GREFFE
ROYAL COURT
- 8 SEP 2021
GUERNSEY

GUERNSEY STATUTORY INSTRUMENT
No. 99

ENTITLED

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

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2021 No. 99

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

Made	*7th September, 2021*
Coming into operation	*8th September, 2021*
Laid before the States	*, 2021*

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

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

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

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

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

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

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

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

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

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

PART I

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

Decisions of MOH and the Authority to impose restrictions and requirements.

1. (1) Subject to paragraph (3), the Medical Officer of Health ("**the MOH**") may not impose a restriction or requirement under this Part unless the MOH has sought the advice of Her Majesty's Procureur in relation to the appropriateness and proportionality of the proposed requirement or restriction, and has taken account of that advice.

(2) Subject to paragraph (3), the Civil Contingencies Authority ("**the Authority**") may not impose a requirement under regulation 8(1) unless the Authority has sought the advice of the MOH in relation to the appropriateness of the proposed requirement and has taken account of that advice.

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

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

(5) Where the Authority imposes a requirement under regulation 8(1) without seeking the advice of the MOH, in reliance on paragraph (3), the Authority shall, as soon as reasonably practicable, give notice that it has done so to the MOH.

Detention of persons by the MOH.

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

(a) is, or may be, infected or contaminated with, or is suspected or confirmed to be suffering from, coronavirus, and there is a risk that P might infect or contaminate others, or

(b) has arrived in the Bailiwick by air or sea and has left an infected area within the 14 day period immediately preceding the date of P's arrival in the Bailiwick.

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

(a) the end of the period of 48 hours beginning with the time from which P's detention under this regulation begins,

(b) such time as any screening requirements imposed on or in relation to P under regulation 3 have been complied with and the assessment referred to in that regulation carried out in relation to P.

Imposition of restrictions and requirements: general.

3. (1) Where regulation 2(1)(a) or (b) is met in relation to a person

("P"), the MOH may –

(a) (orally or in writing) impose on or in relation to P one or more screening requirements to inform an assessment by the MOH of whether P presents, or could present, a risk of infecting or contaminating others,

(b) carry out such an assessment in relation to P, and

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

(2) The restrictions or requirements are –

(a) that P submit to medical examination,

(b) that P be removed to a hospital or other suitable establishment,

(c) that P be detained in a hospital or other suitable establishment,

(d) that P self-isolate,

(e) that P be disinfected or decontaminated,

(f) that P wear protective clothing,

(g) that P provide information or answer questions about P's health or other circumstances,

(h) that P's health be monitored and the results reported,

(i) that P attend training or advice sessions on how to reduce the risk of infecting or contaminating others,

(j) that P be subject to restrictions on where P goes or with whom P has contact,

(k) that P abstain from working or trading.

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

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

(5) Neither paragraph (1) nor regulation 5 or 8 affects the exercise of any powers under regulation 12; and nothing in this regulation (or in any other

provision in these Regulations) affects the MOH's powers under any other enactment.

(6) In this regulation and regulation 8 a power to vary a requirement or restriction includes a power to revoke it.

Critical Workers.

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

Requirement to self-isolate on arrival in the Bailiwick.

5. (1) Subject to –

(a) provision made in or under Schedule 1 (concerning Critical Workers) or Schedule 2 (concerning Country Categories, which Schedule has effect),

(b) paragraphs (2) to (8), and

(c) regulation 6 (requirement to self-isolate on arrival in the Bailiwick: children accompanying Blue Arrivals),

a person who has arrived in the Bailiwick from outside by air or sea, other than a Blue Arrival, must self-isolate for 14 days; and for the avoidance of doubt, subject to any direction to the contrary from the MOH in any particular case, and to any direction from the Authority in relation to one or more categories of case or in relation to all cases, a Blue Arrival is not required to self-isolate, and is not subject to any other restrictions or requirements.

(2) If a person falling within paragraph (1) who underwent a test

for COVID-19 directly on arrival in the Bailiwick undergoes a test for COVID-19 13 days after his or her date of arrival (or at such other time as the MOH may direct under this paragraph) (in this regulation, a "**Day 13 test**"), and the result of that Day 13 test is negative, that person will not be required to self-isolate for the remainder of the 14 day period.

(3) If a person falling within paragraph (1) undergoes a Day 13 test, and the result of that Day 13 test is positive, he or she will be required to self-isolate in accordance with instructions from the MOH and to comply with all other restrictions and requirements imposed on him or her by the MOH.

(4) A child under the age of 5 who has arrived in the Bailiwick by air or sea is not required to self-isolate.

(5) Subject to where paragraph (7) or regulation 6 applies, a child of between 5 and 11 years who has arrived in the Bailiwick by air or sea must self-isolate for 14 days.

(6) Paragraph (7) applies where a child ("C") has been self-isolating in a household bubble.

(7) Where this paragraph applies, even after the cessation of the requirement on C to self-isolate, C may not attend college, school, nursery or childcare (as the case may be) until every other member of C's household bubble has either –

(a) undergone a Day 13 test and received a negative result, or

(b) self-isolated for 14 days.

(8) In this regulation –

(a) "**childcare**" means such types of arrangement for the care of children under school age as the MOH may specify by direction from time to time, and

(b) "**self-isolating in a household bubble**" means self-isolating with other members of the same household in such a way that household members –

(i) do not keep themselves separated from other household members, but

(ii) do keep themselves separated from any other person, in such a manner as to prevent infection or contamination,

and references to members of a household bubble (and the definition of "self-isolate" in regulation 21) shall be construed accordingly.

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

6. (1) Subject to any direction to the contrary from the MOH in any particular case, and to any direction from the Authority in relation to one or more categories of case or in relation to all cases, a child of between 5 and 11 years who has arrived in the Bailiwick from outside by air or sea accompanied by a Blue Arrival is not required to self-isolate, and is not subject to any other restrictions or

requirements.

(2) Subject to –

(a) any direction to the contrary from the MOH in any particular case, and to any direction from the Authority in relation to one or more categories of case or in relation to all cases, and

(b) paragraph (3),

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

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

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

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

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

(i) a Relevant Person (within the meaning of Schedule 2) described in paragraph 4(1) of that Schedule, and,

(ii) for the avoidance of doubt, a child taking part in the reduced self-isolation option for the purposes of paragraph 6 of that Schedule.

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

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

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

(a) relating to –

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

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

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

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

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

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

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

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

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

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

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

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

(2) The requirement to self-isolate under regulation 5(1), 5(3), 5(5) and 6(2) may be varied by the MOH in relation to a particular case, orally or in writing, and a requirement to self-isolate imposed under paragraph (1) may be varied by the MOH –

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

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

(3) The MOH must take into account any relevant policies of the Authority before exercising her powers to vary a requirement to self-isolate under this regulation.

