

# GUERNSEY STATUTORY INSTRUMENT

ENTITLED

## **The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2020**

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GUERNSEY STATUTORY INSTRUMENT  
2020 No.

**The Emergency Powers (Coronavirus)**  
**(General Provision) (Bailiwick of Guernsey) (No. 3)**  
**Regulations, 2020**

<i>Made</i>	12 <sup>th</sup> June, 2020
<i>Coming into operation</i>	13 <sup>th</sup> June, 2020
<i>Laid before the States</i>	, 2020

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

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

**AND WHEREAS 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

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<sup>a</sup> Order in Council No. XIV of 2012; amended by Ordinance No. IX of 2016; and No. II of 2017.

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

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

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

#### PART I

#### SCREENING, ASSESSMENT, AND POWERS TO DETAIN ETC.

##### **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.

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

(2) Subject to paragraph (3), the Civil Contingencies Authority ("**the Authority**") may not impose a requirement under regulation 3(4) or vary a requirement under regulation 3(6) unless the Authority has sought the advice of the MOH in relation to the appropriateness of the proposed requirement or variation 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 Procurer, 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 Procurer.

(5) Where the Authority imposes a requirement under regulation 3(4) or varies a requirement under regulation 3(6) 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.**

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 be kept in isolation,
- (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) A person who has arrived in the Bailiwick by air or sea and who has left an infected area within the 14 day period immediately preceding the date of his or her arrival in the Bailiwick must self-isolate for 14 days.

(4) The Authority may, by publication on the relevant States of Guernsey website, impose a requirement that any person who has arrived in one Island in the Bailiwick from another Island in the Bailiwick must self-isolate for 14 days.

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

(6) The requirement to self-isolate under paragraph (3) and a requirement to self-isolate imposed under paragraph (4) may be varied –

- (a) by the MOH in relation to a particular case, orally or in writing,
- (b) by the Authority in relation to or to one or more categories of case, or in relation to all cases, by

publication on the relevant States of Guernsey website.

(7) Where a restriction or requirement is imposed on or in relation to a child (including the requirement to self-isolate under paragraph (3)), 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) The powers of the MOH and the Authority under paragraph (6) to vary the requirement under paragraph (3) or a requirement imposed under paragraph (4) include (but are not limited to) powers to –

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

and such powers may be exercised either in relation to a particular case (as regards the powers of the MOH), or one or more categories of case, or all cases (as regards the powers of the Authority).

(9) Where a restriction or requirement is imposed orally on a person under 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.

(10) Neither paragraph (1) nor paragraph (3) affects the exercise of

any powers under regulation 6; and nothing in this regulation (or in any other provision in these Regulations) affects the MOH's powers under any other enactment.

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

**Screening requirements.**

4. (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.**

5. (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 isolation under regulation 6,

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).

**Isolation of persons suspected to be infected with coronavirus.**

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

(2) The MOH may decide to require P to be kept in isolation 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 under paragraph (2).

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

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

**Detention or isolation: additional provisions.**

7. (1) Where a person ("P") is required to be detained or kept in isolation under regulation 3 or 6 or subjected to restrictions or requirements under regulation 5, the MOH must have due regard to P's well-being.

(2) Where P is detained or kept in isolation under regulation 3 or 6 or subjected to restrictions or requirements under regulation 5 for a period exceeding 14 days, the MOH must review the continuation of P's detention by reference to the provisions of those regulations.

(3) After each subsequent interval of 24 hours during which P is



detained or kept in isolation under regulation 3 or 6 or subjected to restrictions or requirements under regulation 5, the MOH must review the continuation of P's detention by reference to the provisions of those regulations.

(4) Where P is detained or kept in isolation under regulation 3 or 6 or subjected to restrictions or requirements under regulation 5, 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 keep P in isolation under regulation 6, of –

- (a) the fact of P's detention or isolation,
- (b) the powers under which P is detained or kept in isolation,
- (c) the reason for P's detention or isolation,
- (d) the next steps that may be taken and by whom,
- (e) the obligation to keep the need for P's detention or isolation under review,

- (f) the penalty for obstructing a person carrying out a function under these Regulations under regulation 11(2), and
- (g) the right to apply for revocation or variation under regulation 9, where applicable.

**Restrictions or requirements in respect of groups.**

8. (1) The powers in regulations 2, 3 and 6 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 6 –

(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.**

9. (1) A requirement or restriction imposed under this Part 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<sup>c</sup>, the Children (Sark) Law, 2016<sup>d</sup>, or the

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<sup>c</sup> 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.

<sup>d</sup> Order in Council No. VIII of 2016; amended by Ordinance No. IX of 2016;

Child Protection (Sark) Law, 2020<sup>e</sup>, (as the case may be) for P,

- (c) a person who has been appointed Guardian of P,
- (d) P's spouse or civil partner, and
- (e) a person living with P as P's spouse,

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

(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.**

10. (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

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and Sark Ordinance No. I of 2017.

<sup>e</sup> Approved by the Chief Pleas of Sark on 22nd January, 2020 and received Royal Sanction on the 3<sup>rd</sup> April, 2020.

- (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 3(3) or a requirement to self-isolate imposed under regulation 3(4).

(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.**

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

- (a) fails, without reasonable excuse, to comply with a restriction or requirement imposed under regulation 2(2), 3(1), 5(1) or 7(4) or (5), or a direction under regulation 10(3)(a),
- (b) fails, without reasonable excuse, to comply with a requirement that the person be detained under regulation 10(7), 10(9) or 10(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 3(3) or a requirement imposed under regulation 3(4).

(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) An offence under paragraph (2) is an arrestable offence for the



purposes of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003<sup>f</sup>, and consequently the powers of summary arrest conferred by subsections (3) to (6) of section 28 of that Law apply to such an offence.

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

(6) A responsible adult who fails without reasonable excuse to comply with regulation 3(7), 4(2) or 5(9) commits an offence.

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

(8) A person guilty of an offence under paragraph (2) is liable on conviction to a fine not exceeding level 5 on the uniform scale.

**Interpretation of this Part.**

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

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

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),

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<sup>f</sup> 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.

**"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 as an infected area for the purposes of these Regulations on the 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,

**"isolation"** in relation to a person means the separation of that person from any other person in such a manner as to prevent infection or contamination, and **"self-isolate"** means to remain in isolation from others,

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

**"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 3(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, and

**"screening requirements"** means the requirements set out in regulation 4(1).

(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.

