

Direction No. 4 of the Committee for Health & Social Care issued under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2020

This Direction is issued by the Committee for Health & Social Care, in exercise of its powers under regulation 13(1)(a) and (b) of the above Regulations and following consultation with the Medical Officer of Health:-

1. Prohibition on entering and remaining on premises.

(1) A person shall not enter or remain on any premises of a type set out in Part 1 of the First Schedule.

(2) Subparagraph (1) shall not apply to the following persons -

(a) an essential worker who –

(i) enters or remains on premises for the purpose of discharging his or her work functions, and

(ii) where undertaking delivery work, observes the requirements set out in the Third Schedule,

(b) other than in the case of premises referred to in paragraph 10 of Part 1 of the First Schedule –

(i) the owner or occupier of the premises,

(ii) any person who usually works at or on the premises or who is responsible for the management of the premises,

and who enters or remains on the premises solely for the purpose of –

(A) securing them,

(B) carrying out or having carried out essential maintenance or repair work to the premises, or

(C) taking measures to ensure that the premises can continue to be used for the purpose for which they were used immediately before 25th March, 2020,

- (c) in the case of premises referred to in paragraph 10 of Part 1 of the First Schedule –
 - (i) the owner or occupier of the premises, any person who usually works at or on the premises or who is responsible for the management of the premises, and
 - (ii) any person who is residing lawfully at or on the premises, and
- (d) any person authorised by the Committee or the Medical Officer of Health for such purpose and for such duration as the Committee or Medical Officer of Health, as the case may be, shall specify.

(3) Subparagraph (1) shall not apply to the persons in the circumstances and subject to the conditions described in the Fourth Schedule.

2. Prohibition on events, gatherings and meetings of more than 2 persons

- (1) The owner or occupier of any premises must not allow an event, gathering or meeting consisting of more than 2 persons, to take place at or on the premises.
- (2) A person must not organise or hold an event, gathering or meeting consisting of more than 2 persons to take place at or on any premises.
- (3) A person must not participate in an event, gathering or meeting of more than 2 persons, which is taking place at or on any premises.

3. Exemption from Direction 2.

The prohibition under direction 2 does not apply:

- (a) where the event, gathering or meeting involves persons –
 - (i) who are attending an event, gathering or meeting further to an exemption from entering or remaining on premises under paragraph 1(2)(a), (b) or (c), or
 - (ii) authorised by the Committee or the Medical Officer of Health under direction 1(2)(d),

- (b) where the event, gathering or meeting consists only of members of the same household and takes place in a dwelling,
- (c) where the event, gathering or meeting –
 - (i) consists only of members of the same household,
 - (ii) takes place outside a dwelling, and
 - (iii) is allowed, organised or participated in, for any of the following purposes –
 - (A) shopping for basic necessities, for example food and medicine,
 - (B) walking, cycling, running, sea swimming or taking part in other open sea activities for the purpose of health and welfare for up to 2 hours every day provided that if sea swimming or sea activities are undertaken they may be undertaken with one other person (who is not a member of the same household) present, for safety reasons, provided social distancing is observed and maintained,
 - (C) attending a medical or dental appointment,
 - (D) obtaining any product from a pharmacy, or
 - (E) providing care or to help a vulnerable person,
- (d) where the event, gathering or meeting consists of persons –
 - (i) who –
 - (A) are –
 - (aa) essential workers attending the event, gathering or meeting solely for the purpose of discharging their work functions, and

- (bb) customers, patients and other persons in receipt of goods or services from the workers in question,
- (B) in the case of an event, gathering or meeting at or on a retail outlet of a type set out in Part 2 of the First Schedule –
 - (aa) usually work at or on the premises,
 - (bb) are customers or suppliers of the outlets, and
 - (cc) are present solely for the purpose of selling, purchasing and providing goods and services of a type usually sold, purchased or provided in the course of a business operated from the outlet in question, or
- (C) in the case of an event, gathering or meeting at or on premises used for the business of optician, optometrist or audiologist –
 - (aa) usually work at the premises,
 - (bb) are customers, clients or patients of the business, and
 - (cc) are present for the purpose of the provision or receipt of essential emergency treatment, and
- (ii) who, in each case, observe and maintain social distancing.

