

**The Emergency Powers (Coronavirus)**  
**(General Provision) (Bailiwick of Guernsey) (No. 5)**  
**(Amendment) Regulations, 2020 No. 74**

<i>Made</i>	13 <sup>th</sup> August, 2020
<i>Coming into operation</i>	17 <sup>th</sup> August, 2020
<i>Laid before the States</i>	, 2020

**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<sup>a</sup>;

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

**AND WHEREAS THE** Civil Contingencies Authority ("**the Authority**") (having consulted the Medical Officer of Health in respect of the risk to public health created thereby and by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and in respect of the 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

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

the purpose of preventing, controlling or mitigating the emergency referred to above;

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

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

**Amendment of the (No.5) Regulations.**

1. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2020<sup>c</sup> are amended as follows.

(2) In regulation 3, after paragraph (3) insert –

"(3A) On arrival in the Bailiwick from any place outside the Bailiwick, if required a person must –

(a) answer any question put to him or her by a relevant officer relating to his or her travel

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

<sup>c</sup> G.S.I. No. 72 of 2020.

during the 7 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, and

(c) answer any question put to him or her by a relevant officer relating to that travel document."

(3) In regulation 3, after paragraph (8) insert –

"(8A) Without prejudice to the generality of paragraphs (6) and (8), in any case where the Authority varies, under paragraph (6)(b), the requirement to self-isolate under paragraph (3), failure without reasonable excuse to comply with a condition or restriction set out in, and applicable to, that variation of the requirement is an offence if the condition in paragraph (8B) is met.

(8B) The condition referred to in paragraph (8A) is that the variation of the relevant requirement as published on the relevant States of Guernsey website provides (however expressed) that failure without reasonable excuse to comply with the specified condition or restriction is an offence under this regulation."

(4) In regulation 11 –

- (a) in paragraph (1)(a) after "restriction" insert ", condition", and after "3(1)," insert "3(3A), 3(8A)", and
- (b) in paragraph (2), at the end insert "(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, imposed by a variation of the requirement under regulation 3(3), or of a requirement under 3(4) -
  - (a) by the MOH in relation to a particular case, or
  - (b) by the Authority in relation to one or more categories of case, or in relation to all cases)".

(5) After regulation 11, insert –

**"False or misleading information.**

- 11A. (1) If a person to whom paragraph (2) applies –
- (a) makes a statement which he or she knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,
  - (b) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,

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

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

(6) In regulation 12(1), in the definition of "infected area" after "specified" insert "by the MOH", and in the appropriate place insert –

""**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 3(3A),"

""**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."

**Citation.**


2. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) (Amendment)

Regulations, 2020.

**Commencement.**

3. These Regulations shall come into force on 17<sup>th</sup> August, 2020.

Dated this 13<sup>th</sup> day of August, 2020

A handwritten signature in black ink, appearing to read 'L.S. Trott', written in a cursive style.

L.S. TROTT  
Chairman of the Civil Contingencies Authority  
For and on behalf of the Authority

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## EXPLANATORY NOTE

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

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

These Regulations amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2020. They provide for persons arriving in the Bailiwick to be required to answer questions relating to their travel history during the previous 7 days, and to provide travel documents for inspection; and make it a criminal offence to provide false or misleading information in answer to questions put by officers in exercise of their functions under the Regulations. They also provide for a variation by the Civil Contingencies Authority of the requirement to self-isolate for 14 days to include provision making it an offence to fail without reasonable excuse to comply with a condition or restriction relating to that variation.

These Regulations will come into force on the 17<sup>th</sup> August, 2020 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law. They were signed by Deputy Trott, the Vice-President of the Policy & Resources Committee, in his capacity as Chairman of the Civil Contingencies Authority in the absence of the President of the Policy & Resources Committee, in accordance with paragraph 4 of Schedule 1 to the Law.