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

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

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

(b) shorten the duration of the requirement to self-isolate, either unconditionally or on the MOH or the Authority (as the case may be) being satisfied that one or more specified conditions have been met, and

(c) impose any requirements and restrictions on persons other than the person who has arrived in the Bailiwick that are reasonably necessary as a consequence of the variation of the relevant requirement on that person.

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

(a) the MOH or the Authority may consult such persons as she or it (as the case may be) thinks fit in respect of the exercise of the power in question, and

(b) that variation may be amended or revoked in accordance with paragraph (7), and if amended shall be treated for all purposes as continuing to have effect in accordance with its terms.

(7) In any case where –

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

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

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

(8) Where a restriction or requirement is imposed on or in relation to a child under regulation 5, 6 or this regulation (including the requirement to self-isolate under regulation 5(1), 5(3), 5(5) and 6(2)), a person who is a responsible adult in relation to the child must ensure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(9) Where a restriction or requirement is imposed orally on a person under regulation 3, 5, 6 or this regulation, or a restriction or requirement is orally varied, the person (or, in the case of a child, a person who is a responsible

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

Screening requirements.

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

(a) answer questions about P's health or other relevant circumstances (including travel history and information about other individuals with whom P may have had contact),

(b) produce any documents which may assist the MOH in assessing P's health,

(c) at such a time as the MOH may specify, allow a biological sample of P to be taken, including a biological sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample, and

(d) provide sufficient information to enable P to be contacted immediately by the MOH during such period as the MOH may specify, where the MOH considers that such provision of information is necessary in order to reduce or remove the risk of P infecting or contaminating others.

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

(a) ensure that P answers questions in accordance with paragraph (1)(a),

(b) answer the questions if P is unable to do so or cannot reliably do so,

(c) produce any documents, required under paragraph (1)(b), on P's behalf,

(d) allow a biological sample of P to be taken, including a sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample, and

(e) provide information where required by the MOH under paragraph (1)(d).

Imposition of further restrictions and requirements.

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

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

(b) following P's release from detention under regulation 2, or from self-isolation under regulation 11,

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

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

(a) provide P's contact details to the MOH,

(b) supply information to the MOH which may assist in assessing P's health,

(c) at such time as the MOH may specify, allow a biological sample of P to be taken, including a sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample,

(d) comply with any other specified condition or to take any other specified measure.

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

(a) a restriction on P's travel,

(b) a restriction on P's activities,

(c) a restriction on P's contact with specified persons.

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

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

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

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

(a) inform P (or, where P is a child, a person who is a responsible adult in relation to P) of the requirement or variation that the MOH is minded to impose or make, and

(b) have regard to any relevant representations by P (or, where P is a child, a person who is a responsible adult in relation to P), as to its suitability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Detention or self-isolation: additional provisions.

12. (1) Where a person ("**P**") is required to be detained or to self-isolate under regulation 3 or 11 or subjected to restrictions or requirements under regulation 10, the MOH must have due regard to P's well-being.

(2) Where P is detained or required to self-isolate under regulation 3 or 11 or subjected to restrictions or requirements under regulation 10 for a period exceeding 14 days, the MOH must review the continuation of P's detention or self-isolation by reference to the provisions of those regulations.

(3) After each subsequent interval of 24 hours during which P is detained or required to self-isolate under regulation 3 or 11 or subjected to restrictions or requirements under regulation 10, the MOH must review the continuation of P's detention or self-isolation by reference to the provisions of those regulations.

(4) Where P is detained or required to self-isolate under regulation 3 or 11 or subjected to restrictions or requirements under regulation 10, the MOH may require P to comply with screening requirements if the MOH considers that it is necessary and proportionate to do so in order to reduce or remove the risk of P infecting or contaminating others.

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

(6) The MOH must notify P (or, where P is a child, a person who is a responsible adult in relation to P), as soon as P's detention under regulation 3 starts, or as soon as it is decided to require P to self-isolate under regulation 11, of –

(a) the fact of P's detention or requirement to self-isolate,

(b) the powers under which P is detained or required to self-isolate,

(c) the reason for P's detention or self-isolation,

(d) the next steps that may be taken and by whom,

(e) the obligation to keep the need for P's detention or self-isolation under review,

(f) the penalty for obstructing a person carrying out a function under these Regulations under regulation 16(4), and

(g) the right to appeal under regulation 14, where applicable.

Restrictions or requirements in respect of groups.

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

(2) In regulation 2, the references to "**a person**" and to P –

(a) as they apply in paragraph (1)(a) are to each person in the group,

(b) as they apply in paragraph (1)(b) are to each person in the group who has arrived on the same aircraft or ship and left the same area,

and the power to impose a requirement to be detained in paragraph (2) of regulation

2 is to be read as a power to impose that requirement on any one or more of the persons in the group in question.

(3) In regulation 3 –

(a) in paragraph (1), the reference to "**a person**" is to be read in accordance with paragraph (2) of this regulation,

(b) in the rest of that regulation, the references to P are to one or more persons in the group in question.

(4) In regulation 11 –

(a) in paragraph (1), the reference to "**a person**" is to be read in accordance with paragraph (2) of this regulation,

(b) in the rest of that regulation, references to P are to one or more of the persons in the group in question.

Appeals to the Royal Court.

14. (1) Subject to paragraph (2), a person ("**P**") may appeal to the Royal Court against –

(a) a decision of the MOH under this Part, Schedule 1 or Schedule 2 to impose a requirement, restriction or condition on P, or to give a direction in respect of P,

(b) a decision of a reviewing officer (within the meaning of paragraph 12 of Schedule 1) in respect of the imposition of specific conditions on P under that Schedule, and

(c) a determination by an appointed officer (within the meaning given in regulation 19(4)) that P does not have a full vaccination history for the purposes of these Regulations,

and for the avoidance of doubt, a decision of the MOH to vary, or not to vary, a requirement, restriction condition or direction is a decision of the MOH for the purposes of this paragraph.

(2) In addition to P, the following persons may appeal to the Royal Court under paragraph (1) –

(a) a person having parental responsibility (within the meaning of the Children (Guernsey and Alderney) Law, 2008, the Children (Sark) Law, 2016, or the Child Protection (Sark) Law, 2020 (as the case may be) for P, or who is otherwise P's responsible adult for the purposes of these Regulations,

(b) a person who has been appointed guardian of P,

(c) P's spouse or civil partner, and

(d) a person living with P as P's spouse.

(3) The grounds of an appeal under this regulation are that –

(a) the decision was ultra vires or there was some other error of law,

(b) the decision was unreasonable,

(c) the decision was made in bad faith,

(d) there was a lack of proportionality when the decision was taken, or

(e) there was a material error as to the facts or as to the procedure when the decision was taken,

and in this subparagraph and subparagraph (5), "**decision**" includes "**determination**".

(4) On an appeal under this regulation the appellant shall have the final right of reply.

