co.uk

For a complete guide to the island download the online 2021 brochure at www.sark.co.uk




Day Return Timetable & Fares

Friday 1st July to Friday 1st October 2021

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Depart GY	08.45	08.45	08.45	08.45	08.45	08.45	08.45
Depart Sark	10.25	10.25	10.25	10.25	10.25	10.25	10.25

Depart Sark	16.00	17.00	16.00	17.00	16.00	16.00	16.00
Depart Sark	18.00		18.00		18.20	18.00	

Saturday 2nd October to Sunday 31st October 2021

	Mon	Tues	Wed	Thurs	Fri	Sat*	Sun
Depart GY	08.20		08.20		08.20		
Depart GY	10.00	10.00	10.00	10.00	10.00	10.00	10.00

Depart Sark	17.00	17.00	17.00	17.00	17.00	17.00	16.00
-------------	-------	-------	-------	-------	-------	-------	-------

*Please note Saturdays October 2nd, 9th & 16th the sailing times departing Sark are 16.00 & 18.00

Off Peak Day Return Adult £26.00

Peak 1 time Day Return Adult £29.50

Peak Time Day Return Child (3yrs-14yrs) £14.00

Infants (Under 3 years) all sailings & ticket types FREE

Group rates are available for parties of 12 or more. Please enquire for details.



To book call 01481 724059
or book online at www.sarkshipping.gg

Payment must be made at the time of booking. Prebooked passengers who hold tickets should arrive at the departure point no later than 15 minutes before scheduled sailing time.

All travel is subject to Isle of Sark Shipping Company Limited conditions of carriage. Additional terms and conditions may apply to some ticket types and products. Full details of our terms and conditions are available on the website or on the ticket office.

Exploring Sark Walking

Sark is the perfect size to explore on foot with tranquil lanes and gently sloping paths for an easy stroll and steeper descents to the island's gorgeous beaches and hidden bays to test those leg muscles for the more energetic! Either way, you will be treated to breath-taking views of Sark's stunning coastline, woodlands and countryside every step of the way so don't forget to bring your walking boots!

Sark Visitor Centre offers a variety of guided walks (call 01481 823245 for more information or visit www.sark.co.uk) or pick up a copy of Sark Strolls and explore on your own.




Sark Good for the Soul

Beyond the bustle of the village there is a haven of peace and tranquility to discover on Sark. Even on the busiest summer's day, it's not difficult to find a secluded spot with a stunning view to have all to yourself. It's the ideal place to escape from the noise and stress of the modern world and let the sights and sounds of nature wash over you. No wonder Sark has been inspiring artists and writers for centuries!



Exploring Sark Pedal Power

On a small island without cars the quickest way to explore is by bicycle. Given a single day and a set of wheels you can cover the island from one end to the other and there aren't many hills to slow you down. There are two cycle hire centres on Sark all providing a range of bikes, including electric bikes, tag-alongs, tandems and child trailers for babies and toddlers, as well as helmets and baskets.

A to B Cycles - 01481 833844
Avenue Cycles - 01481 832102



Exploring Sark Horse Power

A carriage tour is the perfect way to see Sark, especially if you have never been to the island before. The gentle pace allows the driver plenty of time to point out the most interesting sights and talk about island life and the elevated seating position provides an excellent view of Sark's stunning scenery. Carriage tours start and finish at the top of Harbour Hill just above the tractor bus stop. Ask any driver if they are available. Prices vary depending on the tour and need to be booked before you arrive.

Danny Walsley - 07781 113386
Michelle Perrée - 01481 852027
Stocks Hotel - 01481 830101



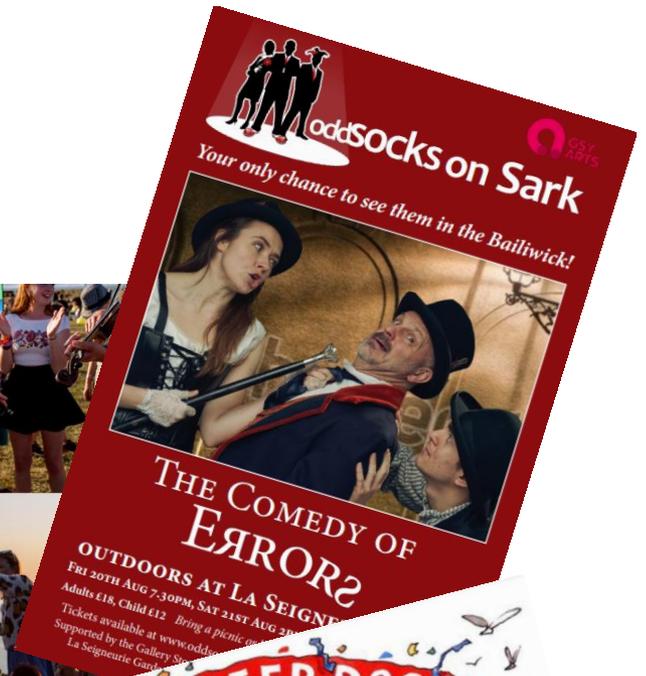
Advertising & Promotions, Sark Events.

Sarkfest, Sheep racing, Oddssocks, Lawnmower racing and other Sark based events have generated considerable interest and passenger volumes (congratulations to the organisers....my apologies if we have missed any out)

Event	Volume (legs)
SarkFest	3,500
Sheep racing	2,500
La Fetes du betes	900
Oddssocks	1,000
Lawnmowers	600



SARK LAWN MOWER Hill Climb & Racing
 Friday 27th Aug - Harbour Hill Climb, 6pm
 Saturday 28th Aug - Racing, 10:30am start
 Special Boats with Sark Shipping
 Adult £12 return & kids \$6 return*
 *When travelling on either the 15:10 or 17:00 departing Guernsey and returning on the 20:30 departing Sark.
 T: 01481 724 059
 www.sarkshipping.gg

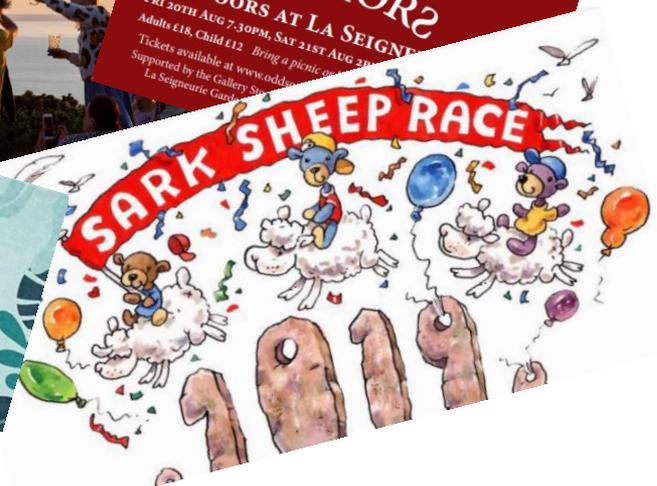
oddssocks on Sark
 Your only chance to see them in the Bailiwick!
THE COMEDY OF ERRORS
 OUTDOORS AT LA SEIGNEURIE
 FRI 20TH AUG 7:30PM, SAT 21ST AUG 2PM
 Adults £18, Child £12. Bring a picnic or buy one from the Gallery Store.
 Supported by the Gallery Store and La Seigneurie Gardens



CREATIVE WRITING Sark
 24th-26th September 2021
 A weekend's free events with celebrating island-inspired words past and present.
 Join A.L. Kennedy, multi award-winning novelist, short story writer, writing born on Sark.
 Guest contributions from Maryn Peaker's short stories, Victor Hugo and a lifetime mastery of the island's history, flora, fauna and geology. Open to all, with guided visits.
 Friday 24th - 14:00-16:00 - Authors Read Aloud Walk
 Walk out and about on Sark's less trodden paths, looking for Authors' Sites of Sark's Past and Present.
 Saturday 25th - 10:00-12:00 - Meet and Greet: New Steps to Sark
 Meet the authors of the island's history, flora, fauna and geology. Open to all.
 Sunday 26th - 12:00-13:00 - What Are the Odds?
 A chance to meet the authors of the island's history, flora, fauna and geology. Open to all.
 Sunday 26th - 15:00 - Fall Off the Press
 Come and hear to any of the weekend's workshop participants who'd like to read or perform their latest material. Followed by a communal bring and take gathering. Open to all.
 All events are free, with donations welcome.



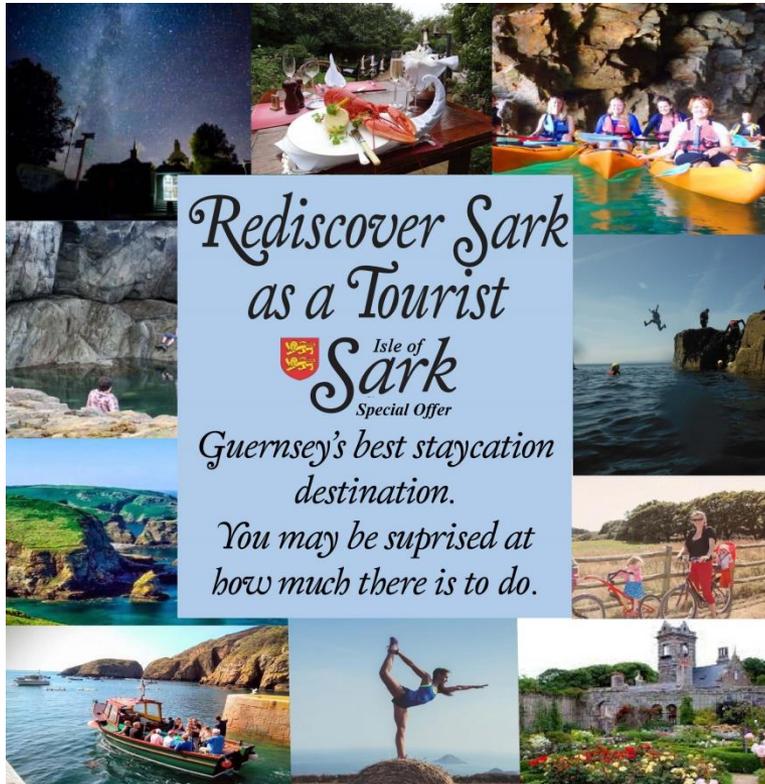
LA FÊTE DES BÊTES
 24 JULY 2021 SARK
 LA SEIGNEURIE • 12PM-12AM
BUFFALO HUDDLESTON
 DEEZ • THE SPACE PIRATES OF ROQUAINE • ELOISE FABBRI
 E HOBO • ELLIOT ALBERT ORCHARD • LULA & GENE
 ...AND MORE TO BE ANNOUNCED!
 £35 (CHILDREN 11 AND UNDER FREE) TICKETS AVAILABLE FROM eventbrite



SARK SHEEP RACE
 2021

Advertising/promotions.

We are also continuing to promote to the Guernsey resident market through Guernsey Press advertising using both general awareness pieces (Rediscover Sark) and targeted special offers. In addition we have maintained the £16 day return price for Sark originating passengers and a short break fare will be introduced mid September.



*Rediscover Sark
as a Tourist*



*Guernsey's best staycation
destination.*

*You may be suprised at
how much there is to do.*

For up to date information on:

- What to do and Events
 - Where to stay and Availability
 - Where to Eat and Drink
- or Special offers and Promotions

Visit: www.sarkshipping.gg

Rediscover Guernsey as a Tourist



*As the summer season draws to a close take a
short break to Guernsey, Herm, or Alderney.*

Sark to Guernsey 3 night 4 day fare:

£20 adult return

£10 child return

Offer applies to any sailings from Sark to Guernsey and return. Travel must be completed by Sunday 7th November 2021

To make a booking call (01481) 724059

To find accommodation, special offers and attraction offers visit:
<https://club.visitguernsey.com>

Fleet update/Operations

Corsaire de Sercq:

Corsaire de Sercq entered service on 2nd July. Thus far crew and passenger reaction has been very positive. We are monitoring the schedule keeping and if required will make any adjustments for next season.



Guernsey to Sark Punctuality

sailings 97	Dep		Arr		
	number	%	number	%	
on time or early	77	79	31	32	74
within 5	20	21	43	44	
6 to 15	0	0	17	18	
16 to 30	0	0	6	6	23

Sark to Guernsey Punctuality

sailings 100	dep		Arr		
	number	%	number	%	
on time or early	40	41	41	42	68
within 5	60	62	27	28	
6 to 15	0	0	28	29	
16 to 30	0	0	4	4	32

Sark Turnaround	minutes	ave pax
09:35	00:12	133
11:15	00:17	183
16:00	00:17	154
last turnaround	00:16	116

GY - SK	Average crossing time	37 min
SK- GY	Average crossing time	36 min
	Average rotation time	1H29 min

Fleet update/Operations



Corsaire de Sercq (continued):

There have been some unforeseen issues with the new fendering in Sark damaging the forward belting on the Corsaire. (These issues are not related to the quality or fitting of the fendering but rather the design and position of the existing fendering on the Corsaire. We are working on replacing/modifying the vessel fendering to negate the problems. Work will be done during winter season overhaul.

Performance – The vessel is operating reliably and economically using less fuel than the Venture for a round trip. Customer reaction has been very positive even in choppy weather conditions. There have been some comments from Sark residents ref the timekeeping. We are confident the vessel can improve on the current punctuality as most of the delays are related to the volumes of luggage being carried on the am sailings due to a predominately Guernsey resident market rather than the vessel performance.

Draft schedules for 2022 have additional turnaround time added. (see page 13 for schedule draft proposals)

Sark Venture:

Sark Venture is operating normally and there have been no reported issues. The incline and lightship survey has been completed and we are planning to get the MCA/Mecal back to move the survey anniversary date back to October rather than March. The November through to March schedule has been based on Venture operating times.

Sark Viking:

Sark Viking is operating normally and there have been no reported issues.

Sark Belle:

A UK buyer for the Sark Belle is still interested in the purchase, to be completed in late September/October, delivered to the UK. We are awaiting a formal offer letter.

Establishment



Staffing

Crew:- We are currently operating with a full crew complement. Three staff have been qualified as Engineers.

Office and Admin:- Earlier in the year the Company recruited Mrs Angela Willis as Finance Manager, to replace Mr Paul Burnard, Angie is a fully qualified accountant with many years experience working in the private sector.

It should also be noted that our employee co-funding with the States of Guernsey ended in June. The value of this contribution in this financial year alone is in excess of £60K. General staff costs July August, to date are broadly in line with the Recovery budget but in excess of the Bailiwick only cost calculation due to the additional rotations and passenger volumes.

IT systems

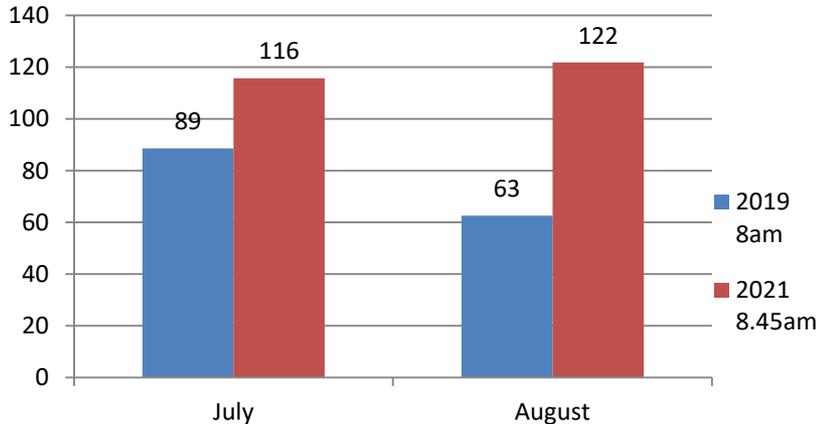
The current IT (reservations) system is approaching the end of its useful life. The company that supplied the system are finding it more difficult to support and there is greater risk of failure. At this stage we have approached to suppliers of “off the shelf” ferry reservation systems (Hogia & Compass) This project is currently at a very early stage and a business case will be published in due course.

To Date Summary

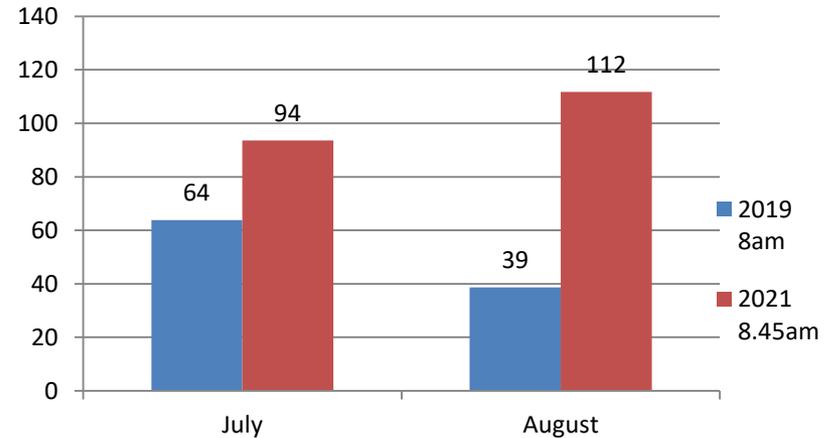
Volume, revenue, have been running better than budget and costs are running to budget. The cash flow is currently running better than forecast. Financially we are ahead of target and there is still £180K that has NOT been drawn down on the loan agreed in 2020.

After the first six weeks of operation of the Corsaire de Sercq, operating to the published schedule, passenger and crew feedback has been very positive.

The introduction of the 0845 GY departure to replace the 0800 is proving much less difficult to sell, to both GY residents and particularly visitors, and the 0845 and 1025 are booking up more evenly rather than the later sailing filling before the early. Average loads for the 0845 departure have risen considerably compared to the demand on the 0800



0800 vs 0845 average passenger loadings



0800 vs 0845 average passenger loadings excluding Saturdays

The visitor market (Guernsey and Sark) is by no means back to where it was in 2018/19. We are adding sailings if required/when required, so apologies for what is a bit of a moving feast as regards set departure times.

It appears from our sailing statistics that the length of stay for visitors to Sark increased during July and August with people staying for longer periods and/or travelling during the week rather than a concentration over the weekend.

To Date Summary (continued)

Not only has the 0845 sailing become more popular there has also been a change in the volume and mix of passengers with more staying visitors travelling out to Sark on the am sailings and back on the earlier sailings. The increase in staying visitors along with the accompanying increase in luggage volume has had a challenging impact on maintaining the schedule.

Average		Turnarounds											
		DX				PR				Total			
		OFF	ON	Total	% Variance	OFF	ON	Total	% Variance	OFF	ON	Turnaround	% Variance
2019	0800/0900	31	5	37		8	5	13		39	11	50	
2021	0845/0935	44	13	57	+55	20	8	28	+114	63	21	85	+71
2019	1000/1100	112	3	115		21	27	48		134	30	164	
2021	1025/1115	48	3	51	-56	44	38	82	+69	92	41	133	-19

		DX				PR				Total			
		OFF	ON	Total	% Variance	OFF	ON	Total	% Variance	OFF	ON	Turnaround	% Variance
2019	1500/1600	9	88	97		35	21	56		44	109	153	
2021	1510/1600	2	49	51	-47	24	59	83	+48	26	108	134	-12
2019	1700/1800	7	108	115		17	12	29		24	120	144	
2021	1710/1800	7	59	66	-43	15	30	45	+55	22	89	111	-23

To Date Summary *(continued)*



Fares – The £16 day return from Sark to Guernsey has had a small positive effect on the volume of Sark originating passengers, but not offset the number of longer visit Sark originating traffic. It is the intention to retain the £16 fare through the winter and we will be introducing a £20 3 night fare for Sark residents during the winter period.

We are also working with the Sark Medical & Emergency Committee to introduce a discounted fare for residents needing to visit Guernsey for non elective medical/dental or other specified treatments.

Cargo - Cargo volumes and revenues have also recovered to pre 2020 levels and following the changes in legislation relating to the sale of property the demand for building material has also increased.

The pandemic is still impacting the business albeit in some aspects with a positive effect. The remainder of this season (and possibly next season) may be a bit of learning process therefore any feedback relating to any aspect of the service is more than welcome; if not essential. We are always happy to discuss your ideas or concerns either by phone or a call into the office.

Looking forward to 2022 season

Objectives and Assumptions



Objectives:

- Where possible use single vessel on scheduled sailing times. If required additional rotations will be added. If additional capacity is required second vessel (Sark Venture) will be scheduled for outward am departure 1000 and or 0800. additional return rotations 1600 and or 1800.
- Retain current fare levels Guernsey and Sark originating to support volumes.

2022 schedule:

- 0845 departure maintained for 2022 Later time more popular with both GY residents and visitors.
- AM second rotation Guernsey and Sark turnaround time increased to 20 minutes.(see above. Pressure on am turnarounds due to increased luggage [PR numbers out and back])
- 1025 departure moved to 1030 to accommodate the 5 min increase in turnaround time.
- Passage time maintained at 35 minutes. (round trip time 1H30 has been achieved through 2021 season)
- 1710 Guernsey departure brought forward to 1645
- 1800 Sark departure brought forward to 1745 (sailing brought forward to allow for 3rd rotation if required)
- High season 1145/1245 sailing replaced by 1215/1305 sailing (assumes a % of UK originating Sark staying visitor numbers return. Price leverage (discounted fares will be offered to encourage short day trip option.

Assumptions:

- Winter season and demand & schedules will remain as previous years
- There will likely be further recovery of the tourism industry during 2022 but the visitor numbers are unlikely to reach 2018/9 levels at least until July/August (air schedules not fully recovered, tour operators need to set up programmes etc.)
- Agency sales may not reach 2018/19 levels as to date we have had few enquiries relating to 2022 programmes.
- Cruise liner visits only 25% of 2018/9 levels (Brexit and Covid)
- Guernsey resident staying visitor numbers may fall back to 2019 volume and pattern of travel as holiday destinations open up.

Schedule Options 2022

Schedule options – The winter schedule November 2021 through to March 2022 will follow the same pattern as previous years. The service will predominantly be operated by “Sark Venture” using the “Corsaire de Sercq” as a back up 2022 schedule will be operated predominately by the Corsaire If additional capacity is required the Venture will be scheduled in for an 0800/1000 am departure and 1600/1800 return. Below are the various combinations of schedule time that are being considered

Schedule options for summer 2022

												Saturday ?				
DEP	GY			DEP	GY			DEP	GY			DEP	GY			Passage
ARR SK	0920	15		ARR SK	0905	15		ARR SK	0835	15		ARR SK	0835	15		35 mins
DEP SK	0935			DEP SK	0920			DEP SK	0850			DEP SK	0850			35 mins
ARR GY	1010	20		ARR GY	0955	20		ARR GY	0925	20		ARR GY	0925	20		35 mins
DEP GY	1030			DEP GY	1015			DEP GY	0945			DEP GY	0945			35 mins
ARR SK	1105	20		ARR SK	1050	20		ARR SK	1020	20		ARR SK	1020	20		35 mins
DEP SK	1125			DEP SK	1110			DEP SK	1040			DEP SK	1040			35 mins
ARR GY	1200	15		ARR GY	1145	15		ARR GY	1115	15		ARR GY	1115	15		35 mins
DEP GY	1215			DEP GY	1200			DEP GY	1130			DEP GY	1130			35 mins
ARR SK	1250	15		ARR SK	1235	15		ARR SK	1205	15		ARR SK	1205	15		35 mins
DEP SK	1305			DEP SK	1250			DEP SK	1220			DEP SK	1220			35 mins
ARR GY	1340			ARR GY	1325			ARR GY	1255			ARR GY	1255			35 mins
DEP GY	1510			DEP GY	1510			DEP GY	1510			DEP GY	1425			
ARR SK	1545			ARR SK	1545			ARR SK	1545			ARR SK	1500			
DEP SK	1600			DEP SK	1600			DEP SK	1600			DEP SK	1515			
ARR GY	1635			ARR GY	1635			ARR GY	1635			ARR GY	1520			
DEP GY	1650			DEP GY	1650			DEP GY	1650			DEP GY	1535			
ARR SK	1725			ARR SK	1725			ARR SK	1725			ARR SK	1610			
DEP SK	1745			DEP SK	1745			DEP SK	1745			DEP SK	1625			
ARR GY	1820			ARR GY	1820			ARR GY	1820			ARR GY	1710			
DEP GY	1835			DEP GY	1835			DEP GY	1835			DEP GY	1725			
ARR SK	1910			ARR SK	1910			ARR SK	1910			ARR SK	1800			
DEP SK	1925			DEP SK	1925			DEP SK	1925			DEP SK	1815			
ARR GY	2000			ARR GY	2000			ARR GY	2000			ARR GY	1845			

Draft Schedule subject to approval.



The following pages contain the broad proposed schedule for the winter and 2022 season

These are/may be subject to change following discussion with the Shipping Committee,
User Group and Stakeholders.

Schedule

Schedule adjustments for winter 2021 summer 2022 November through February

November - December*								
		Mon	Tue	Wed	Thu	Fri	Sat	Sun
DEP	GY	08:00	09:30	08:00	09:30	08:00	08:00	13:00
		15:00		15:00		15:00	15:00	
DEP	SK	09:00	11:25	09:00	11:25	09:00	09:00	14:00
		16:00		16:00		16:00	16:00	

January - February								
		Mon	Tue	Wed	Thu	Fri	Sat	Sun
DEP	GY	08:00	09:30	08:00	09:30	08:00	Alternate weeks as Fri	
		15:00		15:00		15:00		
DEP	SK	09:00	11:25	09:00	11:25	09:00	Alternate weeks as Fri	
		16:00		16:00		16:00		

Schedule as per previous years. Additional sailings and timings will be added for Christmas period. Alternative week shopping days will be added for Saturdays Jan and Feb.

