

GUERNSEY STATUTORY INSTRUMENT

2020 No.

**The Emergency Powers (Coronavirus)  
(General Provision) (Bailiwick of Guernsey)  
Regulations, 2020**

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**The Emergency Powers (Coronavirus)**  
**(General Provision) (Bailiwick of Guernsey)**  
**Regulations, 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, 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 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

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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 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: -

## PART I

### SCREENING, ASSESSMENT, AND POWERS TO DETAIN ETC.

#### **Decisions of MOH to impose restrictions and requirements.**

1. (1) Subject to paragraph (2), the Medical Officer of Health ("the MOH") may not impose a restriction or requirement under these Regulations unless the MOH has sought the advice of Her Majesty's Procureur in relation to the appropriateness and proportionality of the proposed requirement or restriction, and has taken account of that advice.

(2) The requirement in paragraph (1) does not apply where the MOH considers that, in all the circumstances, it would be impracticable to comply with it.

(3) Where the MOH imposes a restriction or requirement under these Regulations without seeking the advice of Her Majesty's Procureur, in reliance on paragraph (2), the MOH shall, as soon as reasonably practicable, give notice that he or she has done so to Her Majesty's Procureur.

#### **Detention of persons by the MOH.**

2. (1) This regulation applies where the MOH has reasonable

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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.

grounds to believe that a person ("P") –

- (a) is, or may be, infected or contaminated with, or is suspected or confirmed to be suffering from, coronavirus, and there is a risk that P might infect or contaminate others, or
- (b) has arrived in the Bailiwick by air or sea and has left an infected area within the 14 day period immediately preceding the date of P's arrival in the Bailiwick.

(2) Where paragraph (1)(a) or (b) is met in relation to P, the MOH may, for the purposes of screening, assessment or the imposition of any restriction or requirement under regulation 3, impose on P a requirement to be detained until the later of –

- (a) the end of the period of 48 hours beginning with the time from which P's detention under this regulation begins,
- (b) such time as any screening requirements imposed on or in relation to P under regulation 3 have been complied with and the assessment referred to in that regulation carried out in relation to P.

**Imposition of restrictions and requirements.**

3. (1) Where regulation 2(1)(a) or (b) is met in relation to a person ("P"), the MOH may –

- (a) (orally or in writing) impose on or in relation to P one or more screening requirements to inform an assessment by the MOH of whether P presents, or

could present, a risk of infecting or contaminating others,

- (b) carry out such an assessment in relation to P, and
- (c) following such an assessment, (orally or in writing) impose on or in relation to P any other restriction or requirement which the MOH considers necessary for the purposes of removing or reducing the risk referred to in subparagraph (a), including (without limitation) the restrictions or requirements set out in paragraph (2).

(2) The restrictions or requirements are –

- (a) that P submit to medical examination,
- (b) that P be removed to a hospital or other suitable establishment,
- (c) that P be detained in a hospital or other suitable establishment,
- (d) that P be kept in isolation,
- (e) that P be disinfected or decontaminated,
- (f) that P wear protective clothing,
- (g) that P provide information or answer questions about P's health or other circumstances,
- (h) that P's health be monitored and the results reported,



- (i) that P attend training or advice sessions on how to reduce the risk of infecting or contaminating others,
- (j) that P be subject to restrictions on where P goes or with whom P has contact,
- (k) that P abstain from working or trading.

(3) Where regulation 2(1)(b) is met in relation to P, or where P has arrived in one Island in the Bailiwick from another Island in the Bailiwick, the MOH may impose a requirement that P isolates himself or herself for such period not exceeding 14 days as the MOH may specify (either generally or in relation to any particular case).

(4) A restriction or requirement imposed under paragraph (1) or paragraph (3) may be varied (orally or in writing) by the MOH.

(5) Where a restriction or requirement is imposed on or in relation to a child, a person who is a responsible adult in relation to the child must ensure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(6) Where a restriction or requirement is imposed orally on a person under this regulation, or a restriction or requirement is orally varied, the person (or, in the case of a child, a person who is a responsible adult in relation to the child) must be provided with a written notification of the restriction or requirement that has been imposed or varied as soon as reasonably practicable.

(7) Neither paragraph (1) nor paragraph (3) affects the exercise of any powers under regulation 6.

**Screening requirements.**

4. (1) For the purposes of these Regulations, the screening requirements in relation to a person ("P") are requirements to the effect that P must –

- (a) answers questions about P's health or other relevant circumstances (including travel history and information about other individuals with whom P may have had contact),
- (b) produce any documents which may assist the MOH in assessing P's health,
- (c) at such a time as the MOH may specify, allow a biological sample of P to be taken, including a biological sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample, and
- (d) provide sufficient information to enable P to be contacted immediately by the MOH during such period as the MOH may specify, where the MOH considers that such provision of information is necessary in order to reduce or remove the risk of P infecting or contaminating others.

(2) Where P is a child who is accompanied by a responsible adult, the responsible adult must –

- (a) ensure that P answers questions in accordance with paragraph (1)(a),

- (b) answer the questions if P is unable to do so or cannot reliably do so,
- (c) produce any documents, required under paragraph (1)(b), on P's behalf,
- (d) allow a biological sample of P to be taken, including a sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample, and
- (e) provide information where required by the MOH under paragraph (1)(d).

**Imposition of further restrictions and requirements.**

5. (1) Where regulation 2(1)(a) or (b) is met in relation to a person ("P") -

- (a) following an assessment by the MOH of the risk presented by P in accordance with regulation 3(1), or
- (b) following P's release from detention under regulation 2, or from isolation under regulation 6,

the MOH may (orally or in writing) impose on P any one or more of the requirements specified in paragraph (2) where the MOH considers that it is necessary to do so in order to reduce or remove the risk of P infecting or contaminating others.

(2) The requirements specified for the purposes of paragraph (1) are for P to –

- (a) provide P's contact details to the MOH,

- (b) supply information to the MOH which may assist in assessing P's health,
- (c) at such time as the MOH may specify, allow a biological sample of P to be taken, including a sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample,
- (d) comply with any other specified condition or to take any other specified measure.

(3) The conditions or measures which may be specified under paragraph (2)(d) include –

- (a) a restriction on P's travel,
- (b) a restriction on P's activities,
- (c) a restriction on P's contact with specified persons.

(4) The MOH may (orally or in writing) revoke or vary any requirement or restriction imposed under this regulation, including by imposition of a restriction specified in paragraph (3).

(5) Subject to paragraph (6), the period for which a restriction set out in paragraph (3) is imposed may not exceed 14 days beginning with the day on which the restriction is imposed.

(6) Where a restriction set out in paragraph (3) is imposed, or the period of a restriction is extended under this paragraph, the MOH may (orally or in writing) extend the period of the restriction for a further specified period not

exceeding 14 days if the MOH considers that the restriction is still necessary and proportionate.

(7) Before imposing or varying a requirement or restriction under this regulation, the MOH must –

- (a) inform P (or, where P is a child, a person who is a responsible adult in relation to P) of the requirement or variation that the MOH is minded to impose or make, and
- (b) have regard to any relevant representations by P (or, where P is a child, a person who is a responsible adult in relation to P), as to its suitability.

(8) When imposing or varying a requirement or restriction under this regulation, the MOH must inform P that it is an offence to fail to comply with the requirement.

(9) Where a requirement or restriction under this regulation is imposed on or in relation to a child, or varied in relation to a child, a person who is a responsible adult in relation to the child must ensure that the child complies with the requirement or restriction, insofar as that person is reasonably able to do so.

(10) Where the MOH orally imposes a requirement or restriction on P under this regulation, or orally varies such a requirement or restriction, the MOH must provide P (or where P is a child, a person who is a responsible adult in relation to P) with a written notification of the requirement or restriction that has been imposed or varied.

(11) Paragraph (1) does not affect the exercise of any powers under regulation 3(1)(c).

**Isolation of persons suspected to be infected with coronavirus.**

6. (1) This regulation applies where regulation 2(1)(a) or (b) is met in relation to a person ("P").

(2) The MOH may decide to require P to be kept in isolation if the MOH –

(a) has reasonable grounds to believe that P is, or may be, infected or contaminated with coronavirus, and

(b) considers that it is necessary to do so in order to reduce or remove the risk of P infecting or contaminating others.

(3) Where the MOH has reasonable grounds to believe that P is, or may be, infected or contaminated with coronavirus, the MOH may detain P pending the decision of the MOH under paragraph (2).

(4) Where the MOH has detained P under paragraph (3) or has required P to be kept in isolation under paragraph (2), the MOH may impose on or in relation to P one or more screening requirements.

(5) Paragraph (1) does not affect the exercise of any powers under regulation 3(1)(c).

**Detention or isolation: additional provisions.**

7. (1) Where a person ("P") is required to be detained or kept in isolation under regulation 3 or 6 or subjected to restrictions or requirements under regulation 5, the MOH must have due regard to P's well-being.

(2) Where P is detained or kept in isolation under regulation 3 or 6 or subjected to restrictions or requirements under regulation 5 for a period exceeding

14 days, the MOH must review the continuation of P's detention by reference to the provisions of those regulations.

(3) After each subsequent interval of 24 hours during which P is detained or kept in isolation under regulation 3 or 6 or subjected to restrictions or requirements under regulation 5, the MOH must review the continuation of P's detention by reference to the provisions of those regulations.

(4) Where P is detained or kept in isolation under regulation 3 or 6 or subjected to restrictions or requirements under regulation 5, the MOH may require P to comply with screening requirements if the MOH considers that it is necessary and proportionate to do so in order to reduce or remove the risk of P infecting or contaminating others.

(5) Where P is detained under regulation 2, the MOH may require P to move to a suitable place.

(6) The MOH must notify P (or, where P is a child, a person who is a responsible adult in relation to P), as soon as P's detention under regulation 3 starts, or as soon as it is decided to keep P in isolation under regulation 6, of –

- (a) the fact of P's detention or isolation,
- (b) the powers under which P is detained or kept in isolation,
- (c) the reason for P's detention or isolation,
- (d) the next steps that may be taken and by whom,
- (e) the obligation to keep the need for P's detention or isolation under review,

- (f) the penalty for obstructing a person carrying out a function under these Regulations under regulation 11(2), and
- (g) the right to apply for revocation or variation under regulation 9, where applicable.

**Restrictions or requirements in respect of groups.**

8. (1) The powers in regulations 2, 3 and 6 include powers to impose a restriction or requirement in relation to a group of persons and, for this purpose, those regulations have effect as follows.

- (2) In regulation 2, the references to "a person" and to P –
  - (a) as they apply in subparagraph (1)(a) are to each person in the group,
  - (b) as they apply in subparagraph (1)(b) are to each person in the group who has arrived on the same aircraft or ship and left the same area,

and the power to impose a requirement to be detained in subparagraph (2) of regulation 2 is to be read as a power to impose that requirement on any one or more of the persons in the group in question.

- (3) In regulation 3 –
  - (a) in paragraph (1), the reference to "a person" is to be read in accordance with paragraph (2) of this regulation,
  - (b) in the rest of that regulation, the references to P are to one or more persons in the group in question.



- (4) In regulation 6 –
- (a) in paragraph (1), the reference to "a person" is to be read in accordance with paragraph (2) of this regulation,
  - (b) in the rest of that regulation, references to P are to one or more of the persons in the group in question.

**Variation and revocation of restrictions and requirements.**

9. (1) A requirement or restriction imposed under these Regulations may be varied or revoked by the Royal Court on the application of an affected person.

- (2) The following persons are affected persons –
- (a) P,
  - (b) a person having parental responsibility (within the meaning of the Children (Guernsey and Alderney) Law, 2008<sup>c</sup>, the Children (Sark) Law, 2016<sup>d</sup>, or the Child Protection (Sark) Law, 2020<sup>e</sup>, (as the case may be) for P,
  - (c) a person who has been appointed Guardian of P,

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<sup>c</sup> Order in Council No. XIV of 2009; amended by No. IV of 2018; Ordinance Nos. XI and XLVIII of 2009; Nos. IX and XX of 2016; and No. VI of 2017.

<sup>d</sup> Order in Council No. VIII of 2016; amended by Ordinance No. IX of 2016; and Sark Ordinance No. I of 2017.

<sup>e</sup> Approved by the Chief Pleas of Sark on 22<sup>nd</sup> January, 2020 and received Royal Sanction on the 3<sup>rd</sup> April, 2020.

(d) P's spouse or civil partner, and

(e) a person living with P as P's spouse.

(3) For the avoidance of doubt, an application under this regulation may be made in such manner as the court thinks fit.

**Initial detention of persons to enable screening and assessment.**

10. (1) This regulation applies if a police officer has reasonable grounds to suspect that –

(a) a person ("P") is, or may be, infected or contaminated with coronavirus,

(b) there is a risk that P might infect or contaminate others, and

(c) it is necessary to direct, remove or detain P in the interests of P, for the protection of other persons or for the maintenance of public safety.

(2) This regulation also applies if a police officer has reasonable grounds to suspect that P is in breach of a requirement to isolate himself or herself.

(3) A police officer may –

(a) direct P to go immediately to a hospital or other suitable place for the purposes of the imposition of any restrictions or requirements under regulation 3,

(b) remove P to a hospital or other suitable place for the purposes of the imposition of any restrictions or requirements under regulation 3, or

- (c) if P is already at a hospital or other suitable place, keep P at that place or remove P to another hospital or other suitable place for the purpose of the imposition of any restrictions or requirements under regulation 3.
- (4) The power in paragraph (3) may be exercised when P is at any place.
- (5) For the purpose of exercising the power in paragraph (3), a police officer may enter any place.
- (6) Before exercising the power in paragraph (3), the police officer must –
  - (a) so far as is reasonably practicable, consult the MOH and have due regard to the views of the MOH and any information provided by the MOH in relation to P,
  - (b) have due regard to any guidance issued by the MOH and the Chief Officer of the Island Police Force,
  - (c) where consultation has not been carried out under subparagraph (a) –
    - (i) consult the MOH as soon as reasonably practicable after the power in paragraph (3) has been exercised, and
    - (ii) have due regard to the views of the MOH and information provided by the MOH in relation to P.

