



Jersey

COVID-19 (CONSTRUCTION WORK) (JERSEY) REGULATIONS 2020¹

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 15 October 2021 to 30 April 2022



Jersey

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

Contents

Regulation

1	Interpretation	3
2	Application of Regulations.....	3
3	Order to restrict construction work	4
4	Offence of undertaking restricted construction work	5
5	Offence of allowing restricted construction work or failing to take reasonable steps to prevent it	6
6	Offence of giving false or misleading information	6
7	Offences by bodies corporate and others	6
8	Citation, commencement and expiry	7

ENDNOTES 8

Table of Legislation History.....	8
Table of Endnote References	8



Jersey

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](#)]

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.²
- (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 sub-paragraphs (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 2022.³

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Covid-19 (Construction Work) (Jersey) Regulations 2020	R&O.49/2020	23 April 2020	P.49/2020
Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 2020	R&O.115/2020	30 September 2020	P.103/2020
Covid-19 (Amendments – Extension and Suspension) (Jersey) Regulations 2021	R&O.52/2021	29 April 2021	P.25/2021
Covid-19 (Amendments – Further Extensions) (Jersey) Regulations 2021	R&O.127/2021	15 October 2021	P.84/2021

Project No available at statesassembly.gov.je

Table of Endnote References

-
- ¹ *These Regulations were expired by Regulation 8(2) on 30 April 2022*
- ² *Regulation 3(2) amended by R&O.115/2020*
- ³ *Regulation 8(2) amended by R&O.115/2020, R&O.52/2021, R&O.127/2021*