



Jersey

COVID-19 (WORKPLACE RESTRICTIONS) (AMENDMENT No. 7) (JERSEY) ORDER 2020

*Made**23rd December 2020**Coming into force**6 p.m. on 24th December 2020*

THE MINISTER FOR HEALTH AND SOCIAL SERVICES makes this Order under Regulations 2 and 3 of the Covid-19 (Workplace Restrictions) (Jersey) Regulations 2020¹ after having complied with the consultation requirements set out in Regulation 2(1) and (2) of those Regulations –

1 Amendment of the Covid-19 (Workplace Restrictions) (Jersey) Order 2020

This Order amends the Covid-19 (Workplace Restrictions) (Jersey) Order 2020².

2 Article A1 inserted

Before Article 1 there is inserted –

“A1 Interpretation

In this Order –

“food and drink premises” means premises (whether or not licensed premises) that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes the following –

- (a) a restaurant, café or public bar;
- (b) takeaway food and drink premises;
- (c) premises operating with the permission of the Minister for Economic Development, Tourism, Sport and Culture under the Policing of Beaches (Jersey) Regulations 1959³;
- (d) registered premises operating under a valid registration certificate issued under the Places of Refreshment (Jersey) Law 1967⁴;

“indoor area” means an area, room or other premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of the roof or walls are –

(a) permanent or temporary; or

(b) open or closed;

“indoor recreation facility” means a building or other indoor place, other than part of a school, that is used predominantly for recreation, including a squash court, indoor sport court, gymnasium, trampoline centre, bowling alley or any other building or place of a like character used for recreation;

“market” means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent shops or stall holders, and includes existing permanent structures used for that purpose on an intermittent or occasional basis;

“recreation” includes sport and exercise;

“retail premises” means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, but does not include food and drink premises;

“visitor attraction” means a museum, zoo or other visitor attraction to the extent of its indoor areas.”.

3 Articles 2 and 3 substituted

For Articles 2 and 3 there is substituted –

“2 Closure of certain workplaces

(1) The following workplaces are prohibited from being open to the public –

(a) amusement centres;

(b) art galleries;

(c) workplaces used for the purpose of auction houses or betting agencies;

(d) workplaces used for the purposes of –

(i) spas, nail salons, beauty salons, waxing salons, tanning salons or laser hair removal,

(ii) non-surgical cosmetic procedures such as Botox injections and facial fillers,

(iii) tattoo or piercing parlours or massage parlours, or

(iv) providing haircuts, hair styling or the professional application of make up;

(e) jacuzzis, plunge pools, steam rooms, saunas, Turkish baths, and the like;

(f) entertainment facilities;

(g) swimming and paddling pools;

(h) soft play centres, including any part of a workplace consisting of a soft play area;

- (i) workplaces used by driving instructors registered under Article 6 of the Road Traffic (Jersey) Law 1956⁵ to give instruction as described in Article 5(1) of that Law;
- (j) retail premises that are not permitted shops as defined in Article 3(6).

(2) In this Article –

“amusement centre” means a building or place used principally for playing billiards or other like games, electronic or mechanical amusement devices such as pinball machines, video or arcade games and the like;

“entertainment facility” means a concert hall, dance hall, theatre, cinema and the like.

3 Specified workplaces open to the public for certain purposes

(1) The following workplaces may be open to the public only for the purposes specified in this Article –

- (a) food and drink premises for the purpose of selling food or beverages for people to consume off premises;
- (b) licensed premises to the extent permitted by paragraph (2);
- (c) permitted shops for the purpose of selling the goods and merchandise ordinarily sold by those shops;
- (d) markets for the purpose of enabling food and drink premises and permitted shops to open for the purpose specified in subparagraphs (a) and (c) respectively;
- (e) libraries, for the purpose of public access to computers;
- (f) indoor recreation facilities for the purposes of –
 - (i) allowing access to outdoor areas,
 - (ii) hiring out equipment to persons who intend to participate in recreational activities in outdoor areas,
 - (iii) carrying out instructional recreational activities in outdoor areas, and
 - (iv) if reasonably necessary, allowing members of the public to transit through indoor areas for a purpose mentioned in clause (i), (ii) or (iii), including ticketing;
- (g) visitor attractions for the purposes of –
 - (i) allowing access to outdoor areas, and
 - (ii) if reasonably necessary, allowing visitors to transit through indoor areas for the purpose of accessing outdoor areas, including ticketing.

(2) Workplaces that are licensed premises are prohibited from being open to the public for any purpose other than for selling or supplying food or drink (other than intoxicating liquor) for consumption off the premises except for –

- (a) premises holding only a licence of the sixth category (an Off-Licence);