(7) A person removed to or kept in a hospital or other suitable place under this regulation may be detained there for a period not exceeding the permitted period of detention.

(8) A police officer or the MOH, or a person authorised by either of them for the purposes of this paragraph, may, before the end of the permitted period of detention, take a person detained in a hospital or other suitable place to one or more other hospitals or other suitable places.

(9) A person taken to a hospital or other suitable place under paragraph (8) may be detained there for a period ending no later than the permitted period of detention.

(10) A police officer may use reasonable force, if necessary, in the exercise of a power under this regulation.

(11) The MOH may, at any time before the expiry of the initial period, authorise the detention of a person for a further period not exceeding 24 hours (beginning immediately at the end of the initial period).

(12) An authorisation under paragraph (11) may be given only if the MOH considers that the authorisation is necessary because it is not reasonably practicable for the imposition of any restrictions or requirements under regulation 3 to be completed before the end of the initial period.

(13) In this regulation –

**"authorised extended period"** means such further period as is specified in an authorisation under paragraph (11),

**"initial period"** means the period of 24 hours beginning with –

- (a) in a case where the person is removed to a hospital or other suitable place, the time when the person arrives at that place, or
- (b) in a case where the person is kept at a hospital or other suitable place, the time when the police officer decides to keep the person at that place, and

"**permitted period of detention**" means the initial period of detention and the authorised extended period.

**Offences and enforcement.**

11. (1) A person commits an offence if the person –
- (a) fails, without reasonable excuse, to comply with a restriction or requirement imposed under regulation 2(2), 3(1), 3(3), 5(1) or 7(4) or (5), or a direction under regulation 10(3)(a),
  - (b) fails, without reasonable excuse, to comply with a requirement that the person be detained under regulation 10(7), 10(9) or 10(11).
- (2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.
- (3) A responsible adult who fails without reasonable excuse to comply with regulation 3(5), 4(2) or 5(9) commits an offence.
- (4) A person guilty of an offence under paragraph (1), (2) or (3) is liable on conviction to a fine not exceeding level 3 on the uniform scale.

**Interpretation of this Part.**

12. (1) In this Part, unless the context otherwise requires –

"**child**" means a person under the age of 18 years,

"**hospital**" means –

(a) any hospital regulated or operated by the States Committee for Health & Social Care (including, for the avoidance of doubt, Le Mignot Memorial Hospital in Alderney), or

(b) the Sark Medical Centre,

"**infected area**" means an area specified as an infected area for the purposes of these Regulations on the States of Guernsey website, or otherwise reasonably considered by the MOH to be an area where there is sustained human-to-human transmission of coronavirus, or from which there is a high risk of importation of infection or contamination (with coronavirus) via travel from that area to the Bailiwick or any part thereof,

"**isolation**" in relation to a person means the separation of that person from any other person in such a manner as to prevent infection or contamination,

"**the MOH**": see regulation 1,

"**police officer**" includes a customs officer,

"**responsible adult**" means, in relation to a child, a person with parental responsibility for the child, within the meaning of the Children (Guernsey and Alderney) Law, 2008, the Children (Sark) Law, 2016, or the Child Protection

(Sark) Law, 2020 as the case may be, or a person who has the care or charge of the child for the time being,

"**requirement**" means a requirement imposed under this Part,

"**restriction**" means a restriction imposed under this Part,

"**Royal Court**" means the Royal Court sitting as an Ordinary Court, which shall be constituted by the Bailiff sitting alone, and

"**screening requirements**" means the requirements set out in regulation 4(1).

(2) In this Part, a reference to infection or contamination, however expressed, is a reference to infection or contamination with coronavirus, and related expressions are to be construed accordingly.

## PART II

### CONTROL OF PREMISES, GATHERINGS ETC., AND MOVEMENT OF PERSONS

#### **Power to give directions.**

13. (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 –

- (a) premises,
- (b) the holding of an event, gathering or meeting (whether planned or unplanned and of whatever duration), and

- (c) the movement of persons outside the place where they are living,

and for the purposes of subparagraph (c), the place where a person is living includes the premises where he or she is living together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

(2) The Committee must consult the Medical Officer of Health before issuing a direction under this regulation; and, in addition, before issuing a direction imposing conditions, prohibitions, requirements or restrictions in relation to the movement of persons outside the place where they are living, the Committee must seek the advice of Her Majesty's Procurer in relation to the appropriateness and proportionality of the proposed direction.

(3) A direction under paragraph (1)(a) may be issued in relation to specified premises, or premises of a specified description, and may, amongst other things, impose requirements for the purpose of –

- (a) restricting the hours of opening of the premises,
- (b) closing the premises or a part of the premises to entry by members of the public,
- (c) restricting entry into the premises, whether by reference to the number of people in the premises, a period of time, or otherwise, or
- (d) securing restrictions in relation to the location of persons in the premises.



(4) Where a direction under paragraph (1)(a) is issued in respect of licensed premises, the terms of the licence issued in respect of those premises shall be deemed, during the period of the direction, to be modified to reflect the prohibitions, requirements or restrictions imposed by the direction, and shall have effect accordingly.

(5) A direction under paragraph 1(b) 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.

(6) A direction under paragraph 1(b) may impose conditions, prohibitions, requirements or restrictions on –

- (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.

(7) A direction under paragraph 1(b) 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.

(8) A direction under paragraph 1(c) may (without limitation) restrict the movement of persons outside the place where they are living by reference to the purpose, or duration, of the movement, and by reference to the age of persons.

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

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

**Procedure, variation and revocation.**

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

(2) Where a direction 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.

(3) 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.

(4) Subject to paragraph (2), 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.

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

**Alderney and Sark.**

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

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

**Enforcement.**

16. (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 (4), where a police officer has required a person under paragraph (1) to comply with a direction issued under regulation 13(1)(a), and that person has failed to do so, the police officer may require the premises in question to be closed until such time as the direction is complied with; and the police officer may take such steps, or require the person to take such steps, as are necessary to ensure that the requirement to close the premises is complied with.

(3) Subject to paragraph (4), 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.

(4) 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 powers conferred by paragraphs (1) to (3).

(5) In exercising the powers conferred by paragraphs (1) to (3), a police officer may -

- (a) enter any premises to which the direction relates, and
- (b) if necessary, use reasonable force.

### **Offences.**

17. (1) A person commits an offence if he or she fails, without reasonable excuse, to comply with a direction, or a requirement of a police officer under regulation 16.

(2) A person commits an offence if he or she obstructs a police officer exercising a power conferred by regulation 16.

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

### **Interpretation of this Part.**

18. (1) In this Part –

"**direction**" means a direction given under regulation 13,

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

"**licensed premises**" has the meanings given by the Liquor Licensing Ordinance, 2006<sup>f</sup> in relation to premises in Guernsey, by the Alderney Liquor Licensing Ordinance, 1994<sup>g</sup> in relation to premises in Alderney, and by the Liquor Licensing (General Provisions) (Sark) Ordinance, 1979<sup>h</sup> in relation to premises in Sark, and "**licence**" shall be construed accordingly, and

"**premises**": see subparagraphs (2) and (3).

(2) In relation to a direction issued under regulation 13(1)(a), "**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

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<sup>f</sup> Ordinance No. V of 2006; amended by Ordinance No. XXIV of 2010; No. IX of 2016; No. XIV of 2018; and G.S.I. No. 28 of 2019.

<sup>g</sup> Alderney Ordinance No. IV of 1994; amended by Order in Council No. XX of 2012; Alderney Ordinance No. II of 1997; No. III of 1999; and No. XIII of 2014.

<sup>h</sup> Liquor Licensing (General Provisions) (Sark) Ordinance, 1979; amended by Liquor Licensing (General Provisions) (Amendment) (Sark) Ordinance, 1980; Liquor Licensing (General Provisions) (Amendment) (Sark) Ordinance, 1984; Liquor Licensing (General Provisions) (Amendment) (Sark) Ordinance, 1989; Liquor Licensing (Amendment) (Sark) Ordinance, 1994; Liquor Licensing (Amendment) (Sark) Ordinance, 1996; Liquor Licensing (Amendment) (Sark) Ordinance, 2006; and Sark Ordinance No. IV of 2016.

parks, public gardens and other places of recreation, sport, leisure and entertainment, but does not include premises used solely as residential premises.

(3) In relation to a direction issued under regulation 13(1)(b), "**premises**" includes land (including, for the avoidance of doubt, the foreshore), and pleasure vessels within the meaning of the Merchant Shipping (Registration of Ships) (Bailiwick of Guernsey) Regulations, 2009<sup>i</sup>.

PART III  
MEDICAL AND HEALTH PROFESSIONALS, MENTAL HEALTH AND  
PHARMACISTS

**Temporary registration, authorisation, etc. of doctors, nurses and other medical and health professionals.**

19. Schedule 1 modifies –

- (a) the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015<sup>j</sup>,
- (b) the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Regulations, 2016<sup>k</sup>,

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<sup>i</sup> G.S.I. No. 10 of 2009.

<sup>j</sup> Ordinance No. XXII of 2015; amended by No. L of 2015; and No. IX of 2016.

<sup>k</sup> G.S.I. No. 53 of 2016.

- (c) the Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017<sup>l</sup>,
- (d) the Regulation of Health Professions (Medical Practitioners) (Sark) Regulations, 2017<sup>m</sup>,
- (e) the Doctors, Dentists and Pharmacists Ordinance, 1987<sup>n</sup>,
- (f) the Nurses, Midwives and Health Visitors Ordinance, 1987<sup>o</sup>,
- (g) the Registered Health Professionals Ordinance, 2006<sup>p</sup>,

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<sup>l</sup> Sark Ordinance No. VI of 2017.

<sup>m</sup> Sark S.I. No. 74 of 2017.

<sup>n</sup> Recueil d'Ordonnances Tome XXIV, p. 79; amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XXIV, p. 238; Ordinance No. XXXIII of 2003; No. XXII of 2015; and No. IX of 2016. Applied to the Island of Alderney by Recueil d'Ordonnances Tome XXIV, p. 262.

<sup>o</sup> Recueil d'Ordonnances Tome XXIV, p. 238; amended by Ordres en Conseil Vol. XXXI, p. 278; Ordinance No. XXXIII of 2003; and No. IX of 2016.

<sup>p</sup> Ordinance No. III of 2006; amended by No. IX of 2016; and G.S.I. No. 94 of 2015. Modified in Alderney by Ordinance No. IV of 2006.

- (h) the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008<sup>q</sup>,
- (i) the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009<sup>r</sup>,
- (j) the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974<sup>s</sup>, and
- (k) the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997<sup>t</sup>,

which modifications shall have effect for the period of validity of these Regulations.

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<sup>q</sup> Order in Council No. V of 2009; amended by Ordinance No. XXIV of 2009; No. XLI of 2013; and No. IX of 2016.

<sup>r</sup> Ordinance No. XXV of 2009; amended by Ordinance No. XXV of 2010; and No. IX of 2016.

<sup>s</sup> Ordres en Conseil Vol. XXIV, p. 273; amended by Vol. XXVIII, p. 307; Vol. XXXI pp. 47 and 278; Vol. XXXIII, p. 217; Vol. XXXIV, p. 172; Vol. XXXVI, p. 396; Order in Council Nos. III and VII of 2000; Nos. IV and XIII of 2006; Recueil d'Ordonnances Tome XX p. 271; Tome XXII, p. 483; Tome XXIV, p. 477; Tome XXV pp. 38 and 325; Ordinance No. XXXIII of 2003; No. XLIII of 2010; No. XXV of 2011; No. XXII of 2015; No. IX of 2016; G.S.I. No. 19 of 1997; No. 5 of 2004; No. 42 of 2006; No. 20 of 2008; Nos. 22, 33 and 82 of 2010; No. 44 of 2012; No. 54 of 2013; No. 79 of 2014; No. 93 of 2015; and No. 78 of 2019.

<sup>t</sup> Recueil d'Ordonnances Tome XXVII, p. 247; amended by Ordinance No. XXXIII of 2003; No. XXV of 2009; No. XXII of 2015; No. IX of 2016; G.S.I. No. 5 of 2004; No. 42 of 2006; No. 20 of 2008; Nos. 22, 33, 82 and 98 of 2010; No. 44 of 2012; No. 79 of 2014; No. 93 of 2015; Nos. 1, 10 and 36 of 2018; and Nos. 67 and 78 of 2019.



**Modification of legislation relating to mental health.**

20. Schedule 2 modifies -

- (a) the Mental Health (Bailiwick of Guernsey) Law, 2010<sup>u</sup>,
- (b) the Mental Health (Treatment and Forms) Regulations, 2013<sup>v</sup>, and
- (c) the Mental Health Review Tribunal Procedure Rules, 2012<sup>w</sup>,

which modifications shall have effect for the period of validity of these Regulations (but without prejudice to the transitional provisions set out in paragraphs 17 and 18 of that Schedule).

**Modification of legislation relating to pharmacists.**

21. Schedule 3 modifies –

- (a) the Health Service (Benefit) (Guernsey) Law, 1990<sup>x</sup>, and

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<sup>u</sup> Order in Council No. XV of 2011; amended by Ordinance No. IX of 2016; and No. I of 2017.

<sup>v</sup> G.S.I. No. 70 of 2019.

<sup>w</sup> O.R.C. No. I of 2012; as amended by O.R.C. No. III of 2018.

<sup>x</sup> Ordres en Conseil Vol. XXXII, p. 292; there are amendments not material to these Regulations.

- (b) the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008<sup>y</sup>,

which modifications shall have effect for the period of validity of these Regulations.

