

Direction No. 9 of the Committee for Health & Social Care issued under the Emergency Powers (Coronavirus) (General Provision) (No. 2) (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) Subject to subparagraph (2), a person shall not enter or remain on premises of a type set out in the First Schedule, except during any period indicated in that Schedule in respect of the premises.

(2) Subparagraph (1) shall not apply to –

- (a) an essential worker who, subject to social distancing, enters or remains on the premises for the purpose of discharging his or her work functions,
- (b) the owner or occupier of the premises or any person who works at or on the premises, or who is responsible for the management of the premises and who, subject to social distancing, enters or remains on the premises solely for the purpose of –
 - (i) securing them,
 - (ii) carrying out or having carried out essential maintenance or repair work to the premises, or
 - (iii) 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) the licensee or owner or occupier of, or any person who works at or on premises, or who is responsible for the management of premises of a type described in paragraph 2 of the First Schedule, and
- (d) any person authorised by the Committee or the Medical Officer of Health for such purpose, subject to such conditions and for

such duration as the Committee or Medical Officer of Health, as the case may be, shall specify.

2. Prohibitions 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. Disapplication of prohibitions under paragraph 2.

(1) The prohibitions under paragraph 2 –

(a) shall not apply in respect of an event, gathering or meeting of a type described in the Second Schedule, and

(b) are subject to such exceptions, conditions and other matters as the Committee or Medical Officer of Health may from time to time specify and publish in written guidance.

(2) In relation to licensed premises, a disapplication under subparagraph (1)(a) –

(a) does not have effect unless participants, in any event, gathering or meeting which takes place on the premises, are seated and provided with any drinks and/or plated meals, which they may have ordered, solely by way of table service, and

(b) where only drinks are so provided, has effect as from 1st June, 2020.

4. Interpretation

In this Direction –

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

an "**essential worker**" means a worker of a type, or who works in a business of a type, described in the Third Schedule,

"**hand washing facilities**" includes facilities that enable the use of hand sanitising products,

"**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,

the "**notification requirement**" means a requirement –

- (a) to notify the Director of Environmental Health and Pollution Regulation and the Medical Officer of Health by completion and electronic submission of the Business Notification Form accessible via the States of Guernsey GOV.GG website, and
- (b) to notify those office holders of any change in the details submitted in the Business Notification Form,

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

"**responsible person**" means, in relation to an event, gathering or meeting –

- (a) the owner or occupier of the premises upon which the event, gathering or meeting takes or has taken place,
- (b) the person responsible for organising or holding the event, gathering or meeting, or
- (c) any other person, appointed in writing for the purpose, by a person of a description falling in paragraph (a) or (b), and

"**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.

5. Application.

This Direction applies throughout the Bailiwick.

6. Duration.

This Direction has effect from Saturday 30th May, 2020 until 2359 hours on Friday 12th June, 2020.

FIRST SCHEDULE

Paragraph 1

Premises

1. Category A licensed premises.

(1) Licensed premises in respect of which a Category A (Standard Licence) licence has been granted under the Liquor Licensing Ordinance, 2006.

(2) The prohibition does not apply during the period from 1130 to 2230 on each day

2. Category E licensed premises.

(1) Licensed premises in respect of which a Category E (Nightclubs) licence has been granted under the Liquor Licensing Ordinance, 2006.

(2) There is no period during which the prohibition does not apply.

SECOND SCHEDULE

Paragraph 3

Disapplication of prohibition under paragraph 2

1. Disapplication under paragraph 1(2) of Direction.

An event, gathering or meeting attended by persons who enter or remain on premises in circumstances where paragraph 1(1) of the Direction does not apply further to its disapplication under paragraph 1(2) of the Direction.

2. Members of same household or established exclusive expanded bubble arrangement.

(1) An event, gathering or meeting attended solely by –

(a) members of the same household, or

(b) members of an established exclusive expanded bubble arrangement.

(2) For the purpose of this paragraph, "**an established exclusive expanded bubble arrangement**" has the meaning set out in the Fourth Schedule.

3. Essential workers and customers etc.

An event, gathering or meeting of essential workers who are attending the event, gathering or meeting solely for the purpose of discharging their work functions, together with –

(a) customers, patients and other persons in receipt of goods or services from the workers in question, and

(b) suppliers to the premises from which the functions are carried out.