## PART II

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

#### **Power to give directions.**

**13.** (1) The States of Guernsey Committee for Health & Social Care ("**the Committee**") may, for one or more of the purposes set out in section 14(2) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, issue a direction imposing conditions, prohibitions, requirements or restrictions in relation to –

- (a) premises,
- (b) the holding of an event, gathering or meeting (whether planned or unplanned and of whatever duration), and

- (c) the movement of persons outside the place where they are living,

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

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

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

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

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

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

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

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

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

imposed in relation to the holding of it.

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

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

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

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

**Procedure, variation and revocation.**

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

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

- (a) must be given in writing to that person, and
- (b) may be published in such manner as the Committee considers appropriate to bring it to the attention of

other persons who may be affected by it.

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

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

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

#### **Alderney and Sark.**

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

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

#### **Enforcement.**

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

(2) Subject to paragraph (4), where a police officer has required a person under paragraph (1) to comply with a direction issued under regulation 13(1)(a), and that person has failed to do so, the police officer may require the

premises in question to be closed until such time as the direction is complied with; and the police officer may take such steps, or require the person to take such steps, as are necessary to ensure that the requirement to close the premises is complied with.

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

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

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

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

**Offences.**

17. (1) A person commits an offence if he or she fails, without reasonable excuse, to comply with a direction, or a requirement of a police officer under regulation 16.

(2) A person commits an offence if he or she obstructs a police officer exercising a power conferred by regulation 16.



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

**Interpretation of this Part.**

18. (1) In this Part –

"**direction**" means a direction given under regulation 13,

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

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

"**premises**": see paragraphs (2) and (3).

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<sup>g</sup> Ordinance No. XXIII of 2003; amended by Ordinance No. XXIV of 2010; No. IX of 2016; No. XIV of 2018; and G.S.I. No. 28 of 2019.

<sup>h</sup> Alderney Ordinance No. IV of 1994; amended by Order in Council No. XX of 2012; Alderney Ordinance No. II of 1997; No. III of 1999; and No. XIII of 2014.

<sup>i</sup> Liquor Licensing (General Provisions) (Sark) Ordinance, 1979; amended by Liquor Licensing (General Provisions) (Amendment) (Sark) Ordinance, 1980; Liquor Licensing (General Provisions) (Amendment) (Sark) Ordinance, 1984; Liquor Licensing (General Provisions) (Amendment) (Sark) Ordinance, 1989; Liquor Licensing (Amendment) (Sark) Ordinance, 1994; Liquor Licensing (Amendment) (Sark) Ordinance, 1996; Liquor Licensing (Amendment) (Sark) Ordinance, 2006; and Sark Ordinance No. IV of 2016.

(2) In relation to a direction issued under regulation 13(1)(a), "**premises**" includes, but is not limited to, retail premises and other business premises (excluding grocery stores and such other categories of business premises as the Committee may specify, whether in a direction or otherwise), places of worship, and parks, public gardens and other places of recreation, sport, leisure and entertainment, but does not include premises used solely as residential premises.

(3) In relation to a direction issued under regulation 13(1)(b), "**premises**" includes land (including, for the avoidance of doubt, the foreshore), and pleasure vessels within the meaning of the Merchant Shipping (Registration of Ships) (Bailiwick of Guernsey) Regulations, 2009<sup>j</sup>.

### PART III

#### MODIFICATION OF LEGISLATION RELATING TO MENTAL HEALTH

##### **Modification of legislation relating to mental health.**

19. Schedule 1 modifies –

- (a) the Mental Health (Bailiwick of Guernsey) Law, 2010<sup>k</sup>,  
and
- (b) the Mental Health Review Tribunal Procedure Rules,  
2012<sup>l</sup>,

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<sup>j</sup> G.S.I. No. 10 of 2009.

<sup>k</sup> Order in Council No. XV of 2011; amended by Ordinance No. IX of 2016; and No. I of 2017.

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

PART IV  
REGISTRATION OF DEATHS AND STILL-BIRTHS

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

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

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

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

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

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<sup>l</sup> O.R.C. No. I of 2012; as amended by O.R.C. No. III of 2018.

<sup>m</sup> Ordres en Conseil Vol. X, p. 20; as amended by Ordres en Conseil Vol. XX, p. 267; Vol. XXII, pp. 48 and 560; Vol. XXXI, p. 278; and Vol. XXXIII, p. 444.

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

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

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

(a) on the second page –

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

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

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

*Legislation extending to Alderney*

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

21. (1) The Loi relative aux certificats de Décès et aux Enterrements of 1910<sup>n</sup> ("the 1910 Law") is modified as follows for all purposes of or under that Law

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<sup>n</sup> Ordres en Conseil Vol. IV. p. 328; amended by Ordres en Conseil Vol XXII, p. 501 which substituted the original Form A for a Form A in English; and Ordres en

or any other enactment.

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

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

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

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

(a) in the certification following the table relating to cause of death –

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

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

(b) the certification section at the end of the Form headed

"CERTIFICATE (See Note 1 above)".

## PART V

### MODIFICATIONS TO LEGISLATION RELATING TO CREMATIONS IN GUERNSEY

#### **Modification of legislation relating to cremation.**

22. (1) The Cremation Ordinance, 1972<sup>o</sup> is modified as follows for all purposes of or under the Loi relative à la Crémation<sup>P</sup> or any other enactment.

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

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

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

(b) it did not require a confirmatory medical certificate in Form C in the First Schedule to have been given before

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<sup>o</sup> Recueil d'Ordonnances Tome XVIII, p. 90; amended by Ordinance No. XXXIII of 2003; and No. IX of 2016.

<sup>P</sup> Ordres en Conseil Vol. VIII p. 209; as amended by Ordres en Conseil Vol. XXXI, p. 278.

a cremation is allowed to take place.

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

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

## PART VI

### PAROCHIAL MEETINGS, ETC.

#### **Application of this Part.**

23. (1) This Part shall apply, despite the provisions of any other enactment, upon being made and shall cease to apply in the circumstances set out in paragraph (2).

(2) This Part shall cease to apply if the Dean of the Douzaine of a parish makes a determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in the Bailiwick in relation to coronavirus, that it is appropriate for them to cease to apply.

#### **Determination of parish matters.**

24. (1) Parish meetings attended by the ratepayers of the parish, whether in relation to ecclesiastical matters or to secular matters, need not be held.

(2) For the purpose of determining matters which would, but for the provisions of paragraph (1), be determined at a parish meeting, the following provisions of this regulation shall apply.

