

GUERNSEY STATUTORY INSTRUMENT
2020 No.

**The Emergency Powers (Coronavirus)
(General Provision) (Bailiwick of Guernsey) (No. 2)
(Amendment) Regulations, 2020**

<i>Made</i>	28 th May, 2020
<i>Coming into operation</i>	30 th May, 2020
<i>Laid before the States</i>	, 2020

WHEREAS there are one or more persons within 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 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

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

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 them in that behalf, hereby makes the following regulations: –

Amendment of the General Provision (No.2) Regulations.

1. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020^c are amended as follows.

(2) In regulation 11(1)(a), delete "3(3)".

(3) After paragraph (1) of regulation 11, insert –

"(1A) A person (D), and subject to paragraph (1B), any

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

^c G.S.I. No. 56 of 2020.

person who is D's employer, commits an offence if D fails, without reasonable excuse, to comply with a requirement imposed under regulation 3(3).

(1B) It is a defence for an employer charged with an offence under paragraph (1A) to prove that he or she has taken all reasonable precautions to avoid the commission of an offence.

(1C) An offence under paragraph (1A) is an arrestable offence for the purposes of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003, and consequently the powers of summary arrest conferred by subsections (3) to (6) of section 28 of that Law apply to such an offence."

(4) After paragraph (4) of regulation 11, insert –

"(4A) A person guilty of an offence under paragraph (1A) is liable on conviction to a fine not exceeding level 5 on the uniform scale."

(5) In regulation 12, after the definition of "child" insert –

"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),"

(6) Regulations 19 (temporary registration, authorisation, etc. of doctors, nurses and other medical and health professionals), 21 (modification of

legislation relating to pharmacists) and 42 (modification of Driving Licences Ordinance) are revoked.

(7) Schedules 1 (temporary registration etc. of medical and health professionals) and 3 (modification of legislation relating to pharmacists) are revoked.

(8) In Schedule 2 (modification of legislation relating to mental health) –

(a) delete paragraph 1(b),

(b) in paragraph 2 delete ", the 2013 Regulations",

(c) in paragraph 3 for "the 2013 Regulations" substitute "the Mental Health (Treatment and Forms) Regulations, 2013", and

(d) delete paragraphs 4, 8 to 13, and 16 to 18.

(9) In Schedule 4 (provisions of the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, delete paragraph 8.

Citation.

2. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) (Amendment) Regulations, 2020.

Commencement.

3. These Regulations shall come into force on 30th May, 2020.

Dated this 28th day of May, 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, 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 several provisions of the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020, for the reason that they are no longer needed, and make minor amendments to other provisions.

Provisions revoked include provisions relating to medical and health professionals, pharmacists, and driving licences. Amendments made include increasing the penalty for breaching a requirement imposed by the Medical Officer of Health to self-isolate on entering the Bailiwick or on travelling to another Island within the Bailiwick from a maximum £2,000 fine to a maximum £10,000 fine; making that offence one to which the powers of summary arrest conferred by subsections (3) to (6) of section 28 of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 apply; and extending that offence to the employer of the person who has committed the offence (subject to a defence of having taken all reasonable precautions to avoid the commission of the offence).

These Regulations will come into force on the 30th May, 2020 and shall have

temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.