



Jersey

# **COVID-19 (SCREENING, ASSESSMENT AND ISOLATION) (JERSEY) REGULATIONS 2020**

## **Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 30 September 2020 to 28 April 2021



Jersey

# COVID-19 (SCREENING, ASSESSMENT AND ISOLATION) (JERSEY) REGULATIONS 2020

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Jersey

## COVID-19 (SCREENING, ASSESSMENT AND ISOLATION) (JERSEY) REGULATIONS 2020

**THE STATES** make these Regulations under the [Order in Council dated 28th March 1771](#) –

Commencement [[see endnotes](#)]

### PART 1

#### INTERPRETATION AND PRELIMINARY PROVISIONS

#### 1 Interpretation

(1) In these Regulations –

“area” includes a country or territory;

“assessment” means, in relation to a person, assessment of the measures that it would be appropriate to take in relation to the person (under these Regulations or otherwise) to mitigate the risk that the person might infect or contaminate others with Covid-19;

“authorised officer” has the meaning given by Regulation 2;

“enforcement officer” means –

- (a) a police officer;
- (b) a prison officer within the meaning of the [Prison \(Jersey\) Law 1957](#);
- (c) an officer within the meaning of the [Customs and Excise \(Jersey\) Law 1999](#); or
- (d) an officer appointed under paragraph 1 of Part 1 of Schedule 2 to the Immigration Act 1971 as extended to Jersey by the Immigration (Jersey) Order 1993;

“health officer” means –

- (a) a person appointed under Article 10 of the Public Health Law, other than the Medical Officer of Health; or
- (b) a doctor acting under the direction of the Medical Officer of Health;

“infected area” means an area declared under Regulation 3;

“Jersey” includes the territorial sea adjacent to Jersey;

“Medical Officer of Health” means a person appointed as such under Article 10 of the Public Health Law;

“Minister” means the Minister for Health and Social Services;

“potentially infectious person” has the meaning given by paragraph (2);

“Public Health Law” means the [Loi \(1934\) sur la Santé Publique](#);

“publish” is to be read in accordance with paragraphs (4) and (5);

“screening” means, in relation to a person –

- (a) assessing the extent to which the person has been exposed to Covid-19;
  - (b) determining whether the person is infected or contaminated with Covid-19; or
  - (c) assessing the person’s symptoms and state of health.
- (2) In these Regulations a person is “potentially infectious” at a particular time if –
- (a) the person is, or may be, infected or contaminated with Covid-19, and there is a risk that the person might infect or contaminate others with Covid-19; or
  - (b) the person has been in an infected area within the 14 days preceding that time.
- (3) Nothing in these Regulations is to be read as derogating from any provision of the Public Health Law.
- (4) A power to impose a requirement, or to publish a notice or advice, is to be read as including a power, in the like manner, to vary or revoke the requirement, notice or advice.
- (5) In these Regulations a reference to publishing a notice or advice is to –
- (a) publishing it online; and
  - (b) as soon as practicable after online publication, publishing it by at least one other means appearing likely, to the person publishing it, to bring it to the attention of those unlikely to see it online.
- (6) Nothing in these Regulations is to be read as meaning that a place is not suitable for screening or assessment merely by virtue of being a person’s home.
- (7) A reference in these Regulations to informing a person of an offence under a provision is to be read as a reference to informing the person in general terms and not as requiring mention of the particular provision concerned.

## **2 Authorisation of officers**

- (1) The Medical Officer of Health is an authorised officer for the purpose of these Regulations.
- (2) A health officer is an authorised officer for the purpose of these Regulations.
- (3) An enforcement officer is an authorised officer for the purpose of these Regulations.
- (4) The Minister may, by Order, provide that any other person, or any other description of persons, is to be treated as an authorised officer for the purpose of these Regulations.
- (5) The Minister may, by published notice, declare that any description of authorised officer is not to be so treated.