(5) On an appeal under this regulation, the Royal Court may –

(a) set the decision aside, and, if the court considers it appropriate to do so, remit the decision to the MOH , the reviewing officer or the appointed officer (as the case may be) with such directions as the court thinks fit (including, but not limited to, a direction to make such

other decision in substitution therefor as the court thinks fit in all the circumstances of the case), or

(b) confirm the decision, in whole or in part.

(6) An appeal under this regulation may be made in such manner as the Royal Court thinks fit.

(7) An appeal from the Royal Court under this regulation lies to the Court of Appeal on a question of law.

Initial detention of persons to enable screening and assessment.

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

(a) a person ("**P**") is, or may be, infected or contaminated with coronavirus,

(b) there is a risk that P might infect or contaminate others, and

(c) it is necessary to direct, remove or detain P in the interests of P, for the protection of other persons or for the maintenance of public safety.

(2) This regulation also applies if a police officer has reasonable grounds to suspect that P is in breach of the requirement to self-isolate under regulation 5(1), 5(3) or 6(2), or a requirement to self-isolate imposed under regulation 8(1).

(3) A police officer may –

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

(b) remove P to a hospital or other suitable place for the purposes of the imposition of any restrictions or requirements under regulation 3, or

(c) if P is already at a hospital or other suitable place, keep P at that place or remove P to another hospital or other suitable place for the purpose of the imposition of any restrictions or requirements under regulation 3.

(4) The power in paragraph (3) may be exercised when P is at any place.

(5) For the purpose of exercising the power in paragraph (3), a police officer may enter any place.

(6) Before exercising the power in paragraph (3), the police officer must –

(a) so far as is reasonably practicable, consult the MOH and have due regard to the views of the MOH and any information provided by the MOH in relation to P,

(b) have due regard to any guidance issued by the MOH and the Chief Officer of the Island Police Force,

(c) where consultation has not been carried out under subparagraph (a) –

(i) consult the MOH as soon as reasonably practicable after the power in paragraph (3) has been exercised, and

(ii) have due regard to the views of the MOH and information provided by the MOH in relation to P.

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

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

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

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

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

(12) An authorisation under paragraph (11) may be given only if the MOH considers that the authorisation is necessary because it is not reasonably practicable for the imposition of any restrictions or requirements under regulation 3 to be completed before the end of the initial period.

(13) In this regulation –

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

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

(a) in a case where the person is removed to a hospital or other suitable place, the time when the person arrives at that place, or

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

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

Offences and enforcement.

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

(a) fails, without reasonable excuse, to comply with a restriction, condition or requirement imposed under regulation 2(2), 11(2), 11(4) or 12(5), or a direction under regulation 15(3)(a),

(b) fails, without reasonable excuse, to comply with a requirement that the person be detained under regulation 11(3), 15(7), 15(9) or 15(11).

(2) A person (D), and subject to paragraph (3), any person who is D's employer, commits an offence if D fails, without reasonable excuse, to comply with the requirement to self-isolate under regulation 5(1), 5(3), 6(2) or a restriction or requirement imposed under regulation 8(1); including, for the avoidance of doubt, a requirement to self-isolate for any specified period of less than 14 days, or until a specified event occurs –

(a) imposed by a variation of the requirement under regulation 5(1), 5(3), 6(2) or of a requirement under regulation 8(1), by the MOH in relation to a particular case, or by the Authority in relation to a category of cases or all cases, or

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

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

the commission of an offence.

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

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

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

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

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

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

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

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

(10) The investigation of an offence under this Part shall be treated

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

False or misleading information.

17. (1) If a person to whom paragraph (2) applies –

(a) makes a statement which he or she knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,

(b) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,

(c) produces or furnishes, or causes or permits to be produced or furnished, any information or document which he or she knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular, or

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[c] Ordres en Conseil Vol. XXIII, p. 573; amended by Ordres en Conseil Vol. XXIV, p. 87; Vol. XXXI, p. 278; Vol. XXXIII, p. 217; Order in Council No. X of 2004; No. II of 2010; No. XIV of 2007; No. XV of 2012; No. VI of 2019; Ordinance No. XXXIII of 2003; No. XXIX of 2004; Nos. XLVIII and XXXV of 2007; No. VII of 2008; No. XLIII of 2013; No. XL of 2014; and No. IX of 2016.

(d) recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information or document which is false, deceptive or misleading in a material particular,

he or she is guilty of an offence.

(2) This paragraph applies to a person who –

(a) makes any statement or provides any information or document to a relevant officer, when acting in the exercise of his or her functions under this Part,

(b) otherwise than as mentioned in paragraph (a) makes any statement or provides any information or document to a relevant officer in circumstances in which he or she knows or could reasonably be expected to know that the statement, information or document would or might be used by a relevant officer for the purpose of exercising his or her functions under this Part,

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

that officer or person for the purpose of exercising his or her functions under Schedule 1 or Schedule 2 (as the case may be), or

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

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

Interpretation of this Part; general.

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

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

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

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

"**hospital**" means –

(a) any hospital regulated or operated by the States Committee for Health & Social Care (including, for the

avoidance of doubt, Le Mignot Memorial Hospital in Alderney), or

(b) the Sark Medical Centre,

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

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

"**PPACE**" means the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003[d],

"**relevant officer**" means a police officer, the MOH, and any other person or category of person authorised by the Chief Officer of Customs and Excise to exercise functions under regulation 7(2),

"**responsible adult**" means, in relation to a child, a person with parental responsibility for the child, within the meaning of the Children (Guernsey and Alderney) Law, 2008, the Children (Sark) Law, 2016, or the Child Protection (Sark) Law, 2020 as the case may be, or a person who has the care or charge of the child for the time being,

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d Order in Council No. XIV of 2009; amended by Order in Council No. XVI of 2009; No. XV of 2011; Ordinance No. XXXIII of 2003; No. XXIX of 2011; No. XXXIX of 2015; No. IX of 2016; and No. XXVI of 2018.

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

"**restriction**" means a restriction imposed under this Part,

"**Royal Court**" means the Royal Court sitting as an Ordinary Court, which shall be constituted by the Bailiff sitting alone,

"**screening requirements**" means the requirements set out in regulation 10(1), and

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

(a) a passport,

(b) an identity card, or

(c) a ticket or other document that permits a person to make a journey, including such a ticket or document that is in wholly electronic form.

(2) In this Part, a reference to infection or contamination, however expressed, is a reference to infection or contamination with coronavirus, and related expressions are to be construed accordingly.

Meaning of "Blue Arrival" and related terms.

19. (1) In these Regulations, a "**Blue Arrival**" means a person (other

than a child) who has arrived in the Bailiwick after spending all of the period of 14 days immediately before his or her arrival in a Blue List Country, and who has a full vaccination history.