4. Interpretation

In this direction –

"**Committee**" means the States of Guernsey Committee for Health & Social Care,

an "**essential worker**" means a worker -

- (a) of a type, or who works in a business of a type, described in the Second Schedule, and
- (b) who, if undertaking deliveries, observes the requirements set out in the Third Schedule,

"**intoxicating liquor**" has the same meaning as it does for the purposes of the Liquor Licensing Ordinance, 2006,

"**licensed premises**" has the same meaning as it does for the purposes of the Liquor Licensing Ordinance, 2006,

a person occupies a dwelling as a "**member of the same household**" as another person if -

- (a) that person -
 - (i) normally occupies the dwelling, or
 - (ii) is occupying the dwelling on a temporary basis for reasons associated with the risk to public health caused by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and
- (b) that person is related to the other members of the household (by blood, marriage or adoption) or is treated by members of that household as a member of the household,

"**social distancing**" in relation to a person ("P") means, wherever reasonably practicable, the observance and maintenance by P of a distance of at least 2 metres from another person, other than a person who is a member of P's household, and

"**vulnerable person**" includes -

- (a) a person under the age of 18 years, and
- (b) a person above the age of 18 years who, by reason of mental or other disability, age, illness, or other situation is permanently or for the time being unable to take care of him or herself, or to protect him or herself against significant harm or exploitation.

5. Application.

This direction applies throughout the Bailiwick.

6. Duration.

This direction has effect from Sunday 19th April, 2020 until 2359 hours on Friday 24th April, 2020.

FIRST SCHEDULE

Paragraph 1

PART 1

Premises

1. Licensed premises.
2. Cinemas and theatres.
3. Restaurants, cafes, takeaways and kiosks.
4. Retail outlets, other than those essential retail outlets set out in Part 2.
5. Libraries.
6. Community and youth centres.
7. Indoor and outdoor leisure facilities.
8. Community places within parks.
9. Places of worship.
10. Hotels, guest houses, any other premises used for the purpose of the provision of sleeping accommodation, board, lodging or board and lodging for reward and campsites.

PART 2

Essential retail outlets

Retail and wholesale premises of the following types, or from which the following types of business are conducted -

1. Retail and wholesale sale of food, beverages (including intoxicating liquor) and newspapers.
2. Retail sale of household consumer products necessary to maintain the safety and sanitation of residences and businesses.
3. Pharmacies/chemists and retailers providing pharmaceuticals, pharmaceutical or dispensing services.
4. Fuel stations and heating fuel providers.
5. Retail sale of essential items for the health and welfare of animals, including animal feed and medicines, animal food, pet food and animal supplies including bedding.
6. Laundries
7. Banks, loan agencies, insurance brokers and post offices.

SECOND SCHEDULE

Essential worker

Private sector

- Businesses and workers ESSENTIAL to the functioning of any activity necessary to:

o Ensure the continuing supply and accessibility of food and other essential goods including

- o Supermarkets and grocery stores
- o Air and sea freight transport
- o Stevedores and other necessary port management activities

- ⊙ Freight operators
- o Ensure the continuing supply and accessibility of veterinary and animal health and husbandry services
- o Ensuring continuing health and community care services including
 - ⊙ GP surgeries/medical practices
 - ⊙ Pharmacies
 - ⊙ Residential and nursing homes
 - ⊙ Private and third sector agencies providing care services in a home or other setting (including the care of animals)
 - ⊙ Volunteers that provide services to those in need (Meals on Wheels, Samaritans, etc)
 - ⊙ Those responsible for management of the deceased or services celebrating, commemorating or otherwise recognising the life and/or death of a person
- o Those essential to law and order
 - ⊙ Advocates and staff
- o Those providing private school services and daytime childcare
 - ⊙ Private primary and secondary schools
 - ⊙ Nurseries and day-care services
- o Maintain critical national infrastructure (essential staff)
 - ⊙ Utilities (water, electricity, gas, oil, post)
 - ⊙ Telecoms providers (essential staff required to deliver mobile and fixed line telecommunication services)
- o Maintain public transport
 - ⊙ Bus operators and school transport providers
- o Public service broadcasters and other mainstream news media
- o Banking services
 - ⊙ Staff that are critical to providing branch-based services to enable cash and other financial transactions

⊗ Staff involved in maintaining critical economic infrastructure that requires on-site systems access

o Services that ensure the cleanliness and hygiene of working environments that can be undertaken while adhering to social distancing guidelines

Private sector employers falling within the above categories should determine which roles are essential to the ability to maintain critical services.