Schedule

Schedule adjustments for winter 2021 summer 2022 March through to April

March- April (depending on Easter date)								
		Mon	Tue	Wed	Thu	Fri	Sat	Sun
DEP	GY	08:45		08:45		08:45	08:45	
		10:30	10:30	10:30	10:30	10:30	10:30	10:30
		15:10	15:35	15:10	15:35	15:35	15:35	15:10
		16:50		16:50		17:25	17:25	16:50
DEP	SK	09:35		09:35		09:35	09:35	
		11:25	11:25	11:25	11:25	11:25	11:25	11:25
		16:00	16:25	16:00	16:25	16:25	16:25	16:00
		17:45		17:45		18:15	18:15	17:45

Schedule



Schedule adjustments for winter 2021 summer 2022

		May - 14th July						
		Mon	Tue	Wed	Thu	Fri	Sat	Sun
DEP	GY	08:45	08:45	08:45	08:45	08:45	08:00	08:45
		10:30	10:30	10:30	10:30	10:30	09:45	10:30
		12:15	12:15	12:15	12:15	12:15	11:30	12:15
		15:10	15:10	15:10	15:10	15:35	14:25	15:10
		16:50	16:50	16:50	16:50	17:25	15:35	16:50
							17:25	
DEP	SK	09:35	09:35	09:35	09:35	09:35	08:50	09:35
		11:25	11:25	11:25	11:25	11:25	10:40	11:25
		13:05	13:05	13:05	13:05	13:05	12:20	13:05
		16:00	16:00	16:00	16:00	16:25	15:15	16:00
		17:45	17:45	17:45	17:45	18:15	16:25	17:45
						18:15		

		15th July - 15th Sept						
		Mon	Tue	Wed	Thu	Fri	Sat	Sun
DEP	GY	08:45	08:45	08:45	08:45	08:45	08:00	08:45
		10:30	10:30	10:30	10:30	10:30	09:45	10:30
		12:15	12:15	12:15	12:15	12:15	11:30	12:15
		15:10	15:10	15:10	15:10	15:35	14:25	15:10
		16:50	16:50	16:50	16:50	17:25	15:35	16:50
							17:25	
DEP	SK	09:35	09:35	09:35	09:35	09:35	08:50	09:35
		11:25	11:25	11:25	11:25	11:25	10:40	11:25
		13:05	13:05	13:05	13:05	13:05	12:20	13:05
		16:00	16:00	16:00	16:00	16:25	15:15	16:00
		17:45	17:45	17:45	17:45	18:15	16:25	17:45
						18:15		

Greyed out sailings May to June will be added if demand dictates. Separate schedules will be added for Festival and Sheep racing.

ITEM 14

POLICY & FINANCE COMMITTEE

Information Report to Michaelmas Chief Pleas, 6th October, 2021

UPDATE RE: FACILITATED MEETING WITH ISLE OF SARK SHIPPING

At the Easter meeting of Chief Pleas held on 14th April, 2021, Chief Pleas approved that Policy & Finance appoint Andrew Ozanne to act as facilitator to enable a meeting between Isle of Sark Shipping and Policy & Finance.

A full update on this and matters pertaining to the restructuring of the Board of Directors of Isle of Sark Shipping will be given verbally by Conseiller John Guille at this meeting.

Conseiller John Guille
Chairman, Policy & Finance Committee

ITEM 15

POLICY & FINANCE COMMITTEE **Information Report to Michaelmas Chief Pleas, 6th October, 2021**

PUBLIC CONSULTATION ON THE FUTURE SHAPE OF CHIEF PLEAS

At the Midsummer Meeting held on 7th July, 2021, the Policy & Finance Committee submitted a report (Item 8) proposing that 'Chief Pleas resolves that a public consultation be carried out and a report brought to a future Chief Pleas.'

The public consultation has now concluded. 371 questionnaires were sent out; 27 replies were received. A breakdown of the raw data is attached to this report.

The Policy & Finance Committee would like to thank all those who responded. The Committee is considering the results and will return to Chief Pleas once the full analysis has been completed.

Conseiller John Guille
Chairman, Policy & Finance Committee

Consultation on the shape of Chief Pleas

371 questionnaires were sent out

27 Replies Received

Q1 Are you over 18 and have been ordinarily resident in Sark for the last two years prior to the closure of the Electoral roll?

Yes	No
26	1

Q2 Are you on the current electoral roll?

Yes	No
26	1

Do you think the registration process is easy to use/access

Yes	No	Unsure
23		4

How do you think that we can improve the registration process?

Introduce online registration?	5
Publish guidance on how to complete the process?	6
Provide more information about the benefits of being on the electoral roll?	7
Other- (Do not know what to do)	2

Q3 Have you ever stood for election to Chief Pleas?

Yes	No
12	15

Have you stood in any Chief Pleas election since 2013?

Yes	No
4	23

Q4 Have you ever sat in Chief Pleas in any capacity?

Yes	No
10	17

Q5 In recent elections and by-elections what has discouraged you from standing for Chief Pleas?

I hold another office which excludes me from standing	3
Time Commitment /workload	9
Lack of reimbursement	2
Political Culture	8
Media Scrutiny	6

Unqualified to do role	2
The current Committee system	5
Lack of civil service resource	8
Because of Age	6

Q6 What would encourage you to stand in future elections?

More clarity and information about what the role involves?	3
More collaborative political culture	6
Receiving reimbursement/salary for conseillor work	4
Formal training	1
Positive publicity for Chief Pleas work	9

Q7 Do you think the total number of Conseillers (18) should be reduced?

Yes	No	don't know
9	15	3

Q8 Do you think Conseillers should be paid a salary?

Yes	No	No answer/undecided
4	17	6

Do you think Conseillers should be paid reimbursement of expenses, including loss of wages?

Yes	No	No answer/undecided
16	5	6

Do you think Conseillers should remain Voluntary?

Yes	No	No answer/Undecided
17	3	7

Q9 Do you think Chief Pleas communicates effectively with the public?

Yes	No	No answer/undecided
6	19	2

If you said no, what do you think Chief Pleas could do to improve how it communicates with the public?

Make some/more committee meetings open to the public	14
Regular news bulletins/government press releases	13
Reintroduce conseiller surgeries	15
Publish brief minutes of meetings in which major decisions are made	12

Q10 Would you like to see regular surgeries where conseillers can meet with the public and answer questions?

Yes	No	No answer
17	9	1

EDUCATION COMMITTEE

Information Report to Michaelmas Chief Pleas, 6th October 2021

SARK SCHOOL ANNUAL REPORT

This report details what has happened in Sark School between September 2020 and August 2021. It also informs both Chief Pleas and members of the public of any events or changes likely to take place in the near future.

The main areas of focus for Sark's Education Committee over the past year have been, the management of the school through the pandemic, the supervision of electively home-educated children (the majority of whom were from overseas and have subsequently left the Island), the recruitment of a temporary Head of School and a replacement teacher to cover the temporary promotion, mitigating the impact of children with English as an additional language, facing the challenges of fluctuating pupil numbers, continuing to support the implementation of procedures and practices surrounding secondary education and home education, reviewing the potential for a 'Sark House' to accommodate secondary aged children in Guernsey and completing the regulations and delegations (through the M.A.S.H) in support of the Child Protection Law.

In January 2022 the contract for Sark's current Director of Education will end, and in June 2021 the Director gave the Committee formal notice of her intention to terminate the contract and leave the role as Sark's DoE (Director of Education). The Education Committee must now determine how best to replace the support and guidance currently provided by the Director. Simply tightening our relationship with Guernsey Education is a one potential solution, and all types of Sark stakeholders are encouraged to get in touch, as the Committee considers and then implements this change. The Committee would like to take this opportunity to thank Beverley Gates, for everything she has done for education on Sark, and to wish her every luck in the future. The Committee would also like to offer assurance that, going forward, Sark Education and the improvements that the Director has helped the Island to implement, will remain safe in the Island's hands.

Now that COVID is receding and the school inspection processes are back on track in the United Kingdom, we expect to secure an independent inspection of the Sark school; in line with point 6 of our mandate.

Sark School Annual Report 2020/21

Number on roll

At the start of the academic year 2020/21, there were 23 children in Sark School. During the year, the school admitted 15 children, 6 into Class One, 5 into Class Two and 4 into Class Three. These admissions occurred at various points in the year, but predominantly during the autumn term. By the end of the summer term, 7 of these children had left, with 5 of these expected to return at some point during the Michaelmas term of the 2021/22 year. At the end of the school year, the breakdown of pupils in each class was as follows:

Class name	Number of pupils	NC year group
Class One	13	Nursery, Reception & Year 1
Class Two	12	Years 2, 3, 4
Class Three	7	Years 5, 6, 7, 8

In September 2021, 1 child reached year 9 and is now being educated in Guernsey, accommodated by a host family.

For the very start of the new academic year (2021/22) the school has admitted 5 children - 1 in the EYFS (Early Years Foundation Stage) class, 2 in the newly organised 'Infants' Class (Years One and Two [and Reception in the afternoon]), 1 in the newly formed 'Juniors' class and 1 in the newly formed 'Seniors' class. The school has also received confirmation that there will be a further three children who are all expected to be in different classes by the start of October. The school has also had verbal assurances that 5 of the German speaking children that left towards the end of the 2020/21 school year will return - most likely at some point in the second half of the Michaelmas term (after the October half-term). The school also expects there to be at least 2 new nursery admissions after the Easter break. Taking all of this into account, the school's numbers are expected to fluctuate over the course of the year. However, we can accurately predict that there will be 45 children enrolled at the school for a large portion of it - this is significantly up from the 32 who finished the 2020/21 year at the school.

Teaching and other staff

For the start of the 2020/2021 year the school had a teaching Head of School, and two class teachers. By the end of the year, the school had employed one part-time teaching assistant who was hired to cope with burgeoning numbers in the Nursery cohort within Class One and to allow the Class One teacher to focus more on the KS1 children in her care. A second full-time teaching assistant was also employed to work with these children but also to work as intervention support for children further up the school at various points during the day. At one point, the school had a third TA on its staff to spread these responsibilities a little more thinly but this appointment did not work out and by the end of the year, these responsibilities were condensed between the other two TAs. The school also paid an hourly rate to Mrs Roberts (Dr Nick Roberts' wife) in order to allow non-contact leadership time for the Head of School. This was for six hours a week. When Mrs Roberts left to have her baby, the school employed Mrs Emma Galley (who moved to the island in February) to cover this time. Her role is also to cover any sickness and absences as and when these occur. Additionally, there is one part-time cleaner and one part-time administrator. The education system in Sark is overseen by the Director of Education.

For the 2021/22 academic year, the school will have a teaching Head of School, and two full-time class teachers, and a cover supervisor working with the nursery children (supported by a part-time TA), one midday supervisory assistant and a part-time interventions teaching assistant. Additionally, there will be one part-time cleaner, one part-time administrator and a qualified part-time Cover Teacher.

During 2020/21, each teacher was responsible for coordinating and leading an area within the school. Mrs Branson was responsible for Foundation, Reception and Year 1 alongside her role as school Safeguarding Officer. Dr Roberts, in addition to his responsibilities as Head of School, was responsible for Years 2 to 4 and Mr Wolfe, in addition to his responsibilities as

Special Educational Needs Co-ordinator was responsible for Years 5 to 8. Other subject and curriculum responsibilities were shared by all teaching staff.

In May 2021, the school appointed an Acting Head of School, Mr Nicholas Wolfe and appointed Miss Emily Starkie on a one-year contract. Dr Nicholas Roberts left at the end of the summer term. Miss Charlie Jones has recently completed a HLTA (Higher Level Teaching Assistant) course and has had her role adapted to that of nursery/cover supervisor.

Board of Education

The Board has ten members including representatives from the church, business interests and four ex-officio members. There are two elected parent representatives (one for Sark School and the other for children educated in Guernsey), and the Chair of the Education Committee sits on the Board of Education. The Board meets, on average, once every half-term and more frequently when necessary.

The Board receives some written reports prior to each meeting and receives a verbal report from the Head of School and Director of Education. Members of the Board have been given a calendar for 2020/21 to support them in reviewing the practice of the school and enable them to attend school events and activities on a regular basis. This is designed to give the Board a good insight into the daily running of Sark School.

School buildings & resources

The school buildings are suitable for the requirements of Sark School and are respected by all users. Maintenance of the building's interiors has traditionally been the responsibility of the Island Trustees but this year the financial burden will move to the Education budget.

Over the summer, the classroom layouts were altered slightly. What the school used last year as hall space, has been converted back into a classroom for the senior pupils (years 5-8). What was Class One has been converted into a space catering for Early Years Foundation Stage (EYFS) provisions. The two upstairs classrooms have become spaces for the Infants (years 1-2) and Juniors (years 3-4). The space between the two downstairs classrooms has been converted back into the school's communal area for assemblies and lockers. Outside play areas have been tidied extensively and an allowance for a caretaker to maintain windows and banks has been put into the budget forecast. The fence that was at the rear of the school has been moved closer to the EYFS door to provide a barrier for the younger children who will use it most frequently.

School and staff development

School development has continued to focus on driving up academic standards, developing more positive pupil attitudes to learning and providing a highly structured school environment through-out the day.

The Head and teachers have continued to drive forward progress in academic standards through the development of a more rigorous syllabus that encompasses the full range of subjects from the English National Curriculum. Teachers have spent considerable time this year working together to assess good practice within the unusually structured classes at Sark school. The incoming Acting Head of School has highlighted quality guided reading (the teaching of how to engage with and respond to a text properly) as a focus for scrutiny and development this year and has run professional development sessions and developed a plan to help push this forward.

The school operates a performance management system whereby The Head and teachers discuss individual targets for staff based on the expected outcomes of children, personal targets pertaining to unique staff responsibilities and areas of the School Development Plan (the document by which the school sets its targets and assesses its overall impact on its

pupils). These targets are formally reviewed throughout the year and teachers are expected to gather evidence to show that they have been met.

As has been the case from the previous two years, there has been a big focus on accelerated progress in Mathematics and English. This has been achieved through the implementation of daily maths and writing classes which occur first thing in the mornings, and which are, wherever possible, linked to other areas of the curriculum. With more children entering KS3 (Key Stage 3) than in the previous year, it has been necessary to tailor the curriculum for these children to be more in line with expectations for their age group - this has resulted in clearer boundaries between individual lessons and less crossover between topics. Teaching in Class One has moved away from play-based learning for those in Key Stage One and the children now have a much more structured curriculum.

As has always been the case, Individual education plans are in place for identified students and are reviewed termly by both teacher and parent. As of the end of term, there is only one child who has such a plan in place and his intervention time with a Teaching Assistant in the afternoons is based on recommendations laid out by a Guernsey based speech and language therapist. At the end of the summer term, two other children had been highlighted as needing similar plans and avenues are being explored to find the best ways to help these children progress.

A key area for school development in the coming academic year is the development of Modern Foreign Language provision in the school. The departure of Dr Roberts (the lead in this area) has been covered by the appointment of Miss Starkie who is accomplished in this area.

Assessment & standards

The children in Sark School are assessed continually at a class level by teachers, and appropriate work is set based on this ongoing assessment of learning.

Children are assessed more formally at three intervals in the year to track progress, generate targets (for pupils and teachers), inform planning and to provide more detailed feedback to parents. The school uses a mixture of assessment materials including SATs [standardised assessment tests] and AQA KS3 assessments for the final round of assessment in July.

Data from this year (2020/21) has shown, despite the minor impact of home-learning, Sark School's pupils are broadly operating at, or just above, expected age related standards for writing, reading and maths.

Curriculum

The school follows the English National Curriculum and lessons, schemes of work and topics are taught in line with this. There is a clear distinction between skills and knowledge and the school has had a focus on developing the 'skills' aspect of what is taught.

Teachers have worked together to 'vertically align' what is taught in the different classes to ensure that knowledge and skills are appropriately pitched for children of different ages.

Children in Key Stages 1 and 2 are taught in a more topic-based way whereby lessons and subjects are linked. Children in KS3 are taught subjects in a more isolated way as they would be in a secondary school setting i.e there is a clearer distinction between subjects, and this is timetabled accordingly. The curriculum for children in Class One has had to be adapted. With the admission of more nursery aged children, their provisions have had to be separated from those of children in KS1 in order for all needs to be adequately met. Learning for KS1 children in Class One moved away from being play-based to being more structured and in line with what was being taught in Classes Two and Three.

Enrichment programme

As last year, all pupils in Classes Two and Three (year groups 2 to 8) were enrolled in an enrichment programme which ran between 2.30 and 4.30 every school day. The programme allowed students to take part in a wide range of activities including archery, equine care, cookery, woodwork and robotics. Run by volunteers, enrichment was a hugely impressive community led initiative, and enabled the school to deliver a wide and varied curriculum to all children. The school received a nomination for a TES award in recognition of its enrichment programme and involvement with the local community - this was a huge honour for the school and was a great reflection of the impact of our enrichment programme.

This construction of the enrichment timetable and the recruitment of volunteers to run sessions is coordinated by the school's parent representative and a school contact.

The school year

The school year began with the academic structure being clarified for parents and students. Week three was baseline assessment week and results were used to structure the curriculum and identify students requiring additional support.

In PHSE [Personal, Social & Health Education] the school has benefited from a number of visitors to support lessons in school. These have included the SHARE nurses [Sexual Health and Relationship Educators] who worked with children from Classes Two and Three.

In music and drama, the school performed Christmas plays in the Methodist chapel and Island Hall. Class 1 rehearsed a traditional nativity and delivered a fantastic performance to parents and friends just before the Christmas holiday. The title of the Class Two and Three play was Jane Blonde - a humorous take on a James Bond film.

Unfortunately, the school entered a second, brief period of home learning as a result of enforced Covid restrictions in February. The school was well prepared, and the children had a full programme of online learning on offer.

In PE, students received coaching in football, hockey, rugby and cricket as well as being able to enjoy a number of sports as part of the enrichment programme. Sports Day, organised by Nick Wolfe, was a huge success, as was the Mile Race.

In July, the children in Classes Two and Three visited Guernsey and stayed at Les Maingys Scout centre. They participated in activities run by Outdoor Guernsey such as coasteering, archery, rock climbing and paddle boarding. The focus of the trip was team and confidence building and the children rose to the challenges presented to them excellently. The trip was co-funded by FOSS and parents.

Rev. David Stolton led a number of assemblies and the children's choir performed at two events at St Peter's church.

The school year ended with the annual 'Celebration Evening' at the Island Hall attended by parents and other members of the community. The school choir (led by Mrs Branson) performed songs that they had rehearsed in enrichment sessions and the evening included the presentation of sports cups and awards for effort and progress, citizenship, and academic achievement.

Thanks to the children, parents, staff and members of the Board of Education and the Education Committee. The school appreciates the help given by many people and would like to place on record thanks to all who gave time, expertise, and donations. It would be impossible to thank everyone by name, but we offer particular thanks to all the volunteers who made the enrichment programme possible. We also appreciate the generosity of people in supporting the various school fundraising events throughout the year.

The future

As previously mentioned, the school appointed an Acting Head of School, Mr Nick Wolfe from the 1st of September 2021. Nick has already made a significant start during August reshaping the classrooms and supporting the new teacher for Class 2 – Miss Emilie Starkie. As already mentioned in this report, there has been significant change to the way that the classes at Sark School have been organised for the upcoming academic year and the impact of these changes will be reviewed constantly. The school already (after only three days of the new school year) feels as if the children are now far more appropriately arranged and in a better grouping to meet their individual age-related targets.

As part of his Acting Headship and in order to meet his professional development targets, Nick Wolfe intends to start an NPQH (National Professional Qualification in Headship). This has been budgeted for and is due to start in January.

Nick also intends to establish and embed more links with education-based professionals in Guernsey. Links with nursery services will be made to raise the standards of our EYFS provisions. Links will also be made with primary specialists, special educational needs consultants and groups that can help provide guidance for our KS3 children who are working towards transition into secondary education in the next couple of years.

Based on the changes that were made to the structuring of classes over the summer, it is envisioned that the newly reclaimed hall space will soon require the purchase of a new hard flooring surface to cope with increased level of footfall that it will now encounter. With our growing numbers, we will also need to purchase some new lockers too.

The projectors at the school are also aging somewhat and will need replacing soon. Nick Wolfe is trying to source two large TVs to meet these needs - one for the Senior's classroom and one for the school's hall space used during assembly time.

The INSET days at the start of the academic year provided us with a welcome opportunity to undertake some resilience and trauma-based training organised by the Island Safeguarding Officer through the Guernsey Safeguarding team. Moving forwards, another two INSET days are planned for 2021/22 and staff will also be encouraged to take advantage of three personal development days. As last year, staff training will now continue online on a weekly basis as well, with our focus over the Michaelmas term being on key areas such as developing guided reading provisions and the refreshment of the school development plan.

As last year the school newsletter and website (please note the web address: www.sarkschool.co.uk) will continue as the main source of communication and will be updated in the first few weeks of September to reflect the changes in school. We are maintaining our presence on Instagram, via our handle @SarkSchool, to further highlight the fantastic work being undertaken by our pupils.

The Parent Information Booklet is currently being reviewed in order to maintain its relevance for parents. This will be ready to send out to parents and carers soon.

The enrichment programme is now being led by Sabrina Buletson, the Sark School parent representative on the Board of Education. At the end of the 20/21 academic year, Nick Wolfe had assumed the role of school-based enrichment contact but this has now been passed on to Charlie Jones.

As already mentioned, there is a renewed focus on reading, as Nick Wolfe looks to develop our resource base for this area of the curriculum and the model by which teachers deliver quality guided reading sessions over the course of the year.

As this report has already stated, the school is witnessing a growing number of children who will soon be moving into secondary education and, most likely, into a Guernsey based school. A greater emphasis on transition-based preparation for these children is being planned for at Sark School. As an addendum to this point, the current Acting Head wishes to state for the

record that there is a need from the Education Committee to clarify its stance on the monetary contributions that parents/children are entitled to when children make this move, particularly if parents make the decision to send their children into a fee-paying school.

Finally, the school is due to enter an inspection/review cycle in the near future. The School, Board of Education and the Education Committee must work together in order to plan for the best way in which to undertake this. Nick Wolfe is already considering this and is planning appropriately so that the school's Self Evaluation Form and Development Plan are in place.

Secondary Education

For 2020, there were 4 children being educated in Guernsey and all were accommodated with host families. One student has left Y11 and is continuing her education independently in Guernsey.

For the academic year 2021/2022, there will be 4 children being educated in Guernsey and all will be accommodated by host families. One child has left Year 11 and one child is joining Les Beaucamps in Year 9. The other two students are educated in Year 10.

Elective Home Education

Throughout 2020 there were 8 children being electively home educated. The parents of only 3 children engaged with the Education Committee representatives [these being Sark families].

All other electively home educated children were new to the Island, and all refused to engage with the Committee representatives, this resulted in one of the families being served a final letter prior to seeking an attendance order for the primary aged child and a secondary order for the older child; the family eventually chose to leave the Island. Other families returned to Germany but have indicated that they may return to Sark on a seasonal basis.

The Y10 child from the Sark family has completed her 3 iGCSE's with the following grades: Maths level 6; English level 6 and History level 4. These all represent GCSE passes, the grade 6 being a strong pass. Over the next 12 months as a Y11 student, she will be taking her Environmental Management iGCSE in October, and also studying Travel and Tourism, Geography, Business, and Biology before taking exams in May/June 2022. In November 2021, she will apply to Sparsholt College for the course Animal Management Level 3 with pathways into zoos and wildlife. The Year 7 and Year 9 children are successfully working through the Key Stage 3 syllabus. The relationship between the parents and the Education Committee representatives are good and have a positive impact on the outcomes of the children.

Sark Safeguarding Officer's report

Sharon Boerenbeker became Island safeguarding Officer in April 2019. Jo Branson was appointed as the Designated Safeguarding Lead for the school. The Island Safeguarding Officer receives constant supervision from Beverley Gates, Director of Education.

The Multi Agency Safeguarding Hub (M.A.S.H.) is now well established and comprises: Sharon Boerenbeker Island Safeguarding Officer; Jo Branson - School Designated Safeguarding Lead; Estelle Scott – Deputy Island Safeguarding Officer; Stephanie Guille - Procureur; Danny Gale - Constable; Simone Bouchard - Doctor; Belinda Dunks - Church and Chapel Safeguarding Officer; Paul Armorgie and Sarah Latrobe-Bateman – Lay members and Bev Gates Director of Education (Advisory only). Sam Hodge (Assistant Procureur) and Charlie Jones (Constable) have attended some Multi Agency Safeguarding Hub (M.A.S.H) meetings in preparation for taking on their new roles as Procureur and Sark Constable.

During the last year, M.A.S.H. and/or its representatives have worked with 48 cases, approximately 60% are vulnerable adults, the remainder are children and their families

(working closely with Guernsey Children's Services when necessary). COVID19 has impacted many Islanders. The Island Safeguarding Officer was appointed as a member of the Pandemic Emergency Committee, so she could be at the forefront and able to offer support to many vulnerable residents and families who found 'lock down', the school closure and general day to day living difficult.

The Island Safeguarding Officer has undertaken training in support of both children and vulnerable adults. The M.A.S.H. has agreed regulations in support of the Child Protection Law and determined Delegations to the Island Safeguarding Officer.

As additional training for members of M.A.S.H and parents who wished to attend, the Island hosted two representatives from Children First presenting their course aimed at helping parents who have separated, to understand how this can affect their children and to give helpful guidance for parents to help them protect their Children from ACE (Adverse Childhood Experiences). M.A.S.H and Sark School teachers joined together for a training day in Sark School with a Clinical Psychologist who works in the reparative Care team for Children's family Services in Guernsey. He explained more fully, the short- and long-term impact of ACE on children from a very young age. The ISO and one of the Lay M.A.S.H. members completed a training day in Guernsey to further their expertise in chairing Team Around the Children (TAC) and Team Around the Family (TAF) meetings.

'My Concern' is working well for the Island Safeguarding Officer and the rest of the M.A.S.H. team. The Cloud based programme is used across the UK and the Bailiwick. It stores all information securely but makes it possible for the individual M.A.S.H. members to see the information relevant to their respective roles.

The pink Record of Concern forms for people to report matters that are a concern to them confidentially are being used more frequently as residents now seem more knowledgeable of their existence in the School and the Medical Centre entrance and have a greater understanding of their purpose. Other residents communicate with the Island Safeguarding Officer by phone or email.

Everyone working or volunteering in School has undergone safeguarding training, as have members of the Medical Committee and individual Conseillers. There will be further training and refresher courses during the winter months.

The possible move of Safeguarding from the Education Committee of Chief Pleas to the Medical and Emergency is reflective of demand highlighted during the pandemic. It became clear that there are a greater number of vulnerable adults requiring intervention through the Island Safeguarding Officer, than children. Children are also closely supported by the School Designated Safeguarding Lead. The move to Medical and Emergency is supported by the M.A.S.H. and the Island Safeguarding Officer, but not currently by the Education Committee.

