

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The States of Deliberation have the power to annul the Statutory Instruments detailed below.

No. 25 of 2021

THE COPYRIGHT (PRESCRIBED LIBRARIES, ARCHIVES, MUSEUMS AND GALLERIES AND COPYING OF COPYRIGHT MATERIAL) (BAILIWICK OF GUERNSEY) REGULATIONS, 2021

In pursuance of section 221 of the Copyright (Bailiwick of Guernsey) Ordinance, 2005, “The Copyright (Prescribed Libraries, Archives, Museums and Galleries and Copying of Copyright Materials) (Bailiwick of Guernsey) Regulations, 2021” made by the Committee *for* Economic Development on 23rd March 2021, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe libraries and archives for the purpose of sections 50-57 of the Copyright (Bailiwick of Guernsey) Ordinance, 2005 (“the Ordinance”), and museums and galleries for the purpose of section 56 of the Ordinance. The Regulations follow on from amendments being made to the Ordinance by the Copyright (Bailiwick of Guernsey) (Amendment) Ordinance, 2021.

Sections 50-57 of the Ordinance set out arrangements relating to copying which only apply to the libraries, archives, museums and galleries that have been prescribed. Section 56 allows for the making of replacement works for not for profit libraries, museums, galleries and archives.

These Regulations also prescribe certain conditions with which the prescribed libraries, archives, museums and galleries must comply in order to avoid infringing the provisions of the Ordinance.

These regulations repeal and restate the provisions that previously applied in respect of libraries and archives in the Copyright (Prescribed Libraries and Archives and Copying of Copyright Material) Regulations, 2011.

These Regulations came into force on 26th March 2021.

No. 30 of 2021

**EMERGENCY POWERS (CORONAVIRUS) (VACCINE) (LIMITATION OF LIABILITY) (NO. 4)
(BAILIWICK OF GUERNSEY) REGULATIONS, 2021**

In pursuance of section 16(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, the “Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 4) (Bailiwick of Guernsey) Regulations, 2021” made by the Civil Contingencies Authority on 1st April, 2021, 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 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 apply where a vaccine against the coronavirus has been temporarily authorised under the UK's Human Medicines Regulations, 2012 and designated under regulations made under the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, and the vaccine is sold, supplied or administered in accordance with a Patient Group Direction or protocol approved or consented to by the States of Guernsey Committee for Health & Social Care. They only apply to a vaccine administered on or after the 15th December, 2020 (the date on which the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (Bailiwick of Guernsey) Regulations, 2020 came into force) and before the vaccine receives either a UK marketing authorisation or a European Medicines Agency marketing authorisation for administration in the circumstances concerned.

Where these Regulations apply they will limit the aggregate amount of damages and costs that may be awarded by any court in respect of death or personal injury suffered by any one person receiving the vaccine administered in accordance with the Patient Group Direction or protocol.

These Regulations revoke (and replace) the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 3) (Bailiwick of Guernsey) Regulations, 2021.

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

No. 31 of 2021

**EMERGENCY POWERS (CORONAVIRUS) (GENERAL PROVISION) (BAILIWICK OF GUERNSEY)
(NO. 4) REGULATIONS, 2021**

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. 4) Regulations, 2021” made by the Civil Contingencies Authority on 1st April, 2021, 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 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.

The 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 2nd April, 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.

Regulation 4 gives effect to Schedule 1, which makes provision in respect of Critical Workers. A person who has been granted a Critical Worker Exemption will have to self-isolate in accordance with, and otherwise comply with, the provisions of Schedule 1.

Finally, this Part also provides that a person of 12 years or over who chooses not to take both a day of arrival test for COVID-19 and a test on day 13 after arrival will have to self-isolate for 21 days; otherwise, a person who does undergo those tests is required to self-isolate until receipt of a negative result for the day 13 test. A child under 12 has to self-isolate for 14 days after arrival.