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

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

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

(a) (subject to any direction made under paragraph (5)) P has received a full course of a UK certified vaccine administered in –

(i) a Blue List Country,

(ii) a Member State of the European Union,

(iii) a member State of the European Free Trade Association,

(iv) Andorra, Monaco, San Marino or Vatican City, or

(v) a British overseas territory, and

(b) in the case of –

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

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

and in any case where a question is raised as to whether a person has a full vaccination history for the purposes of these Regulations, the determination of an officer appointed by the Authority for this purpose (an "**appointed officer**") shall, subject an appeal being made to the Royal Court under regulation 14(1)(b), be final.

(5) The Authority may, by way of a direction published on the States of Guernsey website, provide that specified categories of person who would have a full vaccination history were it not for the fact that –

(a) the vaccine was administered in a specified jurisdiction not falling within paragraph (4)(a), or

(b) the first dose of the vaccine was administered in a different jurisdiction from the second dose (including, but not limited to, specified jurisdictions not falling within paragraph (4)(a)),

shall be treated as having a full vaccination history for the purposes of these Regulations.

(6) The Authority may amend or revoke a direction made under paragraph (5) by publication on the relevant States of Guernsey website, and such an amendment or revocation shall have effect from such time as the Authority may specify.

(7) For the purposes of paragraph (4) –

(a) a "**UK certified vaccine**" means a vaccine against coronavirus the use of which is authorised by –

(i) the European Medicines Agency,

(ii) the Medicines and Healthcare products Regulatory Agency of the United Kingdom (or the Secretary of State), or

(iii) Swissmedic (the national authorisation and supervisory authority for drugs and medical products for Switzerland),

either by way of a marketing authorisation or

otherwise, and

(b) the "**European Free Trade Association**" means the European Free Trade Association established by the Convention thereon signed in Stockholm on 4th January, 1960.

Blue Arrivals: post-arrival testing requirements.

20. (1) A Blue Arrival (P) must comply with the post-arrival testing requirements.

(2) Subject to paragraph (3), the post-arrival testing requirements are that –

(a) before P's arrival in the Bailiwick, P has paid such fee not exceeding £40 as the Authority may specify by publication on the States of Guernsey website in respect of equipment for lateral flow tests for COVID-19 to be provided to Blue Arrivals on arrival in the Bailiwick by a relevant officer under, and for the purposes of, this regulation,

(b) after P's arrival in the Bailiwick, P must take a test for COVID-19 using the equipment provided under subparagraph (a) –

(i) on the day of P's arrival,

(ii) three days after P's date of arrival,

(iii) five days after P's date of arrival,

(iv) seven days after P's date of arrival, and

(v) nine days after P's date of arrival,

(together, the "**required post-arrival tests**"), and

(c) if the result of any of the required post-arrival tests is positive, P must immediately notify the MOH thereof, and comply with all restrictions and requirements imposed on P by the MOH, including, but not limited to, a requirement to self-isolate.

(3) A Blue Arrival who fails, without reasonable excuse –

(a) to take one or more of the required post-arrival tests, in accordance with paragraph (2)(b),

(b) immediately to notify the MOH of a positive result of one or more of the required post-arrival tests, or

(c) to comply with all restrictions and requirements imposed on him or her by the MOH under paragraph (2)(c) in the circumstances set out therein,

commits an offence.

(4) A person guilty of an offence under paragraph (3)(a) or (b) is

liable on conviction to a fine not exceeding level 5 on the uniform scale, to imprisonment for a term not exceeding 3 months, or both.

(5) A person guilty of an offence under paragraph (3)(c) of failing, without reasonable excuse, to comply with a requirement to self-isolate is liable on conviction to a fine not exceeding level 5 on the uniform scale, to imprisonment for a term not exceeding 3 months, or both.

(6) A person guilty of any other offence under paragraph (3)(c) is liable on conviction to a fine not exceeding level 3 on the uniform scale.

Definition of "self-isolate".

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

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

(a) the terms of the direction, or

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

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

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

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

PART II

MISCELLANEOUS AND FINAL

Modification of legislation relating to mental health.

22. Schedule 3 modifies the Mental Health Review Tribunal Procedure Rules, 2012[e], which modifications shall have effect for the period of validity of these Regulations.

Population Management Law: Employment Permits.

23. (1) The holder of an Employment Permit may, during the period of validity of that Permit –

(a) be resident without being employed,

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

(b) be employed by an employer other than the employer or category of employer specified in the Permit, and

(c) be employed by the employer or category of employer specified in the Permit on a part-time basis.

(2) Without prejudice to the generality of paragraph (1), the holder of an Open Market Employment Permit may, during the period of validity of that Permit, be accommodated at a dwelling or property other than –

(a) the dwelling specified on the face of the Permit, or

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

as the case may be.

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

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

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

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

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

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

(6) In this regulation –

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

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

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

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

"**the Population Management Law**" means the Population Management (Guernsey) Law, 2016[f].

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

Court of Appeal.

24. (1) Section 7 (Venue) of the Court of Appeal (Guernsey) Law, 1961[g] is disapplied.

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

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

Offences by legal persons and unincorporated bodies.

25. (1) Where a legal person is guilty of an offence under these Regulations, and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –

(a) any director, manager, secretary or other similar officer, or any foundation official, of the legal person, or

(b) any person purporting to act in any such capacity,

he or she as well as the legal person is guilty of the offence and may be proceeded against and punished accordingly.

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

(2) Where the affairs of a legal person are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director.

(3) Where an offence under these Regulations is committed by an unincorporated body and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –

(a) in the case of a partnership, any partner,

(b) in the case of any other unincorporated body, any officer of that body who is bound to fulfil any duty whereof the offence is a breach or, if there is no such officer, any member of the committee or other similar governing body, or

(c) any person purporting to act in any capacity described in subparagraph (a) or (b),

that person as well as the unincorporated body is guilty of the offence and may be proceeded against and punished accordingly.

(4) Where an offence under these Regulations is alleged to have been committed by an unincorporated body, proceedings for the offence must be brought in the name of that body and not in the name of any of its members.

(5) A fine imposed on an unincorporated body on its conviction of an offence under these Regulations must be paid from the funds of that body.

Revocation and savings.

26. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 9) Regulations, 2021[h], the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 9) (Amendment) Regulations, 2021[i] and the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 9) (Amendment) (No. 2) Regulations, 2021[j] are revoked.

(2) Anything done under or for the purposes of regulations revoked under paragraph (1) ("**the revoked regulations**") before the commencement of these Regulations shall, to the extent that the same is required or authorised to be done under or for the purposes of these Regulations, have effect as if done under or for the purposes of the equivalent provision of these Regulations; and for the avoidance of doubt, the revocation of the revoked regulations does not affect any restriction, requirement, condition, prohibition, or penalty, imposed thereunder.

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

(4) Any reference howsoever expressed in any enactment or subordinate legislation to a revoked regulation which is re-enacted (with or without modification) by or under these Regulations shall (unless the contrary intention

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h G.S.I. No. 93 of 2021.

i G.S.I. No. 91 of 2021.

j G.S.I. No. 95 of 2021.