4. Qualifying premises.

- (1) An event, gathering or meeting which –
 - (a) takes place on qualifying premises, and
 - (b) is attended by persons –
 - (i) who –
 - (A) where possible, comply with measures intended to maintain social distancing, and
 - (B) in all other circumstances, observe reduced social distancing, and
 - (ii) for whom adequate handwashing facilities are provided.
- (2) For the purpose of this paragraph and paragraph 5(1) –

"qualifying premises" means –

- (a) relevant premises which are maintained in conformity with standards of hygiene in written guidance applicable to the type of premises and published by the Committee or Medical Officer of Health from time to time, and
- (b) in respect of which, other than in the case of a school, the notification requirement is satisfied, and

"relevant premises" means premises used for the purpose of an office, cinema, theatre, school, retail outlet, library, community or youth centre, indoor or outdoor leisure facility, factory, warehouse, place of worship, hotel, guest house, campsite or the provision of sleeping accommodation, board, lodging or board and lodging for reward.

5. 30 or 50 qualified persons.

- (1) An event, gathering or meeting which takes place on any premises other than qualifying premises (as defined in paragraph 4(2)), and entry and remaining upon which are not prohibited under the First Schedule, and which is attended by –

- (a) no more than 30 qualified persons (where held on licensed premises or other commercial premises, excluding the owner or occupier of the premises or any person who works at or on the premises, or who is responsible for the management of the premises), or
- (b) in the case of a wedding or a funeral, no more than 50 qualified persons (excluding any essential worker, in attendance for the purpose of discharging his or her work functions, any person or official responsible for conducting any ceremony and, in the case of a wedding, the celebrants themselves),

and which satisfies the conditions in subparagraph (2).

(2) The conditions are that –

- (a) persons (other than persons who are members of the same household) attending the event, gathering or meeting observe –
 - (i) strict social distancing, or
 - (ii) reduced social distancing,
- (b) where strict social distancing is not observed for the duration of the event, gathering or meeting, a responsible person –
 - (i) compiles, and maintains for a period of at least 14 days, a legible written record of –
 - (A) the date and place of the event, gathering or meeting, and
 - (B) the name and address or telephone number of every person attending the event, gathering or meeting, and
 - (ii) upon the request of an authorised person, produces the record to that authorised person,
- (c) there are adequate handwashing facilities available or provided for persons attending the event, gathering or meeting, and

(d) the event, gathering or meeting is otherwise, or in addition, organised and conducted in accordance with such other or further measures as the Committee or Medical Officer of Health may from time to time specify and publish in guidance.

(3) For the purpose of this paragraph –

a "**qualified person**" means any person, other than a person who –

(a) is subject to a restriction or requirement imposed by the Medical Officer of Health under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020 or is exhibiting symptoms of Covid-19, or

(b) has been subject to such a restriction or requirement or has exhibited such symptoms within the last 14 days,

an "**authorised person**" means –

(a) the Director of Environmental Health and Pollution Regulation,

(b) the Medical Officer of Health, or

(c) a police officer, and

"**strict social distancing**" in relation to a person ("P") means 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.

6. **Authorised by the Committee of the Medical Officer of Health.**

An event, gathering or meeting which is authorised by the Committee or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Committee or Medical Officer of Health, as the case may be, shall specify in writing.

THIRD SCHEDULE

Paragraph 4

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

- ⊗ Supermarkets and grocery stores
- ⊗ Air and sea freight transport
- ⊗ 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)
 - ⊗ Coastal defences

- 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.

FOURTH SCHEDULE

Paragraph 2(2) of Second Schedule

Established exclusive expanded bubble arrangement

1. Subject to paragraph 2 of this Schedule, an established exclusive expanded bubble arrangement is an exclusive arrangement agreed by all the members (other than persons under the age of 18 years) of up to 4 households, on or before 29th May 2020, to meet or gather in a dwelling occupied by one or other of the households concerned, as if they (and any child subject to shared caring arrangements involving another household) were all members of the same household, for the purpose of maintaining familial or friendship connections, enabling the provision of care or supporting persons living alone or otherwise isolated.