PART IV  
REGISTRATION OF DEATHS AND STILL-BIRTHS

*Legislation extending to the Bailiwick except for registration of deaths and still-births in Alderney*

**Modification of the Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey.**

22. (1) The Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey<sup>z</sup> of 1935 ("**the 1935 Law**") is modified as follows for all purposes of or under the 1935 Law or any other enactment.

(2) The French text of the 1935 Law is modified in the same way as is set out in the following modifications to the official English translation of that Law.

(3) Articles 9 (declaration of death) and 17 (still-born children) have effect as if the requirement to make a declaration in person or to send it by a person of at least sixteen years of age were substituted by a requirement to send the

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<sup>y</sup> Order in Council No. V of 2009; amended by Ordinance No. XXIV of 2009; No. XLI of 2013; No. IX of 2016.

<sup>z</sup> Ordres en Conseil Vol. X, p. 20; as amended by Ordres en Conseil Vol. XX, p. 267; Vol. XXII, pp. 48 and 560; Vol. XXXI, p. 278; and Vol. XXXIII, p. 444.

declaration by post, electronic means (including email message) or such other means as is specified by the Registrar-General in guidance.

(4) Article 11 (doctor's certificate) has effect as if the words "that he has seen the body of the deceased and stating" were omitted.

(5) Article 15 (limit of time for keeping body) is disapplied provided that the body is in the custody of the States of Guernsey or a funeral director.

(6) Form C (medical certificate of cause of death) and the notes to Form C in the Schedule have effect as if the following were omitted –

(a) on the second page –

(i) the words "that I was in medical attendance during the above-named deceased's last illness, and",

(ii) in Note 1, the second sentence, and

(b) the certification section at the end of the Form headed "CERTIFICATE (See Note 1 above)".

*Legislation extending to Alderney*

**Modification of the Loi relative aux certificats de Décès et aux Enterrements.**

23. (1) The Loi relative aux certificats de Décès et aux Enterrements of 1910<sup>aa</sup> ("the 1910 Law") is modified as follows for all purposes of or under that Law

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<sup>aa</sup> Ordres en Conseil Vol. IV. p. 328; amended by Ordres en Conseil Vol XXII, p. 501 which substituted the original Form A for a Form A in English; and Ordres en Conseil Vol. XXVII, p. 40; Vol. XXXI, p. 306

or any other enactment.

(2) The French text of the 1910 Law is modified in the same way as is set out in the following modifications in English.

(3) Articles 1 (déclaration par écrit etc.) and 8 (enfant mort-né) have effect as if the requirement to make a declaration in person or to send it by a person who has reached the age of majority were substituted by a requirement to send the declaration by post, electronic means (including email message) or such other means as is specified by the Registrar-General in guidance.

(4) Article 6 (défense de garder sans permission un corps au-delà de six jours) is disapplied provided that the body is in the custody of the States of Alderney or a funeral director.

(5) Form A (medical certificate of cause of death) and the notes to Form A in the Schedule have effect as if the following were omitted –

- (a) in the certification following the table relating to cause of death–
  - (i) the words "that I was in medical attendance during the above-named deceased's last illness, and", and
  - (ii) in Note 1, the second sentence, and
- (b) the certification section at the end of the Form headed "CERTIFICATE (See Note 1 above)".

## PART V

MODIFICATIONS TO LEGISLATION RELATING TO CREMATIONS IN  
GUERNSEY

**Modification of legislation relating to cremation.**

24. (1) The Cremation Ordinance, 1972<sup>bb</sup> is modified as follows for all purposes of or under the Loi relative à la Crémation<sup>cc</sup> or any other enactment.

(2) Section 6 (applications for cremation) has effect as if subsections (3) and (5) requiring the application to be verified by being countersigned or accompanied by a declaration of truth made on oath were omitted.

(3) In section 7 (certificates of medical attendance or post-mortem examination), paragraph (a) has effect as if –

- (a) the words "who has attended the deceased during his last illness and" were omitted, and
- (b) it did not require a confirmatory medical certificate in Form C in the First Schedule to have been given before a cremation is allowed to take place.

(4) Section 9 (applications for cremation of remains of a person who died outside this Island) has effect as if –

- (a) it did not require the application to be verified by being countersigned or by a declaration by the applicant, and

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<sup>bb</sup> Recueil d'Ordonnances Tome XVIII, p. 90; amended by Ordinance No. XXXIII of 2003; and No. IX of 2016.

<sup>cc</sup> Ordres en Conseil Vol. VIII p. 209; as amended by Ordres en Conseil Vol. XXXI, p. 278.

- (b) the wording following paragraph (c) referred to "Forms B and D in the First Schedule".

PART VI  
PAROCHIAL MEETINGS, ETC.

**Application of this Part.**

25. (1) This Part shall apply, despite the provisions of any other enactment, upon being made and shall cease to apply in the circumstances set out in paragraph (2).

(2) This Part shall cease to apply if the Dean of the Douzaine of a parish makes a determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in the Bailiwick in relation to coronavirus, that it is appropriate for them to cease to apply.

**Determination of parish matters.**

26. (1) Parish meetings attended by the ratepayers of the parish, whether in relation to ecclesiastical matters or to secular matters, need not be held.

(2) For the purpose of determining matters which would, but for the provisions of paragraph (1), be determined at a parish meeting, the following provisions of this regulation shall apply.

(3) Where a decision is required in relation to ecclesiastical or secular matters in any parish, including, but not limited to, the amount to be raised by means of parochial taxation for the purposes set out in Article I of the 1923 Law ("**parochial tax**"), or the parish waste rate to be levied under the Parochial Collection

of Waste (Guernsey) Ordinance, 2018<sup>dd</sup> ("**parish waste rate**"), such decision shall be made at a meeting of the Constables and Douzaine, after consultation with the Rector and Churchwardens in the case of ecclesiastical matters, subject to the following conditions being fulfilled.

(4) A notice shall be published on one occasion in La Gazette Officielle, setting out -

- (a) a summary of the matters requiring determination,
- (b) details of the proposed decision of the Constables and Douzaine in relation to such matters,
- (c) the address of a website on which the details of any proposed expenditure, accounts and other information necessary for a proper understanding of the matters requiring determination shall be published, and notification of such other means by which such accounts and other information may be made available to ratepayers of the parish, as the Constables and Douzaine may think fit, and
- (d) the date of the meeting of the Constables and Douzaine at which the decision will be made, and the date, being not earlier than seven days after the date of the notice, before which any representations by parishioners should be received,

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<sup>dd</sup> Ordinance No. XXIV of 2018.

and stating that any representations received by the Constables and Douzaine before the date specified in the notice will be taken into account by them in reaching any decision.

(5) On the date of the meeting specified in the notice published under paragraph (4), the Constables and Douzaine may, having considered any representations received, make a decision in respect of each of the matters requiring determination.

(6) The person presiding at a meeting held in accordance with this regulation shall make a note of the decisions made at such meeting, which note shall be made available for inspection by, or notified to, the ratepayers of the relevant parish by such means as the Constables and Douzaine may decide.

**Application to Royal Court for confirmation of parochial tax or parish waste rate.**

27. (1) Where, at a meeting of the Constables and Douzaine under regulation 26, a decision has been made to raise a parochial tax, whether ecclesiastical or secular in nature, or a parish waste rate, notice of such decision must be published on one occasion in La Gazette Officielle, together with a notification of the date and time when application will be made to the Royal Court for confirmation of the decision.

(2) Any person intending to oppose an application for confirmation of a decision to raise a parochial tax or a parish waste rate should give written notification of such intention to the Greffe, sending a copy of such notification to the relevant Constables and Douzaine, prior to the date of the application to the Royal Court.

**Parish elections.**

28. (1) Where there is a vacancy in any parish office, including without limitation the offices of -



- (a) Churchwarden, or member of the Management Board of an ancient parish under section 6 of the Parochial Church Property (Guernsey) Law, 2015<sup>ee</sup>,
- (b) Constable or Douzenier of a parish, or
- (c) member of a cemeteries committee,

the following provisions of this regulation shall apply.

(2) The Dean of the Douzaine of the relevant parish, after consultation with the Constables and other members of the Douzaine, and with the Rector and Churchwardens where appropriate, may appoint a person to hold an office in relation to which there is a vacancy, and such person shall hold office until the expiration of one month after these regulations, or any re-enactment thereof, cease to apply in accordance with regulation 25(2).

(3) A person may not be appointed to the office of Constable or Douzenier unless the person is eligible for office in accordance with Article 51 of the Reform (Guernsey) Law, 1948<sup>ff</sup> and a person so appointed must take an oath of office in accordance with Article 61 of the said Law.

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<sup>ee</sup> Order in Council No. III of 2015.

<sup>ff</sup> Ordres en Conseil Vol. XIII, p. 288; as amended by Ordres en Conseil Vol. XIV, p. 407; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, pp. 84 and 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, pp. 164 and 278; Vol. XXXII, p. 41; Vol. XXXIV, p. 397; Vol. XXXVI, p. 478; Vol. XXXVIII, pp. 150 and 295; Order in Council No. XIII of 2003; No. III of 2004; No. II of 2007; No. XX of 2007; Nos. XIII and XXII of 2008; No. VII of 2010; Nos. II and XIV of 2012; No. XVII of 2015; Ordinance No. XXXIII of 2003; No. XXVI of 2008; No. XXXII of 2011; No. IX of 2016; No. XXVII of 2019; and the Reform (Guernsey) Law, 1948 (Amendment) (No. 2) Ordinance, 2019.

### **Meetings of Constables and Douzaine.**

29. (1) A Constable or Douzenier ("**parish official**") who is in communication with the other parish officials by telephone, live television link or any other means of telecommunications or electronic communications, so that each parish official can hear or read what is being said or communicated by each of the others, is deemed, subject to paragraph (2), to be present at a meeting of the Constables and Douzaine for all purposes relating to that meeting.

(2) In the event that a means of communication referred to in paragraph (1) fails or is corrupted, or the Dean or other person presiding at a meeting of the parish officials ("**person presiding**") considers that confidentiality is compromised, the person presiding shall have the discretion at any time during the meeting to determine that a parish official who is affected by that failure, corruption or compromise of confidentiality is no longer deemed to be present at the meeting.

(3) For the avoidance of doubt, a determination under paragraph (2) does not affect the validity of the proceedings of the meeting for any purpose prior to the making of that determination.

(4) For the purposes of these regulations, the Dean or, in the Dean's absence the Vice-Dean, shall preside at a meeting of the Constables and Douzaine, and in the absence of both the Dean and Vice-Dean, any parish official present at the meeting who is appointed by the other parish officials present at the meeting, shall preside, and the person presiding shall have an original and a casting vote.

### **Interpretation of this Part.**

30. In this Part, unless the context otherwise requires -

"**1902 Law**" means the Loi relative aux Assemblées Paroissiales, registered on the 29<sup>th</sup> November, 1902<sup>gg</sup>,

"**1923 Law**" means the Loi relative à la Taxation Paroissiale, registered on the 27<sup>th</sup> October, 1923<sup>hh</sup>,

"**Dean**", relation to any parish, means the Dean of the Douzaine and includes the Vice-Dean,

"**ecclesiastical matters**" means "Les Affaires Ecclésiastiques" within the meaning of Article 3 of the 1902 Law,

"**parish waste rate**": see regulation 25(3),

"**parochial tax**": see regulation 25(3),

"**secular matters**" means "Les Affaires Séculières" within the meaning of Article 4 of the 1902 Law.

## PART VII HEALTH AND SAFETY

### Disapplication of requirement to thoroughly examine etc.

31. (1) Where a provision of the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952<sup>ii</sup> set out in the Schedule to these Regulations requires any

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<sup>gg</sup> Ordres en Conseil Vol. III, p. 274; amended by Vol. VI, p. 115; Vol. VII, p. 481; Vol. XIX, p. 155; Order in Council No. III of 2017.

<sup>hh</sup> Ordres en Conseil Vol. VII, p. 146; amended by Vol. VII, p. 392; Vol. XIX, p. 152; Order in Council No. III of 2017.

<sup>ii</sup> Recueil d'Ordonnances Tome X, p. 194.

type of equipment to be -

- (a) thoroughly examined at least once in a specified period,
- (b) tested and examined in a specified manner before being taken into use,
- (c) inspected at least once in a specified period, within a specified period of use or in specified conditions,

(as the case may be) a person who owns or operates such equipment may apply to the Chief Officer to disapply the requirement in relation to that equipment.

(2) Where section 18(1) of the Safety of Employees (Electricity) Ordinance, 1956<sup>jj</sup> requires an occupier's installation to be tested at least once in every period of 12 months, the occupier, or a person who owns, controls or operates such an installation, may apply to the Chief Officer to disapply the requirement in relation to that installation.

(3) Where section 36(3) of the Health and Safety (Gas) (Guernsey) Ordinance, 2006<sup>kk</sup> requires a gas appliance and flue to be checked for safety at least once in any 12 month period, the landlord or any agent of the landlord may apply to the Chief Officer to disapply the requirement in relation to that gas appliance and flue.

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<sup>jj</sup> Recueil d'Ordonnances Tome XI, p. 201; as amended by Ordres en Conseil Vol. XXXI, p. 278; Order in Council No. XIII of 2001; Recueil d'Ordonnances Tome XXIV, p. 162; Tome XXV, p. 328; Tome XXVII, p. 139; Ordinance No. XXXIII of 2003; and No. IX of 2016.

<sup>kk</sup> Ordinance No. XIV of 2006; as amended by Ordinance No. IX of 2016.

(4) An application under paragraph (1), (2) or (3) may be made in writing and, for the avoidance of doubt, this includes by electronic means.

(5) On an application made under paragraph (1), (2) or (3), the Chief Officer may disapply that requirement by granting a certificate to that person, where the Chief Officer is of the opinion that the disapplication will not prejudice the safety of -

(a) any person operating the equipment, occupier's installation or gas appliance and flue (as the case may be), and

(b) any other person likely to be affected by the operation of the equipment, occupier's installation or gas appliance and flue (as the case may be).