### **3 Infected area**

- (1) The Minister may, by Order, declare an area to be an infected area, if the Minister is satisfied that there is a risk that persons arriving in Jersey, after travelling from or through that area, may be infected or contaminated with Covid-19.
- (2) The area is to be treated as infected –
  - (a) from the date of the commencement of the Order; or
  - (b) if another date is specified in the Order (regardless of whether that date is before or after the date of its commencement), from that specified date.
- (3) From the commencement of these Regulations until the commencement of the first Order, every area outside Jersey is to be treated as being an infected area and to have been such an area since 20th March 2020.
- (4) Nothing in paragraph (3) makes any act or omission an offence if it was done or omitted before the commencement of these Regulations.

## **PART 2**

### **SELF-ISOLATION AND ORDER TO PROHIBIT GOING TO OR REMAINING IN PUBLIC PLACES**

#### **4 Self-isolation, without individual direction or removal**

- (1) A person (the “traveller”) who arrives in Jersey, and has been in an infected area within the 14 days preceding that arrival, must –
  - (a) go directly to premises that the traveller reasonably believes to be appropriate; and
  - (b) remain in those premises until the end of a period of 14 days (the “self-isolation period”) from the date on which the traveller arrives in Jersey.
- (2) Each person who shares the premises with the traveller must remain in the premises until the end of the same self-isolation period as the traveller.
- (3) Premises are appropriate if –
  - (a) they are premises at which appropriate measures are in place for the self-isolation period –
    - (i) to minimise the traveller’s contact with other persons, and
    - (ii) to mitigate to a reasonable degree the risk that the traveller might infect or contaminate other persons with Covid-19; and
  - (b) either –
    - (i) no other person shares the premises with the traveller, or
    - (ii) the condition in paragraph (4) is met.
- (4) The condition is that each person who shares the premises with the traveller consents to –
  - (a) the traveller going to and remaining in the premises for the self-isolation period; and
  - (b) the measures described in paragraph (3)(a) being in place.
- (5) A person shares premises with a traveller if the person –

- (a) resides in the premises as part of the same household as the traveller; or
  - (b) otherwise shares any living accommodation in the premises with the traveller.
- (6) In determining whether a belief is reasonable for the purpose of paragraph (1)(a), advice published by the Medical Officer of Health must be taken into account.
- (7) On the commencement of these Regulations, a person who arrived in Jersey on or after 20th March 2020, but before that commencement, must –
  - (a) remain in the premises in which the person is present on that commencement, until the end of 14 days after the day on which the person arrived in Jersey; or
  - (b) go directly to premises that the person reasonably believes to be appropriate, and remain in those premises until that time.
- (8) A provision of paragraph (1), (2) or (7) does not apply to a person to the extent that –
  - (a) it is incompatible with a requirement imposed on the person –
    - (i) under these Regulations,
    - (ii) by or under the Public Health Law, or any enactment under that Law,
    - (iii) by or under [Public Health \(Vessels and Aircraft\) \(Jersey\) Law 1950](#), or any enactment under that Law, or
    - (iv) by any other enactment;
  - (b) an authorised officer gives the person written permission to do or omit anything that would otherwise constitute a contravention of paragraph (1), (2) or (7); or
  - (c) the person falls within a category designated in a notice published by the Minister as a category of essential workers for the purposes of this Regulation.
- (9) The Minister may, by Order, after consulting the Medical Officer of Health, amend paragraph (1)(b) to substitute a different length of self-isolation period.
- (10) A person who, without reasonable excuse, contravenes paragraph (1), (2) or (7) commits an offence and is liable to a fine of level 2 on the standard scale.
- (11) In paragraph (5)(b) “living accommodation” includes accommodation used or designed for cooking, eating, washing and disposal of waste.