- (b) premises holding a licence of the first category (a Taverner’s Licence) or a licence of the fourth category (a Comprehensive Licence) for the purposes of selling or supplying intoxicating liquor for consumption off the premises; and
 - (c) premises holding a licence of the second category (a Residential Licence) or a licence of the fourth category (a Comprehensive Licence) but only for the purposes of providing sleeping accommodation and food and drink (including intoxicating liquor), to be consumed only in that sleeping accommodation, to people –
 - (i) who had accommodation booked at those premises for a period that began before 4th December 2020, but only for the duration of that booking, or
 - (ii) by direction of the Minister for the purpose of isolation in order to control the spread of Covid-19.
- (3) For clarity, nothing in paragraph (2) affects any other condition to which a licence is subject.
- (4) This Article does not apply to a workplace to the extent that it is prohibited by Article 2 from being open.
- (5) Nothing in this Article prevents the use of a workplace –
 - (a) to provide reasonable access to toilet facilities or to administer appropriate first aid;
 - (b) to provide services, free of charge, to assist vulnerable members of the public, such as food banks, blood donations or services providing for the needs of homeless people; or
 - (c) to provide sleeping accommodation and food and drink (including intoxicating liquor) to be consumed only in that sleeping accommodation to people –
 - (i) who have no other suitable accommodation available to them in Jersey or who, in the Minister’s opinion, need to be accommodated because they are required to be in Jersey for essential work or because it is not practicable for them to leave Jersey, or
 - (ii) who are accessing a public service (including emergency accommodation) whether provided by a Minister, a public sector organisation, a private provider or a non-profit organisation.
- (6) In this Article –
 - “outdoor area” means an area that is not an indoor area;
 - “permitted shop” means any of the following types of retail premises –
 - (a) dry cleaning premises, being premises used for providing dry cleaning services to members of the public;
 - (b) garden centres, being premises the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment;

- (c) hardware and building supply shops, being premises the principal purpose of which is the sale or hire of goods and materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas;
 - (d) newsagents, being premises the principal purpose of which is the retail sale of newspapers and magazines;
 - (e) pharmacies and chemists;
 - (f) post offices;
 - (g) service or fuel stations (including heating fuel retailers), being premises used for the retail sale of fuels and lubricants for motor vehicles, whether or not the premises is also used for the ancillary retail sale of spare parts and accessories or general merchandise, or the cleaning of motor vehicles;
 - (h) specialist bicycle sale and repair shops, being premises used for the sale, hire and repair of bicycles and the like;
 - (i) specialist mobile phone retailers, being premises used for the retail sale of mobile phones and mobile phone accessories;
 - (j) specialist office supply shops, being premises used for the retail sale of office supplies such as stationery, printers, computers and other office accessories;
 - (k) specialist pet shops, being premises used for the retail sale of pet supplies;
 - (l) supermarkets and corner shops, being premises the principal purpose of which is the sale of essential groceries and foodstuffs to provide for the day-to-day needs of members of the public, and may include ancillary services such as a post office or dry cleaning;
 - (m) vehicle repair premises, being premises used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles, boats, agricultural machinery and the like;
 - (n) vehicle sales or hire premises, being premises used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed on the premises;
 - (o) haberdasheries, being premises the principal purpose of which is the retail sale of material or fabric, buttons and other items used for sewing;
 - (p) electrical goods retailers, being premises used for the purpose of selling electronic goods, equipment and accessories.
- (7) Words and phrases used in this Article that are defined in the Licensing (Jersey) Law 1974⁶ have the same respective meanings as they have in that Law.”

4 Article 5 (visitors required to wear marks) amended

For Article 5(3) there is substituted –

- (3) This Article applies to the following workplaces that are permitted to be open under any other provision of this Order –
 - (a) retail premises;
 - (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 public transport vehicle or premises, being a workplace that is –
 - (i) a public service vehicle, within the meaning of the Motor Traffic (Jersey) Law 1935⁷,
 - (ii) a bus station, or
 - (iii) a building used for port operations, within the meaning of the Air and Sea Ports (Incorporation) (Jersey) Law 2015⁸, relating to passengers, other than a building in which the visitor remains inside a vehicle;
 - (d) an adult residential care home, being a building in which a care home service, within the meaning of the Regulation of Care (Jersey) Law 2014⁹, is provided to people living in the building, if none of those people is a child;
 - (e) close contact premises, as defined in paragraph (4);
 - (f) food and drink premises;
 - (g) markets;
 - (h) libraries;
 - (i) indoor recreation facilities;
 - (j) visitor attractions.”.

5 Article 5A (condition of opening: workers wearing marks or visors) amended

After Article 5A(2)(d) there is inserted –

- “(e) markets;
- (f) libraries;
- (g) indoor recreation facilities;
- (h) visitor attractions.”.

6 Article 5B (conditions of opening: visitors giving contact tracing data) amended

In Article 5B(9) “, and “food and drink premises” has the meaning given by Article 3” is deleted.

7 Article 5C (condition of opening: distancing in workplaces) amended

For Article 5C(2) there is substituted –

“(2) This Article applies to the following workplaces –

- (a) retail premises;
- (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) food and drink premises;
- (d) markets;
- (e) libraries;
- (f) indoor recreation facilities;
- (g) visitor attractions.”.

8 Citation and commencement

This Order may be cited as the Covid-19 (Workplace Restrictions) (Amendment No. 7) (Jersey) Order 2020 and comes into force at 6 p.m. on 24th December 2020.

DEPUTY R.J. RENOUF OF ST. OUEN

Minister for Health and Social Services

ENDNOTES**Table of Endnote References**

<i>1</i>	<i>R&O.65/2020</i>
<i>2</i>	<i>R&O.67/2020</i>
<i>3</i>	<i>chapter 22.600.25</i>
<i>4</i>	<i>chapter 11.600</i>
<i>5</i>	<i>chapter 25.550</i>
<i>6</i>	<i>chapter 11.450</i>
<i>7</i>	<i>chapter 25.200</i>
<i>8</i>	<i>chapter 03.050</i>
<i>9</i>	<i>chapter 20.820</i>