

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

26<sup>th</sup> January, 2022

**Proposition No. P.2021/144**

**Policy & Resources Committee, Committee *for* Health & Care**  
**and the Committee *for* Home Affairs**

**Living Responsibly with COVID-19**

**AMENDMENT**

Proposed by: Deputy G St Pier

Seconded by: Deputy S Haskins

To delete the proposition and replace with:

“1. To direct the Committee *for* Health & Social Care to bring proposals as soon as is practicable to amend the Public Health Ordinance, 1936, to confer powers on –

- a. the Medical Officer of Health, in respect of any one person, and
- b. the Committee *for* Health & Social Care, in respect of any class or group of persons,

to order the self-isolation of, and impose other restrictions or requirements on, persons already within the Bailiwick who are infected, or suspected of being infected (e.g. contacts of cases), with Coronavirus; and also to confer on the Committee *for* Health & Social Care the power to make regulations to extend the powers to other notifiable diseases, further to its consideration of the clinical judgement of the Medical Officer of Health and the advice of Her Majesty's Procureur.

- 2. To direct the Committee *for* Health & Social Care when bringing proposals under Resolution 1 to include proposals designed to provide suitable checks and balances on the exercise of any powers conferred on the Medical Officer of Health and the Committee, as the case may be, including that:
  - a. powers shall be exercised by the Committee following consideration of the clinical judgement of the Medical Officer of Health and the advice of Her Majesty's Procureur and with regard to the advice of the Medical Director with regards the Bailiwick's medical resources and the wider positive and

negative impacts and equity for the community and having consulted with the Policy & Resources Committees and, if practicable, with such other Committees of the States as may be appropriate,

- b. powers shall be exercised only when necessary, urgent and proportionate,
- c. any restriction or requirement imposed under a conferred power must be reviewed at regular periods, the precise frequency of which shall reflect the severity of the interference with the freedom of the person subject to the restriction or requirement,
- d. there shall be a suitable mechanism for appealing against any decision of the Medical Officer of Health to exercise his or her powers, and
- e. any order made by the Committee –
  - (i) must be laid before the States as soon as possible and, having been so laid, shall be capable of being annulled by Resolution of the States, and
  - (ii) may not exceed 6 months in duration unless it has, within that period, been extended for such further period as the States may by Resolution approve.”

#### **Rule 4(1) Information**

- a) These propositions are consistent with the Government Work Plan Priority 1 – to consider, prepare and implement legislation to continue to manage COVID-19 as part of business as usual.
- b) In preparing the proposition there has been consultation with a number of Members of the States both members and non-members of the sponsoring Committees.
- c) The proposition has been submitted to Her Majesty’s Procureur for advice on any legal or constitutional implications.
- d) There are no financial implications to the States of carrying the propositions into effect.

#### **Explanatory note**

This amendment ensures that when the proposals return to the States, they will include provisions that:

- appropriate political oversight of the exercise of the powers should take place;

- if the powers are to be exercised at a population or group level, that decision should be taken at a political level;
- appropriate appeal mechanisms should exist;
- the powers should be subject to regular review and should be time limited with 'sunset' provisions that they expire after 6 months unless renewed by the States.