Conseiller Nichola McHugh
Chair, Education Committee

DOUZAINE

Information Report to Michaelmas Chief Pleas, 6th October 2021

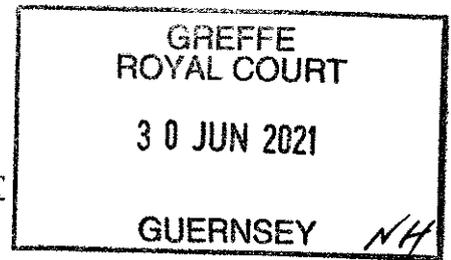
CONSTABLE – NEW ROLE

At the Easter Meeting of Chief Pleas, 22nd April 2020 (item 8) the Douzaine presented a report entitled 'The Constable Proposal' in which it outlined a move away from the traditional role of the Constable and Vingtenier to something that was more appropriate to what the Constable role was now expected to face. Chief Pleas was updated at the Midsummer Meeting 8th July 2020 (item 11) and the proposal was approved at the Extraordinary Meeting 25th August 2020 (item 4) with the changes coming into effect with the election of one Constable and three Assistant Constables at the Michaelmas Meeting 30th September 2020.

If the changes proposed in the 25th August 2020 report were fully adopted as written, there would need to be an amendment to sections 52 & 53 of **The Reform (Sark) Law, 2008**. The new structure was instead enacted to sit within the existing legislation, while accepting that in the long term, amendments would be required.

The Douzaine had wished to see if the new system would work before it brought any proposals to Chief Pleas to amend the Reform Law. Though the new structure has been running for 12 months, the COVID situation has somewhat clouded the issue, and while no serious problems have been discovered within the new structure the Douzaine would prefer to give it another year, to be sure, before it brought any amendment proposition(s) to Chief Pleas.

**Conseiller Christopher Drillot
Chairman, Douzaine**



GUERNSEY STATUTORY INSTRUMENT

2021 No. 69

**The Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No. 7) (Amendment) Regulations,
2021**

<i>Made</i>	29 th June, 2021
<i>Coming into operation</i>	1 st July, 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 there has been a recent surge of infections of several different variants of Severe Acute Respiratory Syndrome Coronavirus 2 in Europe;

AND WHEREAS the people of the Bailiwick are increasingly protected against infection with Severe Acute Respiratory Syndrome Coronavirus 2 as a result of the Bailiwick's

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

vaccination programme and vaccination programmes implemented by other countries and territories;

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

AND WHEREAS the Authority is satisfied that the effect of the following regulations is in due proportion to that emergency, and that they are compatible with the Convention rights within the meaning of section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000^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 (No. 7) Regulations.

1. (1) The Emergency Powers (Coronavirus) (General Provision) (No. 7) (Bailiwick of Guernsey) Regulations, 2021^c ("**the (No. 7) Regulations**") are amended as follows.

^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. 63 of 2021.

- (2) In the following provisions, for "6(2)" substitute "6(1)" –
- (a) regulations 1(2), 1(5), 12(2), 13(2), and 14(2) (in both places), and
 - (b) paragraphs 1(1)(b) and 1(5) of Schedule 1.
- (3) After regulation 4, insert –

"Meaning of "Blue Arrival", and related terms.

4A. (1) In these Regulations, a "Blue Arrival" means a person (other than a child) who has arrived in the Bailiwick after spending all of the period of 14 days immediately before his or her arrival in a Blue List Country, and who has a full vaccination history.

(2) Subject to paragraph (3), a "Blue List Country" means any of the Bailiwick, the United Kingdom, the Republic of Ireland, Jersey and the Isle of Man.

(3) On the advice of the MOH, the Authority may provide, by way of publication on the States of Guernsey website, that any of the United Kingdom, the Republic of Ireland, Jersey and the Isle of Man (or, as and where relevant, any country, province, region or area thereof) is, with immediate effect or from such time as may be specified, not a Blue List Country, but instead a Category 2 country, a Category 3 country or a Category 4 country, until further publication on that website making contrary provision.

(4) For the purposes of these Regulations, a person (P) has a "full vaccination history" if –

- (a) P has received a full course of a UK certified vaccine administered in a Blue List Country, and

(b) in the case of -

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

and in any case where a question is raised as to whether a person has a full vaccination history for the purposes of these Regulations, the determination of the MOH shall be final.

(5) For the purposes of paragraph (4), a "UK certified vaccine" means a vaccine against coronavirus the use of which is authorised by the European Medicines Agency, or the Medicines and Healthcare products Regulatory Agency of the United Kingdom (or the Secretary of State), either by way of a marketing authorisation or otherwise."

(4) For regulation 5(1), substitute –

"(1) Subject to –

- (a) provision made in or under Schedule 1 (concerning Critical Workers) or Schedule 2 (concerning Country Categories, which Schedule has effect),
- (b) paragraphs (2) to (7), and
- (c) regulation 5A (requirement to self-isolate on arrival in

the Bailiwick: children accompanying Blue Arrivals),

a person who has arrived in the Bailiwick by air or sea, other than a Blue Arrival, must self-isolate for 21 days; and for the avoidance of doubt, subject to any direction to the contrary from the MOH in any particular case, a Blue Arrival is not required to self-isolate, and is not subject to any other restrictions or requirements."

(5) In regulation 5(4), after "paragraph (6)" insert "or regulation 5A".

(6) For regulation 6, substitute –

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

5A. (1) Subject to any direction to the contrary from the MOH in any particular case, a child under 12 years who has arrived in the Bailiwick from outside by air or sea accompanied by a Blue Arrival is not required to self-isolate, and is not subject to any other restrictions or requirements.

(2) Subject to paragraph (3), a child of 12 years or over who has arrived in the Bailiwick from outside by air or sea accompanied by a Blue Arrival must self-isolate for 14 days.

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

(4) For the avoidance of doubt, a child of 12 years or over who has made an election under paragraph (3) is not required to self-isolate under regulation 5 or paragraph (2), but he or she -

- (a) must comply with paragraph 4 (Category 2 country arrivals) of Schedule 2, as it applies to a Relevant Person (within the meaning of that Schedule) described in subparagraph (1) of that paragraph, and
- (b) shall for all purposes (including, but not limited to, paragraphs 1(5) and 7 of Schedule 2 and regulations 14 and 15, which provisions concern offences) be treated as if he or she is –
 - (i) a Relevant Person (within the meaning of Schedule 2) described in paragraph 4(1) of that Schedule, and,
 - (ii) for the avoidance of doubt, a child taking part in the reduced self-isolation option for the purposes of paragraph 6 of that Schedule.

Requirement to self-isolate on arrival in the Bailiwick: requirement to provide information, etc.

5B. (1) Before travelling to the Bailiwick from any place outside the Bailiwick, and on arrival in the Bailiwick from any place outside the Bailiwick, a person (P) (other than a child under 12 years of age) must provide such information –

- (a) relating to –
 - (i) P, and P's travel during the 14 day period immediately preceding the date of his or her arrival in the Bailiwick, and

(ii) any child under 12 years of age travelling with P, and that child's travel during the 14 day period immediately preceding the date of his or her arrival in the Bailiwick ,

(b) in such a way (including, but not limited to, by entering that information on the States of Guernsey Travel Tracker website),

as the MOH may reasonably require (generally, in relation to a category of case into which P falls, or in relation to P's particular case) for the purposes of these regulations.

(2) On arrival in the Bailiwick from any place outside the Bailiwick, P must, if required –

(a) answer any question put to him or her by a relevant officer relating to his or her travel, and the travel of any child travelling with that person, during the 14 day period immediately preceding the date of his or her arrival in the Bailiwick,

(b) provide any travel document specified by a relevant officer relating to that person, or a child travelling with that person, for inspection,

(c) provide his or her Critical Worker Exemption (if any) for inspection, and

(d) answer any question put to him or her by a relevant officer relating to that travel document and Critical Worker Exemption.

(3) Where a person, acting pursuant to a request or instruction from P, enters information relating to P on P's behalf on the States of Guernsey Travel Tracker website, whether before or on P's arrival in the Bailiwick, P shall be treated (including, but not limited to, for the purposes of regulation 15(2)) as having entered the information himself or herself.

Requirement to self-isolate on arrival in the Bailiwick: supplementary.

6. (1) The Authority may, by publication on the relevant States of Guernsey website, impose a requirement that any person who has arrived in one Island in the Bailiwick from another Island in the Bailiwick must (subject to provision made in or under Schedule 1) self-isolate for 14 days.

(2) The requirement to self-isolate under regulation 5(1), 5(2) and 5A(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 (1) 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.

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

(4) The powers to vary of the MOH under paragraph (2) and of the Authority under paragraph (3) include (but are not limited to) powers to –

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

- (b) shorten the duration of the requirement to self-isolate, either unconditionally or on the MOH or the Authority (as the case may be) being satisfied that one or more specified conditions have been met, and
- (c) impose any requirements and restrictions on persons other than the person who has arrived in the Bailiwick that are reasonably necessary as a consequence of the variation of the relevant requirement on that person.

(5) For the avoidance of doubt, and without prejudice to the generality of paragraphs (2), (3) and (4), in any case where the MOH exercises a power to vary under paragraph (2) or the Authority exercises its power to vary under paragraph (3) –

- (a) the MOH or the Authority may consult such persons as she or it (as the case may be) thinks fit in respect of the exercise of the power in question, and
- (b) that variation may be amended or revoked in accordance with paragraph (6), and if amended shall be treated for all purposes as continuing to have effect in accordance with its terms.

(6) In any case where –

- (a) the MOH has exercised a power to vary, the MOH may amend or revoke that variation orally or in writing (in a case where the requirement was varied orally), and in writing (in a case where the requirement was varied in writing), or

- (b) the Authority has exercised its power to vary, the Authority may amend or revoke that variation by publication on the relevant States of Guernsey website,

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

(7) Where a restriction or requirement is imposed on or in relation to a child under regulation 5, 5A, 5B or this regulation (including the requirement to self-isolate under regulation 5(1), 5(2) and 5A(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, 5, 5A 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."

(7) In regulation 12(2), for "5(1) and 5(2)" substitute "5(1), 5(2) or 5A(2)".

(8) In regulation 14 –

(a) in paragraph (2) in both places for "5(1) or 5(3)" substitute "5(1), 5(3) or 5A(2)", and

(b) in paragraph (6)(b), after "regulation" insert "5B(1)".

(9) In regulation 15(2), at the end of subparagraph (b) delete "or", at the end

of subparagraph (c) insert "or", and after subparagraph (c) insert –

"(d) makes any statement or provides any information or document in the course of entering information on the States of Guernsey Travel Tracker website."

(10) In the definition of "relevant officer" at regulation 16(1), for "6(1)" substitute "5B(2)".

(11) At the end of paragraph 1 of Schedule 2, insert –

"(7) For the avoidance of doubt, a person may elect to take part in the reduced self-isolation option on the States of Guernsey Travel Tracker website."

Transitional provision.

2. (1) On the coming into force of these Regulations, subject to any direction from the Medical Officer of Health to the contrary in any particular case, a person who –

(a) arrived in the Bailiwick before the commencement of these Regulations,

(b) is –

(i) self-isolating (other than following a positive result of a test for COVID-19), or

(ii) complying with other restrictions and conditions,

in accordance with a requirement imposed under regulation 5 of, or Schedule 2 to, the (No. 7) Regulations, 2021, and

- (c) would, if he or she had arrived after the commencement of these Regulations, be a Blue Arrival for the purposes of the (No. 7) Regulations, (as amended by these Regulations),

is no longer required to self-isolate or comply with those restrictions or conditions (as the case may be).

Citation.

3. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 7) (Amendment) Regulations, 2021.

Extent.

4. These Regulations shall have effect throughout the Bailiwick.

Commencement.

5. These Regulations come into force on 1st July, 2021.

Dated this 29th day of June, 2021



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

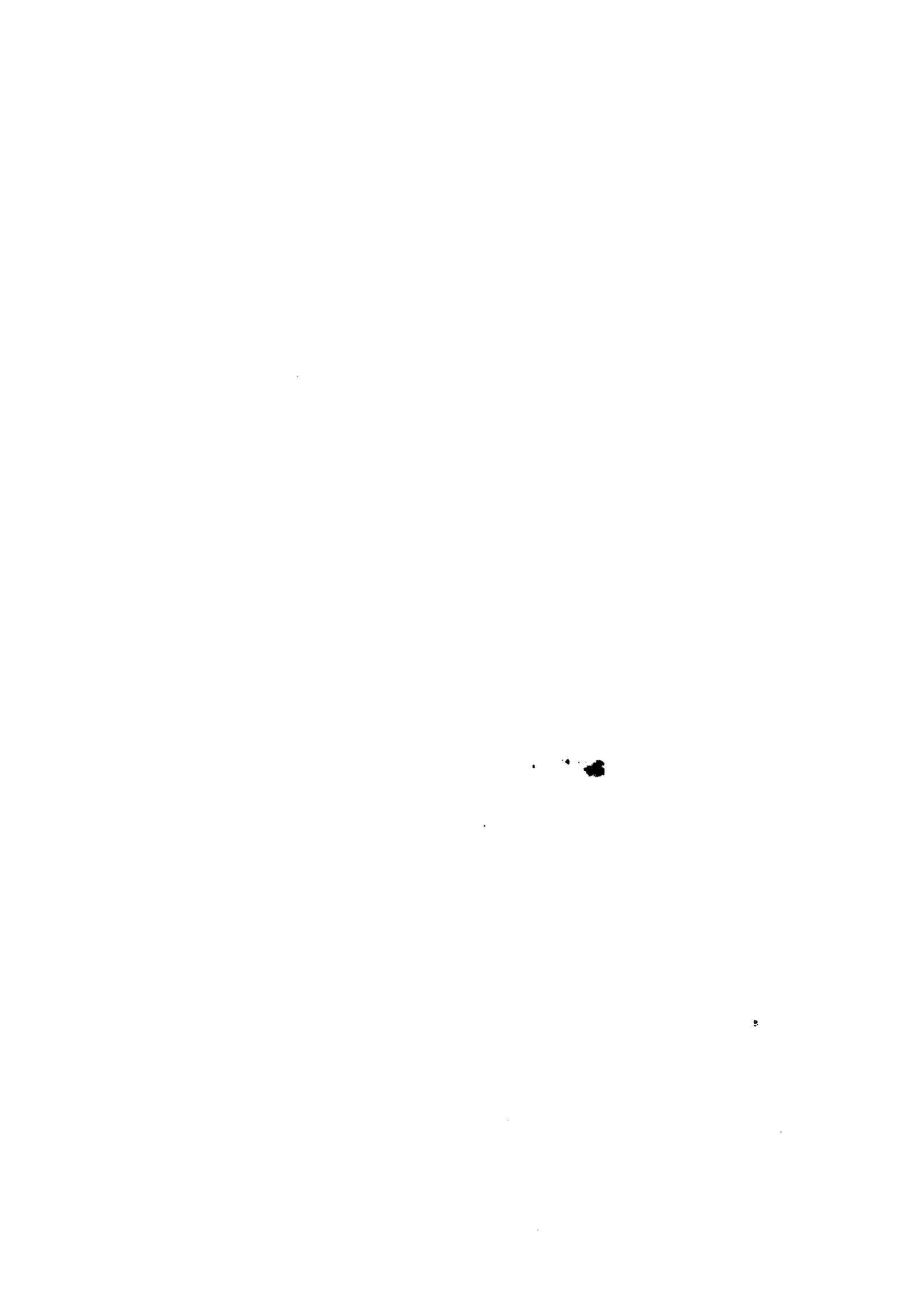
EXPLANATORY NOTE

(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 the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 7) Regulations, 2021. The primary purpose of the amendments made is to provide for what are referred to as "Blue Arrivals" – that is, persons arriving in the Bailiwick after having spent all of the last 14 days in the Common Travel Area and at least two weeks after receiving a full course of an EMA or MHRA authorised vaccine against coronavirus administered in the Common Travel Area – not to have to self-isolate or be subject to any other restriction or condition on arrival. The amendments also make provision in relation to children travelling with Blue Arrivals, and clarify requirements in respect of the duties on persons travelling to the Bailiwick to provide information, including by way of the Travel Tracker website. The regulations also provide that arrivals in self-isolation or passive follow up when these Regulations come into force, and who would have been Blue Arrivals had they arrived after the commencement of these Regulations, are no longer subject to those restrictions.

These Regulations come into force on 1st July, 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. 8) Regulations, 2021

ARRANGEMENT OF REGULATIONS

PART I

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

1. Decisions of MOH and the Authority to impose restrictions and requirements.
2. Detention of persons by the MOH.
3. Imposition of restrictions and requirements: general.
4. Critical Workers.
5. Requirement to self-isolate on arrival in the Bailiwick.
6. Requirement to self-isolate on arrival in the Bailiwick: children accompanying Blue Arrivals.
7. Requirement to self-isolate on arrival in the Bailiwick: requirement to provide information, etc.
8. Requirement to self-isolate on arrival in the Bailiwick: supplementary.
9. Screening requirements.
10. Imposition of further restrictions and requirements.
11. Self-isolation of persons suspected to be infected with coronavirus.
12. Detention or self-isolation: additional provisions.
13. Restrictions or requirements in respect of groups.
14. Variation and revocation of restrictions and requirements.
15. Initial detention of persons to enable screening and assessment.
16. Offences and enforcement.
17. False or misleading information.
18. Interpretation of this Part: general.
19. Meaning of "Blue Arrival" and related terms.
20. Definition of "self-isolate".

PART II
MISCELLANEOUS AND FINAL

21. Modification of legislation relating to mental health.
22. Population Management Law: Employment Permits.
23. Court of Appeal.
24. Offences by legal persons and unincorporated bodies.
25. Revocation and savings.
26. Interpretation.
27. Citation.
28. Extent.
29. Commencement.

SCHEDULE 1 Critical Workers.

SCHEDULE 2 Country Categories.

SCHEDULE 3 Modification of legislation relating to mental health.

Explanatory Note.

GUERNSEY STATUTORY INSTRUMENT

2021 No.

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

<i>Made</i>	15 th July, 2021
<i>Coming into operation</i>	16 th July, 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 there has been a recent surge of infections of several different variants of Severe Acute Respiratory Syndrome Coronavirus 2 in Europe;

AND WHEREAS the people of the Bailiwick are increasingly protected

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

against infection with Severe Acute Respiratory Syndrome Coronavirus 2 as a result of the Bailiwick's vaccination programme and vaccination programmes implemented by other countries and territories;

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

AND WHEREAS the Authority is satisfied that the effect of the following regulations is in due proportion to that emergency, and that they are compatible with the Convention rights within the meaning of section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000^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 8(1) 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 8(1) 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 8 affects the exercise of any powers under regulation 12; 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 8 a power to vary a requirement or restriction includes a power to revoke it.

Critical Workers.

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

Requirement to self-isolate on arrival in the Bailiwick.

5. (1) Subject to –

- (a) provision made in or under Schedule 1 (concerning Critical Workers) or Schedule 2 (concerning Country Categories, which Schedule has effect),
- (b) paragraphs (2) to (7), and
- (c) regulation 6 (requirement to self-isolate on arrival in the Bailiwick: children accompanying Blue Arrivals),

a person who has arrived in the Bailiwick from outside by air or sea, other than a Blue Arrival, must self-isolate for 21 days; and for the avoidance of doubt, subject to any direction to the contrary from the MOH in any particular case, and to any direction from the Authority in relation to one or more categories of case or in relation to all cases, a Blue Arrival is not required to self-isolate, and is not subject to any other restrictions or requirements.

(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) or regulation 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 20) shall be construed accordingly.

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

6. (1) Subject to any direction to the contrary from the MOH in any particular case, and to any direction from the Authority in relation to one or more categories of case or in relation to all cases, a child under 12 years who has arrived in the Bailiwick from outside by air or sea accompanied by a Blue Arrival is not required to self-isolate, and is not subject to any other restrictions or requirements.

(2) Subject to –

- (a) any direction to the contrary from the MOH in any

particular case, and to any direction from the Authority in relation to one or more categories of case or in relation to all cases, and

(b) paragraph (3),

a child of 12 years or over who has arrived in the Bailiwick from outside by air or sea accompanied by a Blue Arrival must self-isolate for 14 days.

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

(4) For the avoidance of doubt, a child of 12 years or over who has made an election under paragraph (3) is not required to self-isolate under regulation 5 or paragraph (2), but he or she -

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

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

- (i) a Relevant Person (within the meaning of Schedule 2) described in paragraph 4(1) of that Schedule, and,
- (ii) for the avoidance of doubt, a child taking part in the reduced self-isolation option for the purposes of paragraph 6 of that Schedule.

(5) A direction made under regulation 5(1), 6(1) or 6(2) may be made by the Authority by publication on the States of Guernsey website, and by the MOH in such manner as the MOH thinks fit.

Requirement to self-isolate on arrival in the Bailiwick: requirement to provide information, etc.

7. (1) Before travelling to the Bailiwick from any place outside the Bailiwick, and on arrival in the Bailiwick from any place outside the Bailiwick, a person (P) (other than a child under 12 years of age) must provide such information—

- (a) relating to –
 - (i) P, and P's travel during the 14 day period immediately preceding the date of his or her arrival in the Bailiwick, and
 - (ii) any child under 12 years of age travelling with P, and that child's travel during the 14 day period immediately preceding the date of his or her arrival in the Bailiwick,

- (b) in such a way (including, but not limited to, by entering that information on the States of Guernsey Travel Tracker website),

as the MOH may reasonably require (generally, in relation to a category of case into which P falls, or in relation to P's particular case) for the purposes of these regulations.

(2) On arrival in the Bailiwick from any place outside the Bailiwick, P must, if required –

- (a) answer any question put to him or her by a relevant officer relating to his or her travel, and the travel of any child travelling with that person, during the 14 day period immediately preceding the date of his or her arrival in the Bailiwick,
- (b) provide any travel document specified by a relevant officer relating to that person, or a child travelling with that person, for inspection,
- (c) provide his or her Critical Worker Exemption (if any) for inspection, and
- (d) answer any question put to him or her by a relevant officer relating to that travel document and Critical Worker Exemption.

(3) Where a person, acting pursuant to a request or instruction

from P, enters information relating to P on P's behalf on the States of Guernsey Travel Tracker website, whether before or on P's arrival in the Bailiwick, P shall be treated (including, but not limited to, for the purposes of regulation 17(2)) as having entered the information himself or herself.

Requirement to self-isolate on arrival in the Bailiwick: supplementary.

8. (1) The Authority may, by publication on the relevant States of Guernsey website, impose a requirement that any person who has arrived in one Island in the Bailiwick from another Island in the Bailiwick must (subject to provision made in or under Schedule 1) self-isolate for 14 days.

(2) The requirement to self-isolate under regulation 5(1), 5(3), 5(4) and 6(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 (1) 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.

(3) The requirement to self-isolate under regulation 5(1), 5(3), 5(4) and 6(2) may be varied by the Authority in relation to one or more categories of case, or in relation to all cases, by publication on the relevant States of Guernsey website.

(4) The powers to vary of the MOH under paragraph (2) and of the Authority under paragraph (3) include (but are not limited to) powers to –

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

- (b) shorten the duration of the requirement to self-isolate, either unconditionally or on the MOH or the Authority (as the case may be) being satisfied that one or more specified conditions have been met, and
- (c) impose any requirements and restrictions on persons other than the person who has arrived in the Bailiwick that are reasonably necessary as a consequence of the variation of the relevant requirement on that person.

(5) For the avoidance of doubt, and without prejudice to the generality of paragraphs (2), (3) and (4), in any case where the MOH exercises a power to vary under paragraph (2) or the Authority exercises its power to vary under paragraph (3) –

- (a) the MOH or the Authority may consult such persons as she or it (as the case may be) thinks fit in respect of the exercise of the power in question, and
- (b) that variation may be amended or revoked in accordance with paragraph (6), and if amended shall be treated for all purposes as continuing to have effect in accordance with its terms.

(6) In any case where –

- (a) the MOH has exercised a power to vary, the MOH may amend or revoke that variation orally or in writing (in a case where the requirement was varied

orally), and in writing (in a case where the requirement was varied in writing), or

- (b) the Authority has exercised its power to vary, the Authority may amend or revoke that variation by publication on the relevant States of Guernsey website,

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

(7) Where a restriction or requirement is imposed on or in relation to a child under regulation 5, 6, 7 or this regulation (including the requirement to self-isolate under regulation 5(1), 5(3), 5(4) and 6(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, 5, 6 or this regulation, or a restriction or requirement is orally varied, the person (or, in the case of a child, a person who is a responsible adult in relation to the child) must be provided with a written notification of the restriction or requirement that has been imposed or varied as soon as reasonably practicable.

Screening requirements.

9. (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.

10. (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 11,

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.

11. (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.

12. (1) Where a person ("P") is required to be detained or to self-isolate under regulation 3 or 11 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 11 or subjected to restrictions or requirements under regulation 10 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 11 or subjected to restrictions or requirements under regulation 10, 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 11 or subjected to restrictions or requirements under regulation 10, 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 11, 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 16(4), and

- (g) the right to apply for revocation or variation under regulation 14, where applicable.

Restrictions or requirements in respect of groups.

13. (1) The powers in regulations 2, 3 and 11 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 11 –
- (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.

14. (1) A requirement, restriction or condition imposed under this Part, or Schedule 1 or Schedule 2, may be varied or revoked by the Royal Court on the application of an affected person.

- (2) The following persons are affected persons –
- (a) P,
 - (b) a person having parental responsibility (within the meaning of the Children (Guernsey and Alderney) Law, 2008^c, the Children (Sark) Law, 2016^d, or the Child Protection (Sark) Law, 2020^e, (as the case may

^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.

be) for P,

- (c) a person who has been appointed Guardian of P,
- (d) P's spouse or civil partner,
- (e) a person living with P as P's spouse,
- (f) a person in respect of whom a Critical Worker Exemption has been granted under, and within the meaning of, Schedule 1, and
- (g) a Relevant Person within the meaning of Schedule 2,

and for the purposes of this paragraph, P includes a person subject to the requirement under regulation 5(1), 5(3), 5(4) or 6(2) or to a requirement imposed under regulation 8(1).

(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.

15. (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), 5(3) or 6(2), or a requirement to self-isolate imposed under regulation 8(1).

(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.

16. (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), 11(2), 11(4) or 12(5), or a direction under regulation 15(3)(a),
- (b) fails, without reasonable excuse, to comply with a requirement that the person be detained under regulation 11(3), 15(7), 15(9) or 15(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), 5(3) or 6(2) or a restriction or requirement imposed under regulation 8(1); including, for the avoidance of doubt, a requirement to self-isolate imposed by a direction made under regulation 5(1) or 6(2) by the MOH in relation to a particular case, or by the Authority in relation to a category of cases or all cases, or 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), 5(3) or 6(2), or of a requirement under regulation 8(1), by the MOH in relation to a particular case, or by the Authority in relation to a category of cases or all cases, or

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

(3) It is a defence for an employer charged with an offence under paragraph (2) to prove that he or she has taken all reasonable precautions to avoid the commission of an offence.

