

# STATES OF JERSEY



Jersey

## **DRAFT COVID-19 (AMENDMENTS – EXTENSION AND SUSPENSION) (JERSEY) REGULATIONS 202-**

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**Lodged au Greffe on 25th March 2021  
by the Minister for Health and Social Services  
Earliest date for debate: 11th May 2021**

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**STATES GREFFE**



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## REPORT

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### Overview

At the time of debate, Jersey will have been managing the effects of the coronavirus pandemic for over a year. Alongside the sacrifices made by Islanders, and the significant efforts made by front line services, an effective framework of legislation is a key part of the efforts towards public protection.

As in September 2020, an analysis has been made of the current suite of emergency legislation with the intention of retaining a legislative framework that enables decisive action when it is needed but which restricts Islanders' liberties only to the extent necessary and proportionate to ensure the situation remains under control.

In September 2020, the Assembly approved [P.103/2020](#) (the Draft Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 202-) which amended or repealed 24 pieces of domestic legislation introduced from March 2020 to address the coronavirus pandemic. The backdrop to this debate was a relatively stable situation, with some concerns about the effect of the coming winter 2020/2021 on transmission rates. [P.103/2020](#) also had the effect of extending the emergency legislation to 30 April 2021.

This six-month extension mirrored the initial duration of the emergency legislation, counting from the debate of the initial [Covid-19 \(Screening, Assessment and Isolation\) \(Jersey\) Regulations 2020](#). It was seen as a reasonable balance between the need to take decisive action in respect of the pandemic and the recognition that the powers necessary to do so would allow the Government to interfere with the lives of citizens in a manner that has no modern precedent.

Following that debate, in November 2020 the Assembly approved [P.157/2020](#) and [P.158/2020](#) which provided additional powers in respect of gatherings and the behaviour of the public in retail premises.

Winter 2020/2021 saw a significant increase in the number of cases and at the time of writing restrictions have been imposed under several pieces of legislation to address the situation (although this situation may have changed by the time of debate).

With the vaccination programme now in operation and offering an increasing level of protection to the most vulnerable Islanders, there is significant reason for optimism. However, the situation remains fluid and complex, especially in light of the emergence of new variants.

Thus, as in September 2020, and notwithstanding the success of the vaccination programme, the ongoing risk of further outbreaks precludes an immediate return to normality. However, there is no desire to restrict the lives of Islanders unnecessarily should the situation remain stable, and it would not be appropriate for Government to keep unprecedented powers close to hand indefinitely.

This has informed the strategic decisions behind these draft Regulations, which, as in September 2020, are intended to –

- (a) ensure that Government has the capacity to respond quickly to any further outbreaks as they emerge (which has been empirically shown to be critical here and in other jurisdictions); and
- (b) allow Government to legislate effectively in advance of future outbreaks; but to

- (c) limit Government’s access to powers that can interfere with the lives of citizens or bypass normal safeguards until it is clearly established that they are required again; and
- (d) surrender Government’s powers to take some exceptional actions where these are now unlikely to be required, or where there would be sufficient lead-in time to allow the normal democratic process to be conducted to bring new legislation.

### **Possible treatment of legislation**

The effect of the draft Regulations on each piece of legislation is dealt with below. Broadly, the Regulations would have the effect of extending all of the emergency legislation, as well as managing the ‘suspension’ of some legislation.

Where legislation is or remains **SUSPENDED**, it will also retain an expiry date, but this will be **EXTENDED** to 31 October 2021. This means that even in its dormant state it will require a positive decision of the Assembly to allow it to extend beyond that date.

As in September 2020, where necessary, suspension will be achieved by inserting an amending provision into each piece of legislation which will make the legislation dormant and without effect until a ‘revival’ Order is made. The criteria for reviving legislation will be that –

- an Order must be made by (or in a few cases ‘with the agreement of’) the Minister for Health and Social Services;
- this must be made only after consultation with the Council of Ministers; and
- this must be made only if it is deemed necessary and proportionate following advice from the Medical Officer for Health.

