



Jersey

# **COVID-19 (CONSTRUCTION WORK) (JERSEY) REGULATIONS 2020**

## **Official Consolidated Version**

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Jersey

## COVID-19 (CONSTRUCTION WORK) (JERSEY) REGULATIONS 2020

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## COVID-19 (CONSTRUCTION WORK) (JERSEY) REGULATIONS 2020

**THE STATES** make these Regulations under Article 2 of the [Covid-19 \(Enabling Provisions\) \(Jersey\) Law 2020](#) –

Commencement [[see endnotes](#)]

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### 1 Interpretation

- (1) In these Regulations –
- “Health and Safety Regulations” means the [Health and Safety \(Management in Construction\) \(Jersey\) Regulations 2016](#);
  - “Medical Officer of Health” means a person appointed as such under Article 10 of the [Loi \(1934\) sur la Santé Publique](#);
  - “Minister” means the Minister for Health and Social Services;
  - “publish” means publish online or in any other manner appearing to the person publishing to be likely to bring the matter published to the attention of those whom it concerns;
  - “restriction Order” means an Order under Regulation 3;
  - “restriction period” means a period specified under Regulation 3(4);
  - “specified” means specified in a restriction Order.
- (2) In these Regulations the following expressions have the same meaning as in the Health and Safety Regulations –
- (a) “commercial client” and “domestic client”;
  - (b) “construction project”, “major construction project” and “minor construction project”;
  - (c) “construction site”;
  - (d) “construction work”;
  - (e) “contractor” and “relevant contractor”;
  - (f) “in the course or furtherance of a business”.

### 2 Application of Regulations

- (1) These Regulations apply to construction work (“relevant construction work”) if –

- (a) it is undertaken during a restriction period; and
  - (b) it does not fall within either or both of paragraphs (2) and (3).
- (2) Construction work falls within this paragraph if, by virtue of Regulation 6 of the Health and Safety Regulations, those Regulations do not apply to it.
- (3) Construction work falls within this paragraph if it is undertaken by a single individual at a construction site at which no other person is present.

### 3 Order to restrict construction work

- (1) This Regulation applies if the Minister, after consulting the Medical Officer of Health, is satisfied that, in relation to construction work, the risk to public health caused by Covid-19 has reached a level at which it is proportionate and necessary to make a restriction Order.
- (2) The Minister must, before making a restriction Order, consult the Council of Ministers, and in particular the Minister for Economic Development, Tourism, Sport and Culture.<sup>1</sup>
- (3) The Minister may, by Order, prohibit or restrict relevant construction work.
- (4) The Order must specify a restriction period by declaring that it starts on a specified date, being no sooner than the coming into force of the Order, and ends –
- (a) at the end of a period of restricted movement under a specified Order under Regulation 5 of the [Covid-19 \(Screening, Assessment and Isolation\) \(Jersey\) Regulations 2020](#), as that Order may be amended from time to time; or
  - (b) at the end of a specified day, being no later than 14 days after the start of the period.
- (5) Despite Article 17 of the [Interpretation \(Jersey\) Law 1954](#), a provision specifying the end of a period under paragraph (4)(b) may not be amended other than –
- (a) to declare an earlier end; or
  - (b) to declare a later end, being no later than 14 days after the commencement of each Order making such an amendment.
- (6) Paragraphs (7) to (10) do not limit the application of Article 11(4) of the [Interpretation \(Jersey\) Law 1954](#) to the power conferred by paragraph (3).
- (7) A restriction Order may include provision to –
- (a) prohibit all relevant construction work;
  - (b) prohibit all relevant construction work other than –
    - (i) specified work or a specified class of work,
    - (ii) work complying with guidance published by the Minister, the Medical Officer of Health or any other specified person appearing appropriate to the Minister for the purpose,
    - (iii) work complying with any other specified condition; or
  - (c) prohibit only specified relevant construction work or only a specified class of relevant construction work.
- (8) Work, or a class of work, may be specified for the purpose of paragraph (7)(b)(i) or 7(c) by reference to –

- (a) the person undertaking the work, including whether that person is a contractor, a principal contractor, a relevant contractor or any other person;
  - (b) the person for whom the work is undertaken, including whether that person is a commercial client, a domestic client or any other person;
  - (c) the nature or location of the work, including whether it is undertaken in the course or furtherance of a business, is undertaken at a person's residence, or otherwise;
  - (d) any construction project to which the work relates, including whether it relates to a major construction project, a minor construction project or any other project;
  - (e) the purpose of the work, including whether the purpose is related to dealing with the outbreak of Covid-19, or to any other interest of Jersey, or to any other matter;
  - (f) a criterion published by the Medical Officer of Health, as that criterion may be from time to time; or
  - (g) any other criterion appearing relevant to the Minister.
- (9) A restriction Order may include provision –
- (a) imposing a condition on the undertaking of the work;
  - (b) requiring a person, having a specified connection to the undertaking of the work, to obtain a permit from the Minister for that work;
  - (c) empowering the Minister to attach a condition to such a permit, or to attach conditions to a class of permit by published notice; or
  - (d) empowering the Minister to cancel such a permit.
- (10) A condition imposed under paragraph (9) may include –
- (a) a requirement as to the space between persons undertaking the work, including as to whether each such person is reasonably able to maintain a specified distance between himself or herself and any other person on the construction site;
  - (b) a requirement to have regard to any relevant guidance issued, before or after the commencement of these Regulations, by the Minister or by the Medical Officer of Health;
  - (c) a requirement to display a permit or other notice; or
  - (d) any other requirement appearing appropriate to the Minister.