(4) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

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

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

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

(b) regulation 7(1), 10(1), 11(4), or 12(4).

(7) A responsible adult who fails without reasonable excuse to comply with regulation 8(7), 9(2), 10(9) or 11(6) commits an offence.

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

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

(10) The investigation of an offence under this Part shall be treated as an assigned matter within the meaning of section 1 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972^f (including, for the avoidance of doubt, for the purposes of paragraph 1(a) of Schedule 5 to PPACE, and consequently the provisions of PPACE which relate to the investigation of offences conducted by police officers apply to the investigation of offences under this Part conducted by customs officers).

False or misleading information.

17. (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,

^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.

- (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,

(c) makes any statement or provides any information or document to a determining officer or reviewing officer under Schedule 1, or to an officer or authorised person mentioned in paragraph 7(2) of Schedule 2, in circumstances in which he or she knows or could reasonably be expected to know that the statement, information or document would or might be used by that officer or person for the purpose of exercising his or her functions under Schedule 1 or Schedule 2 (as the case may be), or

(d) makes any statement or provides any information or document in the course of entering information on the States of Guernsey Travel tracker website.

(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.

18. (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[§],

"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 7(2),

"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,

"requirement" means a requirement imposed under this Part (including the requirement to self-isolate under regulation 5(1), 5(3), 5(4) and 6(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 9(1), and

"travel document" means anything that is or appears to be –

[§] 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.

- (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.

Meaning of "Blue Arrival" and related terms.

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

(2) Subject to paragraph (3), a "**Blue List Country**" means any of the Bailiwick, the United Kingdom, the Republic of Ireland, Jersey and the Isle of Man.

(3) On the advice of the MOH, the Authority may provide, by way of publication on the States of Guernsey website, that any of the United Kingdom, the Republic of Ireland, Jersey and the Isle of Man (or, as and where relevant, any country, province, region or area thereof) is, with immediate effect or from such time as may be specified, not a Blue List Country, but instead a Category 2 country, a Category 3 country or a Category 4 country, until further publication on that website making contrary provision.

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

(a) P has received a full course of a UK certified vaccine administered in a Blue List Country, and

(b) in the case of -

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

(ii) a vaccine administered in one dose, P received that dose at least 14 days before P's arrival in the Bailiwick,

and in any case where a question is raised as to whether a person has a full vaccination history for the purposes of these Regulations, the determination of the MOH shall be final.

(5) For the purposes of paragraph (4), a "**UK certified vaccine**" means a vaccine against coronavirus the use of which is authorised by the European Medicines Agency, or the Medicines and Healthcare products Regulatory Agency of the United Kingdom (or the Secretary of State), either by way of a marketing authorisation or otherwise.

Definition of "self-isolate".

20. (1) In these regulations, "**self-isolate**" in relation to a person ("**P**") means for P to keep himself or herself separated from any other person in such a manner as to prevent infection or contamination, in accordance with such directions as may be given by the MOH from time to time; and such directions may be given both generally (by publication on the relevant States of Guernsey website) and in respect of any particular case (in such manner as the MOH thinks fit).

(2) For the avoidance of doubt, a direction by the MOH given under paragraph (1) may include, amongst other things, a requirement that P remain within and not leave notified premises other than in accordance with –

(a) the terms of the direction, or

(b) a permission granted by the MOH to P,

and a permission under paragraph (b) may be granted in such manner as the MOH thinks fit.

(3) For the avoidance of doubt, a direction including a requirement of the type referred to in paragraph (2) may, amongst other things, specify that P may not enter a garden, yard, passage, outhouse or other appurtenance of such notified premises, or may do so only for a specified period of time each day, where the MOH considers that such a restriction is necessary to protect P, or other persons, from the risk of infection.

(4) In paragraph (2), "**notified premises**" means premises at an address to be notified by P to the States of Guernsey at such time, and in such manner, as the MOH may from time to time require; and for the avoidance of doubt, the MOH may require such an address to be notified before, or on, P's arrival in the

Bailiwick.

PART II
MISCELLANEOUS AND FINAL

Modification of legislation relating to mental health.

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

Population Management Law: Employment Permits.

22. (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

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

- (b) a property inscribed in Part B or Part C,

as the case may be.

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

- (a) Employment Permits (including the conditions set out therein) shall be deemed to be varied, and

- (b) the provisions of the Population Management Law, any Ordinance and subordinate legislation made under that Law, and any other enactment, shall be deemed to be modified,

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

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

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

- (6) In this regulation –

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

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

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

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

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

Court of Appeal.

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

(2) The Court of Appeal may sit for the hearing of appeals in or outside the Bailiwick.

(3) For the avoidance of doubt, the Bailiff or presiding judge may give directions as to how the proceedings of the Court of Appeal shall be conducted, including (but not limited to) a direction that the proceedings, or part thereof, shall be conducted by way of telephone, live television link or any other means of

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

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

telecommunications or electronic communications.

Offences by legal persons and unincorporated bodies.

24. (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.

25. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 7) Regulations, 2021^k and the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 7) (Amendment) Regulations, 2021^l are revoked.

(2) Anything done under or for the purposes of regulations revoked under paragraph (1) ("**the revoked regulations**") before the commencement of these Regulations shall, to the extent that the same is required or authorised to be done under or for the purposes of these Regulations, have effect as if done under or

^k G.S.I. No. 63 of 2021.

^l G.S.I. No. 69 of 2021.

for the purposes of the equivalent provision of these Regulations; and for the avoidance of doubt, the revocation of the revoked regulations does not affect any restriction, requirement, condition, prohibition, or penalty, imposed thereunder.

(3) Anything in the process of being done under or for the purposes of the revoked regulations before the commencement of these Regulations may, to the extent that the same is required or authorised to be done under or for the purposes of these Regulations, be continued to be done under or for the purposes of the equivalent provision of these Regulations.

(4) Any reference howsoever expressed in any enactment or 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.

26. (1) In these Regulations, unless the context requires otherwise –

"the Authority": see regulation 1(2),

"coronavirus" means Severe Acute Respiratory Syndrome Coronavirus 2 and/or COVID-19,

"Medical Officer of Health" means the Medical Officer of Health

appointed by the States of Guernsey Policy & Resources Committee and includes the Deputy or Acting Medical Officer of Health for the time being, and any officer authorised by the Medical Officer of Health to exercise the Medical Officer of Health's functions under these Regulations, and

"the MOH": see regulation 1(1).

(2) In these Regulations, references to a Category 2, 3 or 4 country are references to a Category 2, 3 or 4 country as specified on the relevant States of Guernsey website for the purposes of these Regulations; and an area, region or country may be specified as a Category 2, 3 or 4 country for those purposes.

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

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

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

(6) For the avoidance of doubt, the powers of police officers under these Regulations are exercisable in addition to all other powers which police officers may exercise.

Citation.

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

Extent.

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

(2) Regulation 22 (Population Management Law: Employment Permits) shall have effect in the Island of Guernsey.

Commencement.

29. These Regulations shall come into force on 16th July, 2021.

Dated this 15th day of July, 2021



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

SCHEDULE 1

Regulation 4.

CRITICAL WORKERS

Introductory.

1. (1) This Schedule provides for the granting of exemptions from –
 - (a) the requirement to self-isolate at regulation 5(1) and 5(3), and
 - (b) a requirement to self-isolate imposed under regulation 8(1),

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(3) or a requirement imposed under regulation 8(1) 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 16(2), the employer of a person ("P") in respect of whom a Critical Worker Exemption has been granted may be liable to prosecution if P fails to comply with any of the conditions and restrictions which apply to him or her in respect of this exception.

(8) When considering whether to grant a Critical Worker Exemption, a determining officer shall consider all the circumstances of the case, and in particular shall assess and take into account –

- (a) the risk to public health in the Bailiwick or any part thereof that granting the Critical Worker Exemption would create, and

- (b) if the Critical Worker Exemption were not granted , the damage (if any) that would be suffered by –
 - (i) the business by or on behalf of which the application has been made, and any other potentially affected business based in the Bailiwick, and
 - (ii) the economy of the Bailiwick or any part or sector thereof.

Existential risk to a Bailiwick business.

2. (1) A Critical Worker Exemption may be granted in respect of a person if the determining officer is of the view that either of the conditions set out in subparagraphs (2) and (3) is satisfied.

(2) The condition in this subparagraph is that if the Critical Worker Exemption is not granted, there is a significant risk that, as a consequence, a business based in the Bailiwick will cease trading.

(3) The condition in this subparagraph is that –

- (a) the application has been made by or on behalf of a business based in the Bailiwick that operates transport links into and out of the Bailiwick ("**the applicant business**"),
- (b) the application is in respect of a particular journey or journeys into or out of the Bailiwick, to be undertaken

for a commercial, or primarily commercial, purpose, and

- (c) the undertaking of journeys of the type in respect of which the application is being made is necessary for the continued operation of the applicant business.

Categories of Critical Worker

Categories of Critical Worker.

3. Subject to paragraph 2, a Critical Worker Exemption may only be granted in respect of a person who –

- (a) satisfies the definition of Critical Worker in paragraph 1(2), and
- (b) falls into one of the following categories (subject to the additional eligibility conditions in respect of business stability and recovery, and technical specialist contractors, specified in paragraphs 4 and 5) –

BUSINESS CATEGORY INDIVIDUALS	
Air and Sea Links	Those individuals directly involved in maintaining the Islands' air and sea links.
Critical National Infrastructure	Those individuals directly involved in maintaining and protecting the Islands' critical national infrastructure.
Frontline Health and	Those individuals providing, or directly facilitating,

Care and Veterinary Services	critical front line health and care, and veterinary, services.
Emergency Services and Justice Administration	Those individuals delivering emergency services or the administration of justice.
Education	Education professionals delivering critical activity within the Islands' schools.
Business Stability and Recovery	Those individuals involved in business continuity and/or business recovery.
Technical Specialist Contractors	Those skilled individuals required for construction projects to continue or begin.
Financial Stability	Those individuals involved in ensuring financial stability and resilience.

Categories of Critical Workers: business stability and recovery.

4. (1) A person ("P") falls into the business stability and recovery category of Critical Workers –

(a) only if both of the following conditions would be satisfied if a Critical Worker Exemption were granted in respect of P –

(i) P would provide professionally qualified technical or specialist expertise that is not currently available or accessible on-island, and

(ii) P would fill a designated role, or undertake a designated set of tasks, that would be completed during a fixed term and would be time-critical, and

- (b) only if any of the following conditions would be satisfied if a Critical Worker Exemption were not granted in respect of P –
 - (i) a business would not be able to continue in operation, or
 - (ii) a business' continuity plan would be undermined in a way that meant it could not comply with regulatory, health and safety or other essential statutory standards, and that this would mean it could not continue to operate some critical functions fully, or
- (c) a business would be unable to resume a project or commercial contract that would either (a) prevent the return to employment of on-island works, or (b) lead to the curtailing of employment for current on-island workers.

Categories of Critical Workers: technical specialist contractors.

5. A person falls into the technical specialist contractor category of Critical Worker only if there is a specified start and end to the period of work required by the person under the Critical Worker Exemption, and he or she –

- (a) provides a service or set of skills that cannot feasibly be secured on-island,

- (b) performs a role that is critical to the progression of the project,
- (c) has relevant formal professional qualifications to undertake their role, and
- (d) has health insurance which covers COVID-19 related matters.

Risk mitigation conditions: general and sector-specific

Risk mitigation conditions: general.

6. (1) Each successful applicant for a Critical Worker Exemption must –

- (a) not travel to the Bailiwick if they have any symptoms of COVID-19, no matter how mild,
- (b) self-isolate as directed by the MOH,
- (c) undertake tests for COVID-19 as directed by MOH. If the result of any test is positive, the applicant must self-isolate in accordance with instructions from the MOH and comply with all other restrictions and requirements imposed by the MOH,
- (d) not attend the place of work if he or she has any symptoms of COVID-19, no matter how mild,

- (e) stop working immediately and withdraw from the workplace if any symptoms of COVID-19, no matter how mild, develop whilst working and arrange for testing for COVID-19,
 - (f) adhere to good standards of hygiene and respiratory etiquette,
 - (g) wear a face covering, that complies with any guidance in respect of face coverings issued by MOH, within two metres of other people,
 - (h) if staying overnight, have a confirmed address at which they are staying,
 - (i) use only pre-arranged transport where the details of the driver are fully recorded or a hire car to move between the workplace and their place of residence,
 - (j) remain on-island for the duration of their work, and
 - (k) comply with any method statement agreed with or imposed by the MOH, or other direction given or requirement imposed by the MOH.
- (2) Further specific conditions may be imposed in particular cases.

Additional risk mitigation conditions: business stability and recovery.

7. (1) The conditions in this paragraph apply to a person falling into the business stability and recovery category of Critical Workers.

(2) For the avoidance of doubt, when these conditions apply they apply in addition to the general risk mitigation conditions set out in paragraph 6.

(3) The conditions in this paragraph are that the Critical Worker's business must –

(a) provide a method statement of how it will meet social distancing and hygiene standards, and

(b) meet the cost of any testing undertaken and any associated medical treatment that is required, including hospital treatment for COVID-19.

Additional risk mitigation conditions: technical specialist contractors in the construction sector.

8. (1) The conditions in this paragraph apply to the following subcategory of persons falling into the technical specialist contractor category of Critical Workers (and referred to in the table at subparagraph (3) as "workers"): specialist technical consultants required in situ on-island to support projects considered necessary to support business recovery work in the construction sector, where there is a clear requirement to augment on-island capacity and capability for a designated period.

(2) For the avoidance of doubt, when these conditions apply they apply in addition to the general risk mitigation conditions set out in paragraph 6.

(3) The conditions in this paragraph are those set out in the following table –

<i>Movement on-island</i>	<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 14 to vary or revoke those conditions.

SCHEDULE 2

Regulation 5(1).

COUNTRY CATEGORIES

Introductory.

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

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

(b) to the extent only set out in this Schedule.

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

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

(4) Under regulation 16(2), the employer of a Relevant Person may be liable to prosecution if the Relevant Person fails to comply with any of the conditions and restrictions which apply to him or her in respect of the reduced self-isolation option.

(5) Failure without reasonable excuse to comply with the requirement to self-isolate under regulation 5(1) (as it has effect under this Schedule) is an offence under regulation 16(2), and this Schedule shall be construed accordingly.

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

(7) For the avoidance of doubt, a person may elect to take part in the reduced self-isolation option on the States of Guernsey Travel Tracker website.

Eligibility.

2. (1) To be eligible to take part in the reduced self-isolation option, a person ("P") must not have spent any of the period of 14 days immediately before P's arrival in the Bailiwick in a place which is a Category 4 country at the time of P's arrival in the Bailiwick.

(2) For the avoidance of doubt, and subject to paragraph 5 (direct transit), if P has spent any of the previous 14 days (or any part thereof) in a place that is, at the relevant time, a Category 4 country, P will not be eligible to take part in the reduced self-isolation option – even if that place was not specified as a Category 4 country when the person was in it.

(3) For the avoidance of doubt –

(a) a person not wishing to take part in the reduced self-isolation option or assessed to be ineligible to do so

must self-isolate pursuant to, and in accordance with, the requirement imposed by regulation 5(1), and

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

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

and references (however expressed) in paragraphs 3 and 4 to a Relevant Person being required, or not being required, to take a test for COVID-19, shall be construed accordingly.

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

Category 3 country arrivals.

3. (1) A Relevant Person who has spent any time in the period of 14 days immediately before his or her arrival in the Bailiwick in a place that is a Category 3 country at the relevant time (and who has not spent any time in that

period in a Category 4 country) will be required to take a test for COVID-19 directly on arrival in the Bailiwick (in this Schedule, a "**day of arrival test**").

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

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

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

(5) If the result of that Day 7 test is negative, the Relevant Person will not be required to self-isolate for the remainder of the 14 day period, subject to him or her complying with the conditions and restrictions specified in paragraph 8 (Conditions and restrictions: Passive Follow-Up) during that period.

Category 2 country arrivals.

4. (1) A Relevant Person who has spent any of the period of 14 days immediately before his or her arrival in the Bailiwick in a place that is a Category 2 country at the relevant time (and who has not spent any time in that period in a Category 4 country or a Category 3 country) will be required to take a day of arrival test.

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

(3) If the result of that day of arrival test is negative, the Relevant Person will not be required to self-isolate, subject to him or her complying with the conditions and restrictions specified in paragraph 8 (Conditions and restrictions: Passive Follow-Up), but he or she will be required to take a Day 7 test.

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

(5) If the result of that Day 7 test is negative, the Relevant Person will not be required to self-isolate for the remainder of the 14 day period, subject to him or her continuing to comply with the conditions and restrictions specified in paragraph 8 (Conditions and restrictions: Passive Follow-Up) during that period.

Direct Transit.

5. (1) Direct transit –

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

(b) in public transport,

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

(2) In this paragraph –

- (a) a "**private vehicle**" includes a taxi,
- (b) references to a private vehicle or private vessel stopping are to such a vehicle or vessel stopping in circumstances where one or more persons alight from, or get into, the vehicle or vessel, and
- (c) references to a Category 4 or Category 3 country include its internal waters, and the territorial waters adjacent thereto.

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

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

within two metres of any other person (other than another occupant of the vehicle or vessel), and then gets back in again.

(4) In this paragraph, "**direct transit in public transport**" means travel on any form of public transport that does not stop at all in the Category 4 country or Category 3 country (as the case may be).

Children.

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

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

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

- (a) provide the information required under paragraph 7(2),
- (b) so far as reasonably practicable, keep the record of people referred to at paragraph 8(9), and

- (c) ensure the child does not return to school in accordance with paragraph 8(11), where that restriction applies.

Conditions and restrictions: general, and offences.

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

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

(3) For the avoidance of doubt, failure to comply, without reasonable excuse, with the requirement to self-isolate set out in subparagraph (1) is a criminal offence under regulation 16(2).

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

- (a) in subparagraph (2), or
- (b) paragraphs 8(2) to (12),

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

Conditions and restrictions: Passive Follow-Up.

8. (1) Where the requirement to self-isolate has been lifted in relation to a Relevant Person following a negative Day 7 test under and in accordance with paragraph 3 or following a negative day of arrival test under and in accordance with paragraph 4 (as the case may be), that Relevant Person must comply with each of the following restrictions during the remainder of the 14 day period.

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

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

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

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

restrictions before entering the Princess Elizabeth Hospital, if reasonably practicable in all the circumstances.

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

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

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

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

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

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

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

SCHEDULE 3

Regulation 21.

MODIFICATION OF LEGISLATION RELATING TO MENTAL HEALTH

Interpretation.

1. References in this Schedule to –

- (a) sections are to sections of the Mental Health (Bailiwick of Guernsey) Law, 2010 ("**the 2010 Law**"), and
- (b) rules are to rules of the Mental Health Review Tribunal Procedure Rules, 2012 ("**the 2012 Rules**").

2. Expressions in this Schedule and in the 2010 Law or the 2012 Rules shall have the same meaning as in that Law or those Rules (as the case may be).

Forms.

3. Where any form prescribed in the Mental Health (Treatment and Forms) Regulations, 2013 or under the 2012 Rules is inconsistent with a modification made by these Regulations, the form –

- (a) may, in connection with that modification, be used with appropriate amendments, and
- (b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect that modification.

Modification of the 2012 Rules.

4. For the purposes of any hearing subject to the 2012 Rules –
- (a) the Tribunal is deemed to be properly constituted by the members of the Tribunal sitting within or without the Bailiwick, or a combination thereof,
 - (b) where the legally qualified member is of the opinion that it is not reasonably practicable or would involve unreasonable delay for one, or both, of the other members of the Tribunal to participate in the hearing, the Tribunal is deemed to be properly constituted by the legally qualified member –
 - (i) sitting with the other member able to participate, or
 - (ii) sitting alone,(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.

5. Any hearing which takes place in accordance with paragraph 4 shall be deemed for all purposes (including that of determining the *lex fori*) to have taken place in Guernsey and the courts of Guernsey accordingly have jurisdiction in accordance with Part VI of the Law, and sections 46 and 47 have effect accordingly.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations revoke and re-enact (with modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

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

Part I - screening, assessment and powers to detain etc.

This Part places a requirement to self-isolate on persons arriving in the Bailiwick, enables the Medical Officer of Health to place restrictions and requirements on other persons who are or who may be infected with coronavirus, and makes provision in respect of related matters, including powers for the Medical Officer of Health to impose screening requirements, to detain people and to require people to self-isolate. The provisions also create criminal offences and confer powers of enforcement on police officers, and provide for applications to vary or revoke requirements or restrictions imposed under this part to be made to the Royal Court.

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

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

This Part also provides for "Blue Arrivals" – that is, persons arriving in the Bailiwick at least two weeks after having received their second dose of COVID-19 vaccine administered in the Common Travel Area (CTA), and after having spent all of the previous 14 days within the CTA – to be free from self-isolation and other restrictions on arrival, and makes provision in respect of children travelling with Blue Arrivals.

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 who has not travelled with a Blue Arrival (and who is not a Category 2 or Category 3 arrival under and in accordance with Schedule 2) has to self-isolate for 14 days after arrival.

Part II – miscellaneous and final

Schedule 3 to these Regulations, which is given effect by regulation 21, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraphs 4 and 5 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal may properly be constituted according to specified criteria.

Regulation 22 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.

GUERNSEY STATUTORY INSTRUMENT

2021 No.

**The Emergency Powers (Coronavirus) (Vaccine)
(Limitation of Liability) (No. 8) (Bailiwick of Guernsey)
Regulations, 2021**

<i>Made</i>	<i>15th July, 2021</i>
<i>Coming into operation</i>	<i>16th July, 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 there has been a recent surge of infections of several different variants of Severe Acute Respiratory Syndrome Coronavirus 2 in Europe;

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

AND WHEREAS the States of Guernsey Committee for Health & Social Care considers that, for the purposes of controlling or mitigating the emergency referred to above, it is appropriate and proportionate to carry out a voluntary mass vaccination programme throughout the Bailiwick, using vaccines that have been temporarily authorised by the licensing authority in the United Kingdom,

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

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

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

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

Application of these Regulations.

1. (1) These Regulations apply where, at any time before or after these Regulations come into force –

- (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 under the Patient Group Direction or (as the case may be) protocol,
- (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, and
- (f) any person brings civil proceedings against any other person in respect of the loss or damage.

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

(2) Paragraph (1) –

- (a) is subject to regulation 3, and

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

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

Time of sale, supply or administration.

3. Regulation 2(1) applies only in respect of a relevant medicinal product sold, supplied or (as the case may be) administered in any particular circumstances (including to any age group) –

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

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

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

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

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

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

"**protocol**" means any protocol for the sale, supply or administration of the designated vaccine approved under or for the purposes of section 15A of 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. 7) (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. 8) (Bailiwick of Guernsey) Regulations, 2021.

Commencement

9. These Regulations shall come into force on the 16th July, 2021.

Dated this 15th day of July, 2021



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

[§] G.S.I. No. 56 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. 7) (Bailiwick of Guernsey) Regulations, 2021.

These Regulations will come into force on the 16th July, 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. 81

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

Made

2nd August, 2021

Coming into operation

3rd August, 2021

Laid before the States

, 2021

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

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

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

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

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

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

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

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

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

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

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

(2) After regulation 5(3), insert –

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

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

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

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

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

^c G.S.I. No. 78 of 2021.

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

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

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

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

(5) After regulation 6, insert –

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

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

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

(a) accompanied by a Jersey Blue Arrival, and

(b) who does not possess on arrival a pre-travel negative test result,

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

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

(a) accompanied by a Jersey Blue Arrival, and

(b) who possesses on arrival a pre-travel negative test result,

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

requirements.

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

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

must self-isolate for 21 days.

(5) If a child falling within paragraph (4) who underwent a test for COVID-19 directly on arrival in the Bailiwick undergoes a test for COVID-19 13 days after his or her date of arrival (or at such other time as the MOH may direct under this paragraph) (in this regulation, a "**Day 13 test**"), and the result of that Day 13 test is negative, that child will not be required to self-isolate for the remainder of the 21 day period.

(6) If a child falling within paragraph (4) undergoes a Day 13 test, and the result of that Day 13 test is positive, he or she will be required to self-isolate in accordance with instructions from the MOH and to comply with all other restrictions and requirements imposed on him or her by the MOH.

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

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

must self-isolate for 14 days.

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

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

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

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

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

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

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

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

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

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

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

(6) After regulation 8(2), insert –

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

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

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

(9) In regulation 14(2) –

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

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

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

(11) For regulation 19(1) substitute –

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

(a) has a full vaccination history, and

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

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

Citation.

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

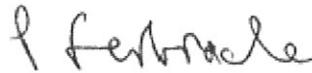
Extent.

3. These Regulations shall have effect throughout the Bailiwick.

Commencement.

4. These Regulations come into force on 3rd August, 2021.

Dated this 2nd day of August, 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.

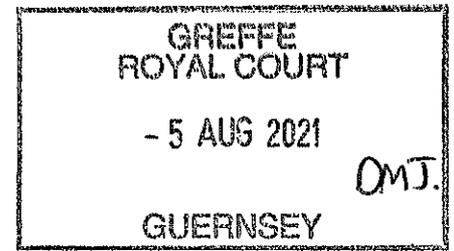
These Regulations amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) Regulations, 2021 ("the (No. 8) Regulations"). The amendments continue the effect of the variation made by the Civil Contingencies Authority of the requirement to self-isolate in respect of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

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

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

GUERNSEY STATUTORY INSTRUMENT

2021 No. 88



**The Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No. 8) (Amendment) (No. 2)
Regulations, 2021**

Made

5th August, 2021

Coming into operation

6th August, 2021

Laid before the States

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

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

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

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

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

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

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

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

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

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

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

(2) For regulation 19(1)(b), substitute –

"(b) (only in the case of a Jersey Blue Arrival, and subject to any specification made by the Authority under paragraph (1A)) possesses, on arrival, a pre-travel negative test result,".

(3) After regulation 19(1), insert –

"(1A) The Authority may, by publication on the States of Guernsey website, specify categories of Jersey Blue Arrivals in respect of whom the requirement at paragraph (1)(b) (to possess, on arrival, a pre-travel negative test result) does not apply.".

(4) After regulation 19, insert the following regulation -

"Blue Arrivals: post-arrival testing requirements.