Public service

- Workers ESSENTIAL to the DELIVERY OF CRITICAL SERVICES by:

- ⊗ Courts and Judicial Services
- ⊗ Health and Social Care
- ⊗ Education
- ⊗ Emergency Services (Law Enforcement, Ambulance, Fire and Coastguard)
- ⊗ Prison
- ⊗ Law Officers
- ⊗ States Works
- ⊗ Guernsey Waste
- ⊗ Ports
- ⊗ Regulatory roles directly related to financial stability and banking supervision
- ⊗ Treasury
- ⊗ Social Security

Additionally –

- (a) any ancillary staff from the private or public sectors who are essential to supporting the States of Guernsey's response to COVID-19,
- (b) in the case of Alderney, civil servants or office holders specified by the Policy and Finance Committee of the States of Alderney, and
- (c) in the case of Sark, civil servants or office holders specified by the Policy and Finance Committee of the Chief Pleas of Sark.

THIRD SCHEDULE

Paragraphs 1 and 4

Requirements for deliveries

1. Goods must be packed for delivery by no more than two people in line with social distancing and hygiene guidelines, including the wearing of gloves.
2. Deliveries must take place as part of a planned itinerary, and goods must not be sold by delivery drivers to other parties.
3. Deliveries must be undertaken by no more than one person wearing gloves.
4. A 70% alcohol hand gel should be rubbed on the gloves between deliveries.
5. Delivered goods must be left on the doorsteps of premises or in an agreed outside place – there must be no direct customer interaction.

FOURTH SCHEDULE

Paragraph 1(3)

Disapplication of prohibition on entering and remaining on premises

1. Essential emergency home and building repair and maintenance

Plumbers, electricians, roofers, scaffolders and all others ("**repair and maintenance personnel**") who reasonably and necessarily provide essential emergency home and building repair and maintenance services.

When providing services under this provision, repair and maintenance personnel must adopt practices designed to minimise wherever possible and practical risks to health, including maintenance of social distancing of at least 2 metres and such other measures as the Committee or Medical Officer of Health may from time to time advise or direct.

2. Essential emergency repairs by car, motorcycle and bicycle repair businesses in respect of vehicles of essential workers

Car, motorcycle and bicycle mechanics and repairers and necessary management and support staff ("**emergency vehicle repair personnel**") who reasonably and necessarily provide essential emergency repair services in respect of the vehicles of essential.

When providing services in reliance on this provision, emergency vehicle repair personnel must adopt practices designed to minimise wherever possible and practical risks to health, including maintenance of social distancing of at least 2 metres and such other measures as the Committee or Medical Officer of Health may from time to time advise or direct.

3. Attendance by States Members at Sir Charles Frossard House for purposes of remote meetings of the States


Members of the States who enter and remain on the premises known as Sir Charles Frossard House ("SCFH") for the purposes of attending remote meetings of the States of Deliberation.

When exercising rights under this provision, Members must adopt practices designed to minimise wherever possible and practical risks to health, including maintenance of social distancing of at least 2 metres and such other measures as the Committee or Medical Officer of Health may from time to time advise or direct. This is in addition to any other conditions that may apply to use of facilities at SCFH for the above purposes.

4. Individual workers and workers in pairs working outside in Sark

Individual workers and workers working in pairs ("relevant workers"), who enter and remain on premises in Sark for the purpose of undertaking work outdoors.

When exercising rights under this Authorisation, relevant workers must adopt practices designed to minimise wherever possible and practical risks to health, including maintenance of social distancing of at least 2 metres and such other measures as the Committee or Medical Officer of Health may from time to time advise or direct.



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Deputy Heidi J R Soulsby
President of the Committee for Health & Social Care
18th April 2020

Explanatory Note

Direction No. 4 is made by the Committee *for* Health & Social Care on 18th April, 2020 further to powers conferred on it by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, as made by the Civil Contingencies Authority under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012. Direction No. 3 (made by the Committee on 7th April, 2020) expired at midnight on 18th April, 2020 and this Direction effectively replaces it.

It has been made following consultation with the Medical Officer of Health. It replaces and repeats provisions included in Direction No. 3 and incorporates the general exemptions previously given under Direction number 3. The purpose of the Direction is to prevent the further introduction and spread within the Bailiwick of the Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19.

In brief summary, the Direction (see number 1) prohibits persons from entering and remaining on certain premises (as set out in Part 1 of the First Schedule to the Direction) and (number 2) attending events, gatherings and meetings of more than 2 persons.