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

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

Interpretation.

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

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

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

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

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

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

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

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

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

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

Citation.

28. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 10) Regulations, 2021.

Extent.

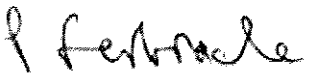
29. (1) Subject to paragraph (2), these Regulations shall have effect throughout the Bailiwick.

(2) Regulation 23 (Population Management Law: Employment Permits) shall have effect in the Island of Guernsey.

Commencement.

30. These Regulations shall come into force on 8th September, 2021.

Dated this 7th day of September, 2021



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

SCHEDULE 1 Regulation 4

CRITICAL WORKERS

Introductory.

1. (1) This Schedule provides for the granting of exemptions from –

(a) the requirement to self-isolate at regulation 5(1) and 5(3), and

(b) a requirement to self-isolate imposed under regulation 8(1),

in respect of Critical Workers, within the meaning of that term in this Schedule and only to the extent set out in this Schedule, and such an exemption is referred to in this Schedule as a "**Critical Worker Exemption**".

(2) Subject to paragraph 2, for the purposes of this Schedule, a Critical Worker means a person whose presence in the Bailiwick is required to keep a critical service running, as further provided for in paragraph 3.

(3) A Critical Worker Exemption may only be granted to a person in respect of whom an application under and in accordance with this Schedule has been made to an officer authorised by the Authority to determine applications under this Schedule (a "**determining officer**").

(4) Other than in exceptional circumstances to be assessed at the absolute discretion of the determining officer determining the application, a Critical

Worker Exemption will not be granted to a person requiring to stay within the Bailiwick for a period greater than eight weeks, and this Schedule shall be construed accordingly.

(5) A person in respect of whom a Critical Worker Exemption has been granted does not have to self-isolate in accordance with the requirement at regulation 5(1) and 5(3) or a requirement imposed under regulation 8(1) but only if that person complies with the conditions that apply to him or her.

(6) If a person in respect of whom a Critical Worker Exemption has been granted fails to comply with the conditions which apply to him or her in respect of the Critical Worker Exemption, the Critical Worker Exemption shall lapse as it applies to that person, and he or she may be liable to prosecution under the Regulations.

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

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

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

(b) if the Critical Worker Exemption were not granted , the damage (if any) that would be suffered by –

(i) the business by or on behalf of which the application has been made, and any other potentially affected business based in the Bailiwick, and

(ii) the economy of the Bailiwick or any part or sector thereof.

Existential risk to a Bailiwick business.

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

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

(3) The condition in this subparagraph is that –

(a) the application has been made by or on behalf of a business based in the Bailiwick that operates transport links into and out of the Bailiwick ("**the applicant business**"),

(b) the application is in respect of a particular journey or journeys into or out of the Bailiwick, to be undertaken

for a commercial, or primarily commercial, purpose, and

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

Categories of Critical Worker

Categories of Critical Worker.

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

(a) satisfies the definition of Critical Worker in paragraph 1(2), and

(b) falls into one of the following categories (subject to the additional eligibility conditions in respect of business stability and recovery, and technical specialist contractors, specified in paragraphs 4 and 5) –

BUSINESS CATEGORY	INDIVIDUALS
Air and Sea Links	Those individuals directly involved in maintaining the Islands' air and sea links.
Critical National Infrastructure	Those individuals directly involved in maintaining and protecting the Islands' critical national infrastructure.1
Frontline Health and Care	Those individuals providing, or directly facilitating,

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

Categories of Critical Workers: business stability and recovery.

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

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

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

(ii) P would fill a designated role, or undertake a designated set of tasks, that would be

completed during a fixed term and would be time-critical, and

(b) only if any of the following conditions would be satisfied if a Critical Worker Exemption were not granted in respect of P –

(i) a business would not be able to continue in operation, or

(ii) a business' continuity plan would be undermined in a way that meant it could not comply with regulatory, health and safety or other essential statutory standards, and that this would mean it could not continue to operate some critical functions fully, or

(c) a business would be unable to resume a project or commercial contract that would either (a) prevent the return to employment of on-island works, or (b) lead to the curtailing of employment for current on-island workers.

Categories of Critical Workers: technical specialist contractors.

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

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

(b) performs a role that is critical to the progression of the project,

(c) has relevant formal professional qualifications to undertake their role, and

(d) has health insurance which covers COVID-19 related matters.

Risk mitigation conditions: general and sector-specific

Risk mitigation conditions: general.

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

(a) not travel to the Bailiwick if they have any symptoms of COVID-19, no matter how mild,

(b) self-isolate as directed by the MOH,

(c) undertake tests for COVID-19 as directed by MOH. If the result of any test is positive, the applicant must self-isolate in accordance with instructions from the MOH and comply with all other restrictions and requirements imposed by the MOH,

(d) not attend the place of work if he or she has any symptoms of COVID-19, no matter how mild,

(e) stop working immediately and withdraw from the workplace if any symptoms of COVID-19, no matter how mild, develop whilst working and arrange for testing for COVID-19,

(f) adhere to good standards of hygiene and respiratory etiquette,

(g) wear a face covering, that complies with any guidance in respect of face coverings issued by MOH, within two metres of other people,

(h) if staying overnight, have a confirmed address at which they are staying,

(i) use only pre-arranged transport where the details of the driver are fully recorded or a hire car to move between the workplace and their place of residence,

(j) remain on-island for the duration of their work, and

(k) comply with any method statement agreed with or imposed by the MOH, or other direction given or requirement imposed by the MOH.

(2) Further specific conditions may be imposed in particular

cases.

Additional risk mitigation conditions: business stability and recovery.

7. (1) The conditions in this paragraph apply to a person falling into the business stability and recovery category of Critical Workers.

(2) For the avoidance of doubt, when these conditions apply they apply in addition to the general risk mitigation conditions set out in paragraph 6.

(3) The conditions in this paragraph are that the Critical Worker's business must –

(a) provide a method statement of how it will meet social distancing and hygiene standards, and

(b) meet the cost of any testing undertaken and any associated medical treatment that is required, including hospital treatment for COVID-19.

Additional risk mitigation conditions: technical specialist contractors in the construction sector.

8. (1) The conditions in this paragraph apply to the following subcategory of persons falling into the technical specialist contractor category of Critical Workers (and referred to in the table at subparagraph (3) as "**workers**"): specialist technical consultants required in situ on-island to support projects considered necessary to support business recovery work in the construction sector, where there is a clear requirement to augment on-island capacity and capability for a designated period.

(2) For the avoidance of doubt, when these conditions apply they apply in addition to the general risk mitigation conditions set out in paragraph 6.