19A. (1) A Blue Arrival (P) (including, for the avoidance of doubt, a Jersey Blue Arrival) must comply with the post-arrival testing requirements.

(2) Subject to paragraph (3), the post-arrival testing requirements are that –

(a) before P's arrival in the Bailiwick, P has paid such fee not

^c G.S.I. No. 78 of 2021; as amended by G.S.I. No. 81 of 2021.

exceeding £40 as the Authority may specify by publication on the States of Guernsey website in respect of equipment for lateral flow tests for COVID-19 to be provided to Blue Arrivals on arrival in the Bailiwick by a relevant officer under, and for the purposes of, this regulation,

(b) after P's arrival in the Bailiwick, P must take a test for COVID-19 using the equipment provided under subparagraph (a) –

(i) on the day of P's arrival,

(ii) three days after P's date of arrival,

(iii) five days after P's date of arrival,

(iv) seven days after P's date of arrival, and

(v) nine days after P's date of arrival,

(together, the "required post-arrival tests"), and

(c) if the result of any of the required post-arrival tests is positive, P must immediately notify the MOH thereof, and comply with all restrictions and requirements imposed on P by the MOH, including, but not limited to, a requirement to self-isolate.

(3) The requirement at paragraph (2)(a) (in respect of payment of a fee) applies only in respect of persons arriving in the Bailiwick on or after 9th August

2021.

(4) A Blue Arrival (including, for the avoidance of doubt, a Jersey Blue Arrival) who fails, without reasonable excuse –

- (a) to take one or more of the required post-arrival tests, in accordance with paragraph (2)(b),
- (b) immediately to notify the MOH of a positive result of one or more of the required post-arrival tests, or
- (c) to comply with all restrictions and requirements imposed on him or her by the MOH under paragraph (2)(c) in the circumstances set out therein,

commits an offence.

(5) A person guilty of an offence under paragraph (4)(a) or (b) 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 both.

(6) A person guilty of an offence under paragraph (4)(c) of failing, without reasonable excuse, to comply with a requirement to self-isolate 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 both.

(7) A person guilty of any other offence under paragraph (4)(c) is liable on conviction to a fine not exceeding level 3 on the uniform scale.

(8) In this regulation, "Jersey Blue Arrival" has the meaning given in regulation 6A."

Citation.

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

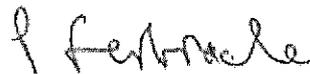
Extent.

3. These Regulations shall have effect throughout the Bailiwick.

Commencement.

4. These Regulations come into force on 6th August, 2021.

Dated this 5th day of August, 2021



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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations further amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) Regulations, 2021 ("the (No. 8) Regulations"). The amendments provide for a requirement for "Blue Arrivals" arriving in the Bailiwick to take self-administered lateral flow tests for COVID-19 provided to them on arrival, to report any positive test results to Public Health, and to comply with any direction given to them on so

doing. It makes a failure (without reasonable excuse) to comply with these requirements a criminal offence. They also impose a requirement to pay a fee for the provided tests before travel; this requirement has effect only in respect of persons arriving in the Bailiwick on or after 9th August. Finally, they provide for the Civil Contingencies Authority to be able to specify on the States of Guernsey website categories of "Jersey Blue Arrivals" in respect of whom the requirement to possess, on arrival, a pre-travel negative test result does not apply.

These Regulations come into force on 6th August, 2021, and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

GUERNSEY STATUTORY INSTRUMENT

No. 93

ENTITLED

The Emergency Powers (Coronavirus) (General Provision)

(Bailiwick of Guernsey) (No. 9) Regulations, 2021

ARRANGEMENT OF REGULATIONS

PART I

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

1. Decisions of MOH and the Authority to impose restrictions and requirements.
2. Detention of persons by the MOH.
3. Imposition of restrictions and requirements: general.
4. Critical Workers.
5. Requirement to self-isolate on arrival in the Bailiwick.
6. Requirement to self-isolate on arrival in the Bailiwick: children accompanying non-Jersey Blue Arrivals.
7. Requirement to self-isolate on arrival in the Bailiwick: children accompanying Jersey Blue Arrivals.
8. Requirement to self-isolate on arrival in the Bailiwick: requirement to provide information, etc.
9. Requirement to self-isolate on arrival in the Bailiwick: supplementary.
10. Screening requirements.
11. Imposition of further restrictions and requirements.
12. Self-isolation of persons suspected to be infected with coronavirus.
13. Detention or self-isolation: additional provisions.
14. Restrictions or requirements in respect of groups.
15. Variation and revocation of restrictions and requirements.
16. Initial detention of persons to enable screening and assessment.
17. Offences and enforcement.
18. False or misleading information.
19. Interpretation of this Part: general.
20. Meaning of "Blue Arrival" and related terms.

21. Blue Arrivals: post-arrival testing requirements.
22. Definition of "self-isolate".

PART II
MISCELLANEOUS AND FINAL

23. Modification of legislation relating to mental health.
24. Population Management Law: Employment Permits.
25. Court of Appeal.
26. Offences by legal persons and unincorporated bodies.
27. Revocation and savings.
28. Interpretation.
29. Citation.
30. Extent.
31. Commencement.

- SCHEDULE 1 Critical Workers.
SCHEDULE 2 Country Categories.
SCHEDULE 3 Modification of legislation relating to mental health.

Explanatory Note.

GUERNSEY STATUTORY INSTRUMENT

2021 No. 93

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

<i>Made</i>	12 th August, 2021
<i>Coming into operation</i>	13 th August, 2021
<i>Laid before the States</i>	, 2021

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

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

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

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

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

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

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

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

Decisions of MOH and the Authority to impose restrictions and requirements.

1. (1) Subject to paragraph (3), the Medical Officer of Health ("the MOH") may not impose a restriction or requirement under this Part unless the MOH 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 9(1) 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 9(1) 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 9 affects the exercise of any powers under regulation 13; 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 9 a power to vary a requirement or restriction includes a power to revoke it.

Critical Workers.

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

Requirement to self-isolate on arrival in the Bailiwick.

5. (1) Subject to –

- (a) provision made in or under Schedule 1 (concerning Critical Workers) or Schedule 2 (concerning Country Categories, which Schedule has effect),
- (b) paragraphs (2) to (8), and
- (c) regulation 6 (requirement to self-isolate on arrival in the Bailiwick: children accompanying non-Jersey Blue Arrivals),

a person who has arrived in the Bailiwick from outside by air or sea, other than a Blue Arrival, must self-isolate for 21 days; and for the avoidance of doubt, subject to any direction to the contrary from the MOH in any particular case, and to any direction from the Authority in relation to one or more categories of case or in relation to all cases, a Blue Arrival is not required to self-isolate, and is not subject to any other restrictions or requirements.

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

(5) Subject to where paragraph (7) or regulation 6 or 7 applies, a child of between 5 and 11 years who has arrived in the Bailiwick by air or sea must self-isolate for 14 days.

(6) Paragraph (7) applies where a child ("C") has been self-isolating in a household bubble.

(7) Where this paragraph applies, even after the cessation of the requirement on C to self-isolate, C may not attend college, school, nursery or childcare (as the case may be) until every other member of C's household bubble has either –

- (a) undergone a Day 13 test and received a negative result,
- or

- (b) self-isolated for 21 days.
- (8) In this regulation –
- (a) "childcare" means such types of arrangement for the care of children under school age as the 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 22) shall be construed accordingly.

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

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

Blue Arrival is not required to self-isolate, and is not subject to any other restrictions or requirements; and in this regulation, a "**non-Jersey Blue Arrival**" means any Blue Arrival other than a person who has spent any part of the period of 14 days immediately preceding his or her arrival in Jersey.

(2) A person has not spent time in Jersey for the purposes of this regulation, and regulation 7, where that person was in direct transit through Jersey; and for these purposes "direct transit" has the meaning given in paragraph 5 of Schedule 2 to the Regulations with the following modifications -

(a) any reference in that paragraph to a Category 4 or Category 3 country is a reference to Jersey, and

(b) in subparagraph (4), "direct transit in public transport" means travel on any form of public transport where the person does not alight from the vehicle or vessel in Jersey, other than to comply with directions given by –

(i) a police officer, customs officer or immigration officer, or

(ii) a representative of the operator of the public transport concerned.

(3) Subject to paragraph (5), a child of 12 years or over who has arrived in the Bailiwick from outside by air or sea accompanied by a non-Jersey Blue Arrival must self-isolate for 14 days.

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

(5) For the avoidance of doubt, a child of 12 years or over who has made an election under paragraph (4) is not required to self-isolate under regulation 5 or paragraph (3), but he or she -

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

(b) shall for all purposes (including, but not limited to, paragraphs 1(5) and 7 of Schedule 2 and regulations 17 and 18, which provisions concern offences) be treated as if he or she is -

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

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

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

7. (1) In this regulation, a "Jersey Blue Arrival" means a Blue Arrival who has spent any part of the period of 14 days immediately preceding his or her arrival in Jersey (and as regards the meaning of spending time in Jersey for the purposes of this regulation, see the provision made in respect of direct transit through Jersey at regulation 6(2)).

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

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

must self-isolate for 14 days; and in these circumstances, regulation 5(7) applies where the child (C) has been self-isolating in a household bubble within the meaning of regulation 5(8).

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

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

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

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

(a) accompanied by a Jersey Blue Arrival,

(b) who does not possess on arrival a negative pre-travel test result,

must self-isolate for 21 days.

(5) If a child falling within paragraph (4) who underwent a test for COVID-19 directly on arrival in the Bailiwick undergoes a test for COVID-19 13 days after his or her date of arrival (or at such other time as the MOH may direct under this paragraph) (in this regulation, a "Day 13 test"), and the result of that Day 13 test is negative, that child will not be required to self-isolate for the remainder of the 21 day period.

(6) If a child falling within paragraph (4) undergoes a Day 13 test, and the result of that Day 13 test is positive, he or she will be required to self-isolate in accordance with instructions from the MOH and to comply with all other restrictions and requirements imposed on him or her by the MOH.

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

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

must self-isolate for 14 days.

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

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

- (a) must comply with paragraph 4 (Category 2 country arrivals) of Schedule 2, as it applies to a Relevant Person (within the meaning of that Schedule) described in subparagraph (1) of that paragraph, and
- (b) shall for all purposes (including, but not limited to, paragraphs 1(5) and 7 of Schedule 2 and regulations 17 and 18, which provisions concern offences) be treated as if he or she is –
 - (i) a Relevant Person (within the meaning of Schedule 2) described in paragraph 4(1) of that Schedule, and,

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

(10) For the purposes of this regulation and regulation 20, a "**pre-travel negative test result**" means a notification of a negative result of a qualifying test for COVID-19 where the test sample was taken from the person no more than 48 hours before the person's arrival in the Bailiwick.

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

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

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

Requirement to self-isolate on arrival in the Bailiwick: requirement to provide information, etc.

8. (1) Before travelling to the Bailiwick from any place outside the Bailiwick, and on arrival in the Bailiwick from any place outside the Bailiwick, a person (P) (other than a child under 12 years of age) must provide such information—

- (a) relating to –
 - (i) P, and P's travel during the 14 day period immediately preceding the date of his or her arrival in the Bailiwick, and
 - (ii) any child under 12 years of age travelling with P, and that child's travel during the 14 day period immediately preceding the date of his or her arrival in the Bailiwick,
- (b) in such a way (including, but not limited to, by entering that information on the States of Guernsey Travel Tracker website),

as the MOH may reasonably require (generally, in relation to a category of case into which P falls, or in relation to P's particular case) for the purposes of these regulations.

(2) On arrival in the Bailiwick from any place outside the Bailiwick, P must, if required –

- (a) answer any question put to him or her by a relevant officer relating to his or her travel, and the travel of any child travelling with that person, during the 14 day period immediately preceding the date of his or her arrival in the Bailiwick,
- (b) provide any travel document specified by a relevant

officer relating to that person, or a child travelling with that person, for inspection,

- (c) provide his or her Critical Worker Exemption (if any) for inspection, and
- (d) answer any question put to him or her by a relevant officer relating to that travel document and Critical Worker Exemption.

(3) Where a person, acting pursuant to a request or instruction from P, enters information relating to P on P's behalf on the States of Guernsey Travel Tracker website, whether before or on P's arrival in the Bailiwick, P shall be treated (including, but not limited to, for the purposes of regulation 18(2)) as having entered the information himself or herself.

Requirement to self-isolate on arrival in the Bailiwick: supplementary.

9. (1) The Authority may, by publication on the relevant States of Guernsey website, impose a requirement that any person who has arrived in one Island in the Bailiwick from another Island in the Bailiwick must (subject to provision made in or under Schedule 1) self-isolate for 14 days.

(2) The requirement to self-isolate under regulation 5(1), 5(3), 5(5), 6(3), 7(2), 7(4) and 7(7) 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 (1) 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.

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

(4) The requirement to self-isolate under regulation 5(1), 5(3), 5(5), 6(3), 7(2), 7(4) and 7(7) may be varied by the Authority in relation to one or more categories of case, or in relation to all cases, by publication on the relevant States of Guernsey website.

(5) The powers to vary of the MOH under paragraph (2) and of the Authority under paragraph (4) include (but are not limited to) powers to –

- (a) specify exceptions to the requirement to self-isolate,
- (b) shorten the duration of the requirement to self-isolate, either unconditionally or on the MOH or the Authority (as the case may be) being satisfied that one or more specified conditions have been met, and
- (c) impose any requirements and restrictions on persons other than the person who has arrived in the Bailiwick that are reasonably necessary as a consequence of the variation of the relevant requirement on that person.

(6) For the avoidance of doubt, and without prejudice to the generality of paragraphs (2), (4) and (5), in any case where the MOH exercises a power to vary under paragraph (2) or the Authority exercises its power to vary

under paragraph (4) –

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

(7) In any case where –

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

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

(8) Where a restriction or requirement is imposed on or in relation to a child under regulation 5, 6, 7 or this regulation (including the requirement to

self-isolate under regulation 5(1), 5(3), 5(5), 6(3), 7(2), 7(4) and 7(7)), a person who is a responsible adult in relation to the child must ensure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(9) Where a restriction or requirement is imposed orally on a person under regulation 3, 5, 6, 7 or this regulation, or a restriction or requirement is orally varied, the person (or, in the case of a child, a person who is a responsible adult in relation to the child) must be provided with a written notification of the restriction or requirement that has been imposed or varied as soon as reasonably practicable.

Screening requirements.

10. (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.

11. (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 12,

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.

12. (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.

13. (1) Where a person ("P") is required to be detained or to self-isolate under regulation 3 or 12 or subjected to restrictions or requirements under regulation 11, 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 12 or subjected to restrictions or requirements under regulation 11 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 12 or subjected to restrictions or requirements under regulation 11, 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 12 or subjected to restrictions or requirements under regulation 11, 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 12, 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 17(4), and
- (g) the right to apply for revocation or variation under regulation 15, where applicable.

Restrictions or requirements in respect of groups.

14. (1) The powers in regulations 2, 3 and 12 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 12 –

- (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.

15. (1) A requirement, restriction or condition imposed under this Part, or Schedule 1 or Schedule 2, may be varied or revoked by the Royal Court on

the application of an affected person.

- (2) The following persons are affected persons –
- (a) P,
 - (b) a person having parental responsibility (within the meaning of the Children (Guernsey and Alderney) Law, 2008^c, the Children (Sark) Law, 2016^d, or the Child Protection (Sark) Law, 2020^e, (as the case may be) for P,
 - (c) a person who has been appointed Guardian of P,
 - (d) P's spouse or civil partner,
 - (e) a person living with P as P's spouse,
 - (f) a person in respect of whom a Critical Worker Exemption has been granted under, and within the meaning of, Schedule 1, and
 - (g) a Relevant Person within the meaning of Schedule 2,

^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.

and for the purposes of this paragraph, P includes a person subject to the requirement under regulation 5(1), 5(3), 5(5), 6(3), 7(2), 7(4) or 7(7) or to a requirement imposed under regulation 9(1).

(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.

16. (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), 5(3) or 6(3), or a requirement to self-isolate imposed under regulation 9(1).

(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.

17. (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), 12(2), 12(4) or 13(5), or a direction under regulation 16(3)(a),

- (b) fails, without reasonable excuse, to comply with a requirement that the person be detained under regulation 12(3), 16(7), 16(9) or 16(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), 5(3), 6(3), 7(4) or 7(7) or a restriction or requirement imposed under regulation 9(1); 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), 5(3), 6(3), 7(4) or 7(7) or of a requirement under regulation 9(1), by the MOH in relation to a particular case, or by the Authority in relation to a category of cases or all cases, or
- (b) imposed by or under Schedule 1 or Schedule 2.

(3) It is a defence for an employer charged with an offence under paragraph (2) to prove that he or she has taken all reasonable precautions to avoid the commission of an offence.

(4) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

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

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

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

(b) regulation 11(1), 12(4), or 13(4).

(7) A responsible adult who fails without reasonable excuse to comply with regulation 9(8), 10(2), 11(9) or 12(6) commits an offence.

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

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

(10) The investigation of an offence under this Part shall be treated as an assigned matter within the meaning of section 1 of the Customs and Excise

(General Provisions) (Bailiwick of Guernsey) Law, 1972^f (including, for the avoidance of doubt, for the purposes of paragraph 1(a) of Schedule 5 to PPACE, and consequently the provisions of PPACE which relate to the investigation of offences conducted by police officers apply to the investigation of offences under this Part conducted by customs officers).

False or misleading information.

18. (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,
 - (c) makes any statement or provides any information or document to a determining officer or reviewing officer under Schedule 1, or to an officer or authorised person mentioned in paragraph 7(2) of Schedule 2, in circumstances in which he or she knows or could reasonably be expected to know that the statement, information or document would or might be used by that officer or person for the purpose of exercising his

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

- (d) makes any statement or provides any information or document in the course of entering information on the States of Guernsey Travel tracker website.

(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.

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

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

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

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

"**hospital**" means –

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

Alderney), or

(b) the Sark Medical Centre,

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

"police officer" includes a customs officer,

"PPACE" means the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003⁸,

"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 8(2),

"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,

⁸ Order in Council No. XIV of 2009; amended by Order in Council No. XVI of 2009; No. XV of 2011; Ordinance No. XXXIII of 2003; No. XXIX of 2011; No. XXXIX of 2015; No. IX of 2016; and No. XXVI of 2018.

"requirement" means a requirement imposed under this Part (including the requirement to self-isolate under regulation 5(1), 5(3), 5(5) and 6(3)),

"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 10(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.

Meaning of "Blue Arrival" and related terms.

20. (1) In these Regulations, a **"Blue Arrival"** means a person (other than a child) who has arrived in the Bailiwick after spending all of the period of 14

days immediately before his or her arrival in a Blue List Country, and who –

- (a) has a full vaccination history, and
- (b) (only in the case of a Jersey Blue Arrival, and subject to any specification made by the Authority under paragraph (2)) possesses, on arrival, a pre-travel negative test result,

and in this regulation, "Jersey Blue Arrival" and "pre-travel negative test result" have the meanings given in regulation 7.

(2) The Authority may, by publication on the States of Guernsey website, specify categories of Jersey Blue Arrivals in respect of whom the requirement at paragraph (1)(b) (to possess, on arrival, a pre-travel negative test result) does not apply.

(3) Subject to paragraph (4), a "Blue List Country" means any of the Bailiwick, the United Kingdom, the Republic of Ireland, Jersey and the Isle of Man.

(4) On the advice of the MOH, the Authority may provide, by way of publication on the States of Guernsey website, that any of the United Kingdom, the Republic of Ireland, Jersey and the Isle of Man (or, as and where relevant, any country, province, region or area thereof) is, with immediate effect or from such time as may be specified, not a Blue List Country, but instead a Category 2 country, a Category 3 country or a Category 4 country, until further publication on that website making contrary provision.

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

(a) P has received a full course of a UK certified vaccine administered in a Blue List Country, and

(b) in the case of -

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

(ii) a vaccine administered in one dose, P received that dose at least 14 days before P's arrival in the Bailiwick,

and in any case where a question is raised as to whether a person has a full vaccination history for the purposes of these Regulations, the determination of the MOH shall be final.

(6) For the purposes of paragraph (5), a "**UK certified vaccine**" means a vaccine against coronavirus the use of which is authorised by the European Medicines Agency, or the Medicines and Healthcare products Regulatory Agency of the United Kingdom (or the Secretary of State), either by way of a marketing authorisation or otherwise.

Blue Arrivals: post-arrival testing requirements.

21. (1) A Blue Arrival (P) (including, for the avoidance of doubt, a

Jersey Blue Arrival) must comply with the post-arrival testing requirements.

(2) Subject to paragraph (3), the post-arrival testing requirements are that –

(a) before P's arrival in the Bailiwick, P has paid such fee not exceeding £40 as the Authority may specify by publication on the States of Guernsey website in respect of equipment for lateral flow tests for COVID-19 to be provided to Blue Arrivals on arrival in the Bailiwick by a relevant officer under, and for the purposes of, this regulation,

(b) after P's arrival in the Bailiwick, P must take a test for COVID-19 using the equipment provided under subparagraph (a) –

(i) on the day of P's arrival,

(ii) three days after P's date of arrival,

(iii) five days after P's date of arrival,

(iv) seven days after P's date of arrival, and

(v) nine days after P's date of arrival,

(together, the "required post-arrival tests"), and

- (c) if the result of any of the required post-arrival tests is positive, P must immediately notify the MOH thereof, and comply with all restrictions and requirements imposed on P by the MOH, including, but not limited to, a requirement to self-isolate.

(3) A Blue Arrival (including, for the avoidance of doubt, a Jersey Blue Arrival) who fails, without reasonable excuse –

- (a) to take one or more of the required post-arrival tests, in accordance with paragraph (2)(b),
- (b) immediately to notify the MOH of a positive result of one or more of the required post-arrival tests, or
- (c) to comply with all restrictions and requirements imposed on him or her by the MOH under paragraph (2)(c) in the circumstances set out therein,

commits an offence.

(4) A person guilty of an offence under paragraph (3)(a) or (b) 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 both.

(5) A person guilty of an offence under paragraph (3)(c) of failing, without reasonable excuse, to comply with a requirement to self-isolate 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 both.

(6) A person guilty of any other offence under paragraph (3)(c) is liable on conviction to a fine not exceeding level 3 on the uniform scale.

(7) In this regulation, "**Jersey Blue Arrival**" has the meaning given in regulation 7.

Definition of "self-isolate".

22. (1) In these regulations, "**self-isolate**" in relation to a person ("P") means for P to keep himself or herself separated from any other person in such a manner as to prevent infection or contamination, in accordance with such directions as may be given by the MOH from time to time; and such directions may be given both generally (by publication on the relevant States of Guernsey website) and in respect of any particular case (in such manner as the MOH thinks fit).

(2) For the avoidance of doubt, a direction by the MOH given under paragraph (1) may include, amongst other things, a requirement that P remain within and not leave notified premises other than in accordance with –

(a) the terms of the direction, or

(b) a permission granted by the MOH to P,

and a permission under paragraph (b) may be granted in such manner as the MOH thinks fit.

(3) For the avoidance of doubt, a direction including a requirement of the type referred to in paragraph (2) may, amongst other things, specify that P may not enter a garden, yard, passage, outhouse or other

appurtenance of such notified premises, or may do so only for a specified period of time each day, where the MOH considers that such a restriction is necessary to protect P, or other persons, from the risk of infection.

(4) In paragraph (2), "notified premises" means premises at an address to be notified by P to the States of Guernsey at such time, and in such manner, as the MOH may from time to time require; and for the avoidance of doubt, the MOH may require such an address to be notified before, or on, P's arrival in the Bailiwick.

PART II
MISCELLANEOUS AND FINAL

Modification of legislation relating to mental health.

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

Population Management Law: Employment Permits.

24. (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

^h 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) The Administrator may issue guidance in respect of this regulation.

(6) In this regulation –

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

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

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

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

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

Court of Appeal.

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

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

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

(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.

26. (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.

27. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) Regulations, 2021^k, the Emergency Powers

^k G.S.I. No. 78 of 2021.

(Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) (Amendment) Regulations, 2021^l and the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) (Amendment) (No. 2) Regulations, 2021^m are revoked.

(2) Anything done under or for the purposes of regulations revoked under paragraph (1) ("**the revoked regulations**") before the commencement of these Regulations shall, to the extent that the same is required or authorised to be done under or for the purposes of these Regulations, have effect as if done under or for the purposes of the equivalent provision of these Regulations; and for the avoidance of doubt, the revocation of the revoked regulations does not affect any restriction, requirement, condition, prohibition, or penalty, imposed thereunder.

(3) Anything in the process of being done under or for the purposes of the revoked regulations before the commencement of these Regulations may, to the extent that the same is required or authorised to be done under or for the purposes of these Regulations, be continued to be done under or for the purposes of the equivalent provision of these Regulations.

(4) Any reference howsoever expressed in any enactment or 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

^l G.S.I. No. 81 of 2021.

^m G.S.I. No. 88 of 2021.

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.

28. (1) In these Regulations, unless the context requires otherwise –

"the Authority": see regulation 1(2),

"coronavirus" means Severe Acute Respiratory Syndrome Coronavirus 2 and/or COVID-19,

"Medical Officer of Health" means the Medical Officer of Health appointed by the States of Guernsey Policy & Resources Committee and includes the Deputy or Acting Medical Officer of Health for the time being, and any officer authorised by the Medical Officer of Health to exercise the Medical Officer of Health's functions under these Regulations, and

"the MOH": see regulation 1(1).

(2) In these Regulations, references to a Category 2, 3 or 4 country are references to a Category 2, 3 or 4 country as specified on the relevant States of Guernsey website for the purposes of these Regulations; and an area, region or country may be specified as a Category 2, 3 or 4 country for those purposes.

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

associated expressions, shall be construed accordingly.

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

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

(6) For the avoidance of doubt, the powers of police officers under these Regulations are exercisable in addition to all other powers which police officers may exercise.

Citation.

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

Extent.

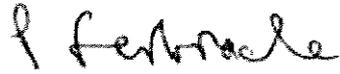
30. (1) Subject to paragraph (2), these Regulations shall have effect throughout the Bailiwick.

(2) Regulation 24 (Population Management Law: Employment Permits) shall have effect in the Island of Guernsey.

Commencement.

31. These Regulations shall come into force on 13th August, 2021.

Dated this 12th day of August, 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

SCHEDULE 1

Regulation 4.

CRITICAL WORKERS

Introductory.