Part II – miscellaneous and final

Schedule 2 to these Regulations, which is given effect by regulation 18, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraph 4 of Schedule 2 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 is not reasonably practicable or would involve unreasonable delay to comply with the unmodified requirement of that section. Paragraphs 5 and 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 provides for the deemed variance of certain Employment Permits, including 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; the deemed variance of an Open Market Employment Permit to allow the holder to be accommodated at a property or dwelling other than that specified on the Permit, or a property inscribed in Part B or Part C of the Open Market Housing Register; and for the modification of the Population Management (Guernsey) Law, 2016 and other legislation to the extent necessary to give effect to this.

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

No. 40 of 2021

**EMERGENCY POWERS (CORONAVIRUS) (GENERAL PROVISION) (BAILIWICK OF GUERNSEY)
(NO. 4) (AMENDMENT) REGULATIONS, 2021**

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. 4) (Amendment) Regulations, 2021” made by the Civil Contingencies Authority on 22nd April, 2021, 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 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.

The Regulations amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 4) Regulations, 2021 ("the (No. 4) Regulations"). The primary purpose of the amendments made is to re-introduce Category 3 countries, enabling arrivals into the Bailiwick from which to self-isolate for a shorter period, subject to conditions. The amendments also re-introduce the power of the Authority to amend that requirement in respect of categories of case; this will enable the re-introduction of "business tunnels". Finally they make clear that references in the (No. 4) Regulations to a test for COVID-19 are to such a type of test as the Medical Officer of Health may specify from time to time.

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

No. 43 of 2021

**EMERGENCY POWERS (CORONAVIRUS) (VACCINE) (LIMITATION OF LIABILITY) (NO. 5)
(BAILIWICK OF GUERNSEY) REGULATIONS, 2020**

In pursuance of section 16(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, the "Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 5) (Bailiwick of Guernsey) Regulations, 2021" made by the Civil Contingencies Authority on 29th April, 2021, 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 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 apply where a vaccine against the coronavirus has been temporarily authorised under the UK's Human Medicines Regulations, 2012 and designated under regulations made under the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, and the vaccine is sold, supplied or administered in accordance with a Patient Group Direction or protocol approved or consented to by the States of Guernsey Committee for Health & Social Care. They only apply to a vaccine administered on or after the 15th December, 2020 (the date on which the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (Bailiwick of Guernsey) Regulations, 2020 came into force) and before the vaccine receives either a UK marketing authorisation or a European Medicines Agency marketing authorisation for administration in the circumstances concerned.

Where these Regulations apply they will limit the aggregate amount of damages and costs that may be awarded by any court in respect of death or personal injury suffered by any one

person receiving the vaccine administered in accordance with the Patient Group Direction or protocol.

These Regulations revoke (and replace) the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 4) (Bailiwick of Guernsey) Regulations, 2021.

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

No. 44 of 2021

**EMERGENCY POWERS (CORONAVIRUS) (GENERAL PROVISION) (BAILIWICK OF GUERNSEY)
(NO. 5) REGULATIONS, 2021**

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) Regulations, 2021” made by the Civil Contingencies Authority on 29th April, 2021, 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 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.

The 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 30th April, 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.

Regulation 4 gives effect to Schedule 1, which makes provision in respect of Critical Workers. A person who has been granted a Critical Worker Exemption will have to self-isolate in accordance with, and otherwise comply with, the provisions of Schedule 1.

Schedule 2 to these regulations, which is given effect by regulation 5, provides for shorter periods of self-isolation to be undertaken by persons who arrive from a place specified as a Category 2 country or a Category 3 country on the States of Guernsey website, and who elect to comply with the restrictions and requirements set out therein.

Finally, this Part also provides that a person of 12 years or over who chooses not to take both a day of arrival test for COVID-19 and a test on day 13 after arrival will have to self-isolate for 21 days; otherwise, a person who does undergo those tests is required to self-isolate until receipt of a negative result for the day 13 test. A child under 12 has to self-isolate for 14 days after arrival.

Part II – miscellaneous and final

Schedule 3 to these Regulations, which is given effect by regulation 18, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraphs 4 and 5 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 provides 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.