That Order or set of Orders could revive some or all of the suspended legislation as required in the circumstances and could lift the suspension of the effect of certain provisions, while others are left in a suspended state. Additional Orders could be made to revive additional legislation or suspend some revived items as needed.

Where legislation is already suspended and will remain so, the Regulations simply change the expiry date of the legislation to 31 October 2021.

### **The effect on the emergency legislation**

#### **1. Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020**

These Regulations will be **EXTENDED** until 31 October 2021, but Regulation 5 will be effectively **SUSPENDED**.

[Link to P.32/2020](#)

[Link to Regulations](#)

These Regulations provided a range of powers to contain the spread of Covid-19.

They serve to underpin the current safer travel policy, as they provide the mechanism by which incomers can be required to self-isolate on entry to the Island, and by which self-isolation can be enforced. They also provide for the capacity to require that people suffering from Covid-19 self-isolate to avoid spreading infection, and to allow people suspected of being infected with Covid-19 to be screened or assessed.

Most notably, they served to provide the power to make a ‘Restricted Movement Order’ which provided the capacity to ‘lock down’ the Island by prohibiting any person in

Jersey from going to, or remaining in, a public place, subject to exemptions based around having a reasonable excuse.

It is earnestly hoped that that drastic action such as a lockdown will not be required again, but the power in the Regulations could be used in a more nuanced way and it is considered necessary to retain it until such time as provision can be made for more specific and targeted measures.

However, considerable thought has been given to the prospect of retaining the ‘lockdown’ power, especially given the additional suite of powers now available. Consideration has been given to abandoning the power by means of repealing Regulation 5, but given the ongoing pandemic situation that step is not considered to be appropriate at this time.

However, the Council of Ministers recognises that this power stands out as having the most restrictive effect on the normal life of Islanders and have concluded that it should be subject to a higher test of use than is currently provided for. To that end, Regulation 5 will be amended so that the Order making power can only be activated after consultation with the Council of Ministers. The Regulation already contains the normal requirement to consider whether the action is proportionate and necessary following consultation with the Medical Officer of Health.

This will provide an effective suspension arrangement in line with other suspended legislation, although it appears different in the drafting to avoid the illogicality of requiring that the Minister make an Order to allow him to make an Order.

## **2. Covid-19 (Safe Distancing) (Jersey) Regulations 2020**

These Regulations will be **EXTENDED** to 31 October 2021. This may be in an active or suspended form depending on their status at the time of debate.

[Link to P.66/2020](#)

[Link to Regulations](#)

[Link to suspending Order](#)

These Regulations were intended to help control the transmission of coronavirus by requiring that people remain 2 metres away from other people outside of their own household, unless in a home, garden or workplace.

They were intended to replace the Restricted Movement Orders made under Regulation 5 of the Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020 with a less restrictive regime. The primary change in practical effect was to release any limitation on the duration or reason for people to be outside of their home.

This was intended to allow a gradual increase in the level of interpersonal contact after the Restricted Movement Order was lifted. The offences in the Regulation were suspended by Order on 25 June 2020 but were re-activated on 4 December 2020 and remain in force at the time of writing.

The Regulations will be **EXTENDED** to 31 October 2021, which will be independent of whether or not the offences are in force.

## **3. Covid-19 (Emergency Provisions – Courts) (Jersey) Regulations 2020**

These Regulations will be **EXTENDED** until 31 October 2021.

[Link to P.41/2020](#)

[Link to Regulations](#)

These Regulations allow the courts to mitigate the impact of Covid-19 on court proceedings, to allow operations to continue throughout the public health crisis. They provide for modified court procedures, reduction in the quorum of the Superior Number, the use of retired Jurats, the conduct of proceedings by virtual means, and variations to the right to jury trial.