1. (1) This Schedule provides for the granting of exemptions from –
 - (a) the requirement to self-isolate at regulation 5(1) and 5(3), and
 - (b) a requirement to self-isolate imposed under regulation 9(1),

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(3) or a requirement imposed under regulation 8(1) 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 17(2), the employer of a person ("P") in respect of whom a Critical Worker Exemption has been granted may be liable to prosecution if P fails to comply with any of the conditions and restrictions which apply to him or her in respect of this exception.

(8) When considering whether to grant a Critical Worker Exemption, a determining officer shall consider all the circumstances of the case, and in particular shall assess and take into account –

- (a) the risk to public health in the Bailiwick or any part thereof that granting the Critical Worker Exemption would create, and

- (b) if the Critical Worker Exemption were not granted , the damage (if any) that would be suffered by –
 - (i) the business by or on behalf of which the application has been made, and any other potentially affected business based in the Bailiwick, and
 - (ii) the economy of the Bailiwick or any part or sector thereof.

Existential risk to a Bailiwick business.

2. (1) A Critical Worker Exemption may be granted in respect of a person if the determining officer is of the view that either of the conditions set out in subparagraphs (2) and (3) is satisfied.

(2) The condition in this subparagraph is that if the Critical Worker Exemption is not granted, there is a significant risk that, as a consequence, a business based in the Bailiwick will cease trading.

(3) The condition in this subparagraph is that –

- (a) the application has been made by or on behalf of a business based in the Bailiwick that operates transport links into and out of the Bailiwick ("**the applicant business**"),
- (b) the application is in respect of a particular journey or journeys into or out of the Bailiwick, to be undertaken

for a commercial, or primarily commercial, purpose,
and

- (c) the undertaking of journeys of the type in respect of which the application is being made is necessary for the continued operation of the applicant business.

Categories of Critical Worker

Categories of Critical Worker.

3. Subject to paragraph 2, a Critical Worker Exemption may only be granted in respect of a person who –

- (a) satisfies the definition of Critical Worker in paragraph 1(2), and
- (b) falls into one of the following categories (subject to the additional eligibility conditions in respect of business stability and recovery, and technical specialist contractors, specified in paragraphs 4 and 5) –

BUSINESS CATEGORY	INDIVIDUALS
Air and Sea Links	Those individuals directly involved in maintaining the Islands' air and sea links.
Critical National Infrastructure	Those individuals directly involved in maintaining and protecting the Islands' critical national infrastructure.
Frontline Health and	Those individuals providing, or directly facilitating,

Care and Veterinary Services	critical front line health and care, and veterinary, services.
Emergency Services and Justice Administration	Those individuals delivering emergency services or the administration of justice.
Education	Education professionals delivering critical activity within the Islands' schools.
Business Stability and Recovery	Those individuals involved in business continuity and/or business recovery.
Technical Specialist Contractors	Those skilled individuals required for construction projects to continue or begin.
Financial Stability	Those individuals involved in ensuring financial stability and resilience.

Categories of Critical Workers: business stability and recovery.

4. (1) A person ("P") falls into the business stability and recovery category of Critical Workers –

- (a) only if both of the following conditions would be satisfied if a Critical Worker Exemption were granted in respect of P –
 - (i) P would provide professionally qualified technical or specialist expertise that is not currently available or accessible on-island, and
 - (ii) P would fill a designated role, or undertake a designated set of tasks, that would be completed during a fixed term and would be time-critical, and

- (b) only if any of the following conditions would be satisfied if a Critical Worker Exemption were not granted in respect of P –
 - (i) a business would not be able to continue in operation, or
 - (ii) a business' continuity plan would be undermined in a way that meant it could not comply with regulatory, health and safety or other essential statutory standards, and that this would mean it could not continue to operate some critical functions fully, or
- (c) a business would be unable to resume a project or commercial contract that would either (a) prevent the return to employment of on-island works, or (b) lead to the curtailing of employment for current on-island workers.

Categories of Critical Workers: technical specialist contractors.

5. A person falls into the technical specialist contractor category of Critical Worker only if there is a specified start and end to the period of work required by the person under the Critical Worker Exemption, and he or she –

- (a) provides a service or set of skills that cannot feasibly be secured on-island,

- (b) performs a role that is critical to the progression of the project,
- (c) has relevant formal professional qualifications to undertake their role, and
- (d) has health insurance which covers COVID-19 related matters.

Risk mitigation conditions: general and sector-specific

Risk mitigation conditions: general.

6. (1) Each successful applicant for a Critical Worker Exemption must –

- (a) not travel to the Bailiwick if they have any symptoms of COVID-19, no matter how mild,
- (b) self-isolate as directed by the MOH,
- (c) undertake tests for COVID-19 as directed by MOH. If the result of any test is positive, the applicant must self-isolate in accordance with instructions from the MOH and comply with all other restrictions and requirements imposed by the MOH,
- (d) not attend the place of work if he or she has any symptoms of COVID-19, no matter how mild,

- (e) stop working immediately and withdraw from the workplace if any symptoms of COVID-19, no matter how mild, develop whilst working and arrange for testing for COVID-19,
 - (f) adhere to good standards of hygiene and respiratory etiquette,
 - (g) wear a face covering, that complies with any guidance in respect of face coverings issued by MOH, within two metres of other people,
 - (h) if staying overnight, have a confirmed address at which they are staying,
 - (i) use only pre-arranged transport where the details of the driver are fully recorded or a hire car to move between the workplace and their place of residence,
 - (j) remain on-island for the duration of their work, and
 - (k) comply with any method statement agreed with or imposed by the MOH, or other direction given or requirement imposed by the MOH.
- (2) Further specific conditions may be imposed in particular

cases.

Additional risk mitigation conditions: business stability and recovery.

7. (1) The conditions in this paragraph apply to a person falling into the business stability and recovery category of Critical Workers.

(2) For the avoidance of doubt, when these conditions apply they apply in addition to the general risk mitigation conditions set out in paragraph 6.

(3) The conditions in this paragraph are that the Critical Worker's business must –

(a) provide a method statement of how it will meet social distancing and hygiene standards, and

(b) meet the cost of any testing undertaken and any associated medical treatment that is required, including hospital treatment for COVID-19.

Additional risk mitigation conditions: technical specialist contractors in the construction sector.

8. (1) The conditions in this paragraph apply to the following subcategory of persons falling into the technical specialist contractor category of Critical Workers (and referred to in the table at subparagraph (3) as "workers"): specialist technical consultants required in situ on-island to support projects considered necessary to support business recovery work in the construction sector, where there is a clear requirement to augment on-island capacity and capability for a designated period.

(2) For the avoidance of doubt, when these conditions apply they apply in addition to the general risk mitigation conditions set out in paragraph 6.

(3) The conditions in this paragraph are those set out in the following table –

<i>Movement on-island</i>	<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 allow 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 15 to vary or revoke those conditions.

SCHEDULE 2

Regulation 5(1).

COUNTRY CATEGORIES

Introductory.

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

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

(b) to the extent only set out in this Schedule.

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

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

(4) Under regulation 17(2), the employer of a Relevant Person may be liable to prosecution if the Relevant Person fails to comply with any of the conditions and restrictions which apply to him or her in respect of the reduced self-isolation option.

(5) Failure without reasonable excuse to comply with the requirement to self-isolate under regulation 5(1) (as it has effect under this Schedule) is an offence under regulation 17(2), and this Schedule shall be construed accordingly.

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

(7) For the avoidance of doubt, a person may elect to take part in the reduced self-isolation option on the States of Guernsey Travel Tracker website.

Eligibility.

2. (1) To be eligible to take part in the reduced self-isolation option, a person ("P") must not have spent any of the period of 14 days immediately before P's arrival in the Bailiwick in a place which is a Category 4 country at the time of P's arrival in the Bailiwick.

(2) For the avoidance of doubt, and subject to paragraph 5 (direct transit), if P has spent any of the previous 14 days (or any part thereof) in a place that is, at the relevant time, a Category 4 country, P will not be eligible to take part in the reduced self-isolation option – even if that place was not specified as a Category 4 country when the person was in it.

(3) For the avoidance of doubt –

(a) a person not wishing to take part in the reduced self-isolation option or assessed to be ineligible to do so

must self-isolate pursuant to, and in accordance with, the requirement imposed by regulation 5(1), and

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

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

and references (however expressed) in paragraphs 3 and 4 to a Relevant Person being required, or not being required, to take a test for COVID-19, shall be construed accordingly.

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

Category 3 country arrivals.

3. (1) A Relevant Person who has spent any time in the period of 14 days immediately before his or her arrival in the Bailiwick in a place that is a Category 3 country at the relevant time (and who has not spent any time in that

period in a Category 4 country) will be required to take a test for COVID-19 directly on arrival in the Bailiwick (in this Schedule, a "day of arrival test").

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

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

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

(5) If the result of that Day 7 test is negative, the Relevant Person will not be required to self-isolate for the remainder of the 14 day period, subject to him or her complying with the conditions and restrictions specified in paragraph 8 (Conditions and restrictions: Passive Follow-Up) during that period.

Category 2 country arrivals.

4. (1) A Relevant Person who has spent any of the period of 14 days immediately before his or her arrival in the Bailiwick in a place that is a Category 2 country at the relevant time (and who has not spent any time in that period in a Category 4 country or a Category 3 country) will be required to take a day of arrival test.

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

(3) If the result of that day of arrival test is negative, the Relevant Person will not be required to self-isolate, subject to him or her complying with the conditions and restrictions specified in paragraph 8 (Conditions and restrictions: Passive Follow-Up), but he or she will be required to take a Day 7 test.

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

(5) If the result of that Day 7 test is negative, the Relevant Person will not be required to self-isolate for the remainder of the 14 day period, subject to him or her continuing to comply with the conditions and restrictions specified in paragraph 8 (Conditions and restrictions: Passive Follow-Up) during that period.

Direct Transit.

5. (1) Direct transit –

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

(b) in public transport,

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

(2) In this paragraph –

- (a) a "**private vehicle**" includes a taxi,
- (b) references to a private vehicle or private vessel stopping are to such a vehicle or vessel stopping in circumstances where one or more persons alight from, or get into, the vehicle or vessel, and
- (c) references to a Category 4 or Category 3 country include its internal waters, and the territorial waters adjacent thereto.

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

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

within two metres of any other person (other than another occupant of the vehicle or vessel), and then gets back in again.

(4) In this paragraph, "**direct transit in public transport**" means travel on any form of public transport that does not stop at all in the Category 4 country or Category 3 country (as the case may be).

Children.

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

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

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

- (a) provide the information required under paragraph 7(2),
- (b) so far as reasonably practicable, keep the record of people referred to at paragraph 8(9), and

- (c) ensure the child does not return to school in accordance with paragraph 8(11), where that restriction applies.

Conditions and restrictions: general, and offences.

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

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

(3) For the avoidance of doubt, failure to comply, without reasonable excuse, with the requirement to self-isolate set out in subparagraph (1) is a criminal offence under regulation 17(2).

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

- (a) in subparagraph (2), or
- (b) paragraphs 8(2) to (12),

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

Conditions and restrictions: Passive Follow-Up.

8. (1) Where the requirement to self-isolate has been lifted in relation to a Relevant Person following a negative Day 7 test under and in accordance with paragraph 3 or following a negative day of arrival test under and in accordance with paragraph 4 (as the case may be), that Relevant Person must comply with each of the following restrictions during the remainder of the 14 day period.

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

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

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

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

restrictions before entering the Princess Elizabeth Hospital, if reasonably practicable in all the circumstances.

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

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

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

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

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

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

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

SCHEDULE 3

Regulation 23.

MODIFICATION OF LEGISLATION RELATING TO MENTAL HEALTH

Interpretation.

1. References in this Schedule to –
 - (a) sections are to sections of the Mental Health (Bailiwick of Guernsey) Law, 2010 ("the 2010 Law"), and
 - (b) rules are to rules of the Mental Health Review Tribunal Procedure Rules, 2012 ("the 2012 Rules").

2. Expressions in this Schedule and in the 2010 Law or the 2012 Rules shall have the same meaning as in that Law or those Rules (as the case may be).

Forms.

3. Where any form prescribed in the Mental Health (Treatment and Forms) Regulations, 2013 or under the 2012 Rules is inconsistent with a modification made by these Regulations, the form –
 - (a) may, in connection with that modification, be used with appropriate amendments, and
 - (b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect that modification.

Modification of the 2012 Rules.

4. For the purposes of any hearing subject to the 2012 Rules –
- (a) the Tribunal is deemed to be properly constituted by the members of the Tribunal sitting within or without the Bailiwick, or a combination thereof,
 - (b) where the legally qualified member is of the opinion that it is not reasonably practicable or would involve unreasonable delay for one, or both, of the other members of the Tribunal to participate in the hearing, the Tribunal is deemed to be properly constituted by the legally qualified member –
 - (i) sitting with the other member able to participate, or
 - (ii) sitting alone,(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.

5. Any hearing which takes place in accordance with paragraph 4 shall be deemed for all purposes (including that of determining the *lex fori*) to have taken place in Guernsey and the courts of Guernsey accordingly have jurisdiction in accordance with Part VI of the Law, and sections 46 and 47 have effect accordingly.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations revoke and re-enact (with modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations will come into force on the 13th August, 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

Part I - screening, assessment and powers to detain etc.

This Part places a requirement to self-isolate on persons arriving in the Bailiwick, enables the Medical Officer of Health to place restrictions and requirements on other persons who are or who may be infected with coronavirus, and makes provision in respect of related matters, including powers for the Medical Officer of Health to impose screening requirements, to detain people and to require people to self-isolate. The provisions also create criminal offences and confer powers of enforcement on police officers, and provide for applications to vary or revoke requirements or restrictions imposed under this part to be made to the Royal Court.

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

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

This Part also provides for "Blue Arrivals" – that is, persons arriving in the Bailiwick at least two weeks after having received their second dose of COVID-19 vaccine administered in the Common Travel Area (CTA), and after having spent all of the previous 14 days within the CTA – to be free from self-isolation and other restrictions on arrival, and makes provision in respect of children travelling with Blue Arrivals. It imposes a requirement for Blue Arrivals to take self-administered lateral flow tests for COVID-19 provided to them on arrival, to report any positive test results to Public Health, and to comply with any direction given to them on so doing. It makes a failure (without reasonable excuse) to comply with these requirements a criminal offence. The Regulations also impose a requirement to pay a fee for the provided tests before travel.

This Part also requires "Jersey Blue Arrivals"- ie Blue Arrivals arriving from Jersey or who have otherwise spent part of the previous 14 days in Jersey - to possess a qualifying negative pre-arrival test result on arrival (either PCR or lateral flow) to qualify for Blue Arrival status, and makes provision in respect of children accompanying such persons. It also provides for the Civil Contingencies Authority to be able to specify on the States of Guernsey website categories of Jersey Blue Arrivals in respect of whom the requirement to possess, on arrival, a pre-travel negative test result, does not apply.

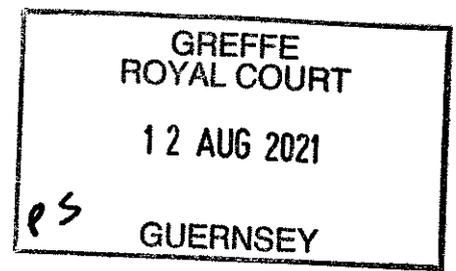
Finally, this Part also provides that a person of 12 years or over who chooses not to take both a day of arrival test for COVID-19 and a test on day 13 after arrival will have to self-isolate for 21 days; otherwise, a person who does undergo those tests is required to self-isolate until receipt of a negative result for the day 13 test. A child under 12 who has not travelled with a Blue Arrival (and who is not a Category 2 or Category 3 arrival under and in accordance with Schedule 2) has to self-isolate for 14 days after arrival.

Part II – miscellaneous and final

Schedule 3 to these Regulations, which is given effect by regulation 23, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraphs 4 and 5 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal may properly be constituted according to specified criteria.

Regulation 24 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.





GUERNSEY STATUTORY INSTRUMENT

2021 No. 92

**The Emergency Powers (Coronavirus) (Vaccine)
(Limitation of Liability) (No. 9) (Bailiwick of Guernsey)
Regulations, 2021**

<i>Made</i>	12 th August, 2021
<i>Coming into operation</i>	13 th August, 2021
<i>Laid before the States</i>	, 2021

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

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

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

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

AND WHEREAS the States of Guernsey Committee for Health & Social Care considers that, for the purposes of controlling or mitigating the emergency referred to above, it is appropriate and proportionate to carry out a voluntary mass vaccination programme throughout the Bailiwick, using vaccines that have been temporarily authorised by the licensing authority in the United Kingdom,

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

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

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

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

Application of these Regulations.

1. (1) These Regulations apply where, at any time before or after these Regulations come into force –

- (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 under the Patient Group Direction or (as the case may be) protocol,
- (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, and
- (f) any person brings civil proceedings against any other person in respect of the loss or damage.

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

(2) Paragraph (1) –

- (a) is subject to regulation 3, and

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

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

Time of sale, supply or administration.

3. Regulation 2(1) applies only in respect of a relevant medicinal product sold, supplied or (as the case may be) administered in any particular circumstances (including to any age group) –

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

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

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

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

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

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

"protocol" means any protocol for the sale, supply or administration of the designated vaccine approved under or for the purposes of section 15A of 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. 8) (Bailiwick of Guernsey) Regulations, 2021⁸ are revoked.

Extent.

7. These Regulations apply throughout the Bailiwick of Guernsey.

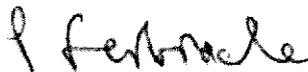
Citation.

8. These Regulations may be cited as the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 9) (Bailiwick of Guernsey) Regulations, 2021.

Commencement

9. These Regulations shall come into force on the 13th August, 2021.

Dated this 12th day of August, 2021



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

⁸ G.S.I. No. 79 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. 8) (Bailiwick of Guernsey) Regulations, 2021.

These Regulations will come into force on the 13th August, 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

GUERNSEY STATUTORY INSTRUMENT

2021 No. 91



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

<i>Made</i>	12 th August, 2021
<i>Coming into operation</i>	16 th August, 2021
<i>Laid before the States</i>	, 2021

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

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

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

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

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

AND WHEREAS the Authority is satisfied that the effect of the following regulations is in due proportion to that emergency, and that they are compatible with the Convention rights within the meaning of section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000^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 (No. 9) Regulations.

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

^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.

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

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

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

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

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

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

(i) a Blue List Country,

(ii) a Member State of the European Union,

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

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

(v) a British overseas territory, and

(b) in the case of -

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

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

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

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

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

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

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

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

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

(i) the European Medicines Agency,

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

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

either by way of a marketing authorisation or otherwise,
and

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

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

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

"(1) A Relevant Person –

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

(b) who –

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

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

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

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

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

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

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

Citation.

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

Extent.

3. These Regulations shall have effect throughout the Bailiwick.

Commencement.

4. These Regulations come into force on 16th August, 2021.

Dated this 12th day of August, 2021



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

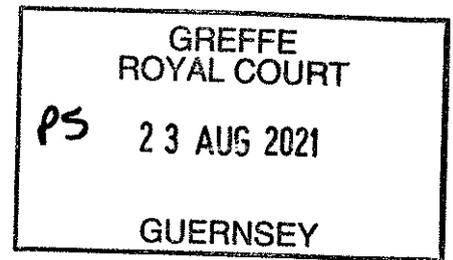
EXPLANATORY NOTE

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

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



**The Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No. 9) (Amendment) (No. 2)
Regulations, 2021**

<i>Made</i>	21 st August, 2021
<i>Coming into operation</i>	23 rd August, 2021
<i>Laid before the States</i>	, 2021

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

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

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

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

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

AND WHEREAS the Authority is satisfied that the effect of the following regulations is in due proportion to that emergency, and that they are compatible with the Convention rights within the meaning of section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000^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 (No. 9) Regulations.

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

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

follows.

- (2) In regulation 5(1)(c), delete "non-Jersey".
- (3) In regulation 6 -
 - (a) in the regulation title, delete "non-Jersey",
 - (b) in paragraph (1) -
 - (i) delete "non-Jersey" the first time it appears, and
 - (ii) delete "; and in this regulation" to the end of the paragraph,
 - (c) delete paragraph (2),
 - (d) for paragraph (3), substitute -
 - (3) Subject to -
 - (a) any direction to the contrary from the MOH in any particular case, and to any direction from the Authority in relation to one or more categories of case or in relation to all cases, and
 - (b) paragraph (4),

a child of 12 years or over who has arrived in the Bailiwick from outside by air or sea accompanied by a Blue Arrival must self-isolate for 14 days.",

(e) in paragraph (4) -

(i) for "A child", substitute "Subject to the terms of any direction made under paragraph (3), a child",

(ii) delete "non-Jersey", and

(f) after paragraph (5), insert the following paragraph –

"(6) A direction made under regulation 5(1), 6(1) or 6(3) may be made by the Authority by publication on the States of Guernsey website, and by the MOH in such manner as the MOH thinks fit."

(4) Delete regulation 7.

(5) For regulation 20 -

(a) for paragraph (1) substitute -

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

(b) delete paragraph (2).

(6) in regulation 21 -

(a) in paragraphs (1) and (3), delete "(including, for the avoidance of doubt, a Jersey Blue Arrival)", and

(b) delete paragraph (7).

Citation.

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

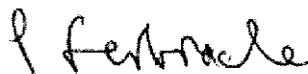
Extent.

3. These Regulations shall have effect throughout the Bailiwick.

Commencement.

4. These Regulations come into force on 23rd August, 2021.

Dated this 21st day of August, 2021



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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations further amend the Emergency Powers (Coronavirus) (General Provision)

(Bailiwick of Guernsey) (No. 9) Regulations, 2021. The amendments standardise the entry requirements for all Blue Arrivals (defined as, persons (other than children) who have arrived in the Bailiwick after spending all of the period of 14 days immediately before arrival in a Blue List Country and who have a full vaccination history), regardless of whether they have spent time in Jersey in the 14 day period before their arrival in the Bailiwick and make relevant consequential amendments.

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

GUERNSEY STATUTORY INSTRUMENT
No. 99

ENTITLED

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

ARRANGEMENT OF REGULATIONS

PART I

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

1. Decisions of MOH and the Authority to impose restrictions and requirements.
2. Detention of persons by the MOH.
3. Imposition of restrictions and requirements: general.
4. Critical Workers.
5. Requirement to self-isolate on arrival in the Bailiwick.
6. Requirement to self-isolate on arrival in the Bailiwick: children accompanying Blue Arrivals.
7. Requirement to self-isolate on arrival in the Bailiwick: requirement to provide information, etc.
8. Requirement to self-isolate on arrival in the Bailiwick: supplementary.
9. Screening requirements.
10. Imposition of further restrictions and requirements.
11. Self-isolation of persons suspected to be infected with coronavirus.
12. Detention or self-isolation: additional provisions.
13. Restrictions or requirements in respect of groups.
14. Appeals to the Royal Court.
15. Initial detention of persons to enable screening and assessment.
16. Offences and enforcement.
17. False or misleading information.
18. Interpretation of this Part: general.
19. Meaning of "Blue Arrival" and related terms.
20. Blue Arrivals: post-arrival testing requirements.
21. Definition of "self-isolate".

PART II
MISCELLANEOUS AND FINAL

22. Modification of legislation relating to mental health.
23. Population Management Law: Employment Permits.
24. Court of Appeal.
25. Offences by legal persons and unincorporated bodies.
26. Revocation and savings.
27. Interpretation.
28. Citation.
29. Extent.
30. Commencement.

SCHEDULE 1 Critical Workers.

SCHEDULE 2 Country Categories.

SCHEDULE 3 Modification of legislation relating to mental health.

Explanatory Note.

GUERNSEY STATUTORY INSTRUMENT

2021 No. 99

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

<i>Made</i>	7 th September, 2021
<i>Coming into operation</i>	8 th September, 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 there has been a recent surge of infections of several different variants of Severe Acute Respiratory Syndrome Coronavirus 2 in Europe;

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

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

AND WHEREAS there is evidence of 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 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.

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

Decisions of MOH and the Authority to impose restrictions and requirements.

1. (1) Subject to paragraph (3), the Medical Officer of Health ("the MOH") may not impose a restriction or requirement under this Part unless the MOH 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 8(1) 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 8(1) 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 8 affects the exercise of any powers under regulation 12; 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 8 a power to vary a requirement or restriction includes a power to revoke it.

Critical Workers.

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

Requirement to self-isolate on arrival in the Bailiwick.

5. (1) Subject to –

- (a) provision made in or under Schedule 1 (concerning Critical Workers) or Schedule 2 (concerning Country Categories, which Schedule has effect),
- (b) paragraphs (2) to (8), and
- (c) regulation 6 (requirement to self-isolate on arrival in the Bailiwick: children accompanying Blue Arrivals),

a person who has arrived in the Bailiwick from outside by air or sea, other than a Blue Arrival, must self-isolate for 14 days; and for the avoidance of doubt, subject to any direction to the contrary from the MOH in any particular case, and to any direction from the Authority in relation to one or more categories of case or in relation to all cases, a Blue Arrival is not required to self-isolate, and is not subject to any other restrictions or requirements.

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

(5) Subject to where paragraph (7) or regulation 6 applies, a child of between 5 and 11 years who has arrived in the Bailiwick by air or sea must self-isolate for 14 days.

(6) Paragraph (7) applies where a child ("C") has been self-isolating in a household bubble.

(7) Where this paragraph applies, even after the cessation of the requirement on C to self-isolate, C may not attend college, school, nursery or childcare (as the case may be) until every other member of C's household bubble has either –

- (a) undergone a Day 13 test and received a negative result,
- or

- (b) self-isolated for 14 days.
- (8) 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 21) shall be construed accordingly.

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

6. (1) Subject to any direction to the contrary from the MOH in any particular case, and to any direction from the Authority in relation to one or more categories of case or in relation to all cases, a child of between 5 and 11 years who has arrived in the Bailiwick from outside by air or sea accompanied by a Blue Arrival is not required to self-isolate, and is not subject to any other restrictions or

requirements.

(2) Subject to –

(a) any direction to the contrary from the MOH in any particular case, and to any direction from the Authority in relation to one or more categories of case or in relation to all cases, and

(b) paragraph (3),

a child of 12 years or over who has arrived in the Bailiwick from outside by air or sea accompanied by a Blue Arrival must self-isolate for 14 days.