(3) Where a decision is required in relation to ecclesiastical or secular matters in any parish, including, but not limited to, the amount to be raised by means of parochial taxation for the purposes set out in Article I of the 1923 Law ("**parochial tax**"), or the parish waste rate to be levied under the Parochial Collection of Waste (Guernsey) Ordinance, 2018<sup>9</sup> ("**parish waste rate**"), such decision shall be made at a meeting of the Constables and Douzaine, after consultation with the Rector and Churchwardens in the case of ecclesiastical matters, subject to the following conditions being fulfilled.

(4) A notice shall be published on one occasion in La Gazette Officielle, setting out –

- (a) a summary of the matters requiring determination,
- (b) details of the proposed decision of the Constables and Douzaine in relation to such matters,
- (c) the address of a website on which the details of any proposed expenditure, accounts and other information necessary for a proper understanding of the matters requiring determination shall be published, and notification of such other means by which such accounts and other information may be made available

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<sup>9</sup> Ordinance No. XXIV of 2018.



to ratepayers of the parish, as the Constables and Douzaine may think fit, and

- (d) the date of the meeting of the Constables and Douzaine at which the decision will be made, and the date, being not earlier than seven days after the date of the notice, before which any representations by parishioners should be received,

and stating that any representations received by the Constables and Douzaine before the date specified in the notice will be taken into account by them in reaching any decision.

(5) On the date of the meeting specified in the notice published under paragraph (4), the Constables and Douzaine may, having considered any representations received, make a decision in respect of each of the matters requiring determination.

(6) The person presiding at a meeting held in accordance with this regulation shall make a note of the decisions made at such meeting, which note shall be made available for inspection by, or notified to, the ratepayers of the relevant parish by such means as the Constables and Douzaine may decide.

**Application to Royal Court for confirmation of parochial tax or parish waste rate.**

25. (1) Where, at a meeting of the Constables and Douzaine under regulation 24, a decision has been made to raise a parochial tax, whether ecclesiastical or secular in nature, or a parish waste rate, notice of such decision must be published on one occasion in La Gazette Officielle, together with a notification of the date and time when application will be made to the Royal Court for confirmation

of the decision.

(2) Any person intending to oppose an application for confirmation of a decision to raise a parochial tax or a parish waste rate should give written notification of such intention to the Greffe, sending a copy of such notification to the relevant Constables and Douzaine, prior to the date of the application to the Royal Court.

**Parish elections.**

26. (1) Where there is a vacancy in any parish office, including without limitation the offices of –

- (a) Churchwarden, or member of the Management Board of an ancient parish under section 6 of the Parochial Church Property (Guernsey) Law, 2015<sup>r</sup>,
- (b) Constable or Douzenier of a parish, or
- (c) member of a cemeteries committee,

the following provisions of this regulation shall apply.

(2) The Dean of the Douzaine of the relevant parish, after consultation with the Constables and other members of the Douzaine, and with the Rector and Churchwardens where appropriate, may appoint a person to hold an office in relation to which there is a vacancy, and such person shall hold office until the expiration of one month after these regulations, or any re-enactment thereof,

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<sup>r</sup> Order in Council No. III of 2015.

cease to apply in accordance with regulation 23(2).

(3) A person may not be appointed to the office of Constable or Douzenier unless the person is eligible for office in accordance with Article 51 of the Reform (Guernsey) Law, 1948<sup>s</sup> and a person so appointed must take an oath of office in accordance with Article 61 of the said Law.

### **Meetings of Constables and Douzaine.**

27. (1) A Constable or Douzenier ("**parish official**") who is in communication with the other parish officials by telephone, live television link or any other means of telecommunications or electronic communications, so that each parish official can hear or read what is being said or communicated by each of the others, is deemed, subject to paragraph (2), to be present at a meeting of the Constables and Douzaine for all purposes relating to that meeting.

(2) In the event that a means of communication referred to in paragraph (1) fails or is corrupted, or the Dean or other person presiding at a meeting of the parish officials ("**person presiding**") considers that confidentiality is compromised, the person presiding shall have the discretion at any time during the meeting to determine that a parish official who is affected by that failure, corruption or compromise of confidentiality is no longer deemed to be present at the meeting.

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<sup>s</sup> Ordres en Conseil Vol. XIII, p. 288; as amended by Ordres en Conseil Vol. XIV, p. 407; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, pp. 84 and 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, pp. 164 and 278; Vol. XXXII, p. 41; Vol. XXXIV, p. 397; Vol. XXXVI, p. 478; Vol. XXXVIII, pp. 150 and 295; Order in Council No. XIII of 2003; No. III of 2004; No. II of 2007; No. XX of 2007; Nos. XIII and XXII of 2008; No. VII of 2010; Nos. II and XIV of 2012; No. XVII of 2015; Ordinance No. XXXIII of 2003; No. XXVI of 2008; No. XXXII of 2011; No. IX of 2016; No. XXVII of 2019; and the Reform (Guernsey) Law, 1948 (Amendment) (No. 2) Ordinance, 2019.

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

(4) For the purposes of these regulations, the Dean or, in the Dean's absence the Vice-Dean, shall preside at a meeting of the Constables and Douzaine, and in the absence of both the Dean and Vice-Dean, any parish official present at the meeting who is appointed by the other parish officials present at the meeting, shall preside, and the person presiding shall have an original and a casting vote.

#### **Interpretation of this Part.**

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

"**1902 Law**" means the Loi relative aux Assemblées Paroissiales, registered on the 29<sup>th</sup> November, 1902<sup>t</sup>,

"**1923 Law**" means the Loi relative à la Taxation Paroissiale, registered on the 27<sup>th</sup> October, 1923<sup>u</sup>,

"**Dean**", in relation to any parish, means the Dean of the Douzaine and includes the Vice-Dean,

"**ecclesiastical matters**" means "Les Affaires Ecclésiastiques" within

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<sup>t</sup> Ordres en Conseil Vol. III, p. 274; amended by Vol. VI, p. 115; Vol. VII, p. 481; Vol. XIX, p. 155; Order in Council No. III of 2017.

