

GUERNSEY STATUTORY INSTRUMENT

2021 No.

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

<i>Made</i>	11 th February, 2021
<i>Coming into operation</i>	13 th February, 2021
<i>Laid before the States</i>	, 2021

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

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

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

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

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

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

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

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

Amendment of the General Provision (No. 2) Regulations, 2021.

1. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021^c are amended as follows.

(2) In regulation 18 –

(a) delete "and" at the end of paragraph (1)(b),

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

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

(b) immediately after paragraph (1)(c), insert –

"and

(d) the use of any public transport service," and

(c) immediately after paragraph (8), insert –

"(8A) A direction under paragraph (1)(d) may be issued in relation to a specified public transport service, or a public transport service of a specified description, and may, amongst other things, impose requirements for the purpose of requiring the wearing of face coverings by all persons, or prescribed categories of person, using a public transport service.

(8B) A direction under paragraph (1)(d) may impose conditions, prohibitions, requirements or restrictions on –

(a) a person who is boarding any vehicle by means of which a public transport service is provided, and

(b) a person (whether or not for the purposes of travel) on board any vehicle by means of which a public transport service is provided."

(3) Immediately after regulation 22, insert the following regulation –

Modification of Fixed Penalties Law.

22A. (1) The Offences (Fixed Penalties) (Guernsey) Law, 2009 shall apply as if modified as follows.

(2) In the Schedule, immediately after the entry relating to Offences

against sections 4(1) and 5(1) of the Road Traffic (Guernsey) Ordinance, 2019, insert –

"Offences against regulation 22(1) of the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations	Failing, without reasonable excuse, to comply with a direction, or a requirement of a police officer	C	£100	£90"".
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(4) In regulation 23(1), immediately after the definition of "direction" insert-

""**face covering**" means a covering of any type which covers a person's nose and mouth and complies with any guidance issued by the MOH,".

Citation.

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

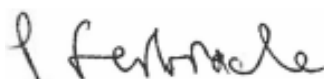
Extent.

3. These Regulations shall have effect throughout the Bailiwick.

Commencement.

4. These Regulations come into force on 13th February 2021.

Dated this 11th day of February, 2021



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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations are made in response to evidence of community transmission of Severe Acute Respiratory Syndrome Coronavirus 2 within the Bailiwick. They amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021 ("the 2021 Regulations"). The primary purpose of the amendments made is to insert provision to enable the making of a direction or requirement relating to the wearing of face coverings by persons using any public transport service. The amendments augment the existing power under the 2021 Regulations to enable the making of a direction or requirement relating to the wearing of face coverings by persons entering or remaining on premises.

The Regulations also insert a new regulation 22A into the 2021 Regulations. The new regulation temporarily modifies the Offences (Fixed Penalties) (Guernsey) Law, 2009. The modification enables fixed penalty notices in the sum of £100 to be issued by police officers to persons who fail, without reasonable excuse, to comply with a direction or requirement of a police officer to wear a face covering, where the 2021 Regulations and any Direction made under those Regulations, require the wearing of a face covering.

These Regulations come into force on the 13th February, 2021, and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.