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

(4) For the avoidance of doubt, a child of 12 years or over who has made an election under paragraph (3) is not required to self-isolate under regulation 5 or paragraph (2), but he or she –

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

- (b) shall for all purposes (including, but not limited to, paragraphs 1(5) and 7 of Schedule 2 and regulations 16 and 17, which provisions concern offences) be treated as if he or she is –
 - (i) a Relevant Person (within the meaning of Schedule 2) described in paragraph 4(1) of that Schedule, and,
 - (ii) for the avoidance of doubt, a child taking part in the reduced self-isolation option for the purposes of paragraph 6 of that Schedule.

(5) A direction made under regulation 5(1) or paragraph (1) or (2) may be made by the Authority by publication on the States of Guernsey website, and by the MOH in such manner as the MOH thinks fit.

Requirement to self-isolate on arrival in the Bailiwick: requirement to provide information, etc.

7. (1) Before travelling to the Bailiwick from any place outside the Bailiwick, and on arrival in the Bailiwick from any place outside the Bailiwick, a person (P) (other than a child under 12 years of age) must provide such information–

- (a) relating to –
 - (i) P, and P's travel during the 14 day period immediately preceding the date of his or her arrival in the Bailiwick, and

(ii) any child under 12 years of age travelling with P, and that child's travel during the 14 day period immediately preceding the date of his or her arrival in the Bailiwick,

(b) in such a way (including, but not limited to, by entering that information on the States of Guernsey Travel Tracker website),

as the MOH may reasonably require (generally, in relation to a category of case into which P falls, or in relation to P's particular case) for the purposes of these regulations.

(2) On arrival in the Bailiwick from any place outside the Bailiwick, P must, if required –

(a) answer any question put to him or her by a relevant officer relating to his or her travel, and the travel of any child travelling with that person, during the 14 day period immediately preceding the date of his or her arrival in the Bailiwick,

(b) provide any travel document specified by a relevant officer relating to that person, or a child travelling with that person, for inspection,

(c) provide his or her Critical Worker Exemption (if any) for inspection, and

- (d) answer any question put to him or her by a relevant officer relating to that travel document and Critical Worker Exemption.

(3) Where a person, acting pursuant to a request or instruction from P, enters information relating to P on P's behalf on the States of Guernsey Travel Tracker website, whether before or on P's arrival in the Bailiwick, P shall be treated (including, but not limited to, for the purposes of regulation 17(2)) as having entered the information himself or herself.

Requirement to self-isolate on arrival in the Bailiwick: supplementary.

8. (1) The Authority may, by publication on the relevant States of Guernsey website, impose a requirement that any person who has arrived in one Island in the Bailiwick from another Island in the Bailiwick must (subject to provision made in or under Schedule 1) self-isolate for 14 days.

(2) The requirement to self-isolate under regulation 5(1), 5(3), 5(5) and 6(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 (1) 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.

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

(4) The requirement to self-isolate under regulation 5(1), 5(3), 5(5) and 6(2) may be varied by the Authority in relation to one or more categories of case, or in relation to all cases, by publication on the relevant States of Guernsey website.

(5) The powers to vary of the MOH under paragraph (2) and of the Authority under paragraph (4) include (but are not limited to) powers to –

- (a) specify exceptions to the requirement to self-isolate,
- (b) shorten the duration of the requirement to self-isolate, either unconditionally or on the MOH or the Authority (as the case may be) being satisfied that one or more specified conditions have been met, and
- (c) impose any requirements and restrictions on persons other than the person who has arrived in the Bailiwick that are reasonably necessary as a consequence of the variation of the relevant requirement on that person.

(6) For the avoidance of doubt, and without prejudice to the generality of paragraphs (2), (4) and (5), in any case where the MOH exercises a power to vary under paragraph (2) or the Authority exercises its power to vary under paragraph (4) –

- (a) the MOH or the Authority may consult such persons as she or it (as the case may be) thinks fit in respect of the exercise of the power in question, and

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

(7) In any case where –

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

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

(8) Where a restriction or requirement is imposed on or in relation to a child under regulation 5, 6 or this regulation (including the requirement to self-isolate under regulation 5(1), 5(3), 5(5) and 6(2)), a person who is a responsible adult in relation to the child must ensure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(9) Where a restriction or requirement is imposed orally on a person under regulation 3, 5, 6 or this regulation, or a restriction or requirement is orally varied, the person (or, in the case of a child, a person who is a responsible

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

Screening requirements.

9. (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.

10. (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 11,

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.

11. (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.

12. (1) Where a person ("P") is required to be detained or to self-isolate under regulation 3 or 11 or subjected to restrictions or requirements under regulation 10, 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 11 or subjected to restrictions or requirements under regulation 10 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 11 or subjected to restrictions or requirements under regulation 10, 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 11 or subjected to restrictions or requirements under regulation 10, 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 11, 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 16(4), and
- (g) the right to appeal under regulation 14, where applicable.

Restrictions or requirements in respect of groups.

13. (1) The powers in regulations 2, 3 and 11 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 11 –

(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.

Appeals to the Royal Court.

14. (1) Subject to paragraph (2), a person ("P") may appeal to the Royal Court against –

(a) a decision of the MOH under this Part, Schedule 1 or Schedule 2 to impose a requirement, restriction or condition on P, or to give a direction in respect of P,

- (b) a decision of a reviewing officer (within the meaning of paragraph 12 of Schedule 1) in respect of the imposition of specific conditions on P under that Schedule, and
- (c) a determination by an appointed officer (within the meaning given in regulation 19(4)) that P does not have a full vaccination history for the purposes of these Regulations,

and for the avoidance of doubt, a decision of the MOH to vary, or not to vary, a requirement, restriction condition or direction is a decision of the MOH for the purposes of this paragraph.

(2) In addition to P, the following persons may appeal to the Royal Court under paragraph (1) –

- (a) a person having parental responsibility (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) for P, or who is otherwise P's responsible adult for the purposes of these Regulations,
- (b) a person who has been appointed guardian of P,
- (c) P's spouse or civil partner, and
- (d) a person living with P as P's spouse.

- (3) The grounds of an appeal under this regulation are that –
- (a) the decision was ultra vires or there was some other error of law,
 - (b) the decision was unreasonable,
 - (c) the decision was made in bad faith,
 - (d) there was a lack of proportionality when the decision was taken, or
 - (e) there was a material error as to the facts or as to the procedure when the decision was taken,

and in this subparagraph and subparagraph (5), "**decision**" includes "**determination**".

(4) On an appeal under this regulation the appellant shall have the final right of reply.

- (5) On an appeal under this regulation, the Royal Court may –
- (a) set the decision aside, and, if the court considers it appropriate to do so, remit the decision to the MOH , the reviewing officer or the appointed officer (as the case may be) with such directions as the court thinks fit (including, but not limited to, a direction to make such

other decision in substitution therefor as the court thinks fit in all the circumstances of the case), or

(b) confirm the decision, in whole or in part.

(6) An appeal under this regulation may be made in such manner as the Royal Court thinks fit.

(7) An appeal from the Royal Court under this regulation lies to the Court of Appeal on a question of law.

Initial detention of persons to enable screening and assessment.

15. (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), 5(3) or 6(2), or a requirement to self-isolate imposed under regulation 8(1).

- (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.

16. (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), 11(2), 11(4) or 12(5), or a direction under regulation 15(3)(a),
- (b) fails, without reasonable excuse, to comply with a requirement that the person be detained under regulation 11(3), 15(7), 15(9) or 15(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), 5(3), 6(2) or a restriction or requirement imposed under regulation 8(1); including, for the avoidance of doubt, a requirement to self-isolate for any specified period of less than 14 days, or until a specified event occurs –

- (a) imposed by a variation of the requirement under regulation 5(1), 5(3), 6(2) or of a requirement under regulation 8(1), by the MOH in relation to a particular case, or by the Authority in relation to a category of cases or all cases, or
- (b) imposed by or under Schedule 1 or Schedule 2.

(3) It is a defence for an employer charged with an offence under paragraph (2) to prove that he or she has taken all reasonable precautions to avoid

the commission of an offence.

(4) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

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

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

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

(b) regulation 10(1), 11(4), or 12(4).

(7) A responsible adult who fails without reasonable excuse to comply with regulation 8(8), 9(2), 10(9) or 11(6) commits an offence.

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

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

(10) The investigation of an offence under this Part shall be treated

as an assigned matter within the meaning of section 1 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972^c (including, for the avoidance of doubt, for the purposes of paragraph 1(a) of Schedule 5 to PPACE, and consequently the provisions of PPACE which relate to the investigation of offences conducted by police officers apply to the investigation of offences under this Part conducted by customs officers).

False or misleading information.

17. (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

^c 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.

- (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,
- (c) makes any statement or provides any information or document to a determining officer or reviewing officer under Schedule 1, or to an officer or authorised person mentioned in paragraph 7(2) of Schedule 2, in circumstances in which he or she knows or could reasonably be expected to know that the statement, information or document would or might be used by

that officer or person for the purpose of exercising his or her functions under Schedule 1 or Schedule 2 (as the case may be), or

- (d) makes any statement or provides any information or document in the course of entering information on the States of Guernsey Travel tracker website.

(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.

18. (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^d,

"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 7(2),

"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,

^d 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.

"**requirement**" means a requirement imposed under this Part (including the requirement to self-isolate under regulation 5(1), 5(3), 5(5) and 6(3)),

"**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 10(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.

Meaning of "Blue Arrival" and related terms.

19. (1) In these Regulations, a "**Blue Arrival**" means a person (other

than a child) who has arrived in the Bailiwick after spending all of the period of 14 days immediately before his or her arrival in a Blue List Country, and who has a full vaccination history.

(2) Subject to paragraph (3), a "**Blue List Country**" means any of the Bailiwick, the United Kingdom, the Republic of Ireland, Jersey and the Isle of Man.

(3) On the advice of the MOH, the Authority may provide, by way of publication on the States of Guernsey website, that any of the United Kingdom, the Republic of Ireland, Jersey and the Isle of Man (or, as and where relevant, any country, province, region or area thereof) is, with immediate effect or from such time as may be specified, not a Blue List Country, but instead a Category 2 country, a Category 3 country or a Category 4 country, until further publication on that website making contrary provision.

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

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

(i) a Blue List Country,

(ii) a Member State of the European Union,

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

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

(v) a British overseas territory, and

(b) in the case of –

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

(ii) a vaccine administered in one dose, P received that dose at least 14 days before P's arrival in the Bailiwick,

and in any case where a question is raised as to whether a person has a full vaccination history for the purposes of these Regulations, the determination of an officer appointed by the Authority for this purpose (an "**appointed officer**") shall, subject an appeal being made to the Royal Court under regulation 14(1)(b), be final.

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

(a) the vaccine was administered in a specified jurisdiction not falling within paragraph (4)(a), or

- (b) the first dose of the vaccine was administered in a different jurisdiction from the second dose (including, but not limited to, specified jurisdictions not falling within paragraph (4)(a)),

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

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

(7) For the purposes of paragraph (4) –

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

- (i) the European Medicines Agency,
- (ii) the Medicines and Healthcare products Regulatory Agency of the United Kingdom (or the Secretary of State), or
- (iii) Swissmedic (the national authorisation and supervisory authority for drugs and medical products for Switzerland),

either by way of a marketing authorisation or

otherwise, and

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

Blue Arrivals: post-arrival testing requirements.

20. (1) A Blue Arrival (P) must comply with the post-arrival testing requirements.

(2) Subject to paragraph (3), the post-arrival testing requirements are that –

- (a) before P's arrival in the Bailiwick, P has paid such fee not exceeding £40 as the Authority may specify by publication on the States of Guernsey website in respect of equipment for lateral flow tests for COVID-19 to be provided to Blue Arrivals on arrival in the Bailiwick by a relevant officer under, and for the purposes of, this regulation,

- (b) after P's arrival in the Bailiwick, P must take a test for COVID-19 using the equipment provided under subparagraph (a) –

- (i) on the day of P's arrival,

- (ii) three days after P's date of arrival,

(iii) five days after P's date of arrival,

(iv) seven days after P's date of arrival, and

(v) nine days after P's date of arrival,

(together, the "**required post-arrival tests**"), and

(c) if the result of any of the required post-arrival tests is positive, P must immediately notify the MOH thereof, and comply with all restrictions and requirements imposed on P by the MOH, including, but not limited to, a requirement to self-isolate.

(3) A Blue Arrival who fails, without reasonable excuse –

(a) to take one or more of the required post-arrival tests, in accordance with paragraph (2)(b),

(b) immediately to notify the MOH of a positive result of one or more of the required post-arrival tests, or

(c) to comply with all restrictions and requirements imposed on him or her by the MOH under paragraph (2)(c) in the circumstances set out therein,

commits an offence.

(4) A person guilty of an offence under paragraph (3)(a) or (b) 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 both.

(5) A person guilty of an offence under paragraph (3)(c) of failing, without reasonable excuse, to comply with a requirement to self-isolate 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 both.

(6) A person guilty of any other offence under paragraph (3)(c) is liable on conviction to a fine not exceeding level 3 on the uniform scale.

Definition of "self-isolate".

21. (1) In these regulations, "self-isolate" in relation to a person ("P") means for P to keep himself or herself separated from any other person in such a manner as to prevent infection or contamination, in accordance with such directions as may be given by the MOH from time to time; and such directions may be given both generally (by publication on the relevant States of Guernsey website) and in respect of any particular case (in such manner as the MOH thinks fit).

(2) For the avoidance of doubt, a direction by the MOH given under paragraph (1) may include, amongst other things, a requirement that P remain within and not leave notified premises other than in accordance with –

(a) the terms of the direction, or

(b) a permission granted by the MOH to P,

and a permission under paragraph (b) may be granted in such manner as the MOH thinks fit.

(3) For the avoidance of doubt, a direction including a requirement of the type referred to in paragraph (2) may, amongst other things, specify that P may not enter a garden, yard, passage, outhouse or other appurtenance of such notified premises, or may do so only for a specified period of time each day, where the MOH considers that such a restriction is necessary to protect P, or other persons, from the risk of infection.

(4) In paragraph (2), "notified premises" means premises at an address to be notified by P to the States of Guernsey at such time, and in such manner, as the MOH may from time to time require; and for the avoidance of doubt, the MOH may require such an address to be notified before, or on, P's arrival in the Bailiwick.

PART II

MISCELLANEOUS AND FINAL

Modification of legislation relating to mental health.

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

Population Management Law: Employment Permits.

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

- (a) be resident without being employed,

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

- (b) be employed by an employer other than the employer or category of employer specified in the Permit, and
- (c) be employed by the employer or category of employer specified in the Permit on a part-time basis.

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

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

as the case may be.

- (3) To the extent necessary to give effect to paragraphs (1) and (2) –
- (a) Employment Permits (including the conditions set out therein) shall be deemed to be varied, and
 - (b) the provisions of the Population Management Law, any Ordinance and subordinate legislation made under that Law, and any other enactment, shall be deemed to be modified,

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

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

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

(6) In this regulation –

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

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

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

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

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

^f 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.

Court of Appeal.

24. (1) Section 7 (Venue) of the Court of Appeal (Guernsey) Law, 1961⁸ 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.

25. (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.

⁸ Ordres en Conseil Vol. XVIII, p. 315. There are other amendments not material to these Regulations.

(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.

26. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 9) Regulations, 2021^h, the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 9) (Amendment) Regulations, 2021ⁱ and the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 9) (Amendment) (No. 2) Regulations, 2021^j are revoked.

(2) Anything done under or for the purposes of regulations revoked under paragraph (1) ("**the revoked regulations**") before the commencement of these Regulations shall, to the extent that the same is required or authorised to be done under or for the purposes of these Regulations, have effect as if done under or for the purposes of the equivalent provision of these Regulations; and for the avoidance of doubt, the revocation of the revoked regulations does not affect any restriction, requirement, condition, prohibition, or penalty, imposed thereunder.

(3) Anything in the process of being done under or for the purposes of the revoked regulations before the commencement of these Regulations may, to the extent that the same is required or authorised to be done under or for the purposes of these Regulations, be continued to be done under or for the purposes of the equivalent provision of these Regulations.

(4) Any reference howsoever expressed in any enactment or subordinate legislation to a revoked regulation which is re-enacted (with or without modification) by or under these Regulations shall (unless the contrary intention

^h G.S.I. No. 93 of 2021.

ⁱ G.S.I. No. 91 of 2021.

^j G.S.I. No. 95 of 2021.

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.

27. (1) In these Regulations, unless the context requires otherwise –

"the Authority": see regulation 1(2),

"coronavirus" means Severe Acute Respiratory Syndrome Coronavirus 2 and/or COVID-19,

"Medical Officer of Health" means the Medical Officer of Health appointed by the States of Guernsey Policy & Resources Committee and includes the Deputy or Acting Medical Officer of Health for the time being, and any officer authorised by the Medical Officer of Health to exercise the Medical Officer of Health's functions under these Regulations, and

"the MOH": see regulation 1(1).

(2) In these Regulations, references to a Category 2, 3 or 4 country are references to a Category 2, 3 or 4 country as specified on the relevant States of Guernsey website for the purposes of these Regulations; and an area, region or country may be specified as a Category 2, 3 or 4 country for those purposes.

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

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

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

(6) For the avoidance of doubt, the powers of police officers under these Regulations are exercisable in addition to all other powers which police officers may exercise.

Citation.

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

Extent.

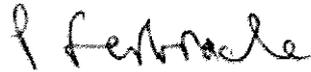
29. (1) Subject to paragraph (2), these Regulations shall have effect throughout the Bailiwick.

(2) Regulation 23 (Population Management Law: Employment Permits) shall have effect in the Island of Guernsey.

Commencement.

30. These Regulations shall come into force on 8th September, 2021.

Dated this 7th day of September, 2021

A handwritten signature in black ink, appearing to read 'P. T. R. Ferbrache', written in a cursive style.

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

CRITICAL WORKERS

Introductory.

1. (1) This Schedule provides for the granting of exemptions from –
 - (a) the requirement to self-isolate at regulation 5(1) and 5(3), and
 - (b) a requirement to self-isolate imposed under regulation 8(1),

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(3) or a requirement imposed under regulation 8(1) 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 16(2), the employer of a person ("P") in respect of whom a Critical Worker Exemption has been granted may be liable to prosecution if P fails to comply with any of the conditions and restrictions which apply to him or her in respect of this exception.

(8) When considering whether to grant a Critical Worker Exemption, a determining officer shall consider all the circumstances of the case, and in particular shall assess and take into account –

- (a) the risk to public health in the Bailiwick or any part thereof that granting the Critical Worker Exemption would create, and

- (b) if the Critical Worker Exemption were not granted , the damage (if any) that would be suffered by –
 - (i) the business by or on behalf of which the application has been made, and any other potentially affected business based in the Bailiwick, and
 - (ii) the economy of the Bailiwick or any part or sector thereof.

Existential risk to a Bailiwick business.

2. (1) A Critical Worker Exemption may be granted in respect of a person if the determining officer is of the view that either of the conditions set out in subparagraphs (2) and (3) is satisfied.

(2) The condition in this subparagraph is that if the Critical Worker Exemption is not granted, there is a significant risk that, as a consequence, a business based in the Bailiwick will cease trading.

(3) The condition in this subparagraph is that –

- (a) the application has been made by or on behalf of a business based in the Bailiwick that operates transport links into and out of the Bailiwick ("**the applicant business**"),
- (b) the application is in respect of a particular journey or journeys into or out of the Bailiwick, to be undertaken

for a commercial, or primarily commercial, purpose, and

- (c) the undertaking of journeys of the type in respect of which the application is being made is necessary for the continued operation of the applicant business.

Categories of Critical Worker

Categories of Critical Worker.

3. Subject to paragraph 2, a Critical Worker Exemption may only be granted in respect of a person who –

- (a) satisfies the definition of Critical Worker in paragraph 1(2), and
- (b) falls into one of the following categories (subject to the additional eligibility conditions in respect of business stability and recovery, and technical specialist contractors, specified in paragraphs 4 and 5) –

BUSINESS CATEGORY	INDIVIDUALS
Air and Sea Links	Those individuals directly involved in maintaining the Islands' air and sea links.
Critical National Infrastructure	Those individuals directly involved in maintaining and protecting the Islands' critical national infrastructure. ¹
Frontline Health and Care	Those individuals providing, or directly facilitating,

and Veterinary Services	critical front line health and care, and veterinary, services.
Emergency Services and Justice Administration	Those individuals delivering emergency services or the administration of justice.
Education	Education professionals delivering critical activity within the Islands' schools.
Business Stability and Recovery	Those individuals involved in business continuity and/or business recovery.
Technical Specialist Contractors	Those skilled individuals required for construction projects to continue or begin.
Financial Stability	Those individuals involved in ensuring financial stability and resilience.

Categories of Critical Workers: business stability and recovery.

4. (1) A person ("P") falls into the business stability and recovery category of Critical Workers –

(a) only if both of the following conditions would be satisfied if a Critical Worker Exemption were granted in respect of P –

(i) P would provide professionally qualified technical or specialist expertise that is not currently available or accessible on-island, and

(ii) P would fill a designated role, or undertake a designated set of tasks, that would be

completed during a fixed term and would be time-critical, and

- (b) only if any of the following conditions would be satisfied if a Critical Worker Exemption were not granted in respect of P –
 - (i) a business would not be able to continue in operation, or
 - (ii) a business' continuity plan would be undermined in a way that meant it could not comply with regulatory, health and safety or other essential statutory standards, and that this would mean it could not continue to operate some critical functions fully, or
- (c) a business would be unable to resume a project or commercial contract that would either (a) prevent the return to employment of on-island works, or (b) lead to the curtailing of employment for current on-island workers.

Categories of Critical Workers: technical specialist contractors.

5. A person falls into the technical specialist contractor category of Critical Worker only if there is a specified start and end to the period of work required by the person under the Critical Worker Exemption, and he or she –

- (a) provides a service or set of skills that cannot feasibly be secured on-island,
- (b) performs a role that is critical to the progression of the project,
- (c) has relevant formal professional qualifications to undertake their role, and
- (d) has health insurance which covers COVID-19 related matters.

Risk mitigation conditions: general and sector-specific

Risk mitigation conditions: general.

6. (1) Each successful applicant for a Critical Worker Exemption must –

- (a) not travel to the Bailiwick if they have any symptoms of COVID-19, no matter how mild,
- (b) self-isolate as directed by the MOH,
- (c) undertake tests for COVID-19 as directed by MOH. If the result of any test is positive, the applicant must self-isolate in accordance with instructions from the MOH and comply with all other restrictions and requirements imposed by the MOH,

- (d) not attend the place of work if he or she has any symptoms of COVID-19, no matter how mild,
 - (e) stop working immediately and withdraw from the workplace if any symptoms of COVID-19, no matter how mild, develop whilst working and arrange for testing for COVID-19,
 - (f) adhere to good standards of hygiene and respiratory etiquette,
 - (g) wear a face covering, that complies with any guidance in respect of face coverings issued by MOH, within two metres of other people,
 - (h) if staying overnight, have a confirmed address at which they are staying,
 - (i) use only pre-arranged transport where the details of the driver are fully recorded or a hire car to move between the workplace and their place of residence,
 - (j) remain on-island for the duration of their work, and
 - (k) comply with any method statement agreed with or imposed by the MOH, or other direction given or requirement imposed by the MOH.
- (2) Further specific conditions may be imposed in particular

cases.

Additional risk mitigation conditions: business stability and recovery.

7. (1) The conditions in this paragraph apply to a person falling into the business stability and recovery category of Critical Workers.

(2) For the avoidance of doubt, when these conditions apply they apply in addition to the general risk mitigation conditions set out in paragraph 6.

(3) The conditions in this paragraph are that the Critical Worker's business must –

(a) provide a method statement of how it will meet social distancing and hygiene standards, and

(b) meet the cost of any testing undertaken and any associated medical treatment that is required, including hospital treatment for COVID-19.

Additional risk mitigation conditions: technical specialist contractors in the construction sector.

8. (1) The conditions in this paragraph apply to the following subcategory of persons falling into the technical specialist contractor category of Critical Workers (and referred to in the table at subparagraph (3) as "**workers**"): specialist technical consultants required in situ on-island to support projects considered necessary to support business recovery work in the construction sector, where there is a clear requirement to augment on-island capacity and capability for a designated period.

(2) For the avoidance of doubt, when these conditions apply they apply in addition to the general risk mitigation conditions set out in paragraph 6.

(3) The conditions in this paragraph are those set out in the following table –

<i>Movement on-island</i>	<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. 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 appeal to the Royal Court under regulation 14.

COUNTRY CATEGORIES

Introductory.

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

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

(b) to the extent only set out in this Schedule.

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

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

(4) Under regulation 16(2), the employer of a Relevant Person may be liable to prosecution if the Relevant Person fails to comply with any of the conditions and restrictions which apply to him or her in respect of the reduced self-isolation option.

(5) Failure without reasonable excuse to comply with the requirement to self-isolate under regulation 5(1) (as it has effect under this Schedule) is an offence under regulation 16(2), and this Schedule shall be construed accordingly.

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

(7) For the avoidance of doubt, a person may elect to take part in the reduced self-isolation option on the States of Guernsey Travel Tracker website.

Eligibility.

2. (1) Subject to paragraph 4, to be eligible to take part in the reduced self-isolation option, a person ("P") must not have spent any of the period of 14 days immediately before P's arrival in the Bailiwick in a place which is a Category 4 country at the time of P's arrival in the Bailiwick.

(2) For the avoidance of doubt, and subject to paragraph 5 (direct transit), if P has spent any of the previous 14 days (or any part thereof) in a place that is, at the relevant time, a Category 4 country, P will not be eligible to take part in the reduced self-isolation option – even if that place was not specified as a Category 4 country when the person was in it.

(3) For the avoidance of doubt –

(a) a person not wishing to take part in the reduced self-isolation option or assessed to be ineligible to do so

must self-isolate pursuant to, and in accordance with, the requirement imposed by regulation 5(1), and

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

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

and references (however expressed) in paragraphs 3 and 4 to a Relevant Person being required, or not being required, to take a test for COVID-19, shall be construed accordingly.

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

Category 3 country arrivals.

3. (1) A Relevant Person who has spent any time in the period of 14 days immediately before his or her arrival in the Bailiwick in a place that is a Category 3 country at the relevant time (and who has not spent any time in that

period in a Category 4 country) will be required to take a test for COVID-19 directly on arrival in the Bailiwick (in this Schedule, a "day of arrival test").

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

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

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

(5) If the result of that Day 7 test is negative, the Relevant Person will not be required to self-isolate for the remainder of the 14 day period, subject to him or her complying with the conditions and restrictions specified in paragraph 8 (Conditions and restrictions: Passive Follow-Up) during that period.

Category 2 country arrivals.

