

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The following Statutory Instruments are laid before the States of Deliberation as detailed below.

No. 77 of 2020

THE EMERGENCY POWERS (CORONAVIRUS) (GENERAL PROVISION) (BAILIWICK OF GUERNSEY) (NO. 5) (AMENDMENT) (NO. 2) REGULATIONS, 2020

In pursuance of section 16(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) (Amendment) (No. 2) Regulations, 2020" made by the Civil Contingencies Authority on 27th August 2020, are laid before the States:-

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 were 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 further amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2020. They make express provision for a variation by the MOH (in respect of particular cases), or the Civil Contingencies Authority (in relation to all cases or categories of case), of the requirement to self-isolate on arrival in the Bailiwick to be subject to amendment.

These Regulations were made on the 27th August, 2020 and came into force on being made. They had temporary effect only, in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law and were revoked on 4th September 2020 by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) Regulations, 2020 (see below).

These Regulations are laid in accordance with section 16(1) of the Law, but cannot now be annulled because they have been revoked.

No. 84 of 2020

THE EMERGENCY POWERS (CORONAVIRUS) (GENERAL PROVISION) (BAILIWICK OF GUERNSEY) (NO. 6) REGULATIONS, 2020

In pursuance of section 16(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) Regulations, 2020" made by the Civil Contingencies Authority on 3rd September 2020, are laid before the States:-

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 were 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 minor modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations were made on 3rd September 2020 and came into force on 4th September, 2020. They had temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law and were revoked on 3rd October 2020 by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 7) Regulations, 2020 (see below).

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 keep people in isolation. 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.

Part II – mental health and health and safety

Schedule 1 to these Regulations sets out the modifications to be made to mental health legislation having effect in the Bailiwick. The material modifications are described below.

Paragraph 3 of Schedule 1 enables any form prescribed in the Mental Health Treatment (Treatment and Forms) Regulations, 2013 or under the Mental Health Review Tribunal Procedure Rules, 2012 which is inconsistent with a modification made by the Regulations to be used with appropriate amendments or to be read with such amendments as are necessary to reflect the modification.

Paragraph 4 of Schedule 1 modifies the Mental Health (Bailiwick of Guernsey) Law, 2010 ("the 2010 Law") to permit an approved medical practitioner (rather than only a second opinion approved doctor) to provide a certificate for the purposes of section 56 of the 2010 Law 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.

Paragraph 5 of Schedule 1 modifies 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.

Regulation 16 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 16 and Schedule 2 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 III – miscellaneous and final

Regulation 18 makes provision for persons who are subject to a requirement to self-isolate, or some other restriction that means they are unable lawfully to vote at a polling station, to apply for a postal vote in the October General Election up to and including 5pm on 2nd October 2020, notwithstanding the earlier cut-off date for applications for postal votes set out in the Reform (Guernsey) (Amendment) Law, 1972. 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 enables the Court of Appeal to conduct its proceedings remotely.

These Regulations are laid in accordance with section 16(1) of the Law, but cannot now be annulled because they have been revoked.

No. 94 of 2020

THE EMERGENCY POWERS (CORONAVIRUS) (GENERAL PROVISION) (BAILIWICK OF GUERNSEY) (NO. 6) (AMENDMENT) REGULATIONS, 2020

In pursuance of section 16(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) (Amendment) Regulations, 2020" made by the Civil Contingencies Authority on 23rd September 2020, are laid before the States:-

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 were 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 amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) Regulations, 2020 (see above). They revoke regulations 16 (disapplication of requirement to thoroughly examine etc.) and 17 (interpretation of this Part) of those Regulations and provide that any certificate issued under regulation 16 that is in force on the commencement of these Regulations shall continue to have effect as if granted under section 29A of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987.

These Regulations came into force on 25th September, 2020 and had temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law. They were revoked on 3rd October 2020 by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 7) Regulations, 2020 (see below).

These Regulations are laid in accordance with section 16(1) of the Law, but cannot now be annulled because they have been revoked.

No. 101 of 2020

THE EMERGENCY POWERS (CORONAVIRUS) (GENERAL PROVISION) (BAILIWICK OF GUERNSEY) (NO. 7) REGULATIONS, 2020

In pursuance of section 16(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 7) Regulations, 2020" made by the Civil Contingencies Authority on 2nd October 2020, are laid before the States:-

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 were 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 minor modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations came into force on 3rd October, 2020 and have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law. Further to section 16(3)(a) of the Law they will lapse on 1st November 2020.

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.

Part II – miscellaneous and final

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

Paragraphs 4 to 6 modify 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 and, in doing so, that practitioner will only be required to consult with one person, where the practitioner is of the opinion that is not reasonably practicable or would involve unreasonable delay to comply with the unmodified requirements.

Paragraphs 7 to 8 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.

Regulation 17 makes provision for persons who are subject to a requirement to self-isolate, or some other restriction that means they are unable lawfully to vote at a polling station, to apply for a postal vote in the October General Election up to and including 5pm on 2nd October, 2020 notwithstanding the earlier cut-off date for applications for postal votes set out in the Reform (Guernsey) (Amendment) Law, 1972.

Regulation 18 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 19 enables the Court of Appeal to conduct its proceedings remotely. Regulation 20 makes provision in relation to the constitution of the Civil Contingencies Authority after the election by the States of the President of the Policy & Resources Committee following the General Election, and before the Presidents of the other Committees (who are, under the Law, the other permanent members of the Authority) are elected by the States.

These Regulations are laid in accordance with section 16(1) of the Law, but cannot now be annulled because they have been revoked.

The full text of the legislation can be found at:

<http://www.guernseylegalresources.gg/>