## **5 Power by Order to prohibit going to or remaining in public places**

- (1) This Regulation applies if the Minister, after consulting the Medical Officer of Health, is satisfied that the risk to public health caused by Covid-19 has reached a level at which it is proportionate and necessary to make the Order described in paragraph (2) to give effect to paragraphs (5) to (7).
- (2) The Minister may, by Order, declare the start of a period of restricted movement and the end of that period, being no later than 14 days after the start.
- (3) Despite Article 17 of the [Interpretation \(Jersey\) Law 1954](#), the provision declaring the end of the period 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.
- (4) The Order –
  - (a) must provide for exceptions from the requirement of paragraph (5) for specified descriptions of person;

- (aa) may provide a non-exhaustive list of reasonable excuses; and
  - (b) may specify places that are, or are not, to be treated as public places.<sup>1</sup>
- (5) A person must not, unless an exception applies, without reasonable excuse go into or remain in a public place during a period of restricted movement.<sup>2</sup>
- (6) A person who contravenes paragraph (5) commits an offence and is liable to a fine of level 2 on the standard scale.<sup>3</sup>
- (7) A police officer who reasonably believes that a person is contravening paragraph (5) may, regardless of whether the person is to be prosecuted for an offence under paragraph (6) –
  - (a) remove the person to a place that the police officer reasonably believes is the usual residence of the person, or to any other place appearing suitable to the police officer; or
  - (b) exercise any power under Part 3 in relation to the person that may be exercised by an enforcement officer in relation to a person who the officer has reasonable grounds to suspect is potentially infectious.

### **PART 3**

#### **POWERS IN RELATION TO PERSONS SUSPECTED TO BE POTENTIALLY INFECTIOUS**

##### **6 Powers to direct or remove persons to a place suitable for screening or assessment**

- (1) This Regulation applies if an authorised officer has reasonable grounds to suspect that a person is potentially infectious.
- (2) The authorised officer may –
  - (a) direct the person to go immediately to a place specified in the direction which is suitable for screening or assessment; or
  - (b) remove the person to a place suitable for screening or assessment.
- (3) Paragraph (2) does not apply unless the authorised officer considers that it is necessary and proportionate to exercise the power –
  - (a) in the interests of the person;
  - (b) for the protection of other persons; or
  - (c) for the maintenance of public health.
- (4) The authorised officer must inform the person –
  - (a) of the reason for the direction or removal; and
  - (b) of the offences created by paragraph (6) and Regulation 13.
- (5) If the authorised officer is an enforcement officer he or she must, before directing or removing the person, consult a health officer or the Medical Officer of Health, if and to the extent that it is practicable to do so.
- (6) A person commits an offence, and is liable to a fine of level 3 on the standard scale, if the person without reasonable excuse, contravenes a direction under this Regulation.

**7 Powers exercisable at a screening or assessment place**

- (1) This Regulation applies if –
  - (a) a person is at a place that is suitable for screening or assessment; and
  - (b) an authorised officer has reasonable grounds to suspect that a person is potentially infectious.
- (2) The authorised officer may do any one or more of the following –
  - (a) require the person to remain at the place for screening or assessment purposes for a period not exceeding 48 hours;
  - (b) direct the person to go immediately to another place specified in the direction that is suitable for screening or assessment;
  - (c) remove the person to another place suitable for screening or assessment;
  - (d) require the person to be screened or assessed;
  - (e) impose any other requirement on the person in connection with the screening or assessment.
- (3) Requirements under paragraph (2)(d) may include a requirement –
  - (a) at a time specified by the authorised officer –
    - (i) to provide a biological sample, or
    - (ii) to co-operate with a doctor, or other person designated by the Minister for the purpose, taking a biological sample by appropriate means; or
  - (b) to answer a question or provide information about the person's health or any other relevant matter, including travel history and others with whom the person may have had contact.
- (4) Requirements under paragraph (2)(e) may include a requirement –
  - (a) to produce any document that may assist in the assessment; or
  - (b) to provide details of a means by which the person may be contacted promptly during a subsequent period specified by the authorised officer.
- (5) If the authorised officer is an enforcement officer he or she must, before directing or removing the person, consult a health officer or the Medical Officer of Health, if and to the extent that it is practicable to do so.
- (6) If the authorised officer is an enforcement officer he or she –
  - (a) may not impose a requirement under paragraph (2)(d) or (e); but
  - (b) may, if the conditions in paragraph (8) are met, keep the person at the place for a period of up to 24 hours, until a health officer can impose such a requirement.
- (7) The conditions are that the enforcement officer considers that it is necessary and proportionate to keep the person –
  - (a) in the interests of the person;
  - (b) for the protection of other persons; or
  - (c) for the maintenance of public health.
- (8) The authorised officer must inform the person –
  - (a) of the reason for exercising the officer's power under this Regulation; and
  - (b) of the offences created by paragraph (11) and Regulation 13.