2. An established exclusive expanded bubble arrangement comes to an end if a member of a household becomes subject to a restriction or requirement imposed by the Medical Officer of Health under the Emergency Powers Regulations, or exhibits symptoms of Covid-19.



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Deputy Heidi J R Soulsby
President of the Committee for Health & Social Care
29th May 2020

Explanatory Note

Direction No. 9 is made by the Committee *for* Health & Social Care on 29th May, 2020 further to powers conferred on it by the Emergency Powers (Coronavirus) (General Provision) (No. 2) (Bailiwick of Guernsey) Regulations, 2020 as made by the Civil Contingencies Authority under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012. The Direction comes into force on 30th May 2020. However exemptions applicable to licensed premises, which do not provide plated meals, take effect only on and as from 1st June 2020.

The Direction has been made following consultation with the Medical Officer of Health. It replaces the most recent Direction (No. 7 as amended by No. 8) made by the Committee. Key changes include a reduction in the types of premises, that it is prohibited to enter and remain on, to Nightclubs and Pubs (in the case of Pubs however the prohibition does not apply during the hours of 1130 to 2230), a significant relaxation of the prohibition on events, gathering and meetings, provided that measures intended to preserve social distancing are implemented and observed and the introduction in some circumstances of reduced social distancing (essentially maintenance of a distance of one metre between people).

The purpose of the Direction is to prevent further introduction and any 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 numbered section 1 below) prohibits persons from entering and remaining on a now very limited number of types of premises (as set out in the First Schedule to the Direction) and (number 2 below) attending events, gatherings and meetings of more than 2 persons, subject to what is under the Direction a significant number of exceptions.

1. The prohibition on entering and remaining on premises relates solely to Nightclubs and those Pubs holding a standard Category A licence under the Liquor Licensing Ordinance, 2006. The prohibition in relating to Pubs does not apply during the period 1130 to 2330. There are a number of exceptions that apply. In particular in respect of owners or occupiers of premises and any person who 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.

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 above. These are set out in the Second Schedule to the Direction. In summary they are as follow:-

- (a) An event, gathering or meeting attended by persons who enter or remain on premises in circumstances where paragraph 1(1) of the Direction (prohibition on entering and remaining on premises) does not apply further to its disapplication under paragraph 1(2).
- (b) An event, gathering or meeting attended solely by members of the same household, or members of an established exclusive expanded bubble arrangement.
- (c) An event, gathering or meeting of essential workers who are attending the event, gathering or meeting solely for the purpose of discharging their work functions, together with customers, patients and other persons in receipt of goods or services from the workers in question and suppliers to the premises from which the functions are carried out.
- (d) An event, gathering or meeting which takes place on qualifying premises, and is attended by persons who, where possible, comply with measures intended to maintain social distancing, and in all other circumstances, observe reduced social distancing, and for whom adequate handwashing facilities are provided. Qualifying premises are those used for the purpose of an office, cinema, theatre, school, retail outlet, library, community or youth centre, indoor or outdoor leisure facility, factory, warehouse, place of worship, hotel, guest house, campsite or the provision of sleeping accommodation, board, lodging or board and lodging for reward.

- (e) An event, gathering or meeting which takes place on any premises other than qualifying premises and which is attended by no more than 30 qualified persons or in the case of a wedding or a funeral, no more than 50 qualified persons (excluding any essential worker, in attendance for the purpose of discharging his or her work functions, any person or official responsible for conducting any ceremony and, in the case of a wedding, the celebrants themselves). Several conditions apply to this exemption, including the observance of strict social distancing (i.e. 2 metre separation). If strict social distancing cannot be observed, reduced social distancing must be observed and a record kept of the names and addresses or telephone numbers of persons attending the event, gathering or meeting. The record must be retained for 14 days and produced to an authorised person (e.g. a public health officer or police officer).
- (f) An event, gathering or meeting which is authorised by the Committee or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Committee or Medical Officer of Health, as the case may be, shall specify in writing.
4. As in previous Directions, an "essential worker" means a worker of a type, or who works in a business of a type, described in the Third Schedule to the Direction.
5. The Direction will remain in place from Saturday 30th May 2020 until 2359 hours on Friday 12th June, 2020 unless revoked before that time. It has effect throughout the Bailiwick.
6. 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 obligations and prohibitions under the Direction will be applied and interpreted.