(6) A certificate granted under paragraph (5) shall be in writing and-

(a) may only disapply the requirement for a period stated in the certificate which may not exceed 30 days, and

(b) may be revoked by the Chief Officer prior to the expiry of the certificate where that Officer is satisfied that it is no longer necessary.

(7) For the avoidance of doubt, where a certificate has been granted under paragraph (5), no criminal or civil proceedings may be instituted for

contravention of any requirement set out in or under any enactment set out in any of paragraphs (1), (2) or (3) against any person in relation to the equipment, occupier's installation or gas appliance and flue (as the case may be) subject to the certificate.

(8) Nothing in this regulation exempts the person subject to any requirement set out in or under any enactment set out in any of paragraphs (1), (2) or (3) from any other health and safety requirement, and especially (but not limited to) the requirement to keep the equipment, occupier's installation or gas appliance and flue (as the case may be) in a safe condition and good working order.

**Interpretation of this Part.**

32. In this Part, "**the Chief Officer**" -

- (a) means the inspector appointed under section 15 of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987<sup>II</sup> for the time being holding the title "the Chief Health and Safety Officer", and
- (b) includes any inspector acting by or under the authority of the inspector mentioned in subparagraph (a).

PART VIII

THE COURT OF APPEAL, AND THE REGISTRATION OF LEGISLATION

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<sup>II</sup> Recueil d'Ordonnances Tome XXIV, p. 162; as amended by Recueil d'Ordonnances Tome XXV, p. 328; Tome XXVII, p. 139; Ordinance No. XXXIII of 2003; No. LII of 2012; and No. IX of 2016.

### **Court of Appeal.**

33. (1) For the purposes of section 5 (Oath of Office of Judge) of the Court of Appeal (Guernsey) Law, 1961<sup>mm</sup> ("the Court of Appeal Law"), the Royal Court may be constituted by the Bailiff sitting alone.

(2) Section 7 (Venue) of the Court of Appeal Law is disapplied.

(3) The Court of Appeal may sit for the hearing of appeals in or outside the Bailiwick.

(4) For the avoidance of doubt, the Bailiff or presiding judge may give directions as to how the proceedings of the Court of Appeal shall be conducted, including (but not limited to) a direction that the proceedings, or part thereof, shall be conducted by way of telephone, live television link or any other means of telecommunications or electronic communications.

### **Entry of Orders in Council etc. on the Register of the Island.**

34. For the avoidance of doubt, the Bailiff sitting alone may enter Orders of Her Majesty in Council and other instruments on the Register of the Island.

## PART IX

## SCHOOLS

### **Power of Medical Officer of Health to close schools.**

35. (1) The powers of the Medical Officer of Health under Article

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<sup>mm</sup> Ordres en Conseil Vol. XVIII, p. 315; there are amendments not relevant to these Regulations.

VIII(8) of the Public Health Ordinance, 1936<sup>nn</sup>, to require measures to be taken by any school in order to prevent the spread of infection, shall apply in respect of Sark.

(2) For the avoidance of doubt, the measures that the Medical Officer of Health may require to be taken under the above enactment (including as it applies in Sark under paragraph (1)) include, but are not limited to, the immediate closure, partial closure, or closure subject to conditions, of any school for any period.

## PART X

### STATES OF DELIBERATION, STATES OF ALDERNEY AND CHIEF PLEAS OF SARK

#### *States of Deliberation*

#### **Modification of the Reform Law.**

36. The Reform (Guernsey) Law, 1948 shall apply as if modified by the insertion of the following Article immediately after Article 3 –

#### **"Remote meetings of the States of Deliberation.**

3A. (1) The States of Deliberation may meet remotely.

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<sup>nn</sup> Recueil d'Ordonnances Tome VIII, p. 315; amended by Ordres en Conseil Vol. XXXI, p. 278; Order in Council No. XIV of 2012; No. VI of 2015; Recueil d'Ordonnances Tome X, pp. 35 and 61; Tome XIII, p. 264; Tome XV, p. 239; Tome XV, p. 387; Tome XIX, p. 91; Tome XX, p. 163; Tome XXIII, p. 427; Tome XXVIII, p. 80; Ordinance No. XXXIII of 2003; No. XXXVIII of 2006; No. XLI of 2010; No. XLII of 2014; Nos. IX and XXI of 2016. This Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948 and to the Islands of Herm and Jethou by the Public Health (Amendment) Ordinance, 1963.



(2) A Member shall be treated for all purposes as present at a remote meeting of the States of Deliberation (including, but not limited to, the purpose of forming a Quorum of the States of Deliberation in accordance with Article 3) if, by means of electronic communications or telecommunications or otherwise –

(a) the Member has declared that he or she is present, and

(b) (in the case of a Member other than the Bailiff) the Presiding Officer has declared that the Member shall be treated as present.

(3) The States' Assembly & Constitution Committee may make Rules of Procedure governing remote meetings of the States of Deliberation, including but not limited to provision supplementing paragraph (2), and provision applying (with or without modification) Rules of Procedure applicable in relation to assemblies of the States of Deliberation under Article 7; and Article 7 shall be construed accordingly.

(4) For the avoidance of doubt, and without prejudice to paragraph (3), the States of Deliberation may –

(a) prescribe Rules of Procedure governing remote meetings of the States, and

(b) (whether meeting remotely or otherwise) resolve to amend, or revoke, Rules of Procedure

made by the States' Assembly & Constitution  
Committee under paragraph (3).

(5) For the purpose of this Article, a meeting of the States of Deliberation is a remote meeting if Members communicate and (in the case of voting Members) vote during the meeting solely, or primarily, by means of electronic communications or telecommunications."

*States of Alderney*

**Modification of the Government of Alderney Law.**

37. The Government of Alderney Law, 2004<sup>oo</sup> shall apply as if modified by the insertion of the following Part after Part IV –

"PART IVA

EMERGENCY PROCEDURES

**Application.**

55A. (1) This Part shall apply only in the circumstances set out in subsection (2) and despite any other provisions of or under this Law.

(2) The circumstances are that the President has made a determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in the Island in relation to Severe Acute

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<sup>oo</sup> Order in Council No. III of 2005; amended by No. XXII of 2010; No. XI of 2012; No. V of 2014; and Alderney Ordinance No. IX of 2016.

Respiratory Syndrome Coronavirus 2, which make it appropriate for this Part to apply.

(3) This Part shall cease to apply if the President makes a further determination, upon representations from the Civil Contingencies Authority in the light of circumstances prevailing in the Island in relation to Severe Acute Respiratory Syndrome Coronavirus 2, that it is appropriate for it to cease to apply.

**People's Meetings.**

55B. (1) A people's meeting need not be held under section 42 before a meeting of the States and subsection (2) shall apply to that States' meeting if a people's meeting has not been so held.

(2) After the reading of each item in the Billet d'État, the President shall call upon a member of the States to provide a report summarising relevant comments made in writing by members of the public in response to the publication of the Billet d'État under section 41; and Rules 11 and 12 of the States of Alderney Rules of Procedure, made on the 17<sup>th</sup> March, 2010, shall apply as if they referred to that member and that report.

**Public attendance and participation at meetings of the States.**

55C. States meetings need not be open to the public.

**Proxy voting at meetings of the States.**

55D. (1) The President may prescribe certain reasons for absence ("**Authorised Absence**") from a meeting of the States, which shall entitle a member of the States ("**first member**") to arrange for the first member's vote to be cast by another member acting as proxy if the first member's circumstances require the first member to take an Authorised Absence from a meeting of the States.

(2) The President shall make directions as to the manner in which proxy arrangements under subsection (1) shall operate in relation to an Authorised Absence.

**Quorum at a meeting of the States.**

55E. (1) The quorum at a meeting of the States is a minimum of 5 States members holding office at the time of the meeting in addition to the person presiding at that meeting.

(2) Subsection (1) does not affect the provisions of section 45(3) of this Law in relation to resolutions of the States to the extent that their implementation would require the amendment of this Law.

**Meetings of committees.**

55F. (1) A member of a committee of the States or the Chief Executive acting as clerk of the committee, who is in communication with other members of the committee by telephone, live television link or any other means of telecommunications or electronic communications, so that each member of the committee can hear or read what is said or communicated by each of the others, is deemed, subject to subsection (2), to be present in person for all purposes relating to a meeting of that committee including calculating the quorum at the meeting under subsection (5).

(2) In the event that a means of communication referred to in subsection (1) fails, is corrupted or the person presiding at the meeting in accordance with section 50(3) ("**person presiding**") considers that confidentiality is compromised, the person presiding shall have the discretion to determine at any time during the course of the meeting that the member who is affected by that failure, corruption or compromising of confidentiality is no longer deemed to be present in person at the meeting.

(3) For the avoidance of doubt, a determination under subsection (2) does not affect the validity of the proceedings of the committee for any purpose prior to the making of that determination.

(4) The reference to the "Chief Executive acting as clerk of the committee" includes any person appointed as the Secretary of the Committee or a person acting in that person's stead as referred to in rule 7 of the Rules of Procedure for States' Committees.

(5) The quorum at a meeting of a committee of the States is one half (or the nearest number above one half) of the number of members of the Committee including the person presiding.

**Interpretation of Part IVA.**

55G. In this Part of the Law, unless the context requires otherwise –

"**Civil Contingencies Authority**" means the body of that name established under section 1 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012,

"**Rules of Procedure for States Committees**" means the States of Alderney Rules of Procedure for States Committees made in August, 2005, and

"**States of Alderney Rules of Procedure**" means the States of Alderney Rules of Procedure made on 17<sup>th</sup> March, 2010."

*Chief Pleas of Sark*

**Modification of the Sark Reform Law.**

38. (1) The Reform (Sark) Law, 2008<sup>PP</sup> shall apply as if modified as follows.

(2) After Part IV insert the following Part –

"PART IVA  
EMERGENCY PROCEDURES

**Application.**

55A. (1) This Part shall apply only in the circumstances set out in subsection (2) and despite any other provisions of or under this Law.

(2) The circumstances are that the Speaker has made a determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in Sark in relation to Severe Acute Respiratory Syndrome Coronavirus 2, which make it appropriate for this Part to apply.

(3) This Part shall cease to apply if the Speaker makes a further determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in Sark in relation to Severe Acute Respiratory Syndrome Coronavirus 2, that it is appropriate for it to cease to apply.

**Public attendance at meetings of the Chief Pleas.**

55B. Meetings of the Chief Pleas need not be open to the public.

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<sup>PP</sup> Order in Council No. V of 2008; amended by No. XII of 2011; No. IX of 2016. There are other amendments not relevant to this provision.

**Remote meetings of the Chief Pleas.**

55C. (1) The Chief Pleas may meet remotely where the Speaker, upon representations from the Civil Contingencies Authority in the light of circumstances prevailing in Sark, considers that it might not be possible to convene or maintain a quorate physical meeting of the Chief Pleas.

(2) A member of the Chief Pleas, the Greffier, the Prévôt and the Treasurer shall be treated for all purposes as present at a remote meeting of the Chief Pleas (including, but not limited to, the purpose of forming a quorum in accordance with section 55F) if, by means of electronic communications or telecommunications or otherwise –

- (a) the member, the Greffier, the Prévôt or the Treasurer, as the case may be, has declared that he or she is present, and
- (b) in the case of a member other than the Speaker or other person presiding at the meeting ("**person presiding**"), and in the case of the Greffier, Prévôt or Treasurer, the person presiding has declared that the member, Greffier, Prévôt or Treasurer, as the case may be, shall be treated as present.

(3) For the purposes of this section and section 55D, a meeting of the Chief Pleas is a remote meeting if members of the Chief Pleas, the Greffier, the Prévôt and the Treasurer communicate with one another and (in the case of Conseillers) vote during the meeting solely, or primarily, by means of electronic communications or telecommunications so that each can hear what is said or communicated by each of the others.

**Rules of procedure for remote meetings of the Chief Pleas.**

55D. (1) The Chief Pleas of Sark Rules of Procedure made on 2<sup>nd</sup> October, 2013 under section 36(1) ("**the Rules of Procedure**") apply to remote meetings of the Chief Pleas subject to the provisions of this section.

(2) The Greffier must make arrangements to enable members of the Chief Pleas who are absent at the start of a day on which a remote meeting of the Chief Pleas takes place to declare that they are present at the meeting, that they intend to follow the proceedings of the Chief Pleas and that they are able to vote by means of electronic communications or telecommunications on that day.

(3) The Greffier must inform the Speaker of the names of every member who has made the declaration under subsection (2) and the Speaker must state that those persons are present and instruct the Greffier to record that fact in the Minutes.

(4) The following modifications to the Rules of Procedure shall apply to remote meetings –

(a) rules 4(2), 11(2) and (6), 14(3) and 18(2) shall not apply,

(b) in rule 1 –

(i) in paragraph (3), the words "the same place and" shall not apply,

(ii) in paragraph (4), for "placed in the official Island Notice Boxes" substitute "published on the official Sark Government Website and in such other



form as the Speaker may determine", and the words "publicly available in paper form and" shall not apply,

(c) in rule 12(2), the words "from the floor" shall not apply,

(d) in rule 14 –

(i) in paragraph (1), for "written declaration, or any updated information, is submitted" substitute "declaration of interests, or updated information, is submitted to the Greffier, which may be submitted via electronic communications or telecommunications, and which declaration or updated information shall be communicated by the Greffier to the Speaker",

(ii) in paragraph (2), for "declare his interest and withdraw from the Chamber during" substitute "declare his or her interest to the Speaker via electronic communications or telecommunications and take no part in",

(iii) for paragraph (4), substitute "A Conseiller who has declared his or her interest in an issue and is taking no part in the consideration of that issue in accordance

with paragraph (2) may, if so requested by any other Conseiller, contribute factual or technical information for the purpose of any general debate of the issue in question.",

- (e) in rule 17, add at the end "For the purposes of, and subject to, this rule, a Member may interrupt another Member by notifying the Greffier via electronic communications or telecommunications stating "Point of Order" or "Point of Correction", as the case may be, and waiting to be invited to speak by the Speaker",
- (f) in the first sentence of rule 19, for "a vote shall be conducted" substitute "a vote shall be conducted by appel nominal by means of electronic communication or telecommunications",
- (g) in rule 21 –
  - (i) for paragraph (1), substitute "A Conseiller may vote only by appel nominal by means of electronic communication or telecommunications (except where the Conseiller is entitled by virtue of section 55E to vote by proxy)",
  - (ii) in paragraph (2), the first sentence shall not apply.