- (9) For the purpose of paragraph (1)(a) it is irrelevant whether the person is at the place under a power under these Regulations or otherwise.
- (10) If the person is directed or removed under paragraph (2)(b) or (c), paragraph (2) applies afresh when the person is at the other place.
- (11) A person commits an offence, and is liable to a fine of level 3 on the standard scale, if the person without reasonable excuse contravenes a requirement or direction under this Regulation.

## **8 Powers exercisable after screening or assessment**

- (1) This Regulation applies if –
  - (a) a person has been screened by a health officer (under Regulation 7(2)(d) or (e) or otherwise) and –
    - (i) the screening confirmed that the person is infected or contaminated with Covid-19, or
    - (ii) the screening was inconclusive;
  - (b) a test has been conducted on a person, or on a sample taken from the person, for the purpose of determining whether the person is infected or contaminated with Covid-19 (under Regulation 7(2)(d) or (e) or otherwise), but the results of the test are not yet available; or
  - (c) a person has been assessed by a health officer (under Regulation 7(2)(d) or (e) or otherwise) and the officer has reasonable grounds to suspect that the person is potentially infectious.
- (2) An authorised officer may impose on the person any requirement or restriction that the officer considers necessary and proportionate –
  - (a) in the interests of the person;
  - (b) for the protection of other persons; or
  - (c) for the maintenance of public health.
- (3) The requirements that may be imposed include any one or more of the following requirements –
  - (a) to provide information to the authorised officer or to any other specified person;
  - (b) to provide details of a means by which the person may be contacted promptly during a specified period;
  - (c) to go for the purposes of further screening or assessment to a specified place suitable for that purpose and to do anything that could be required under Regulation 7(2)(d) or (e);
  - (d) to remain at a specified place (which may be a place suitable for screening or assessment) for a specified period;
  - (e) to remain at a specified place in isolation from others for a specified period.
- (4) The restrictions that may be imposed include restrictions, for a specified period, on any one or more of the following –
  - (a) the person's movements or travel (within or outside Jersey);
  - (b) the person's activities, including work or business activities;

- (c) the person's contact with other persons generally or with other specified persons.
- (5) The authorised officer must inform the person –
  - (a) of the reason for imposing the requirement or restriction; and
  - (b) of the offences created by paragraph (15) and Regulation 13.
- (6) In deciding whether to impose a requirement referred to in paragraph (3)(d) or (e) (a "requirement to remain") the authorised officer must have regard to the person's wellbeing and personal circumstances.
- (7) The period specified for a requirement to remain, or for any restriction, may not exceed 14 days.
- (8) After the imposition of a requirement to remain or a restriction, an authorised officer must –
  - (a) assess the person within 48 hours; and
  - (b) in the light of that assessment, reconsider which requirements or restrictions it is necessary and proportionate to impose on that person under this Regulation.
- (9) The authorised officer may, following the reconsideration –
  - (a) revoke the requirement to remain or the restriction, or specify a different period not exceeding 14 days for it; or
  - (b) substitute a different requirement or restriction.
- (10) An authorised officer may extend, for a further specified period, the period specified (the "original period") for a requirement to remain or restriction if, before the end of the original period, the officer –
  - (a) reasonably suspects that the person will be potentially infectious at the end of the original period; and
  - (b) considers that the requirement or restriction is still necessary and proportionate.
- (11) Except in the case of a requirement referred to in paragraph (3)(e), the further period may not exceed 14 days.
- (12) If the period for a requirement to remain or restriction is extended, an authorised officer –
  - (a) must review the requirement or restriction at least once in every period of 24 hours; and
  - (b) if the officer –
    - (i) considers that the person is no longer potentially infectious, must revoke the requirement to remain or the restriction, or
    - (ii) considers that the requirement to remain or the restriction is no longer necessary and proportionate, may substitute a different requirement or restriction, which may not apply beyond the end of the further period.
- (13) A requirement to remain in a place may be enforced –
  - (a) by an authorised officer removing the person to the place;
  - (b) by an authorised officer keeping the person at the place; or
  - (c) if the person absconds, by an enforcement officer taking the person into custody and returning the person to that place or to another specified place.
- (14) In this Regulation "specified" means specified by the authorised officer.