1. The prohibition on entering and remaining on premises relates to premises of the types set out in Part 1 of the First Schedule (e.g. licensed premises, cinemas theatres, restaurants, cafes, takeaways and kiosks non-essential retail outlets, libraries, community and youth centres, indoor and outdoor leisure facilities, community places within parks, places of worship and hotels, guest houses and any other premises used for the purpose of the provision of sleeping accommodation, board, lodging or board and lodging for reward and campsites). The prohibition however has several exceptions. The key exceptions are as follows:-

- (a) essential retail outlets of the types set out in Part 2 of the First Schedule, such as premises from which the business of the retail and/or wholesale sale of food, beverages and newspapers is conducted,
- (b) premises whilst essential workers are present for the purposes of their work and subject to the requirements set out in the Third Schedule relating to delivery work,
- (c) other than in the cases of hotels and guest houses, owners or occupiers, any person who usually works at or on the premises or who is responsible for the management of the premises and who enters or remains on the premises solely for the purpose of securing them,

carrying out or having carried out essential maintenance or repair work to the premises, or taking measures to ensure that the premises can continue to be used for the purpose for which they were used immediately before 25th March, 2020,

- (d) in the case of hotels and guest houses, owners or occupiers, any person who usually works at or on the premises or who is responsible for the management of the premises and any person who is residing lawfully at or on the premises, and
- (e) any person authorised by the Committee or the Medical Officer of Health for such purpose and for such duration as the Committee or Medical Officer of Health, as the case may be, shall specify.

However, in each case, the Direction is intended to ensure that any individual who does enter and remain on premises observes "social distancing". That is defined as maintaining a distance of at least 2 metres from another person. In addition the prohibition on events, gatherings and meetings of more than 2 persons (see direction number 2) applies to individuals who usually work at or on the premises or who are responsible for the management of the premises, unless further exemption applies under direction number 3.

2. The prohibition on attending events, gatherings and meetings of more than 2 persons, places obligations on certain persons who might be in a position to organise or attend events etc. In particular:-

- (a) owners and/ or occupiers of any premises must not allow an event, gathering or meeting consisting of more than 2 persons, to take place at or on their premises,
- (b) a person must not organise or hold an event, gathering or meeting consisting of more than 2 persons to take place at or on any premises, and
- (c) a person must not participate in an event, gathering or meeting of more than 2 persons, which is taking place at or on any premises.

3. There are several exemptions from the prohibition described at paragraph 2 above. They are set out in direction number 3. In very general terms, they are as follows:-

- (a) where the event, gathering or meeting involves people who are attending such an event, gathering or meeting further to an exemption

from entering or remaining on premises under paragraph 1(2)(a), (b) or (c), or are persons authorised by the Committee or the Medical Officer of Health under direction 1(2)(d),

- (b) where the event, gathering or meeting consists only of members of the same household and takes place in a dwelling,
- (c) where the event, gathering or meeting consists only of members of the same household, takes place outside a dwelling and is allowed, organised or participated in, for a number of specific purposes (e.g. to go shopping, walking, cycling, running, sea swimming or taking part in other open sea activities for up to 2 hours every day, attending a medical or dental appointment, obtaining any product from a pharmacy, or providing care or to help a vulnerable person),
- (d) where the event, gathering or meeting consists of persons who:-
 - are essential workers and persons receiving goods or services from those essential workers,
 - in the case of the essential retail outlets of the types set out in Part 2 of the First Schedule, are persons who usually work at or on the outlet premises, are customers or suppliers of the outlet and are present solely for the purpose of selling, purchasing and providing goods and services of a type usually sold, purchased or provided in the course of a business operated from the outlet in question,
 - are at or on premises used for the business of optician, optometrist or audiologist, usually work at the premises, are customers, clients or patients of the business and are present for the purpose of the provision or receipt of essential emergency treatment,

and who in each case observe and maintain social distancing.

4. An "essential worker" means a worker of a type, or who works in a business of a type, described in the Second Schedule to the Direction.

5. The Third Schedule sets out a list of measures that essential workers must observe whilst undertaking delivery work.

6. The Fourth Schedule incorporates into the Direction, four specific and separate authorisations previously granted by the Committee under regulation 1(2)(d). The

effect is to disapply the prohibition under regulation 1(1) on entering and remaining on premises in relation to (1) essential emergency home and building repair and maintenance workers, (2) workers providing essential emergency repairs to vehicles of essential workers, (3) Members of the States who enter and remain on the premises known as Sir Charles Frossard House for the purposes of attending remote meetings of the States of Deliberation and (4) individual workers and workers working in pairs outside in Sark.

7. The Direction will remain in place until 2359 hours on Friday 24th April, 2020 unless revoked before that time. It has effect throughout the Bailiwick.

8. Guidance has been issued by or on behalf of the Committee *for* Health & Social Care as to the manner in which it is intended that the Direction will be applied and interpreted.