<sup>u</sup> Ordres en Conseil Vol. VII, p. 146; amended by Vol. VII, p. 392; Vol. XIX, p. 152; Order in Council No. III of 2017.

the meaning of Article 3 of the 1902 Law,

**"parish waste rate"**: see regulation 24(3),

**"parochial tax"**: see regulation 24(3),

**"secular matters"** means "Les Affaires Séculières" within the meaning of Article 4 of the 1902 Law.

## PART VII HEALTH AND SAFETY

### **Disapplication of requirement to thoroughly examine etc.**

29. (1) Where a provision of the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952<sup>v</sup> set out in Schedule 2 to these Regulations requires any type of equipment to be –

- (a) thoroughly examined at least once in a specified period,
- (b) tested and examined in a specified manner before being taken into use,
- (c) inspected at least once in a specified period, within a specified period of use or in specified conditions,

(as the case may be) a person who owns or operates such equipment may apply to

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<sup>v</sup> Recueil d'Ordonnances Tome X, p. 194.

the Chief Officer to disapply the requirement in relation to that equipment.

(2) Where section 18(1) of the Safety of Employees (Electricity) Ordinance, 1956<sup>w</sup> requires an occupier's installation to be tested at least once in every period of 12 months, the occupier, or a person who owns, controls or operates such an installation, may apply to the Chief Officer to disapply the requirement in relation to that installation.

(3) Where section 36(3) of the Health and Safety (Gas) (Guernsey) Ordinance, 2006<sup>x</sup> requires a gas appliance and flue to be checked for safety at least once in any 12 month period, the landlord or any agent of the landlord may apply to the Chief Officer to disapply the requirement in relation to that gas appliance and flue.

(4) An application under paragraph (1), (2) or (3) may be made in writing and, for the avoidance of doubt, this includes by electronic means.

(5) On an application made under paragraph (1), (2) or (3), the Chief Officer may disapply that requirement by granting a certificate to that person, where the Chief Officer is of the opinion that the disapplication will not prejudice the safety of –

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<sup>w</sup> Recueil d'Ordonnances Tome XI, p. 201; as amended by Ordres en Conseil Vol. XXXI, p. 278; Order in Council No. XIII of 2001; Recueil d'Ordonnances Tome XXIV, p. 162; Tome XXV, p. 328; Tome XXVII, p. 139; Ordinance No. XXXIII of 2003; and No. IX of 2016.

<sup>x</sup> Ordinance No. XIV of 2006; as amended by Ordinance No. IX of 2016.

(a) any person operating the equipment, occupier's installation or gas appliance and flue (as the case may be), and

(b) any other person likely to be affected by the operation of the equipment, occupier's installation or gas appliance and flue (as the case may be).

(6) A certificate granted under paragraph (5) shall be in writing and –

(a) may only disapply the requirement for a period stated in the certificate which may not exceed 30 days, and

(b) may be revoked by the Chief Officer prior to the expiry of the certificate where that Officer is satisfied that it is no longer necessary.

(7) For the avoidance of doubt, where a certificate has been granted under paragraph (5), no criminal or civil proceedings may be instituted for contravention of any requirement set out in or under any enactment set out in any of paragraphs (1), (2) or (3) against any person in relation to the equipment, occupier's installation or gas appliance and flue (as the case may be) subject to the certificate.

(8) Nothing in this regulation exempts the person subject to any requirement set out in or under any enactment set out in any of paragraphs (1), (2) or (3) from any other health and safety requirement, and especially (but not limited to) the requirement to keep the equipment, occupier's installation or gas appliance and flue (as the case may be) in a safe condition and good working order.

**Interpretation of this Part.**

30. In this Part, "**the Chief Officer**" –

- (a) means the inspector appointed under section 15 of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987<sup>y</sup> for the time being holding the title "the Chief Health and Safety Officer", and
- (b) includes any inspector acting by or under the authority of the inspector mentioned in subparagraph (a).

PART VIII

THE COURT OF APPEAL

**Court of Appeal.**

31. (1) For the purposes of section 5 (Oath of Office of Judge) of the Court of Appeal (Guernsey) Law, 1961<sup>z</sup> ("**the Court of Appeal Law**"), the Royal Court may be constituted by the Bailiff sitting alone.

(2) Section 7 (Venue) of the Court of Appeal Law is disappplied.

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

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<sup>y</sup> Recueil d'Ordonnances Tome XXIV, p. 162; as amended by Recueil d'Ordonnances Tome XXV, p. 328; Tome XXVII, p. 139; Ordinance No. XXXIII of 2003; No. LII of 2012; and No. IX of 2016.

<sup>z</sup> Ordres en Conseil Vol. XVIII, p. 315; there are amendments not relevant to these Regulations.



(4) 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.

PART IX  
SCHOOLS

**Power of MOH to close schools.**

32. (1) The powers of the MOH under Article VIII(8) of the Public Health Ordinance, 1936<sup>aa</sup>, to require measures to be taken by any school in order to prevent the spread of infection, shall apply in respect of Sark.

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

PART X  
STATES OF DELIBERATION, STATES OF ALDERNEY AND CHIEF PLEAS OF

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

SARK

*States of Deliberation*

**Modification of the Reform Law.**

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

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

**"Remote meetings of the States of Deliberation.**

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

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

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

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

(3) The States' Assembly & Constitution Committee may make Rules of Procedure governing remote meetings of the States of Deliberation, including but not limited to provision supplementing

paragraph (2), and provision applying (with or without modification) Rules of Procedure applicable in relation to assemblies of the States of Deliberation under Article 7; and Article 7 shall be construed accordingly.

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

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

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

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

(3) In Article 26(2), Article 30(2), and in Article 29 each time it appears, for "2020" substitute "2021".

**Disapplication of section 1 of the States Reform (Guernsey) Law, 2015.**

34. Section 1 of the States Reform (Guernsey) Law, 2015 is disapplied.

*States of Alderney*

**Modification of the Government of Alderney Law.**

35. The Government of Alderney Law, 2004<sup>bb</sup> shall apply as if modified by the insertion of the following Part after Part IV –

PART IVA  
EMERGENCY PROCEDURES

**Application.**

55A. (1) This Part shall apply only in the circumstances set out in subsection (2) and despite any other provisions of or under this Law.

(2) The circumstances are that the President has made a determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in Alderney in relation to Severe Acute Respiratory Syndrome Coronavirus 2, which make it appropriate for this Part to apply.

(3) This Part shall cease to apply if the President makes a further determination, upon representations from the Civil Contingencies Authority in the light of circumstances prevailing in Alderney in relation to Severe Acute Respiratory Syndrome Coronavirus 2, that it is appropriate for it to cease to apply.

