



Jersey

COVID-19 (GATHERING CONTROL) (JERSEY) ORDER 2020

Official Consolidated Version

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Jersey

COVID-19 (GATHERING CONTROL) (JERSEY) ORDER 2020

THE MINISTER FOR HEALTH AND SOCIAL SERVICES, after consulting the Medical Officer of Health and the Council of Ministers, makes this Order under Regulation 2 of the [Covid-19 \(Gatherings\) \(Jersey\) Regulations 2020](#) –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order –

“construction site” has the same meaning as in the [Health and Safety \(Management in Construction\) \(Jersey\) Regulations 2016](#);

“home” means a residential unit, within the meaning of the [Residential Tenancy \(Jersey\) Law 2011](#), in which a person resides, and includes any associated garden, yard or other outdoor space to which the public do not have access without permission;

“open air”, in relation to a gathering, includes any part of a structure, whether or not with a roof, that is closed on no more than one side;

“workplace” has the same meaning as in Regulation 1(1) of the Covid-19 (Workplace Restrictions) Regulations 2020.

2 Declaration of start and end of gathering control period¹

The period during which the gathering control requirements in this Order apply –

- (a) starts on 12th December 2020; and
- (b) ends at the end of 31st March 2021.

3 Gatherings in people’s homes

- (1) A person must not take part in a gathering of more than 10 people in a home that is not that person’s home.
- (2) Paragraph (1) does not apply to a gathering if –
 - (a) one or more of the people gathering is a child aged under 5 years of age; and
 - (b) there are no more than 10 people of 5 years of age or older who take part in the gathering.²

4 Gatherings in the open air

- (1) A person must not take part in a gathering in the open air of more than 10 people.³
- (1A) Paragraph (1) does not apply to a gathering if –
 - (a) one or more of the people gathering is a child under 5 years of age; and
 - (b) there are no more than 10 people of 5 years of age or older who take part in the gathering.⁴
- (2) Paragraph (1) does not apply to a gathering in –
 - (a) a garden, yard or other outdoor space that forms part of a home; or
 - (b) a workplace or a construction site.

5 Gatherings in certain workplaces

- (1) A person to whom paragraph (2) applies must not take part in a gathering in a workplace or construction site of more than 10 people.
- (2) This paragraph applies to a visitor to the workplace or construction site except in the case of –
 - (a) retail premises, being a building in which goods are sold or rented to visitors, or offered for sale or rent to visitors;
 - (b) a bank that is open to the public, and not solely to those who have or intend to open an account with that bank;
 - (c) a workplace that is –
 - (i) a public service vehicle, within the meaning of the [Motor Traffic \(Jersey\) Law 1935](#),
 - (ii) a plane or a ferry,
 - (iii) a bus station, or
 - (iv) a building used for port operations, within the meaning of the [Air and Sea Ports \(Incorporation\) \(Jersey\) Law 2015](#), relating to passengers, other than a building in which the visitor remains inside a vehicle;
 - (d) residential accommodation provided as part of a care home service, within the meaning of paragraph 1 of Schedule 1 to the [Regulation of Care \(Jersey\) Law 2014](#), to adults only;
 - (e) premises provided as part of an adult day care service within the meaning of paragraph 3 of Schedule 1 to the [Regulation of Care \(Jersey\) Law 2014](#);
 - (f) food and drink premises (within the meaning of the [Covid-19 \(Workplace Restrictions\) \(Jersey\) Order 2020](#));
 - (g) a court or tribunal;
 - (h) a parish hall, or other building, where the visit is for the purpose of attending a Parish Assembly, or a nomination meeting under Article 19 of the [Public Elections \(Jersey\) Law 2002](#); or
 - (i) a workplace where the visit is for the purpose of giving or receiving medical treatment.⁵
- (3) In this Article “visitor” means a person who –
 - (a) does not live in the workplace or construction site; and

- (b) does not use the workplace or construction site as the person's usual place of work (other than the person's home).

6 Gatherings in other locations

A person must not take part in a gathering of more than 10 people anywhere other than in a home, in the open air or in a workplace or construction site.

7 Exception: gatherings of 40 allowed for certain purposes⁶

- (1) Despite any other gathering control requirement in this Order, a person may take part in a controlled gathering of no more than 40 people if the gathering –
 - (a) is for the celebration of a marriage or civil partnership;
 - (b) is for a funeral; or
 - (c) is part of a service of religious worship.⁷
- (2) For clarity, paragraph (1) applies only to a ceremony of the type mentioned in that paragraph and not to any gathering before or after the ceremony, including any reception, wake or other event commonly associated with that ceremony.⁸
- (3) ⁹
- (4) In this Article –
 - “controlled gathering” means a gathering at which a responsible person has taken all reasonable steps to assist in controlling the spread of Covid-19;
 - “responsible person” means –
 - (a) a person responsible for organising the gathering; or
 - (b) an operator or occupier (within the meaning of Regulation 1(1) of the [Covid-19 \(Workplace Restrictions\) \(Jersey\) Regulations 2020](#)) of the location where the gathering takes place.
- (5) In assessing whether a responsible person has taken all reasonable steps, for the purpose of the definition “controlled gathering”, any guidance must be taken into account if it is guidance published by the Medical Officer of Health as to factors that increase the risk of spread of Covid-19 in gatherings.