(3) The conditions in this paragraph are those set out in the following table –

Movement on-island	Any worker who is not resident in the Bailiwick may only travel between their place of work and a specified place of residence. The worker must be able to self-isolate at the specified place of residence when not at work.
Site precautions	During works the site must be zoned, i.e. the areas of work must be isolated using fencing and barriers, with a separate vehicular entrance for the worker. The name of a designated contact person for the site must be provided to the States of Guernsey. All elements of work must be an outside activity and a distance of over 10 metres from all other persons must be maintained at all times. Dedicated toilet and hand washing facilities must be provided to each of the work areas for the sole use of workers. Spray disinfectant must be supplied for use on handles for before and after each use. Running water and hand washing points must be located in each of the work areas. Hand sanitiser must be provided to be used regularly throughout the day.
Accommodation	Workers on a single project must stay in one hotel or set of self-catering units.

	Food must be supplied either via the hotel as cooked meals or groceries delivered to the door of the self-catering unit. The cooked food must be supplied on a 'closed tray' system. Collection of the used plates will be at pre-arranged times. Towelling and bedding must be left outside self-catering units if used in a sealed bag to all direct loading into a washing machine. At the end of the self-isolation period a specialist cleaner must be employed to complete a deep clean using a ULV Microbial fogging method.
Health requirements	No-one in the worker's household has, nor has had during the previous 14 days, any of the symptoms of COVID-19. Workers must undertake testing at an accredited testing centre 72 hours prior to travel. Workers must undertake a test for COVID-19 on the 5th day and the 13th day after arrival in the Bailiwick, or on such other days as the MOH may require. The business meets the cost of all testing in Guernsey.

Applications and reviews

Application process.

9. An applicant for a Critical Worker Exemption must make an application in such form and providing such information as may from time to time be required, both generally by the Authority by publication on the States of Guernsey website, and by a determining officer in the applicant's particular case including (but not limited to) information sufficient to allow a determination to be made as to whether –

(a) the person named in the application meets the definition of a Critical Worker as set out in this Schedule,

(b) the resource the applicant represents is not already available in the Bailiwick, and

(c) the person named in the application does not have, and has not had during the previous 14 days, any of the symptoms of COVID-19, however mild.

Amendment, revocation and review.

10. A determining officer may amend a Critical Worker Exemption on a request being made by the holder, or on the officer's own volition.

11. An officer authorised by the Authority to review the determination of applications under this Schedule (a "**reviewing officer**") may revoke a Critical Worker Exemption if he or he is satisfied that –

(a) it was granted in error,

(b) any false, deceptive or misleading statement was made, or information or document provided or furnished, by the applicant in the course of his or her application, or

(c) any condition of it has been contravened.

12. (1) An applicant for a Critical Worker Exemption who is

aggrieved by a decision to refuse the application, to grant the application subject to the imposition of further specific conditions under paragraph 6(2), and a holder of a Critical Worker Exemption who is aggrieved by a decision to amend it under paragraph 10 or to revoke it under paragraph 11, may make written representations to an officer authorised by the Authority to review the determination of applications under this Schedule (a "**reviewing officer**") concerning the outcome of his her application within 14 days of being notified of that decision, by emailing those representations to critical.travel@gov.gg.

(2) If a person exercises his or her right under subparagraph (1), the reviewing officer must consider those representations and shall –

(a) uphold the decision of the determining officer, or

(b) make a different decision (including the imposition of different, or no, specific conditions),

and must, within 14 days of receipt of the applicant's written representations, inform the applicant in writing of –

(i) his or her decision,

(ii) the reasons for that decision, and

(iii) if the decision is to impose different specific conditions, the applicant's right to appeal to the Royal Court under regulation 14.

SCHEDULE 2 Regulation 5(1)

COUNTRY CATEGORIES

Introductory.

1. (1) This Schedule provides for an exception to the requirement to self-isolate on arrival in the Bailiwick set out in regulation 5(1) –

(a) in respect only of persons who have been assessed to be eligible for, and have elected to take part in, the reduced self-isolation option, within the meaning of that term in this Schedule, and

(b) to the extent only set out in this Schedule.

(2) A person who is assessed to be eligible for, and has elected to take part in, the reduced self-isolation option is referred to herein as a "Relevant Person".

(3) If a Relevant Person fails to comply with any of the conditions and restrictions which apply to him or her in respect of the reduced self-isolation option, the reduced self-isolation option shall cease to apply to that person, and he or she may be liable to prosecution under these Regulations.

(4) Under regulation 16(2), the employer of a Relevant Person may be liable to prosecution if the Relevant Person fails to comply with any of the conditions and restrictions which apply to him or her in respect of the reduced self-isolation option.

(5) Failure without reasonable excuse to comply with the requirement to self-isolate under regulation 5(1) (as it has effect under this Schedule) is an offence under regulation 16(2), and this Schedule shall be construed accordingly.

(6) In this Schedule, "**the 14 day period**" in respect of a person means the period of 14 days starting from the day of that person's arrival in the Bailiwick.

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

Eligibility.

2. (1) Subject to paragraph 4, to be eligible to take part in the reduced self-isolation option, a person ("**P**") must not have spent any of the period of 14 days immediately before P's arrival in the Bailiwick in a place which is a Category 4 country at the time of P's arrival in the Bailiwick.

(2) For the avoidance of doubt, and subject to paragraph 5 (direct transit), if P has spent any of the previous 14 days (or any part thereof) in a place that is, at the relevant time, a Category 4 country, P will not be eligible to take part in the reduced self-isolation option – even if that place was not specified as a Category 4 country when the person was in it.

(3) For the avoidance of doubt –

(a) a person not wishing to take part in the reduced self-isolation option or assessed to be ineligible to do so

must self-isolate pursuant to, and in accordance with, the requirement imposed by regulation 5(1), and

(b) a person who –

(i) elects to take part in the reduced self-isolation option, and

(ii) subsequently decides that he or she does not wish to take a test for COVID-19,

will not be required to undertake that test, but he or she will be required to self-isolate pursuant to, and in accordance with, the requirement imposed by regulation 5(1);

and references (however expressed) in paragraphs 3 and 4 to a Relevant Person being required, or not being required, to take a test for COVID-19, shall be construed accordingly.

(4) In this paragraph and paragraphs 3 and 4, "**the relevant time**" means when P provides the information as to his or her travel history (which may be 48 hours before travel) or, if the information is not provided before, on P's arrival in the Bailiwick.

Category 3 country arrivals.

3. (1) A Relevant Person who has spent any time in the period of 14 days immediately before his or her arrival in the Bailiwick in a place that is a Category 3 country at the relevant time (and who has not spent any time in that

period in a Category 4 country) will be required to take a test for COVID-19 directly on arrival in the Bailiwick (in this Schedule, a "**day of arrival test**").

(2) If the result of that day of arrival test is positive, the Relevant Person must continue to self-isolate in accordance with instructions from the MOH and to comply with all other restrictions and requirements imposed on him or her by the MOH.

(3) If the result of that day of arrival test is negative, the Relevant Person must continue to self-isolate, and will be required to take another test for COVID-19 seven days after his or her date of arrival (or at such other time as the MOH may direct) (in this Schedule, a "**Day 7 test**").