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

No. 48 of 2021

EMERGENCY POWERS (CORONAVIRUS) (GENERAL PROVISION) (BAILIWICK OF GUERNSEY) (NO. 5) (AMENDMENT) REGULATIONS, 2021

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) Regulations, 2021” made by the Civil Contingencies Authority on 7th May, 2021, 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

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.

The Regulations amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2021 to make clear that when the Medical Officer of Health, or the Authority, exercise their powers under those regulations to vary the requirement to self-isolate on arrival in the Bailiwick, they may consult such persons as they think fit.

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

No. 51 of 2021

THE PRISON (GUERNSEY) (AMENDMENT) REGULATIONS, 2021

In pursuance of sections 49 and 51 of the Prison (Guernsey) Ordinance, 2013, The Prison (Guernsey) (Amendment) Regulations, 2021, made by the Committee *for* Home Affairs on 10th May, is laid before the States.

EXPLANATORY NOTE

These Regulations amend the Prison (Guernsey) Regulations, 2013 ("**the principal Regulations**") to clarify the restrictions currently set out in regulation 82 of the principal Regulations.

Regulation 2 of these Regulations substitutes regulation 82 of the principal Regulations with new regulations 82, 82A and 82B.

The new regulation 82 of the principal Regulations prohibits prisoners from possessing or keeping certain prohibited things such as controlled drugs or medicinal products, unless authorised in writing by a member of the healthcare team.

The new regulation 82A of the principal Regulations authorises the Governor to issue written directions to prevent prisoners from possessing or keeping anything specified in those directions. This power includes the power to prohibit a prisoner from keeping anything in a cell if the Governor believes it is incompatible with the size of the cell. A prisoner must not possess or keep anything prohibited under these directions.

The new regulation 82B of the principal Regulations authorises prisoners to possess or keep anything approved by Prison Orders, subject to any prohibitions under new regulation 82 or 82A.

Regulation 3 of these Regulations makes a consequential amendment to regulation 83(3) of the principal Regulations.

These Regulations will come into force on the 14th May, 2021.

No. 54 of 2021

THE TOBACCO ADVERTISING AND RELATED ACTIVITIES (GUERNSEY) REGULATIONS, 2021

In pursuance of section 3(1)(a) of the Tobacco Advertising (Guernsey) Law, 1997 and section 26 of the Tobacco Products (Guernsey) Ordinance, 2014 and all other powers enabling it in that behalf "The Tobacco Advertising and Related Activities (Guernsey) Regulations, 2021" made by the Committee for Health & Social Care on 18th May 2021, are laid before the States.

EXPLANATORY MEMORANDUM

These Regulations provide for standardised plain packaging of tobacco products and the use of combined health warnings on tobacco packaging. These Regulations are made under the Tobacco Products (Guernsey) Ordinance, 2014 and the Tobacco Advertising (Guernsey) Law, 1997.

Regulation 1 prohibits the 'sale' of tobacco products in breach of any requirement of Schedule 1 or 2 to these Regulations. "Sale" includes supply, or exposure or possession for supply, in the course of a business, and would include indirect sale (e.g. sale over the internet). Breach of this prohibition is an offence.

Regulation 2 gives effect to the requirements of Schedule 3 to these Regulations as requirements for warnings to be exhibited on the packaging of tobacco products under section 3 of the Tobacco Advertising (Guernsey) Law, 1997. Breach of these requirements is an offence under that Law.

Regulation 3 sets out the penalties for the offences created by regulation 1, including penalties for continuing offences.

Regulation 4 defines "producer" for the purposes of requirements in the Schedules. Regulation 5 defines expressions used in these Regulations.

Regulation 6 revokes the Tobacco Advertising (Guernsey) Regulations, 2010 and the Tobacco Advertising (Guernsey) (Amendment) Regulations, 2010.