4. (1) A Relevant Person –

(a) who has spent any of the period of 14 days immediately before his or her arrival in the Bailiwick in a place that is a Category 2 country at the relevant time

(and who has not spent any time in that period in a Category 4 country or a Category 3 country), or

(b) who –

(i) has a full vaccination history within the meaning of regulation 19, but

(ii) is not a Blue Arrival within the meaning of regulation 19, and

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

will be required to take a day of arrival test.

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

(3) If the result of that day of arrival test is negative, the Relevant Person will not be required to self-isolate, subject to him or her complying with the conditions and restrictions specified in paragraph 8 (Conditions and restrictions: Passive Follow-Up), but he or she will be required to take a Day 7 test.

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

(5) If the result of that Day 7 test is negative, the Relevant Person will not be required to self-isolate for the remainder of the 14 day period, subject to him or her continuing to comply with the conditions and restrictions specified in paragraph 8 (Conditions and restrictions: Passive Follow-Up) during that period.

Direct Transit.

5. (1) Subject to a specification made by the Authority under subparagraph (5), direct transit –

- (a) in a private vehicle or private vessel, or
- (b) in public transport,

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

(2) In this paragraph –

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

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

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

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

(4) In this paragraph, "**direct transit in public transport**" means travel on any form of public transport that does not stop at all in the Category 4 country or Category 3 country (as the case may be).

(5) The Authority may, by publication on the States of Guernsey

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

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

Children.

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

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

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

- (a) provide the information required under paragraph 7(2),

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

Conditions and restrictions: general, and offences.

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

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

(3) For the avoidance of doubt, failure to comply, without reasonable excuse, with the requirement to self-isolate set out in subparagraph (1) is a criminal offence under regulation 16(2).

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

(a) in subparagraph (2), or

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

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

Conditions and restrictions: Passive Follow-Up.

8. (1) Where the requirement to self-isolate has been lifted in relation to a Relevant Person following a negative Day 7 test under and in accordance with paragraph 3 or following a negative day of arrival test under and in accordance with paragraph 4 (as the case may be), that Relevant Person must comply with each of the following restrictions during the remainder of the 14 day period.

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

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

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

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

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

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

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

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

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

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

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

MODIFICATION OF LEGISLATION RELATING TO MENTAL HEALTH

Interpretation.

1. References in this Schedule to –
 - (a) sections are to sections of the Mental Health (Bailiwick of Guernsey) Law, 2010 ("**the 2010 Law**"), and
 - (b) rules are to rules of the Mental Health Review Tribunal Procedure Rules, 2012 ("**the 2012 Rules**").

2. Expressions in this Schedule and in the 2010 Law or the 2012 Rules shall have the same meaning as in that Law or those Rules (as the case may be).

Forms.

3. Where any form prescribed in the Mental Health (Treatment and Forms) Regulations, 2013 or under the 2012 Rules is inconsistent with a modification made by these Regulations, the form –

- (a) may, in connection with that modification, be used with appropriate amendments, and
- (b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect that modification.

Modification of the 2012 Rules.

4. For the purposes of any hearing subject to the 2012 Rules –
- (a) the Tribunal is deemed to be properly constituted by the members of the Tribunal sitting within or without the Bailiwick, or a combination thereof,
 - (b) where the legally qualified member is of the opinion that it is not reasonably practicable or would involve unreasonable delay for one, or both, of the other members of the Tribunal to participate in the hearing, the Tribunal is deemed to be properly constituted by the legally qualified member –
 - (i) sitting with the other member able to participate, or
 - (ii) sitting alone,(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.

5. Any hearing which takes place in accordance with paragraph 4 shall be deemed for all purposes (including that of determining the *lex fori*) to have taken place in Guernsey and the courts of Guernsey accordingly have jurisdiction in accordance with Part VI of the Law, and sections 46 and 47 have effect accordingly.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations revoke and re-enact (with modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations will come into force on the 8th September, 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 appeals against requirements or restrictions imposed under this Part by the Medical Officer of Health (as well as in respect of determinations concerning vaccination status and decisions in respect of specific conditions imposed on Critical Workers) to be made to the Royal Court.

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

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

therein.

This Part also provides for "Blue Arrivals" – that is, persons arriving in the Bailiwick at least two weeks after having received their second dose of COVID-19 vaccine administered in the Bailiwick or elsewhere in the Common Travel Area (CTA), the EU, a European Free Trade Association member state, certain European micro-states or a British overseas territory, and after having spent all of the previous 14 days within the CTA – to be free from self-isolation on arrival, and makes provision in respect of children travelling with Blue Arrivals. It also provides for the Authority to provide (by direction published on the States of Guernsey website) for specified categories of person who have had the a vaccine administered other than as set out above to have a full vaccination history for the purposes of Blue Arrival status under the regulations, and for the Category 2 country reduced self-isolation option to be available to persons with a full vaccination history within the meaning of the regulations who have not spent time in specified high-risk countries and regions during the 14 days preceding their arrival in the Bailiwick.

This Part also imposes a requirement for Blue Arrivals to take self-administered lateral flow tests for COVID-19 provided to them on arrival, to report any positive test results to Public Health, and to comply with any direction given to them on so doing. It makes a failure (without reasonable excuse) to comply with these requirements a criminal offence. The Regulations also impose a requirement to pay a fee for the provided tests before travel.

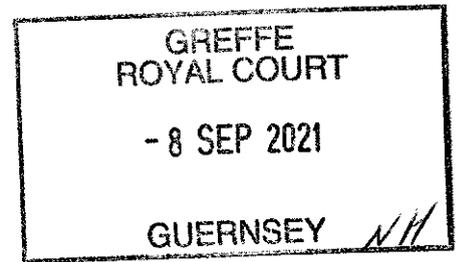
Finally, this Part also provides that a person of 12 years or over who chooses not to take both a day of arrival test for COVID-19 and a test on day 13 after arrival will have to self-isolate for 14 days; otherwise, a person who does undergo those tests is required to self-isolate until receipt of a negative result for the day 13 test. Under this Part, a child of between 5 and 11 years who has not travelled with a Blue Arrival (and who is not a Category 2 or Category 3 arrival under and in accordance with Schedule 2) has to self-isolate for 14 days after arrival. There is no requirement for a child under the age of 5 arriving in the Bailiwick to self-isolate.

Part II – miscellaneous and final

Schedule 3 to these Regulations, which is given effect by regulation 22, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraphs 4 and 5 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal may properly be constituted according to specified criteria.

Regulation 23 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.



GUERNSEY STATUTORY INSTRUMENT

2021 No. 100

**The Emergency Powers (Coronavirus) (Vaccine)
(Limitation of Liability) (No. 10) (Bailiwick of Guernsey)
Regulations, 2021**

<i>Made</i>	<i>7th September, 2021</i>
<i>Coming into operation</i>	<i>8th September, 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 there has been a recent surge of infections of several different variants of Severe Acute Respiratory Syndrome Coronavirus 2 in Europe;

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

AND WHEREAS the States of Guernsey Committee for Health & Social Care considers that, for the purposes of controlling or mitigating the emergency referred to above, it is appropriate and proportionate to carry out a voluntary mass vaccination programme throughout the Bailiwick, using vaccines that have been temporarily authorised by the licensing authority in the United Kingdom,

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

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

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

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

Application of these Regulations.

1. (1) These Regulations apply where, at any time before or after these Regulations come into force –

- (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 under the Patient Group Direction or (as the case may be) protocol,
- (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, and
- (f) any person brings civil proceedings against any other person in respect of the loss or damage.

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

(2) Paragraph (1) –

- (a) is subject to regulation 3, and

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

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

Time of sale, supply or administration.

3. Regulation 2(1) applies only in respect of a relevant medicinal product sold, supplied or (as the case may be) administered in any particular circumstances (including to any age group) –

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

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

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

4. Nothing in these Regulations limits the effect of the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Guernsey) Ordinance, 2020^f, the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Alderney) Ordinance, 2020^g or the European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Sark) Ordinance, 2020^h.

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),

^f Ordinance No. VII of 2021.

^g Alderney Ordinance No. I of 2021.

^h Sark Ordinance No. IV of 2021.

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

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

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

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

ⁱ Order in Council No. V of 2009; as amended by Ordinance No. XXIV of 2009; No. XLI of 2013; No. IX of 2016; prospectively amended by the Medicines (Human and Veterinary) (Bailiwick of Guernsey) (Amendment) Ordinance, 2021.

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. 9) (Bailiwick of Guernsey) Regulations, 2021^j are revoked.

Extent.

7. These Regulations apply throughout the Bailiwick of Guernsey.

Citation.

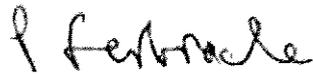
8. These Regulations may be cited as the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 10) (Bailiwick of Guernsey) Regulations, 2021.

^j G.S.I. No. 92 of 2021.

Commencement

9. These Regulations shall come into force on the 8th September, 2021.

Dated this 7th day of September, 2021

A handwritten signature in black ink, appearing to read 'P.T.R. Ferbrache', written in a cursive style.

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 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. 9) (Bailiwick of Guernsey) Regulations, 2021.

These Regulations will come into force on the 8th September, 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 Child Protection (Sark) Regulations, 2021

<i>Made</i>	<i>10th September 2021</i>
<i>Coming into operation</i>	<i>10th September, 2021</i>
<i>Laid before the Chief Pleas</i>	<i>6th October , 2021</i>

ARRANGEMENT OF REGULATIONS

1. Duty to inquire.
2. Duty to investigate.
3. MASH may require reports.
4. Persons who may attend referral meetings.
5. Issues to be considered or determined at referral meetings.
6. Prescribed persons under section 17 of the Law.
7. Additional functions of MASH.
8. Interpretation.
9. Citation.
10. Commencement.

SCHEDULE Additional Functions of MASH

The Child Protection (Sark) Regulations, 2021

THE EDUCATION COMMITTEE, in exercise of the powers conferred on it by sections 9(2)(b), 12 and 17 of the Child Protection (Sark) Law, 2020^a, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Duty to inquire.

1. (1) Upon receiving a notification under section 7(1)(b) or (3)(b) of the Ordinance or a referral under section 11(1) of the Law, MASH –

(a) must initiate any initial inquiries it considers necessary and practicable in accordance with its procedures in order to ascertain whether an investigation is needed, and

(b) may make inquiries with the person making the notification or referral and any other person it considers necessary for this purpose.

(2) Subject to paragraph (3), MASH must start an investigation in any case where –

(a) a police officer exercises any power in relation to a child under section 39 of the Law, or

(b) having made initial inquiries, MASH considers that compulsory intervention may be needed in respect of a child.

^a Order in Council No. XIII of 2020.

(3) Where compulsory intervention appears to be needed wholly or mainly as a result of a child's failure to attend school falling within the condition for compulsory intervention specified in section 10(2)(f) of the Law –

- (a) MASH must refer the matter to the Committee, and
- (b) the Committee is responsible for investigating the matter and the need for compulsory intervention in respect of the child.

(4) If MASH decides that an investigation is not necessary, it must record –

- (a) the inquiries it has carried out, or caused to be carried out,
- (b) the reason for the decision it has reached, and
- (c) any advice given or services offered by MASH to the child or the child's family.

(5) In accordance with its procedures, MASH may give any person information about the outcome of its initial inquiries where it considers this necessary and appropriate.

Duty to investigate.

2. (1) Subject to the following subsections and section 17 of the Law, MASH must start and carry out an investigation in accordance with its procedures.

(2) When carrying out an investigation, MASH must –

- (a) make or cause to be made all necessary enquiries in order to assess –
 - (i) whether there is sufficient evidence of one or more of the conditions for compulsory intervention listed in section 10(2) (other than section 10(2)(f)) of the Law,
 - (ii) what action should be taken to ensure the provision of adequate care, protection, guidance or control for the child, and
 - (iii) if there is, or appears to be, any person able and willing to exercise parental responsibility so as to provide the child with such care, protection, guidance or control,
- (b) see the child or cause the child to be seen unless it is satisfied that it already has sufficient information about the child,
- (c) ascertain the child's wishes, feelings and views in a manner appropriate to the child's age and understanding unless MASH is satisfied that it already has sufficient relevant information, and
- (d) decide whether compulsory intervention may be necessary to ensure the provision of adequate care, protection, guidance or control for the child.

(3) So far as is practicable and consistent with the child's welfare, MASH must ascertain and take account of the child's wishes and feelings about the action proposed to be taken.

(4) If MASH starts an investigation, it must record –

(a) the inquiries it has carried out or caused to be carried out,

(b) the decision it has reached concerning the child to whom the investigation relates, and

(c) the reason for the decision.

(5) If, having concluded an investigation, MASH is satisfied that compulsory intervention may be necessary to ensure the provision of adequate care, protection, guidance or control for a child, it must refer the matter to the Court in accordance with section 17(1) of the Law.

(6) If, during the course of an investigation, access to a child is denied, or information about the child's whereabouts is required, MASH must apply to the Court for an emergency child protection order unless MASH is satisfied that the child's welfare can be protected without making such an application.

(7) Where, following an investigation, MASH decides that compulsory intervention in relation to a child is not necessary, MASH –

(a) must notify the decision to the following persons –

(i) in any case where the matter was referred to MASH under section 11(1) of the Law, the

person who made the referral,

- (ii) in any case where the matter was notified to MASH by a public authority under section 7(1)(b) of the Ordinance, the public authority,
 - (iii) in any case where the matter was notified to MASH by the safeguarding lead of a public authority under section 7(3)(b) of the Ordinance, that safeguarding lead,
 - (iv) in any case where the matter was notified to MASH by any person under section 8(1) of the Ordinance and the person requests that officer to treat it as a referral under section 11(1) of the Law, or MASH otherwise considers it appropriate to notify the person, that person,
 - (v) in any case where a person gives MASH a report or any other information in response to a request or requirement made by MASH under regulation 3 or any provision of the Law or the Ordinance, that person, and
 - (vi) where MASH refers the matter under section 17(5)(b) of the Law, the Committee or other person to whom the matter is referred, and
- (b) may notify the decision to all or any of the following –
- (i) the child (in a manner appropriate to the child's

age and understanding),

- (ii) the parents of the child,
- (iii) a person, other than a parent, who has parental responsibility for the child,
- (iv) a father or mother of the child, who does not have parental responsibility for that child,
- (v) any member of the child's family or any person who had care of the child at the time of the investigation,
- (vi) any person that gave MASH any information in respect of the child, and
- (vii) any other person that MASH thinks fit.

(8) In accordance with its procedures, MASH may give any person information about the outcome of any investigation where it considers this necessary and appropriate.

MASH may require reports.

3. (1) This section applies to any public authority that MASH believes may hold information relating to a child who is the subject of an investigation carried out by MASH.

(2) Where MASH considers it necessary to do so for the purpose of the investigation, MASH may request the public authority to give MASH a written report on the child and such matters concerning the child as MASH may specify.

(3) A person requested to provide a report under this section must give MASH the report as soon as practicable.

(4) Nothing in this section limits the generality of MASH's powers under section 13 of the Law.

Persons who may attend referral meetings.

4. The persons who may attend a referral meeting (convened for the purposes of section 17(2) of the Law or paragraph 1 of the Schedule) are –

- (a) the child to whom the meeting relates,
- (b) a parent of the child,
- (c) a person, other than a parent, who has parental responsibility for the child,
- (d) any person who appears to ordinarily (and other than by reason of the person's employment) have care of the child,
- (e) the legal representative of any person described in paragraph (a), (b) or (c),
- (f) a supporter, and
- (g) any other person that MASH thinks fit.

Issues to be considered or determined at referral meetings.

5. The issues to be considered or determined at a referral meeting are –

- (a) any question concerning who should be –
 - (i) a party to the proceedings,
 - (ii) given notice of the referral or the review concerned, or
 - (iii) entitled or permitted to attend any hearing before the Court,
- (b) in the case of a referral under section 17(1) of the Law, the extent to which –
 - (i) the condition for referral stated by MASH, or
 - (ii) the statement of fact made by MASH in support of any such condition,is, or is not, accepted by any prescribed person, and
- (c) any other issues the determination or consideration of which is necessary or desirable to ensure the speedy resolution of any matter which may fall to be determined or considered at any hearing before the Court.

Prescribed persons under section 17 of the Law.

6. (1) Subject to paragraph (2), the persons prescribed for the purposes of section 17(2) of the Law ("**prescribed persons**") are –

- (a) where the child is aged 12 years or more, that child,

(b) where –

- (i) the child is aged less than 12 years, and
- (ii) one or more of the conditions under section 10(2)(c), (d) or (f) of the Law apply,

that child,

- (c) any person who has parental responsibility for the child,
- (d) any person who appears to ordinarily (and other than by reason of the person's employment) have care of the child, and
- (e) MASH.

(2) For the purposes of section 17(3) of the Law, where it appears to MASH that any prescribed person lacks the capacity to understand any –

- (a) condition for referral of a case to the Court, or
- (b) statement of fact made by MASH in support of any such condition,

the prescribed person will be treated as not having accepted any such condition or statement.

Additional functions of MASH.

7. (1) In addition to its functions under the Law and the Ordinance, MASH must –
- (a) communicate to persons in Sark the need to safeguard and promote the welfare of children, raise their awareness of how this can best be done and encourage them to do so, and
 - (b) undertake reviews of serious cases in which abuse or neglect of a child is known or suspected and –
 - (i) the child has died, or
 - (ii) the child has been seriously harmed and there is cause for concern as to the way in which any persons or agencies have worked together to safeguard the child.
- (2) The Schedule has effect.

Interpretation.

8. (1) In these Regulations, unless the context requires otherwise –

"**child's representative**", in relation to any proceedings, means any child's representative appointed under rules of court in respect of those proceedings,

"**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,

"**the Ordinance**" means the Child Protection (Sark) Ordinance, 2021^b,

"**parties to the proceedings**", in relation to any proceedings arising from a referral by MASH of any case or matter to the Court, includes MASH (for the avoidance of doubt),

"**prescribed person**", in relation to any referral to the Court under section 17(1) of the Law, means a person prescribed by regulation 6(1) in relation to the referral,

"**proceedings**" means proceedings before the Court following a referral to the Court under section 17(1) or 54(2) of the Law or in connection with the review of a care requirement under section 10 of the Ordinance,

"**public authority**" has the meaning given by section 7(4) of the Ordinance,

"**referral meeting**" means a meeting convened for the purposes of section 17(2) of the Law or paragraph 1 of the Schedule, and

"**supporter**" means a person who accompanies a party to the proceedings for the purposes of assisting and supporting the party at a hearing before the Court; but a person who is a party to the proceedings may not be the supporter of another party.

(2) For the purposes of these Regulations, whether a child has or has not reached the age of 16 years at any given time is to be determined in accordance with section 14(3) of the Ordinance.

^b Sark Ordinance No. V of 2021.

Citation.

9. These Regulations may be cited as the Child Protection (Sark) Regulations, 2021.

Commencement.

10. These Regulations come into force on 10th September 2021.

Dated this 10th day of September 2021

A handwritten signature in black ink, appearing to read 'Nichola Mc Hugh', written in a cursive style.

Conseiller Nichola Mc Hugh
Chairman of the Education Committee
For and on behalf of the Committee

SCHEDULE

Reg. 7(2)

ADDITIONAL FUNCTIONS OF MASH

Optional referral meetings

Referral meeting may be arranged before certain proceedings.

1. In the case of a review of a care requirement under section 10 of the Ordinance, or the case of a child referred by MASH to the Court under section 54(2) of the Law, MASH may arrange for a meeting to be held prior to the holding of the hearing before the Court concerning the review or case, if MASH believes that it is necessary or desirable to ensure the speedy resolution of the review or case.

Notice of referrals under s. 17 of the Law

Notice of referral to the Court under section 17(1) of the Law.

2. Where MASH has referred a matter to the Court under section 17(1) of the Law, MASH must, in relation to each prescribed person –

- (a) serve on the person a statement setting out –
 - (i) the condition for referral of the matter to the Court, and
 - (ii) the facts in support of the condition, and
- (b) inform that person in writing (or orally, where it is not practicable to inform the person in writing) of that person's right to be legally represented at the proceedings.

Notice (and documents) relating to referral meetings and certain hearings

Notice of referral meeting.

3. Where MASH arranges for any referral meeting to be held, MASH must, where practicable at least seven days before the date of the meeting, inform the persons who are entitled or (as the case may be) invited to attend the meeting in writing (or orally, where it is not practicable to inform the person in writing) of –

- (a) the date and time of the meeting,
- (b) the place at which the meeting is to be held, and
- (c) the issues to be considered at the meeting.

Notice of hearing before Court.

4. MASH must, where practicable at least seven days before the date of any Court hearing on a referral under section 17(1) or 54(2) of the Law, give notice in writing (or orally, where it is not practicable to give notice in writing) to each person specified in paragraph 5 of –

- (a) the date and time of the hearing,
- (b) the place at which the hearing is to be held, and
- (c) the purpose of the hearing.

5. The persons referred to in paragraph 4 are –

- (a) in the case of a child who has not reached the age of 16 years, the Committee,
- (b) in the case of a child referred by MASH to the Court

under section 54(2) of the Law, any placement agency involved in the placement of the child, and

- (c) any other person that MASH or the Court thinks fit.

Documents to be provided for Court.

6. Subject to paragraph 14, so far as practicable, MASH must, at least seven days before the date of any hearing before the Court of any matter or case that MASH refers to the Court, send to –

- (a) the Court,
- (b) the parties to the proceedings, and
- (c) any child's representative in respect of the proceedings,

the documents, or copies of the documents, specified in paragraph 7 that are relevant to the hearing.

7. The documents referred to in paragraph 6 are –

- (a) the record of the referral meeting prepared under paragraph 12,
- (b) the statement of any condition for referral of the matter to the Court and facts in support,
- (c) where any matter has been referred for determination by the Court, notice of the Court's decision,

- (d) any application for review of a care requirement,
- (e) any report prepared by the child's representative in respect of the proceedings,
- (f) any chronology of events provided by MASH,
- (g) any child's plan (within the meaning of section 19(1)(b) of the Law),
- (h) any record of a decision of MASH to refer the case of the child to the Court under section 54(2) of the Law,
- (i) any prior or current care requirement,
- (j) any statement or other information contained in a document received from, or on behalf of, the child, and
- (k) any other document that MASH considers would assist the Court in its determination of the matter.

Special provisions relating to notice for children.

8. Subject to paragraph 9, MASH must ensure that any child who is to be given (by MASH) information or notice of any referral meeting or any hearing before the Court under paragraph 3 or 4, is given such notice in a manner appropriate to the child's age and understanding.

9. MASH is not obliged to give the child any information or notice under paragraph 3 or 4 where MASH is satisfied that the child would not be capable of understanding the information or (as the case may be) notice.

10. Where it is not practicable for MASH to inform or give notice to any person or provide documents to any person at least seven days before any meeting or hearing in accordance with paragraph 3, 4 or 6, MASH must inform, give notice or provide documents as soon as reasonably practicable before the meeting or (as the case may be) hearing.

Power to amend conditions of referral, etc.

Power to withdraw or amend statement of conditions, etc.

11. MASH may at any time withdraw or amend any statement of –

- (a) the condition for referral of a matter to the Court, or
- (b) the facts in support of the condition,

that MASH has prepared for the purposes of any matter referred to the Court under section 17(1) of the Law.

Powers and duties following referral meeting

Duty to keep records of referral meetings.

12. At the conclusion of any referral meeting, MASH must prepare a record of the meeting which records –

- (a) in the case of a matter referred by MASH to the Court under section 17(1) of the Law –
 - (i) any condition for referral, and facts in support, which are agreed by the prescribed persons,
 - (ii) any condition for referral, and facts in support, which are not agreed by the prescribed

persons, and

(iii) the identity of those prescribed persons who agree, and those who do not agree, and

(b) in all cases –

(i) any issue that MASH considers should be referred to the Court for consideration and determination, and

(ii) any information that MASH, any party to the proceedings or any legal representative attending the meeting believes will assist the Court in any hearing relating to the child to whom the meeting relates.

Notice to Court.

13. Where following a referral meeting, MASH wishes to refer any additional matters for determination by the Court under section 17(3) of the Law, MASH must amend its notice of referral (and application) to the Court under section 17(1) of the Law as soon as reasonably practicable and in any case prior to the first occasion on which the Court proposes to sit to consider the matter referred under section 17(1) of the Law.

Miscellaneous powers

Power to withhold information.

14. Where, in carrying out its functions under the Law, the Ordinance or these Regulations, MASH –

(a) considers that the disclosure of the whereabouts of

any person may place that person at risk of serious harm (whether or not physical harm), or

- (b) is aware that the Court has ordered that any place where a child is to reside must not be disclosed to –
 - (i) a person specified in the order, or
 - (ii) any class of persons specified in the order,

MASH may withhold any information it considers necessary to prevent such disclosure.

15. Where, in carrying out its functions under the Law, the Ordinance or these Regulations, MASH considers –

- (a) in the case of a child –
 - (i) it is in the best interests of the child, or
 - (ii) it is appropriate given the child's age and understanding, or
- (b) in the case of any other person concerned in any proceedings relating to the child –
 - (i) it is in the best interests of the child, or
 - (ii) it is necessary in order to protect the person against the risk of serious harm (whether or not physical harm),

that any information contained within a document should be withheld from the child or any other person, MASH may withhold that information from that child or other person.

Power to issue rules of procedure and guidance and prescribe forms.

16. MASH may –

- (a) issue rules of procedure governing the manner in which a referral meeting is to be conducted,
- (b) issue written guidance relating to the carrying out of its functions, and
- (c) prescribe forms for use in connection with –
 - (i) any referral meeting, and
 - (ii) any hearing before the Court.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations prescribe functions to be performed by the Multi-Agency Safeguarding Hub ("MASH") following notifications or referrals made to it under the Child Protection (Sark) Law, 2020 ("the Law") or the Child Protection (Sark) Ordinance, 2021 ("the Ordinance"). These include the duty to inquire, investigate keep records and notify other persons. These Regulations also authorise MASH to require reports from Sark public authorities.

In addition, these Regulations prescribe who can attend mandatory meetings convened by MASH for the purposes of a referral under section 17 of the Law or meetings that may be convened by MASH for referral of a child to the Court for placement out of jurisdiction or for the review of a care placement. These Regulations prescribe persons who may refuse to accept conditions for referral to the Court for the purposes of section 17(3) of the Law. These Regulations also prescribe the issues to be considered and procedures to be followed at these meetings.

Finally, these Regulations prescribe other additional functions of MASH.

These Regulations come into force on the 10th September, 2021.