**People's Meetings.**

55B. (1) A people's meeting need not be held under section 42 before a meeting of the States and subsection (2) shall apply to that States'

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<sup>bb</sup> Order in Council No. III of 2005; amended by No. XXII of 2010; No. XI of 2012; No. V of 2014; and Alderney Ordinance No. IX of 2016.

meeting if a people's meeting has not been so held.

(2) After the reading of each item in the Billet d'État, the President shall call upon a member of the States to provide a report summarising relevant comments made in writing by members of the public in response to the publication of the Billet d'État under section 41 ("**the report**"); and Rules 9(1), 11 and 12 of the States of Alderney Rules of Procedure, shall apply as follows –

- (a) the last sentence of Rule 9(1) shall apply as if it referred to that member reporting the numbers and composition of people who had made such comments in writing, and
- (b) Rules 11 and 12 shall apply as if they referred to that member and the report.

**Public Attendance at meetings of the States.**

55C. States meetings need not be open to the public.

**Remote Meetings of the States.**

55D. (1) The States may meet remotely.

(2) A member of the States, the Greffier or the person presiding in the States shall be treated for all purposes of or under this Law as present in a remote meeting of the States (including, but not limited to, the purpose of forming a quorum in accordance with section 45(3) or 55F) if, by means of electronic communications or telecommunications or otherwise –

- (a) the member, the Greffier or the person presiding, as the case may be, has declared that he or she is present, and
- (b) in the case of a member of the States or the Greffier, the person presiding has declared that the member or the Greffier, as the case may be, shall be treated as present,

except where a member of the States is required to leave the remote meeting in accordance with any provision of or under this Law.

(3) For the purposes of this section, a meeting of the States is a remote meeting if members of the States and the person presiding communicate and vote during the meeting solely, or primarily, by means of electronic communications or telecommunications.

**Proxy voting at meetings of the States.**

55E. (1) The President may prescribe certain reasons for absence ("**Authorised Absence**") from a meeting of the States, which shall entitle a member of the States ("**first member**") to arrange for the first member's vote to be cast by another member acting as proxy if the first member's circumstances require the first member to take an Authorised Absence from a meeting of the States.

(2) The President shall make directions as to the manner in which proxy arrangements under subsection (1) shall operate in relation to an Authorised Absence.

(3) Despite section 55D(2), reasons for an Authorised Absence may include where a member is absent for only part of a meeting of the States because it is necessary or expedient for the purposes of other States business or a member is unable to vote remotely due to a failure in telecommunications, electronic communications or other means of communication.

**Quorum at a meeting of the States.**

55F. (1) The quorum at a meeting of the States is a minimum of 5 States members holding office at the time of the meeting in addition to the person presiding at that meeting.

(2) Subsection (1) does not affect the provisions of section 45(3) in relation to resolutions of the States to the extent that their implementation would require the amendment of this Law.

**New procedures applying to remote meetings of the States.**

55G. (1) The following procedures shall apply where the States meet remotely.

(2) The Greffier shall make arrangements to enable a member of the States who is absent at the start of a day on which there is a meeting of the States to declare that the member –

(a) is present,

(b) intends to follow proceedings, and

(c) is able to vote by means of electronic communications, telecommunications or otherwise on that day.

(3) The Greffier shall inform the person presiding at the meeting of the States of the name of each member of the States who has made a declaration under subsection (2) and, the person presiding shall state that those members are present and instruct the Greffier to keep a record of that fact in the Official Report.

(4) Arrangements made by the Greffier shall include arrangements for members to make a declaration under subsection (2) after proceedings of the States have started; and the President may admit such a member to the remote meeting at any time.

**Modifications to the States of Alderney Rules of Procedure for remote meetings of the States.**

55H. (1) The States of Alderney Rules of Procedure shall apply to remote meetings of the States with the following modifications.

(2) Rules 8(2) and 9(3) shall not apply.

(3) Rule 8(4) and the last sentence of Rule 8(5) shall apply as if each reference to "to withdraw from the precincts of the States" read "to leave the remote meeting of the States".

(4) Rule 16 shall apply as if "rising and" read "notifying the President by electronic communications or telecommunications".



**Power of Policy and Finance Committee to prescribe further rules of procedure in relation to remote meetings of the States.**

55I. (1) The Policy and Finance Committee may make rules of procedure applicable to remote meetings of the States supplementing relevant provisions of this Part and provision applying further modifications, for the purpose of such meetings, to the States of Alderney Rules of Procedure and any other rules of procedure relating to meetings of the States prescribed under section 45; and section 45 shall be construed accordingly.

(2) For the avoidance of doubt, and without prejudice to subsection (1), the States may –

- (a) prescribe rules of procedure applicable to remote meetings of the States, and
- (b) (whether meeting remotely or otherwise) resolve to amend, or revoke, rules of procedure prescribed by the Policy and Finance Committee under subsection (1).

**Meetings of committees.**

55J. (1) A member of a committee of the States or the Chief Executive acting as clerk of the committee, who is in communication with other members of the committee by telephone, live television link or any other means of telecommunications or electronic communications, so that each member of the committee can hear or read what is said or communicated by each of the others, is deemed, subject to subsection (2), to be present in person for all purposes relating to a meeting of that committee including calculating the quorum at the meeting under subsection (5).

(2) In the event that a means of communication referred to in subsection (1) fails, is corrupted or the person presiding at the meeting in accordance with section 50(3) ("**person presiding**") considers that confidentiality is compromised, the person presiding shall have the discretion to determine at any time during the course of the meeting that the member, or the Chief Executive acting as clerk of the committee, who is affected by that failure, corruption or compromising of confidentiality is no longer deemed to be present in person at the meeting.

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

(4) The reference to the "Chief Executive acting as clerk of the committee" includes any person appointed as the Secretary of the Committee or a person acting in that person's stead as referred to in rule 7 of the Rules of Procedure for States' Committees.

(5) The quorum at a meeting of a committee of the States is one half (or the nearest number above one half) of the number of members of the Committee including the person presiding.

**Interpretation of Part IVA.**

**55K.** In this Part, unless the context requires otherwise –

"**Civil Contingencies Authority**" means the body of that name established under section 1 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012,

**"Official Report"** means the Official Report of the States of the Island of Alderney, also known as "Hansard",

**"Rules of Procedure for States Committees"** means the States of Alderney Rules of Procedure for States Committees made in August, 2005, and

**"States of Alderney Rules of Procedure"** means the States of Alderney Rules of Procedure made on 17<sup>th</sup> March, 2010.