#### **4 Offence of undertaking restricted construction work**

- (1) A person commits an offence, and is liable to a fine, if the person undertakes restricted construction work.
- (2) Construction work is “restricted construction work” if –
  - (a) it is relevant construction work; and
  - (b) it is undertaken in contravention of a restriction Order, or of a condition imposed by or under a restriction Order.
- (3) For the purpose of paragraph (2)(b) a requirement for any person (whether or not the person undertaking the work) to obtain a permit under

Regulation 3(9)(b) for the work is to be treated as a condition imposed by or under the restriction Order.

## **5 Offence of allowing restricted construction work or failing to take reasonable steps to prevent it**

- (1) A responsible person commits an offence, and is liable to a fine, if the person –
  - (a) allows another person to undertake restricted construction work; or
  - (b) fails to take reasonable steps to prevent another person from undertaking restricted construction work.
- (2) A person is a “responsible person” if the person is, in relation to the construction work or to the construction project to which the construction work relates –
  - (a) a commercial client; or
  - (b) a relevant contractor.
- (3) In this Regulation “restricted construction work” has the same meaning as in Regulation 4.
- (4) A person assessing the question of whether a step is reasonable, for the purpose of paragraph (1)(b), must have regard to any guidance that –
  - (a) is or was issued, before or after the commencement of these Regulations, by the Minister or by the Medical Officer of Health; and
  - (b) is relevant to the question.

## **6 Offence of giving false or misleading information**

A person commits an offence, and is liable to imprisonment for a term of 2 years and to a fine, if the person knowingly gives false or misleading information in connection with an application for a permit under a restriction Order.

## **7 Offences by bodies corporate and others**

- (1) In this Regulation –

“relevant offence” means an offence under these Regulations that is committed by a limited liability partnership, a separate limited partnership, an incorporated limited partnership or another body corporate;

“relevant person” means –

  - (a) if the relevant offence is committed by a limited liability partnership, a partner of the partnership;
  - (b) if the relevant offence is committed by a separate limited partnership or an incorporated limited partnership –
    - (i) a general partner, or
    - (ii) a limited partner who is participating in the management of the partnership;

- (c) if the relevant offence is committed by a body corporate other than an incorporated limited partnership –
    - (i) a director, manager, secretary or other similar officer of the body corporate, and
    - (ii) if the affairs of the body corporate are managed by its members, a member who is acting in connection with the member's functions of management; and
  - (d) a person purporting to act in any capacity described in subparagraphs (a) to (c) in relation to the partnership or body that commits the relevant offence.
- (2) If a relevant offence is proved to have been committed with the consent or connivance of a relevant person, that relevant person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
  - (3) Paragraph (4) applies if a relevant offence –
    - (a) is an offence that may be committed by neglect; and
    - (b) is proved to be attributable to any neglect on the part of a relevant person.
  - (4) The relevant person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

## **8 Citation, commencement and expiry**

- (1) These Regulations may be cited as the Covid-19 (Construction Work) (Jersey) Regulations 2020 and come into force on the day after they are made.
- (2) These Regulations expire at the end of 30th April 2022.<sup>2</sup>

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Covid-19 (Construction Work) (Jersey) Regulations 2020	<a href="#">R&amp;O.49/2020</a>	23 April 2020	<a href="#">P.49/2020</a>
Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 2020	<a href="#">R&amp;O.115/2020</a>	30 September 2020	<a href="#">P.103/2020</a>
Covid-19 (Amendments – Extension and Suspension) (Jersey) Regulations 2021	<a href="#">R&amp;O.52/2021</a>	29 April 2021	<a href="#">P.25/2021</a>
Covid-19 (Amendments – Further Extensions) (Jersey) Regulations 2021	<a href="#">R&amp;O.127/2021</a>	15 October 2021	<a href="#">P.84/2021</a>

◦Projets available at [statesassembly.gov.je](http://statesassembly.gov.je)

### Table of Endnote References

<sup>1</sup> Regulation 3(2)

*amended by R&O.115/2020*

<sup>2</sup> Regulation 8(2)

*amended by R&O.115/2020, R&O.52/2021, R&O.127/2021*