

GUERNSEY STATUTORY INSTRUMENT

2020 No.

**The Emergency Powers (Coronavirus) (Control of Events,
Gatherings and Meetings) (Bailiwick of Guernsey)
Regulations, 2020**

Made 24th March, 2020

Coming into operation 24th March, 2020

Laid before the States , 2020

WHEREAS there are one or more persons within the Bailiwick who are or 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, 2012¹ ("**the Law**");

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

¹ Order in Council No. XIV of 2012; amended by Ordinance No. IX of 2016; No. II of 2017.

rights within the meaning of section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000²;

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: -

Power of Committee to give directions: events, gatherings and meetings.

1. (1) The States of Guernsey Committee for Health & Social Care ("the Committee") may, for one or more of the purposes set out in section 14(2) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, issue a direction imposing conditions, prohibitions, requirements or restrictions in relation to the holding of an event, gathering or meeting (whether planned or unplanned and of whatever duration) between or attended by persons from different households.

(2) The Committee must consult the Medical Officer of Health before issuing a direction.

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

(4) A direction may impose conditions, prohibitions, requirements or restrictions on –

² 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; G.S.I. No. 27 of 2006.

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

(5) A direction may, amongst other things, impose requirements about informing persons who may be planning to attend an event, gathering or meeting of its prohibition or any requirements or restrictions imposed in relation to the holding of it.

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

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

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

Procedure, variation and revocation.

2. (1) Where a direction under regulation 1 imposes prohibitions, requirements or restrictions on a person specified by name, the direction –

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

(2) The Committee may vary and revoke a direction, and the power to vary and revoke a direction is without prejudice to the power of the Committee to issue a new direction in respect of the same event or gathering.

(3) Subject to paragraph (1), a direction, and a variation and revocation of a direction, may be given in such form as the Committee thinks fit, including by publication on the States of Guernsey website.

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

Alderney and Sark.

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

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

Enforcement.

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

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

(3) A police officer must take account of any relevant advice issued by the Medical Officer of Health and the Chief Officer of the Island Police Force before exercising the power conferred by paragraph (2).

(4) In exercising the powers conferred by paragraphs (1) and (2), a police officer may -

(a) enter premises (including, for the avoidance of doubt, residential premises) in which the event, gathering or meeting to which the direction relates is taking place or is to take place, and

(b) if necessary, use reasonable force.

Offences.

5. (1) A person commits an offence if he or she without reasonable excuse contravenes a direction issued under regulation 1, or a requirement of a police officer under regulation 4.

(2) A person commits an offence if he or she obstructs a police officer exercising a power conferred by regulation 4.

(3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the Guernsey, Alderney or Sark uniform scale, as the case may be.

Amendment of regulations.

6. (1) The Emergency Powers (Coronavirus) (Control of Premises) (Bailiwick of Guernsey) Regulations, 2020 are amended as follows: in regulation 1, for "Committee for Home Affairs" substitute "Committee for Health & Social Care", and in regulation 6, for the definition of "**premises**" substitute –

""**premises**" includes, but is not limited to, retail premises and other business premises (excluding grocery stores and such other categories of

business premises as the Committee may specify, whether in a direction or otherwise), places of worship, and parks, public gardens and other places of recreation, sport, leisure and entertainment, but does not include premises used solely as residential premises, and".

(2) In paragraph (3) of regulation 10 of the Emergency Powers (Coronavirus) (Bailiwick of Guernsey) Regulations, 2020, each time it appears for "regulation 4" substitute "regulation 3".

Interpretation.

7. In these Regulations –

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

"**premises**" includes land.

Citation and extent.

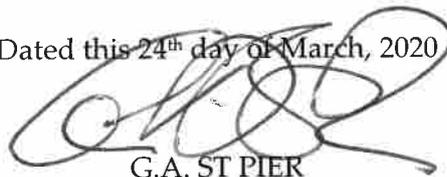
8. (1) These Regulations may be cited as the Emergency Powers (Coronavirus) (Control of Events, Gatherings and Meetings) (Bailiwick of Guernsey) Regulations, 2020.

(2) These Regulations shall have force in the Bailiwick of Guernsey.

Commencement.

9. These Regulations shall come into force on being made.

Dated this 24th day of March, 2020



G.A. ST PIER

Chairman of the Civil Contingencies Authority
For and on behalf of the Authority

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are emergency regulations made by the Civil Contingencies Authority under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 ("**the Law**"). They are made on the occurrence of an emergency, within the meaning of the Law, in the Bailiwick, arising from the urgent need to prevent the spread of the virus Severe Acute Respiratory Syndrome Coronavirus (SARS-CoV-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. They enable the States Committee for Health & Social Care to impose restrictions in relation to events, gatherings and meetings between or attended by persons from different households, for purposes related to controlling the spread of coronavirus. That Committee must consult the Medical Officer of Health before exercising the powers under the regulations, and when exercising powers in relation to premises in Alderney and Sark, the relevant Committees on those islands must be consulted. They also amend the Emergency Powers (Coronavirus) (Control of Premises) (Bailiwick of Guernsey) Regulations, 2020 to make clear that most retail premises (other than grocery shops) and business premises as well as places of worship, parks, public gardens and other places of recreation, sport, leisure and entertainment are within the scope of the direction making powers in those regulations and to transfer the direction making power under those regulations to the Committee for Health & Social Care; and they amend the Emergency Powers (Coronavirus) (Bailiwick of Guernsey) Regulations, 2020 to correct a typographical error. COVID-19 was made a notifiable disease for the purposes of the Public Health Ordinance, 1936 on 19th February 2020.

These Regulations will come into force on the day they are made, 24th March 2020.