*Chief Pleas of Sark*

**Modification of the Sark Reform Law.**

36. (1) The Reform (Sark) Law, 2008<sup>cc</sup> shall apply as if modified as follows.

(2) After Part IV insert the following Part –

"PART IVA  
EMERGENCY PROCEDURES

**Application.**

55A. (1) This Part shall apply only in the circumstances set out in subsection (2) and despite any other provisions of or under this Law.

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<sup>cc</sup> Order in Council No. V of 2008; amended by No. XII of 2011; No. IX of 2016. There are other amendments not relevant to this provision.

(2) The circumstances are that the Speaker has made a determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in Sark in relation to Severe Acute Respiratory Syndrome Coronavirus 2, which make it appropriate for this Part to apply.

(3) This Part shall cease to apply if the Speaker makes a further determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in Sark in relation to Severe Acute Respiratory Syndrome Coronavirus 2, that it is appropriate for it to cease to apply.

**Public attendance at meetings of the Chief Pleas.**

**55B.** Meetings of the Chief Pleas need not be open to the public.

**Remote meetings of the Chief Pleas.**

**55C.** (1) The Chief Pleas may meet remotely where the Speaker, upon representations from the Civil Contingencies Authority in the light of circumstances prevailing in Sark, considers that it might not be possible to convene or maintain a quorate physical meeting of the Chief Pleas.

(2) A member of the Chief Pleas, the Greffier, the Prévôt and the Treasurer shall be treated for all purposes as present at a remote meeting of the Chief Pleas (including, but not limited to, the purpose of forming a quorum in accordance with section 55F) if, by means of electronic communications or telecommunications or otherwise –

(a) the member, the Greffier, the Prévôt or the Treasurer, as the case may be, has declared that he or she is present, and

(b) in the case of a member other than the Speaker or other person presiding at the meeting ("**person presiding**"), and in the case of the Greffier, Prévôt or Treasurer, the person presiding has declared that the member, Greffier, Prévôt or Treasurer, as the case may be, shall be treated as present.

(3) For the purposes of this section and section 55D, a meeting of the Chief Pleas is a remote meeting if members of the Chief Pleas, the Greffier, the Prévôt and the Treasurer communicate with one another and (in the case of Conseillers) vote during the meeting solely, or primarily, by means of electronic communications or telecommunications so that each can hear what is said or communicated by each of the others.

**Rules of procedure for remote meetings of the Chief Pleas.**

55D. (1) The Chief Pleas of Sark Rules of Procedure made on 2<sup>nd</sup> October, 2013 under section 36(1) ("**the Rules of Procedure**") apply to remote meetings of the Chief Pleas subject to the provisions of this section.

(2) The Greffier must make arrangements to enable members of the Chief Pleas who are absent at the start of a day on which a remote meeting of the Chief Pleas takes place to declare that they are present at the meeting, that they intend to follow the proceedings of the Chief Pleas and that they are able to vote by means of electronic communications or

telecommunications on that day.

(3) The Greffier must inform the Speaker of the names of every member who has made the declaration under subsection (2) and the Speaker must state that those persons are present and instruct the Greffier to record that fact in the Minutes.

(4) The following modifications to the Rules of Procedure shall apply to remote meetings –

(a) rules 4(2), 11(2) and (6), 14(3) and 18(2) shall not apply,

(b) in rule 1 –

(i) in paragraph (3), the words "the same place and" shall not apply,

(ii) in paragraph (4), for "placed in the official Island Notice Boxes" substitute "published on the official Sark Government Website and in such other form as the Speaker may determine", and the words "publicly available in paper form and" shall not apply,

(c) in rule 12(2), the words "from the floor" shall not apply,

(d) in rule 14 –

(i) in paragraph (1), for "written declaration, or any updated information, is submitted" substitute "declaration of interests, or updated information, is submitted to the Greffier, which may be submitted via electronic communications or telecommunications, and which declaration or updated information shall be communicated by the Greffier to the Speaker",

(ii) in paragraph (2), for "declare his interest and withdraw from the Chamber during" substitute "declare his or her interest to the Speaker via electronic communications or telecommunications and take no part in",

(iii) for paragraph (4), substitute "A Conseiller who has declared his or her interest in an issue and is taking no part in the consideration of that issue in accordance with paragraph (2) may, if so requested by any other Conseiller, contribute factual or technical information for the purpose of any general debate of the issue in question.",

- (e) in rule 17, add at the end "For the purposes of, and subject to, this rule, a Member may interrupt another Member by notifying the Greffier via electronic communications or telecommunications stating "Point of Order" or "Point of Correction", as the case may be, and waiting to be invited to speak by the Speaker",
  - (f) in the first sentence of rule 19, for "a vote shall be conducted" substitute "a vote shall be conducted by appel nominal by means of electronic communication or telecommunications",
  - (g) in rule 21 –
    - (i) for paragraph (1), substitute "A Conseiller may vote only by appel nominal by means of electronic communication or telecommunications (except where the Conseiller is entitled by virtue of section 55E to vote by proxy)",
    - (ii) in paragraph (2), the first sentence shall not apply.
- (5) The Policy & Finance Committee may make rules of



procedure applicable to remote meetings of the Chief Pleas, including (but not limited to) provision supplementing this section, and provision modifying the Rules of Procedure.

(6) For the avoidance of doubt, and without prejudice to subsection (5), the Chief Pleas may, whether meeting remotely or otherwise, by resolution –

- (a) make rules of procedure applicable to remote meetings of the Chief Pleas, and
- (b) amend, or revoke, rules of procedure made by the Policy & Finance Committee under subsection (5).

**Proxy voting at meetings of the Chief Pleas.**

55E. (1) The Speaker may prescribe certain reasons for absence ("**Authorised Absence**") from a meeting of the Chief Pleas, which shall entitle a Conseiller ("**first Conseiller**") to arrange for his or her vote to be cast by another Conseiller acting as a proxy if the first Conseiller's circumstances require him or her to take an Authorised Absence from a meeting of the Chief Pleas.

(2) The Speaker shall make directions as to the manner in which proxy arrangements under subsection (1) shall operate in relation to an Authorised Absence.

**Quorum at a meeting of the Chief Pleas.**

55F. The quorum at a meeting of the Chief Pleas is a minimum of

seven Conseillers in addition to the person presiding at that meeting.