(5) The Policy & Finance Committee may make rules of procedure applicable to remote meetings of the Chief Pleas, including (but not limited to) provision supplementing this section, and provision modifying the Rules of Procedure.

(6) For the avoidance of doubt, and without prejudice to subsection (5), the Chief Pleas may, whether meeting remotely or otherwise, by resolution –

- (a) make rules of procedure applicable to remote meetings of the Chief Pleas, and
- (b) amend, or revoke, rules of procedure made by the Policy & Finance Committee under subsection (5).

**Proxy voting at meetings of the Chief Pleas.**

55E. (1) The Speaker may prescribe certain reasons for absence ("**Authorised Absence**") from a meeting of the Chief Pleas, which shall entitle a Conseiller ("**first Conseiller**") to arrange for his or her vote to be cast by another Conseiller acting as a proxy if the first Conseiller's circumstances require him or her to take an Authorised Absence from a meeting of the Chief Pleas.

(2) The Speaker shall make directions as to the manner in which proxy arrangements under subsection (1) shall operate in relation to an Authorised Absence.

**Quorum at a meeting of the Chief Pleas.**

55F. The quorum at a meeting of the Chief Pleas is a minimum of seven Conseillers in addition to the person presiding at that meeting.

### **Meetings of committees.**

55G. (1) A member of a committee of the Chief Pleas who is in communication with the other members of the committee by telephone, live television link or any other means of telecommunications or electronic communications, so that each member of the committee can hear or read what is said or communicated by each of the others, is deemed, subject to subsection (2), to be present at a meeting of the committee for all purposes relating to that meeting, including calculating the quorum at the meeting under section 43(5) or 44(5) and under rule 13 of the Constitution and Operation of Chief Pleas Committee Rules, made on 2<sup>nd</sup> October, 2013.

(2) In the event that a means of communication referred to in subsection (1) fails or is corrupted, or the chairman or other person presiding at a meeting in accordance with section 46(3) ("**person presiding**") considers that confidentiality is compromised, the person presiding shall have the discretion at any time during the meeting to determine that a member who is affected by that failure, corruption or compromise of confidentiality is no longer deemed to be present at the meeting.

(3) For the avoidance of doubt, a determination under subsection (2) does not affect the validity of the proceedings of the committee for any purpose prior to the making of that determination.

### **Interpretation of Part IVA.**

55F. In this Part of this Law, unless the context requires otherwise, "**Civil Contingencies Authority**" means the body of that name established under section 1 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012."

## PART XI

### MISCELLANEOUS AND FINAL

**Population Management Law: Employment Permits.**

39. (1) The holder of a -
- (a) Long Term Employment Permit,
  - (b) Medium Term Employment Permit, or
  - (c) Short Term Employment Permit

granted by the Administrator under the Population Management Law and in force at the time these Regulations are made, may, during the period of validity of that Permit-

- (i) be resident without being employed, and
- (ii) be employed by an employer other than the employer or category of employer specified for that purpose in the Permit;

and the Permit (including the conditions set out therein) shall be deemed to be varied to the extent necessary to give effect to the foregoing.

(2) The provisions of the Population Management Law, any Ordinance and subordinate legislation made under that Law, and any other enactment, shall be deemed to be modified to the extent necessary to give effect to paragraph (1) and shall have effect accordingly.

(3) For the avoidance of doubt, this regulation shall not affect the period of validity of any Certificate or Permit issued or granted under the Population Management Law, nor the calculation of time for any purpose under that Law.

(4) The Administrator may issue guidance in respect of this regulation.

(5) In this regulation -

"**the Administrator**" means the Administrator of Population Management under the Population Management Law, and

"**the Population Management Law**" means the Population Management (Guernsey) Law, 2016<sup>99</sup>.

**Cutting and collection of seaweed.**

40. (1) Notwithstanding the provisions of any enactment or customary law which prohibits, restricts or otherwise regulates the cutting or collecting of seaweed, the States of Guernsey Committee for the Environment & Infrastructure ("**the Committee**") may issue a notice authorising a person to cut, collect, land, lift and carry seaweed for the purpose set out in the notice, and, to the extent necessary for that cutting, collecting, landing, lifting and carrying only, temporarily to deposit seaweed on slips or coastal walls.

(2) A notice issued under this Regulation may contain such conditions, and be valid for such period, as the Committee thinks fit.

(3) The Committee may vary or revoke a notice issued under this Regulation, and the power to vary or revoke a notice is without prejudice to the power to issue a new notice in respect of the same person.

(4) For the avoidance of doubt, in this Regulation "seaweed" includes (but is not limited to) –

(a) drift weed, and

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<sup>99</sup> Order in Council No. VI of 2016; as amended by No. IV of 2018; Ordinance No. VII of 2017; and Ordinance No. XXVII of 2018.

- (b) the sea alga *Chondus crispus*.

**Modification of Driving Licences Ordinance.**

41. (1) Notwithstanding section 11 of the Driving Licences (Guernsey) Ordinance, 1995<sup>rr</sup>, the holder of a full Category C or C1 licence endorsed with restriction code 78 ("Limited to vehicles with automatic transmission") shall be entitled to drive any vehicle -

- (a) approved by the States of Guernsey Committee for the Environment & Infrastructure ("**the Committee**") for the purposes of Category C or C1 for use as an ambulance, in exercise of a power conferred by the amendments made to that Ordinance by the Driving Licences (Amendment) Regulations, 2020<sup>ss</sup>, and
- (b) with manual transmission,

if paragraph (2) applies.

- (2) This paragraph applies where -

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<sup>rr</sup> Recueil d'Ordonnance Tome XXVI, p. 374; amended by Recueil d'Ordonnance Tome XXVII, pp. 62, 138 and 149; Tome XXVIII, p. 55; Ordinance No. III of 2000; No. XXX of 2002; No. XII of 2007; No. V of 2010; No. V of 2015; G.S.I. No. 1 of 2001; G.S.I. No. 25 of 2002; G.S.I. No. 22 of 2006; G.S.I. No. 41 of 2012; G.S.I. No. 10 of 2013; G.S.I. Nos. 5, 26 and 55 of 2016; G.S.I. No. 1 of 2017; and G.S.I. No. 2 of 2019.

<sup>ss</sup> G.S.I. No. 46 of 2020.

- (a) the holder of a Category C or C1 licence additionally holds a full Category B licence which is not endorsed with restriction code 78, and
  - (b) the Committee gives an approval to that person to drive any vehicle approved for the purposes of Category C or C1.
- (3) An approval for the purposes of paragraph (2)(b) -
- (a) must be given in writing,
  - (b) must include the person's full name, date of birth and driving licence number,
  - (c) may contain any further conditions which the Committee thinks fit for the purposes of road safety, and
  - (d) may be revoked at any time by the Committee if it thinks fit.

**Revocation and savings.**

42. (1) The regulations listed in Schedule 5 are revoked.

(2) Anything done under or for the purposes of regulations revoked under paragraph (1) ("the revoked regulations") before the commencement of these Regulations shall, to the extent that the same is required or authorised to be done under or for the purposes of these Regulations, have effect as if done under or



for the purposes of the equivalent provision of these Regulations; and for the avoidance of doubt, the revocation of the regulations listed in Schedule 5 does not affect any restriction, requirement, condition, prohibition, or penalty, imposed thereunder (including in a direction made thereunder and anything done under a direction).

(3) Anything in the process of being done under or for the purposes of the revoked regulations before the commencement of these Regulations may, to the extent that the same is required or authorised to be done under or for the purposes of these Regulations, be continued to be done under or for the purposes of the equivalent provision of these Regulations.

(4) Any reference howsoever expressed in any enactment or subordinate legislation to a revoked regulation which is re-enacted (with or without modification) by or under these Regulations shall (unless the contrary intention appears) be construed as a reference to the provision as re-enacted.

(5) In so far as any subordinate legislation made or other thing done (or having effect as if made or done) under or for the purposes of a revoked regulation could be made or done under or for the purposes of these Regulations, it shall (unless the contrary intention appears) have effect as if made or done under or for the purposes of these Regulations.

**Interpretation: general.**

43. (1) In these Regulations, unless the context requires otherwise –

"**coronavirus**" means Severe Acute Respiratory Syndrome Coronavirus 2 and/or COVID-19,

"**Medical Officer of Health**" means the Medical Officer of Health appointed by the States of Guernsey Policy & Resources Committee and

includes the Deputy or Acting Medical Officer of Health for the time being, and any officer authorised by the Medical Officer of Health to exercise the Medical Officer of Health's functions under these regulations,

"**by post**" means by recorded delivery service or ordinary letter post, and

"**the Registrar-General**" means the Registrar-General of births and deaths for the Bailiwick.

(2) Other terms used in these Regulations in provisions modifying an enactment have the same meaning as in that enactment.

(3) For the avoidance of doubt, the powers of police officers under these Regulations are exercisable in addition to all other powers which police officers may exercise.

#### **Citation.**

44. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2020.

#### **Extent.**

45. (1) Subject to paragraph (2), these Regulations shall have effect throughout the Bailiwick.

(2) Parts V, VI, VII and XI shall have effect in Guernsey only, except for Part VII which shall have force in Guernsey, Herm and Jethou for the purposes of the Health and Safety (Gas) (Guernsey) Ordinance, 2006.

#### **Commencement**

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

Dated this 16<sup>th</sup> day of April, 2020

A handwritten signature in black ink, appearing to read 'G.A. St Pier', with a small dot at the end of the signature.

G.A. ST PIER

Chairman of the Civil Contingencies Authority

For and on behalf of the Authority

## SCHEDULE 1

Regulation 19.

### TEMPORARY REGISTRATION ETC. OF MEDICAL AND HEALTH PROFESSIONALS

1. (1) The Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015 has effect as if it were subject to the following modification.

(2) Immediately after section 4 of that Ordinance, insert –

**"Temporary registration in emergencies.**

4A. (1) The Committee may also register a person as a medical practitioner, or the persons comprising a specified group of persons as medical practitioners, if –

(a) the Authority has advised the Committee that an emergency has occurred, is occurring or is about to occur and that the Committee should consider acting under this section, and

(b) the emergency registration requirement is met in relation to the person or group of persons.

(2) For the purposes of subsection (1)(b), the emergency registration requirement is met –

(a) in relation to a person, if the person is suitable to be registered as a medical practitioner, and

(b) in relation to a group of persons, if the group is comprised of a type of persons who are suitable to be registered as medical practitioners.

(3) The Committee may register all of the persons comprising a specified group of persons without first identifying each person in the group.

(4) The Committee may require a person who applies (on behalf of himself or herself or a group of persons) to be registered under this section to furnish any information, verified in any manner, that the Committee thinks fit.

(5) The registration of a person under this section has effect subject to any conditions imposed by the Committee; and the Committee may at any time vary or revoke such a condition or add new conditions.

(6) The Committee may annotate the register with an entry signifying that the person or group of persons is authorised to provide services, use techniques or follow procedures or to practise in a particular area or sphere of professional competence.

(7) Where a person is registered under this section as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.

(8) A person's registration under this section ceases to have effect if revoked by the Committee; and the Committee –

- (a) must revoke the registration if the Authority advises the Committee that the circumstances that led the Authority to give the advice referred to in subsection (1)(a) no longer exist, and
- (b) may revoke the registration for any other reason, including where the Committee suspects that the person is not fit to practise or that the person's fitness to practise may be impaired.

(9) A person's registration as a member of a specified group may be revoked –

- (a) without the registration of the other members of the group being revoked, or
- (b) as a result of a decision to revoke the registration of all the members of the group.

(10) No fee or annual charge is payable under this Ordinance in respect of a person's registration under this section.

(11) The following provisions of this Ordinance do not apply to persons registered under this section –

- (a) paragraphs (a) and (b) of section 1(1),

- (b) sections 1(2), 2, 2A, 2B, 2C, 2D and 2E,
- (c) section 2F(a) (except so far as it relates to the general condition in paragraph 1(1) of Schedule A1),
- (d) sections 2F(b), 3 and 4, and
- (e) Parts IIA, IIB, IIC and III.

(12) For the purposes of this section, a person is suitable to be registered as a medical practitioner if the Committee considers –

- (a) that the person is fit, proper and suitably experienced to be so registered with regard to the emergency, or
- (b) that it is necessary and proportionate to so register that person in light of the emergency.

(13) In this section –

**"the Authority"** means the Civil Contingencies Authority established under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, and

"**emergency**" means an emergency of the kind described in section 2(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012."

*Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Regulations, 2016*

2. (1) The Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Regulations, 2016 have effect as if they were subject to the following modifications.

(2) In regulation 2(1) of those Regulations, immediately after paragraph (b), insert the following paragraph –

"(ba) if the person is registered under section 4A of the Ordinance, an annotation to that effect and any other annotation made under that section,".

(3) In regulation 3 of those Regulations, immediately after paragraph (b), insert the following paragraph –

"(ba) if the person is registered under section 4A of the Ordinance, the annotation to that effect and any other annotation made under that section,".

*Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017*

3. (1) The Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017 has effect as if it were subject to the following modifications.

(2) Immediately after section 11 of that Ordinance, insert –



**"Temporary registration in emergencies.**

**11A.** (1) The Guernsey Committee may also register a person as a medical practitioner, or the persons comprising a specified group of persons as medical practitioners, if –

- (a) the Authority has advised the Guernsey Committee that an emergency has occurred, is occurring or is about to occur and that the Guernsey Committee should consider acting under this section, and
- (b) the emergency registration requirement is met in relation to the person or group of persons.