8 Exception: certain gatherings involving young people¹⁰

- (1) No gathering control requirement in this Order applies in the case of –
 - (a) a gathering for the purposes of –
 - (i) education or before or after school activity provided by a school, or
 - (ii) registered day care of children,including for the purposes of travel in connection with that education, activity or registered day care;
 - (b) a controlled gathering organised by the Jersey Youth Service administered by the Department of Children, Young People, Education and Skills, including for the purposes of travel in connection with that gathering;
 - (c) a controlled gathering of a children's activity group if –
 - (i) the group was established before 12th December 2020,

- (ii) the gathering does not take place at a person's home,
 - (iii) every person participating in the gathering is a child, a carer of a participating child, or another person who is an activity organiser for the gathering, and
 - (iv) the number of people participating in the gathering, other than the activity organisers and children under 5 years of age, does not exceed 10; or
- (d) a controlled gathering in the open air to enable children to take part in any sport or exercise if the total number of people participating in, watching, supporting or facilitating the gathering does not exceed 35.¹¹
- (2) In this Article –
- “activity organiser” means a member of a children's activity group who is present at a gathering of that group and organises activities for the children at that gathering (whether or not that person is also the responsible person, as defined in Article 7, for the gathering);
- “carer” means a parent of a child or another person having custody or charge of a child for the time being;
- “children's activity group” means a group of people who gather 2 or more children to engage those children in activities organised by a member or members of the group present at the gathering, at least one of whom is an adult, other than by way of a gathering described in paragraph (1)(a) or (b);
- “controlled gathering” has the meaning given by Article 7;
- “registered day care” means looking after children as a day carer registered under the [Day Care of Children \(Jersey\) Law 2002](#) or in day care accommodation registered under that Law, but a gathering is not disqualified from being for the purposes of registered day care of children merely because some (but not all) of those children are aged 12 or older.

8A Exception: certain gatherings involving adults

No gathering control requirement in this Order applies in the case of a controlled gathering (within the meaning given by Article 7) in the open air to enable adults to take part in any sport or exercise if the total number of people participating in, watching, supporting or facilitating the gathering does not exceed 35.¹²

9 Citation and commencement

This Order may be cited as the Covid-19 (Gathering Control) (Jersey) Order 2020 and comes into force on the day after it is made.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Covid-19 (Gathering Control) (Jersey) Order 2020	R&O.166/2020	12 December 2020	
Covid-19 (Gathering Control) (Amendment) (Jersey) Order 2020	R&O.181/2020	23 December 2020	
Covid-19 (Gathering Control – Extension) (Jersey) Order 2021	R&O.1/2021	7 January 2021	
Covid-19 (Gatherings and Workplace Restrictions – Miscellaneous Amendments) (Jersey) Order 2021	R&O.3/2021	16 January 2021	
Covid-19 (Gathering Control – Second Extension) (Jersey) Order 2021	R&O.6/2021	21 January 2021	
Covid-19 (Gathering Control – Third Extension) (Jersey) Order 2021	R&O.10/2021	1 February 2021	
Covid-19 (Workplace Restrictions and Gathering Control) (Amendment) (Jersey) Order 2021	R&O.14/2021	3 February 2020	
Covid-19 (Gathering Control) (Amendment No. 2) (Jersey) Order 2021	R&O.20/2021	17 February 2021	
Covid-19 (Gathering Control) (Amendment No. 3) (Jersey) Order 2021	R&O.21/2021	17 February 2021	
Covid-19 (Workplace Restrictions and Gathering Control) (Amendment No. 2) (Jersey) Order 2021	R&O.24/2021	22 February 2021	
Covid-19 (Gathering Control – Fourth Extension) (Jersey) Order 2021	R&O.27/2021	1 March 2021	
Covid-19 (Gathering Control) (Amendment No. 4) (Jersey) Order 2021	R&O.31/2021	8 March 2021	

Project available at statesassembly.gov.je

Table of Endnote References

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- ¹ Article 2 *amended by R&O.181/2020, R&O.1/2021, R&O.6/2021, R&O.10/2021, R&O.27/2021*
- ² Article 3(2) *amended by R&O.31/2021*
- ³ Article 4(1) *amended by R&O.181/2020*
- ⁴ Article 4(1A) *inserted by R&O.31/2021*
- ⁵ Article 5(2) *amended by R&O.24/2021*
- ⁶ Article 7 *substituted by R&O.181/2020, heading amended by R&O.20/2021*
- ⁷ Article 7(1) *amended by R&O.20/2021*
- ⁸ Article 7(2) *deleted by R&O.3/2021, inserted by R&O.24/2021*
- ⁹ Article 7(3) *deleted by R&O.3/2021*
- ¹⁰ Article 8 *substituted by R&O.181/2020, R&O.3/2021*
- ¹¹ Article 8(1) *amended by R&O.14/2021, R&O.20/2021, R&O.21/2021, R&O.31/2021*
- ¹² Article 8A *inserted by R&O.31/2021*