**Meetings of committees.**

55G. (1) A member of a committee of the Chief Pleas who is in communication with the other members of the committee by telephone, live television link or any other means of telecommunications or electronic communications, so that each member of the committee can hear or read what is said or communicated by each of the others, is deemed, subject to subsection (2), to be present at a meeting of the committee for all purposes relating to that meeting, including calculating the quorum at the meeting under section 43(5) or 44(5) and under rule 13 of the Constitution and Operation of Chief Pleas Committee Rules, made on 2<sup>nd</sup> October, 2013.

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

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

**Interpretation of Part IVA.**

55H. In this Part of this Law, unless the context requires otherwise, "**Civil Contingencies Authority**" means the body of that name established under section 1 of the Civil Contingencies (Bailiwick of Guernsey) Law,

2012.".

PART XI  
MISCELLANEOUS AND FINAL

**Population Management Law: Employment Permits.**

37. (1) The holder of a –
- (a) Long Term Employment Permit,
  - (b) Medium Term Employment Permit, or
  - (c) Short Term Employment Permit

granted by the Administrator under the Population Management Law and in force at the time these Regulations are made, may, during the period of validity of that Permit –

- (i) be resident without being employed, and
- (ii) be employed by an employer other than the employer or category of employer specified for that purpose in the Permit,

and the Permit (including the conditions set out therein) shall be deemed to be varied to the extent necessary to give effect to the foregoing.

(2) 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 to the extent necessary to give effect to paragraph (1) and shall have effect accordingly.

(3) 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.

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

(5) In this regulation –

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

**"the Population Management Law"** means the Population Management (Guernsey) Law, 2016<sup>dd</sup>.

**Cutting and collection of seaweed.**

38. (1) Notwithstanding the provisions of any enactment or customary law which prohibits, restricts or otherwise regulates the cutting or collecting of seaweed, the States of Guernsey Committee for the Environment & Infrastructure ("**the Committee**") may issue a notice authorising a person to cut, collect, land, lift and carry seaweed for the purpose set out in the notice, and, to the extent necessary for that cutting, collecting, landing, lifting and carrying only,

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<sup>dd</sup> 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.

temporarily to deposit seaweed on slips or coastal walls.

(2) A notice issued under this regulation may contain such conditions, and be valid for such period, as the Committee thinks fit.

(3) The Committee may vary or revoke a notice issued under this regulation, and the power to vary or revoke a notice is without prejudice to the power to issue a new notice in respect of the same person.

(4) For the avoidance of doubt, in this regulation "**seaweed**" includes (but is not limited to) –

(a) drift weed, and

(b) the sea alga *Chondus crispus*.

**Offences by legal persons and unincorporated bodies.**

39. (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, subsection (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 paragraph (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.**

40. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020<sup>ee</sup> and the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) (Amendment) Regulations, 2020<sup>ff</sup> 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 (including in a direction made thereunder and anything done under a direction).

(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

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<sup>ee</sup> G.S.I. No. 56 of 2020.

<sup>ff</sup> G.S.I. No. 57 of 2020.

appears) be construed as a reference to the provision as re-enacted.

(5) In so far as any subordinate legislation made or other thing done (or having effect as if made or done) under or for the purposes of a revoked regulation could be made or done under or for the purposes of these Regulations, it shall (unless the contrary intention appears) have effect as if made or done under or for the purposes of these Regulations.

**Interpretation: general.**

41. (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,

"**the MOH**": see regulation 1(1),

"**by post**" means by recorded delivery service or ordinary letter post, and

"**the Registrar-General**" means the Registrar-General of births and deaths for the Bailiwick.



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

(3) 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.**

42. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2020.

**Extent.**

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

(2) Parts V, VI and VII shall have effect in Guernsey only, except for Part VII which shall have force in Guernsey, Herm and Jethou for the purposes of the Health and Safety (Gas) (Guernsey) Ordinance, 2006.

**Commencement.**

44. These Regulations shall come into force on 13<sup>th</sup> June, 2020.

Dated this 12<sup>th</sup> day of June, 2020



G.A. ST PIER  
Chairman of the Civil Contingencies Authority  
For and on behalf of the Authority

## SCHEDULE 1

Regulation 19

### MODIFICATION OF LEGISLATION RELATING TO MENTAL HEALTH

#### **Interpretation.**

1. References in this Schedule to –
  - (a) sections are to sections of the Mental Health (Bailiwick of Guernsey) Law, 2010 ("**the 2010 Law**"), and
  - (b) rules are to rules of the Mental Health Review Tribunal Procedure Rules, 2012 ("**the 2012 Rules**").

2. Expressions in this Schedule and in the 2010 Law or the 2012 Rules shall have the same meaning as in that Law or those Rules (as the case may be).

#### **Forms.**

3. Where any form prescribed in the Mental Health (Treatment and Forms) Regulations, 2013 or under the 2012 Rules is inconsistent with a modification made by these Regulations, the form –

- (a) may, in connection with that modification, be used with appropriate amendments, and
- (b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect that modification.

**Modification of the 2010 Law.**

4. Where section 56(1)(b) applies (administration of medicine for more than three months), an approved medical practitioner (other than the responsible medical officer of the patient) may give a certificate under section 56(3)(b) (appropriateness of treatment without understanding or consent) if the responsible medical officer is of the opinion that complying with the requirement under that provision for the certificate to be given by a second opinion approved doctor is not reasonably practicable or would involve unreasonable delay.

5. An approved medical practitioner acting in accordance with section 56(3)(b) as modified by paragraph 4 may give a certificate under that section having consulted only one person, if that practitioner is of the opinion that complying with the requirement under section 56(4) is not reasonably practicable or would involve unreasonable delay.

6. The person consulted in accordance with section 56(4) as modified by paragraph 5 –

- (a) must have been professionally concerned with the patient's medical treatment, and
- (b) must not be the responsible medical officer of the patient.

**Modification of the 2012 Rules.**

7. 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.

8. Any hearing which takes place in accordance with paragraph 8 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.

SCHEDULE 2

Regulation 29

PROVISIONS OF THE SAFETY OF EMPLOYEES (MISCELLANEOUS  
PROVISIONS) ORDINANCE, 1952

1. Section 8(2).
2. Section 15(6).
3. Section 16(4).
4. Section 17(4).
5. Section 19(2).
6. Section 24(2)(a).
7. Section 24(2)(b).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

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

These Regulations revoke and re-enact (with minor modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations will come into force on the 13<sup>th</sup> June, 2020 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 keep people in isolation. 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.

