

Proposition in pursuance of Rule 18 submitted by the Chairman of the Civil Contingencies Authority

The States are asked to decide whether they are of the opinion to approve the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021.

EMERGENCY POWERS (CORONAVIRUS) (GENERAL PROVISION) (BAILIWICK OF GUERNSEY) REGULATIONS, 2021

In pursuance of section 16 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, the “Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021”, made by the Civil Contingencies Authority on 12th, January, 2021, are intended to be laid before the States on 27th January, 2021. Under that section they will lapse at the end of the period of seven days beginning with the date of laying unless, during that period, a Proposition is put before the States to approve them which is not carried, in which case the regulations shall lapse, or the States pass a resolution approving them.

EXPLANATORY NOTE

These Regulations are emergency regulations made by the Civil Contingencies Authority under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 ("**the Law**"). They are made on the occurrence of an emergency, within the meaning of the Law, in the Bailiwick, arising from the urgent need to prevent, control or mitigate the spread of the virus Severe Acute Respiratory Syndrome Coronavirus 2 and the disease caused thereby, COVID-19 (referred to together in these regulations as coronavirus). They are prefaced with a statement by the Civil Contingencies Authority, as required by section 12(2) of the Law. COVID-19 was made a notifiable disease for the purposes of the Public Health Ordinance, 1936 on 10th February 2020.

These Regulations revoke and re-enact (with modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations came into force on the 13th January, 2021 (with the exception of the provisions in respect of the prohibition of non-essential travel (see below) which shall come into force on 14th January, 2021) 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 places a requirement to self-isolate on persons arriving in the Bailiwick, enables the Medical Officer of Health to place restrictions and requirements on other 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 to require people to self-isolate. The provisions 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.

This Part also prohibits non-essential travel into the Bailiwick. Further provision in respect of essential travel, and the granting of Essential Travel Permits, is set out in Schedule 1; in addition, regulation 24 amends the Population Management (Guernsey) Law, 2016 to impose a duty on the Administrator of Population Management to consult a determining officer appointed under Schedule 1 before granting an Employment Permit.

The effect of this prohibition is that it is unlawful for a person to travel into the Bailiwick from outside unless he or she has been granted either an Essential Travel Permit or a Critical Worker Exemption. A person who has been granted an Essential Travel Permit will have to self-isolate on arrival in accordance with regulations 5 and 6, and a person who has been granted a Critical Worker Exemption will have to self-isolate in accordance with the provisions of Schedule 2. Finally, this Part also provides that a person of 12 years or over who chooses not to take a day of arrival test for COVID-19 will have to self-isolate for 21 days.

Schedule 3 makes provision in respect of self-isolation for persons arriving from countries or territories specified as Category 2 or Category 3 countries for the purposes of the regulations, that is, countries or territories with lower rates of infection and transmission than Category 4. At the time these regulations were made, all countries and territories were treated as being Category 4.

Part II – miscellaneous and final

Schedule 4 to these Regulations sets out the modifications to be made to mental health legislation having effect in the Bailiwick.

Paragraph 4 modifies the Mental Health (Bailiwick of Guernsey) Law, 2010 to permit an approved medical practitioner (rather than only a second opinion approved doctor) to provide a certificate for the purposes of section 56 where the practitioner is of the opinion that it is not reasonably practicable or would involve unreasonable delay to comply with the unmodified requirement of that section.

Paragraphs 5 to 6 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal may properly be constituted according to specified criteria.

Regulation 19 makes provision in relation to Senior Decision Makers ("**SDMs**")

appointed by the Guernsey Financial Services Commission, including providing for SDMs to hold oral hearings remotely. Regulation 20 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. Regulation 21 enables the Court of Appeal to conduct its proceedings remotely.

LAYING OF URGENT PROPOSITIONS UNDER RULES OF PROCEDURES FOR THE STATES OF DELIBERATION AND THEIR COMMITTEES

Further, Rule 18 of the Rules of Procedures for the States of Deliberation and their Committees prescribes as follows:

Urgent propositions

18. A proposition as regards which an immediate decision is necessary or desirable may, with the permission of the Presiding Officer, be submitted to the States on behalf of a Committee or by the Presiding Officer in his or her own right at any Meeting, and may be debated and decided upon, with or without amendment, at that Meeting. Such proposition shall be in writing and shall be headed "Proposition in pursuance of Rule 18 submitted by the [President of the ... Committee / Presiding Officer]", and copies thereof shall be delivered beforehand to the Presiding Officer, Her Majesty's Procureur and the President of the Policy & Resources Committee;

Provided that:

- (a) if the postponement of the debate, or of the taking of a decision, on the proposition be moved and be supported by not less than one third of the Members voting on the motion, the debate, or the taking of a decision, on the proposition, as the case may be, shall be postponed until a date to be fixed by the Presiding Officer; and
- (b) on any such postponement, a motion for the immediate publication or circulation, in such manner as the Presiding Officer shall decide, of all relevant material shall have effect if supported by not less than one third of the Members voting on the motion.