- (15) A person commits an offence, and is liable to a fine of level 3 on the standard scale, if the person without reasonable excuse contravenes a requirement or restriction under this Regulation.

## **9 Ancillary powers**

- (1) An authorised officer may give a reasonable instruction to a person in connection with –
- (a) a direction given to that person under these Regulations; or
  - (b) removing the person to or keeping the person at a place under these Regulations.
- (2) The authorised officer must inform the person –
- (a) of the reason for the instruction; and
  - (b) of the offences created by paragraph (3) and Regulation 13.
- (3) A person commits an offence, and is liable to a fine of level 3 on the standard scale, if the person without reasonable excuse contravenes an instruction under paragraph (1).
- (4) A power under these Regulations to remove a person to a place includes a power to keep the person for a reasonable period pending the person's removal.
- (5) An enforcement officer –
- (a) may use reasonable force, if necessary, to exercise a power under these Regulations; and
  - (b) may enter any place to exercise such a power.

## **PART 4**

### **MISCELLANEOUS AND FINAL PROVISIONS**

## **10 Children**

- (1) An individual who has responsibility for a child must, so far as reasonably practicable, secure that the child complies with any direction, instruction, requirement or restriction given to or imposed on the child under these Regulations.
- (2) An individual who has responsibility for a child must provide to a person exercising a power under these Regulations such information and assistance in relation to the child as is reasonably necessary and practicable in the circumstances.
- (3) A power under these Regulations to direct or require a child to go to a place may instead be exercised by directing or requiring an individual who has responsibility for the child to take the child to the place.
- (4) A power under Regulation 7(2)(d) or (e) or 8 may not be exercised in relation to a child except the presence of –
- (a) an individual who has responsibility for the child; or
  - (b) if the child is not accompanied by such an individual, an adult (not being a person on whom a power is conferred by these Regulations) who the person exercising the power considers to be appropriate, having regard to any views of the child.<sup>4</sup>

- (5) If a power under these Regulations is exercisable in relation to a child, but the child is not accompanied by an individual who has responsibility for the child, the person by whom the power is exercisable must –
  - (a) if practicable, contact an individual who has responsibility for the child before the power is exercised; or
  - (b) if that is not practicable, take reasonable steps after the power is exercised to contact such an individual and inform that individual of any exercise of the power in relation to the child.
- (6) If a child has a right to a review, the right may be exercised by an individual who has responsibility for the child.
- (7) If a child's consent is required to meet the condition in Regulation 4(4), the consent may be given by an individual who has responsibility for the child.
- (8) An individual who, without reasonable excuse, contravenes paragraph (1) or (2) commits an offence and is liable to a fine of level 3 on the standard scale.
- (9) In this Regulation –
  - (a) “adult” means a person aged 18 or over;
  - (b) “child” means a person under the age of 18;
  - (c) an individual has responsibility for a child if –
    - (i) the individual has custody or charge of the child for the time being (without being a person on whom a power is conferred by these Regulations), or
    - (ii) the individual has parental responsibility, within the meaning of the [Children \(Jersey\) Law 2002](#), for the child.

## 11 Right to review by Minister

- (1) A person on whom an official requirement is imposed may request the Minister to review the decision to impose it.
- (2) The person may make the request directly to the Minister or to an authorised officer, who must notify the Minister.
- (3) The Minister must, unless satisfied that the request is vexatious, conduct the review within a reasonable time and direct an authorised officer to –
  - (a) revoke the official requirement, if the Minister satisfied that it should not be imposed;
  - (b) vary the official requirement, if the Minister satisfied that it should be varied; or
  - (c) in any other case, inform the person subject to the official requirement and the person aggrieved, if different, that the review has not resulted in any change to the official requirement.
- (4) The authorised officer must comply with the direction as soon as practicable.
- (5) Nothing in this Regulation, other than a revocation or variation under paragraph (3)(a) or (b), limits the effect of an official requirement.
- (6) In this Regulation “official requirement” means a requirement, direction, instruction or restriction imposed by an authorised officer under these Regulations.
- (7) A review under this Regulation is not an appeal for the purpose of Article 28(2)(b) of the [States of Jersey Law 2005](#).<sup>5</sup>