*Part II - control of premises, gatherings etc., and movement of persons*

This Part enables the States Committee for Health & Social Care ("**the Committee**") to impose restrictions in relation to licensed (and other non-residential) premises, and empower the Committee to impose restrictions in relation to events, gatherings and meetings, and the movement of people outside their homes. The regulations in this Part also create criminal offences, and confer powers of enforcement on police

officers. The Committee must consult the Medical Officer of Health before exercising the powers under the regulations, and in addition must consult Her Majesty's Procureur when issuing a direction imposing restrictions in relation to the movement of persons outside their homes; and when exercising powers in relation to premises in Alderney and Sark, the relevant Committees on those islands must also be consulted.

### *Part III – mental health*

Schedule 1 to these Regulations sets out the modifications to be made to mental health legislation having effect in the Bailiwick.

Paragraphs 4 to 6 of Schedule 1 modify the Mental Health (Bailiwick of Guernsey) Law, 2010 ("the Law") to permit an approved medical practitioner (rather than only a second opinion approved doctor) to provide a certificate for the purposes of section 56 of the Law and, in doing so, that practitioner will only be required to consult with one person, where the practitioner is of the opinion that it is not reasonably practicable or would involve unreasonable delay to comply with the unmodified requirements.

Paragraphs 7 to 8 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal ("the Tribunal") may properly be constituted according to specified criteria.

### *Parts IV and V - registration of deaths and still-births, and cremations in Guernsey*

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

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

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



#### *Part VI - parochial meetings, etc.*

Part VI makes provision enabling parish business to be conducted despite the inability to hold parish meetings. For all normal parish business, including approval of the expenditure to be incurred by each parish, and the rates to be levied in order to meet that expenditure, decisions will be made by the Constables and Douzaine in respect of all matters, but after consultation with the Rector and Churchwardens where the decision concerns ecclesiastical matters. Notice of the matters to be determined and the proposed decision in each case will be published in La Gazette Officielle and further information and documents will be made available on a specified website; and ratepayers will be given an opportunity to make representations. Meetings of the Constables and Douzaine may be held remotely, in line with the provisions for States' Committees already agreed. The Constables and Douzaine must take into account of any representations received. Their decision must be notified to the ratepayers who will then have the opportunity to oppose the application to the Royal Court for confirmation of the decision in relation to the "remède", having given prior notification to the Greffe and the parish of their intention to object. Any necessary elections during the emergency period may be substituted by appointments by the Dean of the Douzaine, after consultation with the Rector and Churchwardens where appropriate. Such appointments will expire one month after the regulations cease to have effect when an election will need to be held in order to fill any vacancy in the normal way.

#### *Part VII - health and safety*

Part VII allows the Chief Health and Safety Officer ("the Chief Officer") to grant a certificate disapplying the requirements for examination, testing and inspection set out in regulation 29 and Schedule 2 in respect of equipment, an occupier's electrical installation or gas appliance and flue (as the case may be) specified in an application. A certificate may only be given where the Chief Officer is of the opinion that the disapplication will not prejudice the safety of any person operating the equipment etc. or any other person likely to be affected by its operation. The certificate may only disapply the relevant requirement for a period of up to 30 days, and may not disapply any other health and safety requirement (and, in particular, the requirement to keep the equipment etc. in a safe condition and good working order).

#### *Part VIII – the Court of Appeal*

The provisions in Part VIII enable the Court of Appeal to conduct its proceedings remotely, and enable a Judge of Appeal to be sworn into office by the Royal Court constituted by the Bailiff sitting alone.

### *Part IX - schools*

Part IX empowers the Medical Officer of Health to exercise her powers to require schools to take measures to prevent the spread of infection in Sark, and provide, for the avoidance of doubt, that such measures may include the immediate closure of any school.

### *Part X - the States of Deliberation, the States of Alderney and the Chief Pleas of Sark*

#### States of Deliberation

The regulations relating to the States of Deliberation provide that the Reform (Guernsey) Law, 1948 shall apply as if modified by the insertion of a new Article enabling the States of Deliberation to meet remotely. This Part also empowers the States' Assembly & Constitution Committee to make Rules of Procedure governing remote meetings of the States held pursuant to the inserted Article, and includes provision modifying the application of the Reform (Guernsey) Law, 1948 and the States Reform (Guernsey) Law, 2015 to enable the terms of office of People's Deputies elected in 2016 (and at any subsequent election to fill any casual vacancy) to extend beyond 30<sup>th</sup> June 2020, and the General Election to be held in June 2021 instead of June 2020.

#### States of Alderney

The regulations relating to the States of Alderney apply the Government of Alderney Law, 2004 as if modified by adding a new Part relating to emergency procedures in relation to meetings of the States of Alderney and committees of the States of Alderney, including provision allowing meetings of the States of Alderney to take place remotely during the current emergency. The Part only applies where the President of the States of Alderney has made a determination, following representations from the Civil Contingencies Authority, that it is appropriate for it to apply in the light of the circumstances in Alderney in relation to coronavirus. The Part will cease to apply when the President makes a determination, following representations from the Civil Contingencies Authority in the light of circumstances in Alderney in relation to coronavirus, that it is appropriate for it to cease to apply.

The emergency procedures include special arrangements so that public meetings do not need to be held, to allow for proxy voting in the States of Alderney, to reduce the quorum of the States of Alderney and to allow members of committees of the States of Alderney to take part in meetings remotely.

## Chief Pleas of Sark

The regulations relating to the Chief Pleas of Sark make special arrangements for the procedures of the Chief Pleas and its committees by removing the obligation to hold meetings in public, allowing for proxy voting in the Chief Pleas, reducing the quorum for meetings of the Chief Pleas and allowing members of the committees of the Chief Pleas to take part in meetings remotely. They also make provision for meetings of the Chief Pleas to be held remotely if the Speaker, upon representations of the Civil Contingencies Authority, considers that it might not be possible to convene or maintain a quorate physical meeting of the Chief Pleas. The regulations make provision for the procedure to be followed when a remote meeting, as defined, is held, including modifications to the existing Chief Pleas of Sark Rules of Procedure.

### *Part XI - miscellaneous and final provisions*

The provisions in Part XI include regulations providing 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.

They include a regulation (38) providing for the Committee for the Environment & Infrastructure to permit the cutting and collecting of seaweed when this would otherwise be prohibited (so facilitating the on-Island manufacture of sanitising gels).

They also include provisions dealing with offences by legal persons and unincorporated bodies, revocation and savings, interpretation, citation, extent (they are Bailiwick-wide) and commencement.