These provisions are designed to minimise the physical proximity of people within the court system wherever possible and to help maintain social distancing requirements, to protect the health of the Judiciary, court staff and everyone who comes into contact with the court system. They have proved to be very useful to the courts as preventative measures to avoid the spread of infection.

The Royal Court has undertaken to retain the greatest degree of public access possible to the courts, and these Regulations have proven to be a valuable tool in protecting the administration of justice.

#### **4. Covid-19 (Schools and Day Care of Children) (Jersey) Regulations 2020**

These Regulations remain **SUSPENDED**.

[Link to P.30/2020](#)

[Link to Regulations](#)

These Regulations allow for the Minister for Education to require the closure of school premises or day care premises to prevent the spread of Covid-19. They also make provision for the Minister to implement arrangements for the compulsory education of school age children whilst they are unable to attend school as a result of the closure of the premises. The Minister has existing powers in this area, but they are not designed for emergency use.

These Regulations are not currently active as they require a notice to be published to close schools, so they are effectively currently **SUSPENDED**. The terms of power for the Minister to close schools was amended by [P.103/2020](#) to mirror the suspension requirements applied in other emergency legislation, and this includes a ‘necessity and proportionality’ test which engages the Medical Officer of Health’s (MoH’s) judgement as to the scale of the risk.

#### **5. Covid-19 (Workplace Restrictions) (Jersey) Regulations 2020**

These Regulations will be **EXTENDED** until 31 October 2021.

[Link to P.59/2020](#)

[Link to Regulations](#)

[Link to consolidated Order](#)

These Regulations provided the capacity to make a ‘Workplace Restrictions’ Order that requires businesses to be closed to the public or only to operate in certain ways, with the intention of limiting the spread of Covid-19.

They replaced the [Covid-19 \(Restricted Trading\) \(Jersey\) Regulations 2020](#), which allowed only ‘essential’ businesses to trade, with the intention of providing more flexibility and nuance and to support a gradual reopening of commercial activity, which they have done.

The early stages of the pandemic response relied heavily on trading restrictions, but since the initial outbreak has been brought under control this has been less necessary and currently only a few high-risk businesses are restricted.

They were amended by [P.158/2020](#) to allow for additional restrictions, including the requirement that face masks be worn in retail premises.

The current limitations on trading are considered to be necessary and proportionate, and the capacity to re-escalate controls should the situation deteriorate is considered to be an essential tool to manage any future outbreak.

## 6. Covid-19 (Construction Work) (Jersey) Regulations 2020

These Regulations will be **EXTENDED** until 31 October 2021.

[Link to P.49/2020](#)

[Link to Regulations](#)

These Regulations were intended to manage the operation of construction sites during the pandemic period. There was a pressing need to manage this area by means of specific arrangements as it was anticipated that while most construction would need to be halted, some projects were of such pressing importance that they would need to be allowed to continue by means of a special permit scheme (urgent seawall repair, Nightingale Hospital construction etc.).

These Regulations take effect by means of a Construction Work Order, which was amended by [P.103/2020](#) to bring the Order making power into line with the suspension arrangements by further requiring that the Order be made after consultation with the Council of Ministers.

No Order is currently in force, and construction work is operating under the normal Health and Safety Regime. However, these Regulations would provide the necessary power to introduce restrictions should they be needed in future. Therefore, the Regulations are to be **EXTENDED**.

## 7. Covid-19 (Gatherings) (Jersey) Regulations 2020

These Regulations will be **EXTENDED** until 31 October 2021.

[Link to Regulations](#)

[Link to P.157/2020](#)

These Regulations offer a way to manage gatherings of people to limit the spread of Covid-19. Gatherings were the subject of guidance since the lockdown and safe distancing arrangements were lifted, and these Regulations brought those restriction into law. They allow gathering control Orders to be made to place a limit on the size and characteristics of gatherings that are allowed, by granting powers to enforcement officers to disperse gatherings over the permitted size or outside of the permitted characteristics.