(4) If the result of that Day 7 test is positive, the Relevant Person must continue to self-isolate in accordance with instructions from the MOH, and comply with all other restrictions and requirements imposed on him or her by the MOH.

(5) If the result of that Day 7 test is negative, the Relevant Person will not be required to self-isolate for the remainder of the 14 day period, subject to him or her complying with the conditions and restrictions specified in paragraph 8 (Conditions and restrictions: Passive Follow-Up) during that period.

Category 2 country arrivals.

4. (1) A Relevant Person –

(a) who has spent any of the period of 14 days immediately before his or her arrival in the Bailiwick in a place that is a Category 2 country at the relevant time

(and who has not spent any time in that period in a Category 4 country or a Category 3 country), or

(b) who –

(i) has a full vaccination history within the meaning of regulation 19, but

(ii) is not a Blue Arrival within the meaning of regulation 19, and

(iii) has not spent any of the period of 14 days immediately before his or her arrival in the Bailiwick in a place that is a Category 4 country at the relevant time and specified for this purpose by the Authority by publication on the States of Guernsey website,

will be required to take a day of arrival test.

(2) If the result of that day of arrival test is positive, the Relevant Person must continue to self-isolate in accordance with instructions from the MOH and to comply with all other restrictions and requirements imposed on him or her by the MOH.

(3) If the result of that day of arrival test is negative, the Relevant Person will not be required to self-isolate, subject to him or her complying with the conditions and restrictions specified in paragraph 8 (Conditions and restrictions: Passive Follow-Up), but he or she will be required to take a Day 7 test.

(4) If the result of that Day 7 test is positive, the Relevant Person must self-isolate in accordance with instructions from the MOH, and comply with all other restrictions and requirements imposed on him or her by the MOH.

(5) If the result of that Day 7 test is negative, the Relevant Person will not be required to self-isolate for the remainder of the 14 day period, subject to him or her continuing to comply with the conditions and restrictions specified in paragraph 8 (Conditions and restrictions: Passive Follow-Up) during that period.

Direct Transit.

5. (1) Subject to a specification made by the Authority under subparagraph (5), direct transit –

(a) in a private vehicle or private vessel, or

(b) in public transport,

through a Category 4 or Category 3 country is not spending time in that Category 4 country or Category 3 country (as the case may be) for the purposes of this Schedule.

(2) In this paragraph –

(a) a "**private vehicle**" includes a taxi,

(b) references to a private vehicle or private vessel stopping are to such a vehicle or vessel stopping in circumstances where one or more persons alight from, or get into, the vehicle or vessel, and

(c) references to a Category 4 or Category 3 country include its internal waters, and the territorial waters adjacent thereto.

(3) In this paragraph, "**direct transit in a private vehicle or private vessel**" means –

(a) travel in a private vehicle or private vessel that does not stop at all in the Category 4 country or Category 3 country, or

(b) travel in a private vehicle or private vessel that only stops in the Category 4 country or Category 3 country (as the case may be) in circumstances where –

(i) no new people get into the vehicle or vessel, and

(ii) no-one in the vehicle or vessel gets out, comes within two metres of any other person (other than another occupant of the vehicle or vessel), and then gets back in again.

(4) In this paragraph, "**direct transit in public transport**" means travel on any form of public transport that does not stop at all in the Category 4 country or Category 3 country (as the case may be).

(5) The Authority may, by publication on the States of Guernsey

website, specify Category 4 countries to which subparagraph (1) does not apply; and consequently, direct transit (within the meaning of this paragraph) through a Category 4 country so specified by the Authority is spending time in that Category 4 country for the purposes of this Schedule.

(6) The Authority may amend or revoke a specification made under subparagraph (5) by publication on the relevant States of Guernsey website, and such an amendment or revocation shall have effect from such time as the Authority may specify.

Children.

6. (1) Subject to advice and any contrary direction from the MOH in particular cases, and to the provisions of this paragraph, a child may take part in the reduced self-isolation option.

(2) Where a child takes part in the reduced self-isolation option, the person with parental responsibility for the child or who has the care or charge of the child for the time being (the child's "**responsible adult**") is responsible for ensuring that the child complies with the restrictions and conditions set out herein so far as he or she is reasonably able to do so; and a person who fails so to ensure may be liable to prosecution under the Regulations.

(3) For the avoidance of doubt, a child's responsible adult must, in respect of that child –

(a) provide the information required under paragraph 7(2),

(b) so far as reasonably practicable, keep the record of people referred to at paragraph 8(9), and

(c) ensure the child does not return to school in accordance with paragraph 8(11), where that restriction applies.

Conditions and restrictions: general, and offences.

7. (1) A Relevant Person must self-isolate pursuant to, and in accordance with, the requirement imposed by regulation 5(1) unless and until that requirement to self-isolate is lifted in accordance with the provisions of paragraphs 3 and 4 above; and so a Relevant Person who fails to undergo a day of arrival test, or (in the case of a Relevant Person who has arrived from a Category 3 country) a Day 7 test, must self-isolate in accordance with that regulation.

(2) A Relevant Person must provide such information to officers from the MOH, the Guernsey Border Agency and Guernsey Police, and to any other persons authorised in this behalf by the Chief Officer of Customs & Excise, as those officers and persons may require in connection with the operation and enforcement of the reduced self-isolation option, and must comply with any other direction from those officers in that connection.

(3) For the avoidance of doubt, failure to comply, without reasonable excuse, with the requirement to self-isolate set out in subparagraph (1) is a criminal offence under regulation 16(2).

(4) Failure to comply, without reasonable excuse, with any of the conditions and restrictions set out in –

(a) in subparagraph (2), or

(b) paragraphs 8(2) to (12),

is an offence, punishable by a fine not exceeding level 5 on the uniform scale.

Conditions and restrictions: Passive Follow-Up.

8. (1) Where the requirement to self-isolate has been lifted in relation to a Relevant Person following a negative Day 7 test under and in accordance with paragraph 3 or following a negative day of arrival test under and in accordance with paragraph 4 (as the case may be), that Relevant Person must comply with each of the following restrictions during the remainder of the 14 day period.

(2) The Relevant Person must at all times be vigilant for symptoms, however mild, of COVID-19, must report any such symptoms immediately to the MOH, and must comply with any instructions given by the MOH thereafter (which may, for the avoidance of doubt, include an immediate resumption of self-isolation).

(3) Subject to subparagraph (4), the Relevant Person must not enter a nursing, care or residential home without the prior agreement of the manager of the home, received after having informed the manager of the home of his or her status as being subject to these restrictions.

(4) If the Relevant Person is a worker at a nursing, care or residential home and the manager of the home agrees, the Relevant Person may enter that home to work, but such work may be carried out only in accordance with a method statement that has been agreed with the MOH.