(2) For the purposes of subsection (1)(b), the emergency registration requirement is met –

- (a) in relation to a person, if the person is suitable to be registered as a medical practitioner, and
- (b) in relation to a group of persons, if the group is comprised of a type of persons who are suitable to be registered as medical practitioners.

(3) The Guernsey Committee may register all of the persons comprising a specified group of persons without first identifying each person in the group.

(4) The Guernsey Committee may require a person who applies (on behalf of himself or herself or a group of persons) to be registered under this section to furnish any information, verified in any manner, that that committee thinks fit.

(5) The registration of a person under this section has effect subject to any conditions imposed by the Guernsey Committee; and that committee may at any time vary or revoke such a condition or add new conditions.

(6) The Guernsey Committee may annotate the register with an entry signifying that the person or group of persons is authorised to provide services, use techniques or follow procedures or to practise in a particular area or sphere of professional competence.

(7) Where a person is registered under this section as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.

(8) A person's registration under this section ceases to have effect if revoked by the Guernsey Committee; and that committee –

- (a) must revoke the registration if the Authority advises that committee that the circumstances that led the Authority to give the advice referred to in subsection (1)(a) no longer exist, and

(b) may revoke the registration for any other reason, including where that committee suspects that the person is not fit to practise or that the person's fitness to practise may be impaired.

(9) A person's registration as a member of a specified group may be revoked –

(a) without the registration of the other members of the group being revoked, or

(b) as a result of a decision to revoke the registration of all the members of the group.

(10) No fee or annual charge is payable under this Ordinance in respect of a person's registration under this section.

(11) The following provisions of this Ordinance do not apply to persons registered under this section –

(a) paragraphs (a) and (b) of section 1(1),

(b) sections 1(3), 3, 4, 5, 6, 7 and 8,

(c) section 9(a) (except so far as it relates to the general condition in paragraph 1(1) of Schedule 1),

(d) sections 9(b), 10 and 11, and

(e) Parts III, IV, V and VI.

(12) For the purposes of this section, a person is suitable to be registered as a medical practitioner if the Guernsey Committee considers –

(a) that the person is fit, proper and suitably experienced to be so registered with regard to the emergency, or

(b) that it is necessary and proportionate to so register that person in light of the emergency.

(13) In this section –

**"the Authority"** means the Civil Contingencies Authority established under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, and

**"emergency"** means an emergency of the kind described in section 2(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012."

(3) In section 47(1) of that Ordinance, in the definition of **"the Sark doctor"**, immediately after paragraph (b), insert –

"and

- (c) includes any person authorised by the Sark Committee to act as the Sark doctor."

*Regulation of Health Professions (Medical Practitioners) (Sark) Regulations, 2017*

4. (1) The Regulation of Health Professions (Medical Practitioners) (Sark) Regulations, 2017 have effect as if they were subject to the following modifications.

(2) In regulation 2(1) of those Regulations, immediately after paragraph (b), insert the following paragraph –

- "(ba) if the person is registered under section 11A of the Ordinance, an annotation to that effect and any other annotation made under that section,,."

(3) In regulation 3 of those Regulations, immediately after paragraph (b), insert the following paragraph –

- "(ba) if the person is registered under section 11A of the Ordinance, the annotation to that effect and any other annotation made under that section,".

*Doctors, Dentists and Pharmacists Ordinance, 1987*

5. (1) The Doctors, Dentists and Pharmacists Ordinance, 1987 has effect as if it were subject to the following modifications.

(2) In section 1(b) of that Ordinance, immediately after "section 2", substitute "or 2A".

(3) Immediately after section 2 of that Ordinance, insert the following –

**"Temporary registration in emergencies.**

2A. (1) The Committee may register a person as a recognised dentist or recognised pharmacist, or the persons comprising a specified group of persons as recognised dentists or recognised pharmacists, if –

- (a) the Authority has advised the Committee that an emergency has occurred, is occurring or is about to occur and that the Committee should consider acting under this section, and
- (b) the emergency registration requirement is met in relation to the person or group of persons.

(2) For the purposes of subsection (1)(b), the emergency registration requirement is met –

- (a) in relation to a person, if the person is suitable to be registered as a recognised dentist or (as the case may require) recognised pharmacist, and
- (b) in relation to a group of persons, if the group is comprised of a type of persons who are suitable to be registered as recognised dentists or (as the case may require) recognised pharmacists.

(3) The Committee may register all of the persons comprising a specified group of persons without first identifying each person in the group.

(4) The Committee may require a person who applies (on behalf of himself or herself or a group of persons) to be registered under this section to furnish any information, verified in any manner, that the Committee thinks fit.

(5) The registration of a person under this section has effect subject to any conditions imposed by the Committee; and the Committee may at any time vary or revoke such a condition or add new conditions.

(6) The Committee may annotate the register with an entry signifying that the person or group of persons is authorised to provide services, use techniques or follow procedures or to practise in a particular area or sphere of professional competence.

(7) Where a person is registered under this section as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.

(8) A person's registration under this section ceases to have effect if revoked by the Committee; and the Committee –

(a) must revoke the registration if the Authority advises the Committee that the circumstances that led the Authority to give the advice

referred to in subsection (1)(a) no longer exist,  
and

- (b) may revoke the registration for any other reason, including where the Committee suspects that the person is not fit to practise or that the person's fitness to practise may be impaired.

(9) A person's registration as a member of a specified group may be revoked –

- (a) without the registration of the other members of the group being revoked, or
- (b) as a result of a decision to revoke the registration of all the members of the group.

(10) The following provisions of this Ordinance do not apply to persons registered under this section –

- (a) paragraph (a) of section 1, and
- (b) section 2 (except so far as it relates to the duty of the Committee to maintain a register).

(11) For the purposes of this section, a person is suitable to be registered as a recognised dentist or, as the case may be, a recognised pharmacist if the Committee considers –



- (a) that the person is fit, proper and suitably experienced to be so registered with regard to the emergency, or
- (b) that it is necessary and proportionate to so register that person in light of the emergency.

(12) In this section –

**"the Authority"** means the Civil Contingencies Authority established under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, and

**"emergency"** means an emergency of the kind described in section 2(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012."

(4) In section 3 of that Ordinance –

- (a) immediately after "section 2", insert "or 2A", and
- (b) immediately after "section 2(3)", insert "or revoked by the Committee under section 2A(8)".

(5) In section 5(2) of that Ordinance, immediately after "section 2", insert "or 2A".

*Nurses, Midwives and Health Visitors Ordinance, 1987*

7. (1) The Nurses, Midwives and Health Visitors Ordinance, 1987 has effect as if it were subject to the following modifications.

(2) In section 3 of that Ordinance –

(a) in subsection (1), for paragraph (a), substitute the following paragraph–

"(a) is duly registered –

(i) as qualified so to practise in the United Kingdom, or

(ii) as a midwife under section 3A of the Registered Health Professionals Ordinance, 2006," and

(b) in subsection (2), for "as qualified so to practise in the United Kingdom", substitute –

"–

(a) in the case of a person who satisfied the Committee of the matter in subsection (1)(a)(i), as qualified so to practise in the United Kingdom, and

(b) in the case of a person who satisfied the Committee of the matter in subsection (1)(a)(ii), as a midwife under section 3A of the Registered Health Professionals Ordinance, 2006".

(3) In section 11 of that Ordinance, after "midwife", insert ", other than a midwife registered under section 3A of the Registered Health Professionals Ordinance, 2006,".

*Registered Health Professionals Ordinance, 2006*

8. (1) The Registered Health Professionals Ordinance, 2006 has effect as if it were subject to the following modifications.

(2) In section 1(2)(a), (b) and (c) of that Ordinance, immediately after "section 3" in each place that the expression occurs, insert "or 3A".

(3) Immediately after section 3 of that Ordinance, insert the following section –

**"Temporary registration in emergencies.**

3A. (1) The Committee may also register a person as a registered health professional, or the persons comprising a specified group of persons as registered health professionals, in respect of any regulated health profession if–

- (a) the Authority has advised the Committee that an emergency has occurred, is occurring or is about to occur and that the Committee should consider acting under this section, and
- (b) the emergency registration requirement is met in relation to the person or group of persons.

(2) For the purposes of subsection (1)(b), the emergency registration requirement is met –

(a) in relation to a person, if the person is suitable to be registered as a registered health professional in respect of the regulated health profession concerned, and

(b) in relation to a group of persons, if the group is comprised of a type of persons who are suitable to be registered as registered health professionals in respect of the regulated health profession concerned.

(3) The Committee may register all of the persons comprising a specified group of persons without first identifying each person in the group.

(4) The Committee may require a person who applies (on behalf of himself or herself or a group of persons) to be registered under this section to furnish any information, verified in any manner, that the Committee thinks fit.

(5) The registration of a person under this section has effect subject to any conditions imposed by the Committee; and the Committee may at any time vary or revoke such a condition or add new conditions.

(6) The Committee may annotate the register with any entry signifying that the person or group of persons is authorised to provide

services, use techniques or follow procedures or to practise in a particular area or sphere of professional competence.

(7) Where a person is registered under this section as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.

(8) A person's registration under this section ceases to have effect if revoked by the Committee; and the Committee –

(a) must revoke the registration if the Authority advises the Committee that the circumstances that led the Authority to give the advice referred to in subsection (1)(a) no longer exist, and

(b) may revoke the registration for any other reason, including where the Committee suspects that the person is not fit to practise or that the person's fitness to practise may be impaired.

(9) A person's registration as a member of a specified group may be revoked –

(a) without the registration of the other members of the group being revoked, or

- (b) as a result of a decision to revoke the registration of all the members of the group.

(10) For the purposes of this section, a person is suitable to be registered as a registered health professional in respect of a regulated health profession if the Committee considers –

- (a) that the person is fit, proper and suitably experienced to be so registered with regard to the emergency, or
- (b) that it is necessary and proportionate to so register that person in light of the emergency.

(11) In this section –

**"the Authority"** means the Civil Contingencies Authority established under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, and

**"emergency"** means an emergency of the kind described in section 2(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012."

(4) In section 4(1) of that Ordinance –

- (a) immediately after "section 3", insert "or 3A", and

(b) immediately after "section 3(3)", insert "or revoked by the Committee under section 3A(8)".

(5) In section 5(2) of that Ordinance, immediately after "section 3", insert "or 3A".

*Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008*

9. (1) The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008 has effect as if it were subject to the following modifications.

(2) In section 35(2) of that Law –

(a) in paragraph (a), immediately after "section 3", insert "or 3A",

(b) in paragraph (b), immediately after "section 2", insert "or 2A", and

(c) immediately after paragraph (d), insert –

"(da) persons who are registered in any register required or authorised to be kept under the Ordinance,".

(3) In section 136(1) of that Law –

(a) for the definitions of "**district or community nurse**", "**health visitor**" and "**nurse prescriber**", substitute the following definitions respectively –

""**district or community nurse**"" means a person who is registered

–

- (a) in the Nurses: Sub-Part 1, of the new register established by the Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004 (UK Statutory Instrument No. 1765), maintained by the Nursing and Midwifery Council, or
- (b) as a nurse under section 3A of the Registered Health Professionals Ordinance, 2006, with the annotation "district or community nurse",

""**health visitor**"" means a person who is registered –

- (a) in the Specialist Community Public Health Nurses part of the new register established by the Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004 (UK Statutory Instrument No. 1765), maintained by the Nursing and Midwifery Council, or
- (b) as a nurse under section 3A of the Registered Health Professionals Ordinance, 2006, with the annotation "health visitor", and

""**nurse prescriber**"" means a person who is registered –



(a) in the Nurses: Sub-part 1, or the Midwives, or Specialist Community Public Health Nurses, part of the new register established by the Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004 (UK Statutory Instrument No. 1765), maintained by the Nursing and Midwifery Council, or

(b) as a nurse under section 3A of the Registered Health Professionals Ordinance, 2006, with the annotation "nurse prescriber", and

(b) insert the following definition in the appropriate alphabetical order –

""**registered midwife**" includes a person who is registered as a midwife under section 3A of the Registered Health Professionals Ordinance, 2006,".

*Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009*

10. (1) The Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009 has effect as if it were subject to following modifications.

(2) Immediately after section 1 of that Ordinance, insert the following –

**Temporary registration in emergencies.**

**1A.** (1) For the purposes of this Ordinance, the Committee may register a person as an optometrist, or the persons comprising a specified group of persons as optometrists, if –

- (a) the Authority has advised the Committee that an emergency has occurred, is occurring or is about to occur and that the Committee should consider acting under this section, and
- (b) the emergency registration requirement is met in relation to the person or group of persons.

(2) For the purposes of subsection (1)(b), the emergency registration requirement is met –

- (a) in relation to a person, if the person is suitable to be registered as an optometrist, and
- (b) in relation to a group of persons, if the group is comprised of a type of persons who are suitable to be registered as optometrists.

(3) The Committee may register all of the persons comprising a specified group of persons without first identifying each person in the group.

(4) The Committee may require a person who applies (on behalf of himself or herself or a group of persons) to be registered under this section to furnish any information, verified in any manner, that the Committee thinks fit.

(5) The registration of a person under this section has effect subject to any conditions imposed by the Committee; and the Committee may at any time vary or revoke such a condition or add new conditions.

(6) The Committee may annotate the register with an entry signifying that the person or group of persons is authorised to provide services, use techniques or follow procedures or to practise in a particular area or sphere of professional competence.

(7) Where a person is registered under this section as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.

(8) A person's registration under this section ceases to have effect if revoked by the Committee; and the Committee –

(a) must revoke the registration if the Authority advises the Committee that the circumstances that led the Authority to give the advice referred to in subsection (1)(a) no longer exist, and

(b) may revoke the registration for any other reason, including where the Committee suspects that the person is not fit to practise or that the person's fitness to practise may be impaired.