## **12 Formalities, guidance and advice**

- (1) A requirement, direction, instruction, or restriction under these Regulations may be given or imposed orally or in writing.
- (2) If a requirement or restriction under Regulation 8 is given or imposed orally, the authorised officer must, as soon as reasonably practicable, give the person a notice in writing setting out the requirement or restriction.
- (3) A person exercising a power under these Regulations must have regard to –
  - (a) any relevant guidance issued, before or after the commencement of these Regulations, by the Minister or by the Medical Officer of Health; and
  - (b) any advice given by a health officer in relation to a particular case.

## **13 Offences of obstruction, absconding and misinformation**

A person commits an offence, and is liable to imprisonment for a term of 6 months and to a fine of level 3 on the standard scale, if the person –

- (a) obstructs another person exercising or attempting to exercise a power under these Regulations;
- (b) absconds while being removed to or kept at a place under these Regulations; or
- (c) knowingly provides false or misleading information in response to a requirement to provide information under these Regulations or otherwise in connection with the exercise of any power under these Regulations.

## **14 Review of operation of Regulations by Minister**

- (1) The Minister must keep the operation of these Regulations under review.
- (2) If the Minister considers that the threat from Covid-19 is no longer sufficient to justify the use of any or all of the powers conferred by these Regulations, the Minister must do one or more of the following –
  - (a) instruct a description of authorised officers to cease or limit their exercise of any or all of the powers conferred by these Regulations;
  - (b) publish a notice under Regulation 2(5) declaring that a description of authorised officers are not to be treated as such;
  - (c) make an Order under Regulation 15(4) suspending the effect of all or part of these Regulations.

## **15 Citation, duration and suspension**

- (1) These Regulations may be cited as the Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020.
- (2) These Regulations come into force on the day after they are made.
- (3) These Regulations expire at the end of 30th April 2021.<sup>6</sup>
- (4) The Minister may, by Order, suspend the effect of all or part of these Regulations –
  - (a) permanently, until the Regulations expire;
  - (b) indefinitely, until the Order is revoked;

- (c) for a period specified in the Order; or
  - (d) for a period to be determined in any manner specified in the Order, which may include reference to a determination by a person or body outside Jersey or to an event outside Jersey.
- (5) Nothing in an Order under paragraph (4) is to be treated as derogating from paragraph (3).
- (6) Despite Article 17 of the [Interpretation \(Jersey\) Law 1954](#), when these Regulations expire, or if their effect is suspended by an Order under paragraph (4), any requirement or restriction imposed under these Regulations ceases to have effect in respect of times after the expiry or after the start of the suspension.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020	<a href="#">R&amp;O.33/2020</a>	28 March 2020	<a href="#">P.32/2020</a>
Covid-19 (Screening, Assessment and Isolation) (Amendment) (Jersey) Regulations 2020	<a href="#">R&amp;O.37/2020</a>	3 April 2020	<a href="#">P.38/2020</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>

Projects available at [statesassembly.gov.je](https://statesassembly.gov.je)

### Table of Endnote References

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- <sup>1</sup> Regulation 5(4) amended by R&O.37/2020, editorial change, “and” deleted from sub-paragraph (a)
- <sup>2</sup> Regulation 5(5) amended by R&O.37/2020
- <sup>3</sup> Regulation 5(6) amended by R&O.37/2020
- <sup>4</sup> Regulation 10(4) editorial change, “except the” deleted, “except in the” inserted instead
- <sup>5</sup> Regulation 11(7) editorial change, “of the” inserted after “28(2)(b)”
- <sup>6</sup> Regulation 15(3) amended by R&O.115/2020