



GUERNSEY STATUTORY INSTRUMENT

2021 No. 69

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

<i>Made</i>	29 th June, 2021
<i>Coming into operation</i>	1 st July, 2021
<i>Laid before the States</i>	, 2021

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

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

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

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

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

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

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

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

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

Amendment of the General Provision (No. 7) Regulations.

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

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

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

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

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

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

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

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

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

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

(b) in the case of -

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

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

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

(4) For regulation 5(1), substitute –

"(1) Subject to –

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

the Bailiwick: children accompanying Blue Arrivals),

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

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

(6) For regulation 6, substitute –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) In any case where –

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

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

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

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

(8) Where a restriction or requirement is imposed orally on a person under regulation 3, 5, 5A or this regulation, or a restriction or requirement is orally varied, the person (or, in the case of a child, a person who is a responsible adult in relation to the child) must be provided with a written notification of the restriction or requirement that has been imposed or varied as soon as reasonably practicable."

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

(8) In regulation 14 –

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

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

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

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

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

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

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

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

Transitional provision.

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

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

(b) is –

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

(ii) complying with other restrictions and conditions,

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

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

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

Citation.

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

Extent.

4. These Regulations shall have effect throughout the Bailiwick.

Commencement.

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

Dated this 29th day of June, 2021



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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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

These Regulations come into force on 1st July, 2021, and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