(9) A person's registration as a member of a specified group may be revoked –

(a) without the registration of the other members of the group being revoked, or

(b) as a result of a decision to revoke the registration of all the members of the group.

(10) For the purposes of this section, a person is suitable to be registered as an optometrist if the Committee considers –

(a) that the person is fit, proper and suitably experienced to be so registered with regard to the emergency, or

(b) that it is necessary and proportionate to so register that person in light of the emergency.

(11) In this section –

**"the Authority"** means the Civil Contingencies Authority established under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012,

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

**"emergency"** means an emergency of the kind described in section 2(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012."

(3) In section 17(1)(d) of that Ordinance, immediately after "section 3", insert "or 3A".

(4) In section 20(1) of that Ordinance –

(a) in the definition of "**professional register**", after "2001", insert "or the register maintained under section 3A of the Registered Health Professionals Ordinance, 2006",

(b) in the definitions of "**registered chiropodist**", "**registered dietician**", "**registered occupational therapist**", "**registered operating department practitioner**", "**registered orthoptist**", "**registered paramedic**", "**registered physiotherapist**", "**registered prosthetist and orthotist**", "**registered radiographer**" and "**registered speech and language therapist**" and paragraph (d) of the definition of "**supplementary prescriber**", immediately after "section 3" in each place that the expression occurs, insert "or 3A",

(c) in the definition of "**registered midwife**", immediately after "register", insert "or registered as a midwife under section 3A of the Registered Health Professionals Ordinance, 2006",

- (d) in the definition of "**registered nurse**", immediately after "register", insert "or registered as a nurse under section 3A of the Registered Health Professionals Ordinance, 2006",
- (e) in the definition of "**registered optometrist**", for "maintained under section 7(a) of the Opticians Act 1989", substitute "or optometrists maintained under section 7(a) of the Opticians Act 1989 or section 1A of this Ordinance",
- (f) immediately after "1989" insert "or under section 1A of this Ordinance", and
- (g) in the definition of "**relevant register**" –
  - (i) in paragraph (b), immediately after "section 2", insert "or 2A",
  - (ii) in paragraph (c), immediately after "section 3", insert "or 3A", and
  - (iii) in paragraph (d), immediately after "1989", insert "or under section 1A of this Ordinance".

*Misuse of Drugs (Bailiwick of Guernsey) Law, 1974*

11. (1) The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 has effect as if it were subject to the following modification.

(2) In section 32(1) of that Law, in paragraph (a) of the definition relating to "**medical practitioner**", "**dentist**", "**veterinary surgeon**" and "**pharmacist**", for "recognised medical", substitute "recognised or registered medical".

*Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997*

12. (1) The Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 has effect as if it were subject to the following modifications.

(2) In section 1(1) of that Ordinance –

(a) in the definition of "**registered midwife**", immediately after "register", insert "or registered as a midwife under section 3A of the Registered Health Professionals Ordinance, 2006", and

(b) in paragraph (a) of the definition of "**specialist medical practitioner**", immediately after "(the Specialist Register)", insert "or is registered as a specialist medical practitioner under section 4A of the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015 or section 11A of the Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017".

(3) In section 14A(5) of that Ordinance, in paragraph (a) of the definition of "**specialist medical practitioner**", immediately after "(the Specialist Register)", insert "or is registered as a specialist medical practitioner under section 4A of the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney)

Ordinance, 2015 or section 11A of the Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017".



## SCHEDULE 2

Regulation 20.

### MODIFICATION OF LEGISLATION RELATING TO MENTAL HEALTH

#### Interpretation

1. References in this Schedule to -
  - (a) sections are to sections of the Mental Health (Bailiwick of Guernsey) Law, 2010 ("**the 2010 Law**"),
  - (b) regulations are to regulations of the Mental Health (Treatment and Forms) Regulations, 2013 ("**the 2013 Regulations**"), and
  - (c) rules are to rules of the Mental Health Review Tribunal Procedure Rules, 2012 ("**the 2012 Rules**").
2. Expressions in this Schedule and in the 2010 Law, the 2013 Regulations or the 2012 Rules shall have the same meaning as in that Law, those Regulations or those Rules (as the case may be).

#### Forms

3. Where any form prescribed in the 2013 Regulations or under the 2012 Rules is inconsistent with a modification made by these Regulations, the form -
  - (a) may, in connection with that modification, be used with appropriate amendments, and

- (b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect that modification.

**Modification of the 2010 Law.**

- 4. Section 35 shall have effect –
  - (a) as if the words ", or (if the responsible medical officer is unavailable) an approved medical practitioner," were inserted after "community treatment order relates" in subsection (1), and
  - (b) as if the words "or the approved medical practitioner (as the case may be)" were inserted after "responsible medical officer" in subsection (5).
- 5. Where section 56(1)(b) applies (administration of medicine for more than three months), an approved medical practitioner (other than the responsible medical officer of the patient) may give a certificate under section 56(3)(b) (appropriateness of treatment without understanding or consent) if the responsible medical officer is of the opinion that complying with the requirement under that provision for the certificate to be given by a second opinion approved doctor is not reasonably practicable or would involve unreasonable delay.
- 6. An approved medical practitioner acting in accordance with section 35 as modified by paragraph 4 may give a certificate under section 56(3)(b) having consulted only one person, if that practitioner is of the opinion that complying with the requirement under section 56(4) is not reasonably practicable or would involve unreasonable delay.

7. The person consulted in accordance with section 56(4) as modified by paragraph 6 -
  - (a) must have been professionally concerned with the patient's medical treatment, and
  - (b) must not be the responsible medical officer of the patient.
8. Sections 64(8) (including as applied by section 65(8)), 67(1), 69(1) and 77 have effect as if references to conveying or admitting a person to an approved establishment within a specified period were references to doing so within that period or as soon as reasonably practicable after the end of that period.
9. Paragraph 8 applies, during a period for which it has effect, in relation to a person in respect of whom a direction is made before the beginning of that period as well as to a person in respect of whom an a direction is made after the beginning of that period.
10. The definition of "mental health practitioner" in section 99 has effect as if the words "or approved social workers (as the case may be)" were inserted immediately after the words "approved medical practitioners".

**Modification of the 2013 Regulations.**

11. An application for the grant of a treatment order under section 23 during a period for which these Regulations have effect may be accompanied by a medical recommendation made by one approved medical practitioner ("a single recommendation"), if an approved social

worker, or other person specified in section 39 (as the case may be), is of the opinion that compliance with the requirement under regulation 5(1) and (2) for the medical recommendations of two approved medical practitioners is not reasonably practicable or would involve unreasonable delay.

12. A single recommendation for the purposes of regulation 5(1) or (2) as modified by paragraph 11 must otherwise comply with the requirements of regulation 5(1) and (2).
13. An application made in accordance with regulation 5(1) or (2) as modified by paragraph 11 must include a statement of the opinion referred to in that paragraph.

**Modification of the 2012 Rules.**

14. For the purposes of any hearing subject to the 2012 Rules -
  - (a) the Tribunal is deemed to be properly constituted by the members of the Tribunal sitting within or without the Bailiwick, or a combination thereof,
  - (b) where the legally qualified member is of the opinion that it is not reasonably practicable or would involve unreasonable delay for one, or both, of the other members of the Tribunal to participate in the hearing, the Tribunal is deemed to be properly constituted by the legally qualified member -
    - (i) sitting with the other member able to participate, or

(ii) sitting alone,

(as the case may be),

(c) notwithstanding subparagraph (b), where, after hearing from the patient's legal representative or the patient (if unrepresented), the legally qualified member is of the opinion that it is in the patient's interests that the hearing takes place before a single member of the Tribunal (including, but not limited to, where the patient's mental disorder might be adversely affected by the participation of multiple members of the Tribunal by telephone), the Tribunal is deemed to be properly constituted by the legally qualified member sitting alone, and that member may consult with the other members of the Tribunal where it is in the interests of justice to do so, and

(d) for the avoidance of doubt, the Tribunal may exercise any or all of its powers under the 2010 Law where it is constituted in accordance with this paragraph.

15. Any hearing which takes place in accordance with paragraph 14 shall be deemed for all purposes (including that of determining the *lex fori*) to have taken place in Guernsey and the courts of Guernsey accordingly have jurisdiction in accordance with Part VI of the Law, and sections 46 and 47 have effect accordingly.

16. Rule 28 shall have effect as if paragraph (1) were omitted.

**Transitional provisions.**

17. Paragraph 8 continues to apply after the end of a period for which it has effect in relation to any order or direction made during that period, subject to paragraph 18.
  
18. The person whose duty is modified by that provision must in any event convey the person concerned to the requisite approved establishment within the period of seven days beginning with the day on which the period referred to in paragraph 17 ends.

## SCHEDULE 3

Regulation 21.

### MODIFICATION OF LEGISLATION RELATING TO PHARMACISTS

*Health Service (Benefit) (Guernsey) Law, 1990*

1. (1) The Health Service (Benefit) (Guernsey) Law, 1990 has effect as if it were subject to the following modification.

(2) Immediately after the heading "PART X MISCELLANEOUS AND GENERAL", insert the following section –

**"Temporary remote or limited supervision by pharmacists in emergencies.**

34A. (1) This section applies where the Authority has advised the Chief Pharmacist that an emergency has occurred, is occurring or is about to occur and that the Chief Pharmacist should consider acting under this section.

(2) The Chief Pharmacist may by written notice published in any manner that the Chief Pharmacist considers appropriate authorise any method or technique of supervision by an approved pharmacist of the preparation and supply of pharmaceutical benefit ("**authorised method**").

(3) Without limiting the generality of subsection (2), an authorised method may include all or any of the following –

- (a) a description of the pharmaceutical benefit in respect of which the method or technique of supervision is authorised,
- (b) any conditions subject to which the method or technique of supervision is authorised, and
- (c) any circumstances in which the method or technique of supervision is or is not authorised.

(4) An authorised method may comprise or include any manner or form of remote, intermittent, occasional or otherwise limited supervision that the Chief Pharmacist considers necessary and proportionate to authorise with regard to the emergency.

(5) Where an approved pharmacist supervises the preparation or supply of a pharmaceutical benefit in accordance with an authorised method, such supervision is to be regarded as direct supervision of the preparation or, as the case may require, supply of the pharmaceutical benefit for the purposes of this Law and any Ordinance or subordinate legislation made under it.

(6) The Chief Pharmacist may by written notice published in any manner that the Chief Pharmacist considers appropriate vary or revoke an authorised method for any reason.

(7) The Chief Pharmacist must revoke the authorised methods if the Authority advises the Chief Pharmacist that the circumstances



that led the Authority to give the advice referred to in subsection (1) no longer exist.

(8) In this section –

"**authorised method**" means any method or technique of supervision authorised under subsection (2),

"**the Authority**" means the Civil Contingencies Authority established under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012,

"**the Chief Pharmacist**" has the meaning given by section 136(1) of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008, and

"**emergency**" means an emergency of the kind described in section 2(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012."

*Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008.*

2. (1) The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008 has effect as if it were subject to the following modification.

(2) Immediately after the heading "PART VIII MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS", insert the following section –

**"Temporary remote or limited supervision, control or management by pharmacists in emergencies.**

107A. (1) This section applies where the Authority has advised the Chief Pharmacist that an emergency has occurred, is occurring or is about to occur and that the Chief Pharmacist should consider acting under this section.

(2) The Chief Pharmacist may by written notice published in any manner that the Chief Pharmacist considers appropriate authorise any method or technique of supervision, control or management by a pharmacist of a restricted activity ("**authorised method**").

(3) Without limiting the generality of subsection (2), an authorised method may include all or any of the following –

- (a) a description of the activities and things in respect of which the method or technique of supervision, control or management is authorised,
- (b) any conditions subject to which the method or technique of supervision, control or management is authorised, and
- (c) any circumstances in which the method or technique of supervision, control or management is or is not authorised.

(4) An authorised method may comprise or include any manner or form of remote, intermittent, occasional or otherwise limited supervision, control or management that the Chief Pharmacist considers necessary and proportionate to authorise with regard to the emergency.

(5) Where a pharmacist supervises, controls or manages a restricted activity in accordance with an authorised method, such supervision, control or (as the case may be) management is to be regarded as supervision, control or (as the case may require) management of the restricted activity for the purposes of this Law and any Ordinance or subordinate legislation made under it.

(6) The Chief Pharmacist Committee may by written notice published in any manner that the Chief Pharmacist considers appropriate vary or revoke an authorised method for any reason.

(7) The Chief Pharmacist must revoke the authorised methods if the Authority advises the Chief Pharmacist that the circumstances that led the Authority to give the advice referred to in subsection (1) no longer exist.

(8) In this section –

**"authorised method"** means any method or technique of supervision, control or management authorised under subsection (2),

**"the Authority"** means the Civil Contingencies Authority established under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012,

"**control**" includes personal control,

"**emergency**" means an emergency of the kind described in section 2(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012,

"**pharmacist**" includes a superintendent referred to in section 51(1), and

"**restricted activity**" means –

- (a) any activity restricted under section 7 (General provisions as to dealing with medicinal products) or 8 (Provisions as to manufacture and wholesale dealing), including, where so restricted –
  - (i) procuring the preparation or dispensing of a medicinal product,
  - (ii) procuring the assembly of a medicinal product,
  - (iii) the preparation or dispensing in a registered pharmacy or hospital of a medicinal product, or

- (iv) preparing a stock of medicinal products with a view to dispensing them,
  
- (b) in the course of a business, selling by retail, offering or exposing for sale by retail, or supplying in circumstances corresponding to retail sale, any medicinal product which is not a medicinal product on a general sale list,
  
- (c) carrying on a retail pharmacy business at any premises, including –
  - (i) so far as the business concerns the retail sale at those premises of medicinal products (whether they are medicinal products on a general sale list or not) or the supply at those premises of such products in circumstances corresponding to retail sale, or
  
  - (ii) so far as the business concerns the keeping, preparing and dispensing of medicinal products other than medicinal products on a general sale list, or

- (d) the sale or supply of a prescription only medicine (within the meaning of section 20(1) of the Prescription Only Medicines Ordinance, 2009) by a person lawfully conducting a retail pharmacy business."