Regulation 7 makes transitional and savings provisions in respect of the sale, or offer or exposure for sale, of any tobacco product in a packet printed before the commencement of these Regulations with a view to complying with the Tobacco Advertising (Guernsey) Regulations, 2010 (as amended). A 'sell-through' period of one year is allowed for cigarettes and hand-rolling tobacco, and two years for other tobacco products.

Regulations 8 and 9 are the citation and commencement provisions respectively.

Schedule 1 sets out requirements relating to the standardised packaging of tobacco products. Paragraph 1 of Schedule 1 sets out the permitted colour and shade of packaging of cigarettes and hand rolling tobacco. Schedule 4 contain exceptions, which relate to text stating the brand name and variant name, the number of cigarettes or weight of tobacco, details about the producer, (in the case of hand rolling tobacco) text about cigarette papers and filters, bar codes and calibration marks.

Paragraph 2 of Schedule 1 makes provision for the material, shape, opening and contents of an individual packet of cigarettes.

Paragraph 3 of Schedule 1 makes provision for the appearance of cigarettes.

Paragraph 4 of Schedule 1 contains provisions relating to the form of an individual packet of hand rolling tobacco and the weight of the tobacco in it.

Paragraph 5 of Schedule 1 provides that a tobacco product and labelling must not contain certain features or elements that would encourage the use or purchase of the tobacco product, for example by making it resemble a food or cosmetic product, suggesting it is less harmful than another tobacco product or that it has health or environmental benefits, or suggesting an economic advantage by including discounts.

Paragraph 6 of Schedule 1 provides that packaging of cigarettes and hand rolling tobacco must not make a noise or contain or produce a smell that is not ordinarily associated with packaging for cigarettes or hand rolling tobacco.

Paragraph 7 of Schedule 1 provides that the packaging must not include any features that are designed to change the packaging after sale, such as ink that appears over time or in fluorescent light, removable tabs and slide out panels.

Schedule 2 sets out further requirements relating to the packaging of tobacco products, including requirements relating to the surface of the packet, inserts and linings and wrappers. Schedule 3 requires tobacco products to carry warnings, including combined health warnings. Paragraph 1 of Schedule 3 provides for a combined health warning to be used on the front and back of packaging for tobacco products other than large cigars and individually wrapped cigars and cigarillos. The combined health warning consists of a text warning listed in Schedule 5 with the corresponding colour photograph (lodged at the Greffe on behalf of the President of the Committee for Health & Social Care) and represented by the image below the text warning in Schedule 5. The text "Get help to stop smoking at gov.je/help2quit or gov.gg/quittingsmoking." is also required. This paragraph sets out technical specifications about the layout of those warnings.

Paragraph 2 of Schedule 3 requires that each of the photographs used in the combined health warnings are carried on between 1/12 and 1/24 of the total number of packs under each brand name over any 12 month period.

Paragraph 3 of Schedule 3 provides for general warnings and information messages that are required on the other surfaces of the packaging.

Paragraph 4 of Schedule 3 provides for the labelling of large cigars and individually wrapped cigars and cigarillos. The labelling must include specified health warnings and a text warning listed in Schedule 6. There are technical specifications for the labelling and layout of these warnings.

Paragraph 5 of Schedule 3 makes provision for the warnings that must appear on packets of smokeless tobacco products.

Paragraph 6 of Schedule 3 sets out additional requirements that apply to health warnings, such as visibility, use of English and that they are irremovably printed.

Schedule 4 sets out exceptions to the requirements in Schedule 1 concerning the colour and shade of packaging of cigarettes and hand rolling tobacco.

Schedule 5 sets out the text warnings and representative images for the combined health warnings required under Schedule 3. These combined health warnings are derived from Australian legislation, and replace the combined health warnings previously derived from EU legislation and set out in the Tobacco Advertising (Guernsey) Regulations, 2010 (as amended). Schedule 6 lists the text warnings required for packets of cigars and cigarillos under Schedule 3.

These Regulations come into force on the 31st July, 2021.

The full text of the legislation can be found at: <http://www.guernseylegalresources.gg>