(5) Subject to subparagraphs (6) and (7), the Relevant Person must not, other than in an emergency, enter the Princess Elizabeth Hospital, and in an emergency must give prior notification of his or her status as being subject to these restrictions before entering the Princess Elizabeth Hospital, if reasonably practicable in all the circumstances.

(6) The Relevant Person may enter the Princess Elizabeth Hospital to visit a patient who is seriously ill if the management of the hospital agrees, but such a visit may be undertaken only in accordance with a method statement that has been agreed with the management of the Hospital and the MOH.

(7) If the Relevant Person is a worker at the Princess Elizabeth Hospital and his or her line manager agrees, the Relevant Person may enter the hospital to work, but such work may be undertaken only in accordance with a method statement that has been agreed with the MOH.

(8) The Relevant Person must inform any other healthcare provider of his or her status as being subject to these restrictions when making any appointment for care.

(9) The Relevant Person must, so far as reasonably practicable, keep a record of people met and places visited (to assist with contact tracing if necessary).

(10) If the Relevant Person works at a school or college or otherwise works with or cares for children as part of his or her work, he or she must not return to that work unless he or she has received a negative test result for COVID-19 within the previous 48 hours.

(11) If the Relevant Person is a child or otherwise in full-time or part-time education, he or she must not return to school or college unless he or she has received a negative test result for COVID-19 within the previous 48 hours.

(12) The Relevant Person must comply with any additional conditions and restrictions imposed from time to time by the MOH.

SCHEDULE 3 Regulation 22

MODIFICATION OF LEGISLATION RELATING TO MENTAL HEALTH

Interpretation.

1. References in this Schedule to –

(a) sections are to sections of the Mental Health (Bailiwick of Guernsey) Law, 2010 ("**the 2010 Law**"), and

(b) rules are to rules of the Mental Health Review Tribunal Procedure Rules, 2012 ("**the 2012 Rules**").

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

Forms.

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

(a) may, in connection with that modification, be used with appropriate amendments, and

(b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect that modification.

Modification of the 2012 Rules.

4. For the purposes of any hearing subject to the 2012 Rules –

(a) the Tribunal is deemed to be properly constituted by the members of the Tribunal sitting within or without the Bailiwick, or a combination thereof,

(b) where the legally qualified member is of the opinion that it is not reasonably practicable or would involve unreasonable delay for one, or both, of the other members of the Tribunal to participate in the hearing, the Tribunal is deemed to be properly constituted by the legally qualified member –

(i) sitting with the other member able to participate, or

(ii) sitting alone,

(as the case may be),

(c) notwithstanding subparagraph (b), where, after hearing from the patient's legal representative or the patient (if unrepresented), the legally qualified member is of the opinion that it is in the patient's interests that the hearing takes place before a single member of the Tribunal (including, but not limited to, where the patient's mental disorder might be adversely affected by the participation of multiple members of

the Tribunal by telephone), the Tribunal is deemed to be properly constituted by the legally qualified member sitting alone, and that member may consult with the other members of the Tribunal where it is in the interests of justice to do so, and

(d) for the avoidance of doubt, the Tribunal may exercise any or all of its powers under the 2010 Law where it is constituted in accordance with this paragraph.

5. Any hearing which takes place in accordance with paragraph 4 shall be deemed for all purposes (including that of determining the *lex fori*) to have taken place in Guernsey and the courts of Guernsey accordingly have jurisdiction in accordance with Part VI of the Law, and sections 46 and 47 have effect accordingly.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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

These Regulations will come into force on the 8th September, 2021 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

Part I - screening, assessment and powers to detain etc.

This Part places a requirement to self-isolate on persons arriving in the Bailiwick, enables the Medical Officer of Health to place restrictions and requirements on other persons who are or who may be infected with coronavirus, and makes provision in respect of related matters, including powers for the Medical Officer of Health to impose screening requirements, to detain people and to require people to self-isolate. The provisions also create criminal offences and confer powers of enforcement on police officers, and provide for appeals against requirements or restrictions imposed under this Part by the Medical Officer of Health (as well as in respect of determinations concerning vaccination status and decisions in respect of specific conditions imposed on Critical Workers) to be made to the Royal Court.

Regulation 4 gives effect to Schedule 1, which makes provision in respect of Critical Workers. A person who has been granted a Critical Worker Exemption will have to self-isolate in accordance with, and otherwise comply with, the provisions of Schedule 1.

Schedule 2 to these regulations, which is given effect by regulation 5, provides for shorter periods of self-isolation to be undertaken by persons who arrive from a place specified as a Category 2 country or a Category 3 country on the States of Guernsey website, and who elect to comply with the restrictions and requirements set out

therein.

This Part also provides for "Blue Arrivals" – that is, persons arriving in the Bailiwick at least two weeks after having received their second dose of COVID-19 vaccine administered in the Bailiwick or elsewhere in the Common Travel Area (CTA), the EU, a European Free Trade Association member state, certain European micro-states or a British overseas territory, and after having spent all of the previous 14 days within the CTA – to be free from self-isolation on arrival, and makes provision in respect of children travelling with Blue Arrivals. It also provides for the Authority to provide (by direction published on the States of Guernsey website) for specified categories of person who have had the a vaccine administered other than as set out above to have a full vaccination history for the purposes of Blue Arrival status under the regulations, and for the Category 2 country reduced self-isolation option to be available to persons with a full vaccination history within the meaning of the regulations who have not spent time in specified high-risk countries and regions during the 14 days preceding their arrival in the Bailiwick.

This Part also imposes a requirement for Blue Arrivals to take self-administered lateral flow tests for COVID-19 provided to them on arrival, to report any positive test results to Public Health, and to comply with any direction given to them on so doing. It makes a failure (without reasonable excuse) to comply with these requirements a criminal offence. The Regulations also impose a requirement to pay a fee for the provided tests before travel.

Finally, this Part also provides that a person of 12 years or over who chooses not to take both a day of arrival test for COVID-19 and a test on day 13 after arrival will have to self-isolate for 14 days; otherwise, a person who does undergo those tests is required to self-isolate until receipt of a negative result for the day 13 test. Under this Part, a child of between 5 and 11 years who has not travelled with a Blue Arrival (and who is not a Category 2 or Category 3 arrival under and in accordance with Schedule 2) has to self-isolate for 14 days after arrival. There is no requirement for a child under the age of 5 arriving in the Bailiwick to self-isolate.

Part II – miscellaneous and final

Schedule 3 to these Regulations, which is given effect by regulation 22, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraphs 4 and 5 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal may properly be constituted according to specified criteria.

Regulation 23 provides for the deemed variance of Long Term Employment Permits, Medium Term Employment Permits and Short Term Employment Permits, to allow

the holder to be resident without being employed and to be employed by a different employer from that specified in the Permit; and for the modification of the Population Management (Guernsey) Law, 2016 and other legislation to the extent necessary to give effect to this.