SCHEDULE 4

Regulation 31.

PROVISIONS OF THE SAFETY OF EMPLOYEES (MISCELLANEOUS  
PROVISIONS) ORDINANCE, 1952

1. Section 8(2).
2. Section 15(6).
3. Section 16(4).
4. Section 17(4).
5. Section 19(2).
6. Section 24(2)(a).
7. Section 24(2)(b).
8. Section 38.

## SCHEDULE 5

Regulation 42.

### REVOCATIONS

1. Emergency Powers (Coronavirus) (Bailiwick of Guernsey) Regulations, 2020<sup>tt</sup>.
2. Emergency Powers (Coronavirus) (Schools) (Bailiwick of Guernsey) Regulations, 2020<sup>uu</sup>.
3. Emergency Powers (Coronavirus) (Control of Premises) (Bailiwick of Guernsey) Regulations, 2020<sup>vv</sup>.
4. Emergency Powers (Coronavirus) (Control of Events, Gatherings and Meetings) (Bailiwick of Guernsey) Regulations, 2020<sup>ww</sup>.
5. Emergency Powers (Coronavirus) (States Procedures) (Alderney) Regulations, 2020<sup>xx</sup>.

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<sup>tt</sup> G.S.I. No. 24 of 2020.

<sup>uu</sup> G.S.I. No. 25 of 2020.

<sup>vv</sup> G.S.I. No. 29 of 2020.

<sup>ww</sup> G.S.I. No. 33 of 2020.

<sup>xx</sup> G.S.I. No. 34 of 2020.



6. Emergency Powers (Coronavirus) (Chief Pleas Procedures) (Sark) Regulations, 2020<sup>yy</sup>.
7. Emergency Powers (Coronavirus) (Population Management and Miscellaneous Provision) (Bailiwick of Guernsey) Regulations, 2020<sup>zz</sup>.
8. Emergency Powers (Coronavirus) (Mental Health) (Bailiwick of Guernsey) Regulations, 2020<sup>aaa</sup>.
9. Emergency Powers (Coronavirus) (Parochial Matters and Miscellaneous Provisions) (Guernsey) Regulations, 2020<sup>bbb</sup>.
10. Emergency Powers (Coronavirus) (Registration of Deaths etc. and Cremation Procedures) (Bailiwick of Guernsey) Regulations, 2020<sup>ccc</sup>.
11. Emergency Powers (Coronavirus) (Temporary Registration of Health Professionals) (Bailiwick of Guernsey) Regulations, 2020<sup>ddd</sup>.

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<sup>yy</sup> G.S.I. No. 35 of 2020.

<sup>zz</sup> G.S.I. No. 36 of 2020.

<sup>aaa</sup> G.S.I. No. 41 of 2020.

<sup>bbb</sup> G.S.I. No. 42 of 2020.

<sup>ccc</sup> G.S.I. No. 43 of 2020.

<sup>ddd</sup> G.S.I. No. 44 of 2020.

12. Emergency Powers (Coronavirus) (States Procedures) (Guernsey) Regulations, 2020<sup>eee</sup>.

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<sup>eee</sup> G.S.I. No. 48 of 2020.

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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 10<sup>th</sup> February 2020.

In large part, these Regulations revoke and re-enact (with minor modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations will come into force on the 16<sup>th</sup> April, 2020 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

*Part I - screening, assessment and powers to detain etc.*

This Part enables the Medical Officer of Health to place restrictions and requirements on persons who are or who may be infected with coronavirus, and makes provision in respect of related matters, including powers for the Medical Officer of Health to impose screening requirements, to detain people and keep people in isolation, and to impose self-isolation on people. They also create criminal offences and confer powers

of enforcement on police officers, and provide for applications to vary or revoke requirements or restrictions imposed under this part to be made to the Royal Court.

*Part II - control of premises, gatherings etc., and movement of persons*

This Part enables the States Committee for Health & Social Care ("the Committee") to impose restrictions in relation to licensed (and other non-residential) premises, and empower the Committee to impose restrictions in relation to events, gatherings and meetings, and the movement of people outside their homes. The regulations in this Part also create criminal offences, and confer powers of enforcement on police officers. The Committee must consult the Medical Officer of Health before exercising the powers under the regulations, and in addition must consult Her Majesty's Procureur when issuing a direction imposing restrictions in relation to the movement of persons outside their homes; and when exercising powers in relation to premises in Alderney and Sark, the relevant Committees on those islands must also be consulted.

*Part III – medical and health professionals, mental health and pharmacists*

Temporary registration etc. of medical and health professionals

Schedule 1 to these Regulations sets out modifications to the application of various enactments relating to the regulation and registration of health professionals to enable the Committee for Health & Social Care to register medical and health professionals to allow them to practise in Guernsey, Alderney or Sark, even if those professionals are not registered in the relevant UK register. They are adapted from provisions applicable in England and Wales, Scotland and Northern Ireland, enacted in the Coronavirus Act 2020.

## Temporary modification of legislation relating to mental health

Schedule 2 to these Regulations sets out the modifications to be made to mental health legislation having effect in the Bailiwick.

Paragraphs 4 to 10 modify the Mental Health (Bailiwick of Guernsey) Law, 2010 ("the Law") to permit any approved medical practitioner (rather than only the patient's responsible medical officer) to discharge a patient under section 35. For the purposes of section 56, an approved medical practitioner (rather than only a second opinion approved doctor) will be permitted to provide a certificate and, in doing so, that practitioner will only be required to consult with one person, where the practitioner is of the opinion that it is not reasonably practicable or would involve unreasonable delay to comply with the unmodified requirements. Listed sections in Part IX will have effect so that the person may be conveyed or admitted within the specified period or as soon as reasonably practicable thereafter. The definition of "mental health practitioner" in section 99 is widened to permit the Committee for Health and Social Care to approve persons as mental health practitioners to carry out the functions of approved social workers, in addition to those of approved medical practitioners.

Paragraphs 11 to 13 modify the Mental Health (Treatment and Forms) Regulations, 2013 to permit an application for a treatment order under s.23 of the Law to be accompanied by a single medical recommendation where an approved social worker (or other person specified in section 39 of the Law) is of the opinion that it is not reasonably practicable or would involve unreasonable delay for the application to be accompanied by the medical recommendations of two approved medical practitioners.

Paragraphs 14 to 16 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal ("the Tribunal") may properly be

constituted according to specified criteria and to omit rule 28(1) which requires the hearing of an application regarding an assessment order under section 21 of the Law to start within 10 days of the date on which the Tribunal received the application notice. Paragraphs 17 to 19 are transitional provisions.

#### Temporary modification of legislation relating to pharmacists

Schedule 3 to these Regulations makes modifications to the application of the Health Service (Benefit) (Guernsey) Law, 1990 and the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008, to authorise pharmacists to provide remote, intermittent, occasional or otherwise limited supervision, control or management of activities involving pharmaceutical benefits or medicinal products that would otherwise require direct, personal or more 'hands-on' supervision, control or (as the case may be) management in order to be lawful under those Laws. The Chief Pharmacist is given the power to authorise any method or technique of supervision, control or management if the Chief Pharmacist considers it necessary and proportionate to do so with regard to the emergency.

#### *Parts IV and V - registration of deaths and still-births, and cremations in Guernsey*

These Parts temporarily modify procedures in relation to registration of deaths and still births in Guernsey and Sark and in Alderney (Part IV) and in relation to cremations in Guernsey (Part V). These amendments are to remove requirements for things to be done in person and to simplify procedures relating to registration of deaths and still-births and cremations during the current emergency situation.

The modifications in relation to registration of deaths and still-births are to remove requirements to make declarations of death in person, for a doctor signing a medical

certificate of death to certify that he or she had attended the deceased during his or her last illness and to disapply requirements limiting the time a body is kept provided it is in the custody of the States of Guernsey (where the body is in Guernsey), the States of Alderney (where the body is in Alderney) or the relevant funeral director.

The modifications in relation to cremations are to remove the requirements for an application for cremation to be verified by being countersigned or by the applicant giving a declaration made on oath and for a confirmatory medical certificate to be given (Form C in the Cremation Ordinance, 1972).

*Part VI - parochial meetings, etc.*

Part VI makes provision enabling parish business to be conducted despite the inability to hold parish meetings. For all normal parish business, including approval of the expenditure to be incurred by each parish, and the rates to be levied in order to meet that expenditure, decisions will be made by the Constables and Douzaine in respect of all matters, but after consultation with the Rector and Churchwardens where the decision concerns ecclesiastical matters. Notice of the matters to be determined and the proposed decision in each case will be published in La Gazette Officielle and further information and documents will be made available on a specified website; and ratepayers will be given an opportunity to make representations. Meetings of the Constables and Douzaine may be held remotely, in line with the provisions for States' Committees already agreed. The Constables and Douzaine must take into account of any representations received. Their decision must be notified to the ratepayers who will then have the opportunity to oppose the application to the Royal Court for confirmation of the decision in relation to the "remède", having given prior notification to the Greffe and the parish of their intention to object. Any necessary elections during the emergency period may be substituted by appointments by the Dean of the Douzaine, after consultation with the Rector and Churchwardens where appropriate.

Such appointments will expire one month after the regulations cease to have effect when an election will need to be held in order to fill any vacancy in the normal way.

*Part VII - health and safety*

Part VII allows the Chief Health and Safety Officer ("the Chief Officer") to grant a certificate disapplying the requirements for examination, testing and inspection set out in regulation 8 and the Schedule in respect of equipment, occupier's installation or gas appliance and flue (as the case may be) specified in an application. A certificate may only be given where the Chief Officer is of the opinion that the disapplication will not prejudice the safety of any person operating the equipment etc. or any other person likely to be affected by its operation. The certificate may only disapply the relevant requirement for a period of up to 30 days, and may not disapply any other health and safety requirement (and, in particular, the requirement to keep the equipment etc. in a safe condition and good working order).

*Part VIII – the Court of Appeal, and the registration of legislation*

The provisions in Part VIII enable the Court of Appeal to conduct its proceedings remotely, and enable a Judge of Appeal to be sworn into office by the Royal Court constituted by the Bailiff sitting alone. They also make clear, for the avoidance of doubt, that to avoid the need for the Jurats to gather together, the Bailiff sitting alone may register Orders in Council and other instruments on the Register of the Island.

*Part IX - schools*

Part IX empowers the Medical Officer of Health to exercise her powers to require schools to take measures to prevent the spread of infection in Sark, and provide, for



the avoidance of doubt, that such measures may include the immediate closure of any school.

*Part X - the States of Deliberation, the States of Alderney and the Chief Pleas of Sark*

States of Deliberation

The regulations relating to the States of Deliberation provide that the Reform (Guernsey) Law, 1948 shall apply as if modified by the insertion of a new Article enabling the States of Deliberation to meet remotely. It also empowers the States' Assembly & Constitution Committee to make Rules of Procedure governing remote meetings of the States held pursuant to the inserted Article.

States of Alderney

The regulations relating to the States of Alderney apply the Government of Alderney Law, 2004 as if modified by adding a new Part relating to emergency procedures in relation to meetings of the States of Alderney and committees of the States of Alderney. The Part only applies where the President of the States of Alderney has made a determination, following representations from the Civil Contingencies Authority, that it is appropriate for it to apply in the light of the circumstances in Alderney in relation to coronavirus. The Part will cease to apply when the President makes a determination, following representations from the Civil Contingencies Authority in the light of circumstances in Alderney in relation to coronavirus, that it is appropriate for it to cease to apply.

The emergency procedures include special arrangements so that public meetings do not need to be held, to allow for proxy voting in the States of Alderney, to reduce the

quorum of the States of Alderney and to allow members of committees of the States of Alderney to take part in meetings remotely.

### Chief Pleas of Sark

The regulations relating to the Chief Pleas of Sark replace the provisions of the Emergency Powers (Coronavirus) (Chief Pleas Procedures) (Sark) Regulations, 2020, which came into effect on 25<sup>th</sup> March, 2020. Those Regulations made special arrangements for the procedures of the Chief Pleas and its committees by removing the obligation to hold meetings in public, allowing for proxy voting in the Chief Pleas, reducing the quorum for meetings of the Chief Pleas and allowing members of the committees of the Chief Pleas to take part in meetings remotely. These regulations repeat those provisions and also make provision for meetings of the Chief Pleas to be held remotely if the Speaker, upon representations of the Civil Contingencies Authority, considers that it might not be possible to convene or maintain a quorate physical meeting of the Chief Pleas. The regulations make provision for the procedure to be followed when a remote meeting, as defined, is held, including modifications to the existing Chief Pleas of Sark Rules of Procedure.

### *Part XI - miscellaneous and final provisions*

The provisions in Part XI include regulations providing for the deemed variance of Long Term Employment Permits, Medium Term Employment Permits and Short Term Employment Permits, to allow the holder to be resident without being employed and to be employed by a different employer from that specified in the Permit; and for the modification of the Population Management (Guernsey) Law, 2016 and other legislation to the extent necessary to give effect to this.

They also include regulations providing for the Committee for the Environment & Infrastructure to permit the cutting and collecting of seaweed when this would otherwise be prohibited (so facilitating the on-Island manufacture of sanitising gels).

Finally they include regulations permitting the holder of a Category C or C1 driving licence which is restricted to automatic transmission to drive a vehicle with manual transmission which is approved for use as an ambulance under the Driving Licences (Amendment) Regulations, 2020 where (a) that licence holder also holds a category B licence which is not restricted to automatic transmission and (b) the Committee for the Environment and Infrastructure approves that licence holder to do so.