

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, 2022.

EMERGENCY POWERS (CORONAVIRUS) (GENERAL PROVISION) (BAILIWICK OF GUERNSEY) REGULATIONS, 2022

In pursuance of section 16 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, the "Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2022", made by the Civil Contingencies Authority on 17th January, 2022, are intended to be laid before the States on 26th January, 2022. 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.

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 appeals against requirements or restrictions imposed under this Part by the Medical Officer of Health (as well as in respect of determinations concerning vaccination

status and decisions in respect of specific conditions imposed on Critical Workers) 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 reduced self-isolation to be undertaken by persons who arrive from a place specified as a Green List Country or a Red List Country on the States of Guernsey website, and who elect to comply with the testing requirements set out therein.

Under Schedule 2, arrivals from Green List Countries are treated differently depending on whether they have a full vaccination history within the meaning of the Regulations. The Schedule imposes a requirement on arrivals from Green List Countries with a full vaccination history to take on their day of arrival a self-administered lateral flow test for COVID 19 provided to them on arrival; to report any positive test results to Public Health; and to comply with any direction given to them on so doing. It makes a failure (without reasonable excuse) to comply with these requirements a criminal offence. The Regulations also impose a requirement to pay a fee for the provided tests before travel. Other arrivals from Green List Countries are required to take a day of arrival test and a test 8 days after arrival, and to self-isolate until a negative result is received for the second test.

Arrivals from Red List Countries are required to take a day of arrival test and a test 9 days after arrival, and to self-isolate until a negative result is received for the second test.

This Part also provides for 'Blue Arrivals' - that is, persons (including children) arriving in the Bailiwick from within the Common Travel Area - to be free from self-isolation and testing requirements on arrival.

Children of between 5 and 11 years of age accompanying arrivals from Green List Countries or Red List Countries have to self-isolate for the same period (if any) as their accompanying responsible adult. Children of between 5 and 11 years of age accompanying arrivals from Green List Countries are also required to take a series of lateral flow tests on arrival and thereafter.

Children under the age of 5 arriving in the Bailiwick are not required to self-isolate or undergo testing.

Finally, regulation 20 and Schedule 3 make the wearing of face coverings mandatory (subject to certain specified exceptions) for persons of 12 years and over in shops, pharmacies, banks, post offices, cinemas, concert halls, places of worship, on public transport, and in the parts of government-owned premises, such as Beau Sèjour and Sir

Charles Frossard House, to which the public have a right of access, and create associated offences and penalties.

Part II – miscellaneous and final

Schedule 4 to these Regulations, which is given effect by regulation 21, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraphs 4 and 5 of that Schedule 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. This Part also inserts provisions 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.

These Regulations came into force on the 19th January, 2022 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

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.