



Jersey

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

Official Consolidated Version

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

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Jersey

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

THE MINISTER FOR HEALTH AND SOCIAL SERVICES, after consulting the Medical Officer of Health and the Minister for Economic Development, Tourism, Sport and Culture, makes this Order under Regulation 3 of the [Covid-19 \(Construction Work\) \(Jersey\) Regulations 2020](#) –

Commencement [[see endnotes](#)]

1 Interpretation

- (1) In this Order –
 - “Construction Regulations” means the [Covid-19 \(Construction Work\) \(Jersey\) Regulations 2020](#);
 - “permit holder” means a person to whom a permit has been granted under Article 6, being a permit that has not been cancelled under Article 8;
 - “structure” has the same meaning as in the Health and Safety Regulations.
- (2) A reference in this Order to guidance is to be read as a reference to that guidance as amended from time to time, and for that purpose it is irrelevant whether the guidance was issued, or amended, before or after the commencement of the Construction Regulations.
- (3) A reference in this Order to a permit being in writing is to be read, for the purpose of Article 11(3)(c) of the [Electronic Communications \(Jersey\) Law 2000](#), as if the permit was a notice.

2 Restriction period²

The restriction period for the purposes of this Order –

- (a) starts on the coming into force of this Order; and
- (b) ends at the end of Thursday 25th June 2020.

3 General prohibition of construction work

- (1) Relevant construction work is prohibited unless it is –
 - (a) exempted by Article 4; or
 - (b) undertaken under a permit, within the meaning of Article 5.

- (2) Despite Articles 4 and 5, relevant construction work is prohibited if the person undertaking the work –
 - (a) has been diagnosed by a doctor as infected with Covid-19, and has not subsequently been informed by a doctor that he or she is no longer infected; or
 - (b) otherwise is exhibiting the symptoms of Covid-19, as for the time being described or endorsed by the Medical Officer of Health.

4 Exemptions³

- (1) Relevant construction work is exempt from the prohibition in Article 3 if –
 - (a) the work –
 - (i) is undertaken by no more than 2 individuals, or
 - (ii) constitutes necessary emergency repair or maintenance and is undertaken by any number of individuals, being the number essential for the undertaking of the work; and
 - (b) each individual who undertakes the work complies with any relevant guidance issued by the Medical Officer of Health.
- (2) Relevant construction work is also exempt from the prohibition in Article 3 if it is undertaken by the holder, or by an employee of the holder, of a licence granted in relation to that work under the [Health and Safety at Work \(Asbestos – Licensing\) \(Jersey\) Regulations 2008](#).

5 Work undertaken under a permit

- (1) Relevant construction work that meets all of the conditions in this Article is “undertaken under a permit” for the purpose of Article 3(1)(b).
- (2) The first condition is that the work is undertaken in compliance with guidance, published by the Minister or the Medical Officer of Health (or jointly published by them), that is relevant to that work and is intended to limit the risk of spreading Covid-19.
- (3) The second condition is that a permit, granted by the Minister under Article 6 in relation to the work at the site, is in effect in relation to that work and that site.
- (4) The final condition is that the work is undertaken in compliance with all of the conditions attaching to the permit under Article 7.

6 Grant of permits

- (1) The Minister may grant a permit, in relation to relevant construction work to be undertaken at a construction site, to a person who is a commercial client or relevant contractor in relation to that work, if the Minister is satisfied by that person that the work will be undertaken under the permit without any person committing an offence under the Construction Regulations at that site and in relation to that work.
- (2) The permit must be in writing and must identify the work and the site to which it relates.
- (3) The permit may identify a date and time at which it expires, and otherwise is to be taken to continue in effect, unless cancelled under Article 8, until the work to which it relates is completed.

7 Conditions attaching to permits

- (1) It is a condition of a permit that –
 - (a) a notice, in a form approved by the Minister and identifying the permit and the site, is displayed on the outside of the site so as to be clearly visible to persons outside the site; and
 - (b) entry to the site is granted to, and all persons working at the site cooperate with, any person who shows authorisation from the Minister for the purpose of inspecting the site to determine whether any offence is being or has been committed there under the Construction Regulations.
- (2) The Minister may attach a further condition to a class of permit by published notice.
- (3) The Minister may, by notice in writing to the permit holder, attach a further condition to a particular permit, at the time of granting it or subsequently, if the Minister is satisfied that it is necessary to do so in order –
 - (a) to ensure that no offence under the Construction Regulations is committed at the site; or
 - (b) otherwise to reduce the risk of spreading Covid-19 at the site.
- (4) A condition that is attached under paragraph (2) or (3) may be varied or revoked in the same manner.

8 Cancellation of permits

- (1) The Minister may cancel a permit if satisfied, after warning the permit holder or a person undertaking work at the site, that work should be suspended or halted at the site because –
 - (a) the condition in Article 7(1)(b) is being breached; or
 - (b) the Minister otherwise reasonably suspects that an offence under the Construction Regulations has been committed at the site.
- (2) The Minister must –
 - (a) give notice in writing to the permit holder of the cancellation of the permit; and
 - (b) ensure that a notice, identifying the permit and the site and stating that the permit has been cancelled, is displayed on the outside of the site so as to be clearly visible to persons outside the site for a reasonable period.

9 Citation and commencement

This Order may be cited as the Covid-19 (Construction Work) (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 (Construction Work) (Jersey) Order 2020	R&O.51/2020	23 April 2020	
Covid-19 (Construction Work) (Amendment – Extension) (Jersey) Order 2020	R&O.59/2020	11 May 2020	
Covid-19 (Construction Work) (Amendment – Exemptions and Second Extension) (Jersey) Order 2020	R&O.72/2020	25 May 2020	
Covid-19 (Construction Work – Third Extension and Workplace Restrictions – First Extension) (Jersey) Order 2020	R&O.79/2020	4 June 2020	
Covid-19 (Construction and Workplace – Amendments and Further Extensions) (Jersey) Order 2020	R&O.82/2020	12 June 2020	

Project available at statesassembly.gov.je

Table of Endnote References

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- ¹ This Order was repealed by the Covid-19 (Workplace Fourth Extension and Construction Repeal) (Jersey) Order 2020 on 10 July 2020
- ² Article 2 amended by R&O.59/2020, R&O.72/2020, R&O.79/2020, R&O.82/2020
- ³ Article 4 substituted by R&O.82/2020