The current limitations on gatherings are considered to be necessary and proportionate, and the capacity to re-escalate controls should the situation deteriorate is considered to be an essential tool to manage any future outbreak.

A gathering control Order first came into force on 12 December 2020, and restrictions remain in force at the time of writing.

The Regulations will be **EXTENDED** to 31 October 2021, which will independent of whether or not the offences are in force at the time of debate.

## **8. Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018**

These Regulations will be **SUSPENDED**.

These Regulations amend the [Regulation of Care \(Standards and Requirements\) \(Jersey\) Regulations 2018](#) to allow adult care services to legally operate with reduced staff, under the regulatory oversight of the Care Commission.

The previous Temporary Amendment Regulations were repealed in September 2020, but as the situation deteriorated in late 2020 these Regulations were introduced. They contain measures similar to the previous amending Regulation but as they were introduced at a later stage when the situation was better understood, they could be more narrowly targeted than their predecessors.

This more targeted approach means that the current Regulations do not apply to any service which delivers care to under 18s, the allowed deviations from normal procedure are more limited, and the Care Commission has a duty to report serious concerns about staffing levels immediately to both the Minister for the Environment and the Minister for Health and Social Services.

These Regulations have been relied upon three times by registered care providers in the last phase of the of the pandemic, and while they remain an important safeguard they are not immediately required, so they will be **SUSPENDED**.

## **9. Statutory Nuisances (Jersey) Regulations 2017**

Amendments are made to these Regulations by the Statutory Nuisances (Amendment) (Jersey) Regulations 2020, which insert a new Regulation 1A. This Regulation 1A will be **EXTENDED** until 31 October 2021.

[Link to amended Law](#)

[Link to P.25/2020](#)

[Link to amending Regulations](#)

The Statutory Nuisances (Jersey) Law 1999 provides that abatement notices can be served on a person responsible for a ‘nuisance’. In the absence, in mid-March 2020, of any effective mechanism of stopping gatherings or other activities likely to promote they spread of Covid-19, the existing 2017 Regulations under that Law were extended to include ‘*events of such size or duration, and is held in such circumstances*’ as to create that ‘nuisance’. This approach had its shortcomings but was useful at the time, and indeed remains so as part of a now-expanded toolkit for managing the pandemic. This inserted Regulation was not originally time limited, and [P.103/2020](#) introduced that time-limitation to standardise the position across the emergency legislation.

## **10. Wills and Successions (Jersey) Law 1993 and**

## **11. Covid-19 (Signing of Instruments) (Jersey) Regulations 2020**

Amendments are made to this Law by the Covid-19 (Signing of Instruments) (Jersey) Regulations 2020, which insert a new Article 17B. This Article 17B will be **EXTENDED** until 31 October 2021.

In addition, the **Covid-19 (Signing of Instruments) (Jersey) Regulations 2020** have their own existence as law outside of the Mental Health Law as a free-standing set of Regulations, which are also **EXTENDED** until 31 October 2021.

[Link to amended Law](#)

[Link to P.50/2020](#)

[Link to amending Regulations](#)

As the pandemic emerged, many people became interested in making wills (as reported by the Law Society). In Jersey, this could not be completed without personal contact with a legal advisor.

The amendments to the 1993 Law, and the stand-alone Regulations which affect the [Probate \(General\) Rules 1998](#), serve to allow wills to be witnessed over an audio-visual link, and probate applications and the attestation of probate-related documents to be executed remotely.

The requirement for physical presence is a safeguard against impersonation, forgery, coercion, and to ensure that the person making the will understands what they are signing.

Therefore, it is the duty of legal advisors to ensure at all times that any client who makes a legal document does so willingly (i.e. not under duress) and has the capacity to do so, and all witnesses/those attesting the validity of documents must –

- see all the relevant parties by audio-visual link (for example, for wills, this means that both witnesses and the testator must be able to see one another);
- positively identify the person signing the document;
- see the person sign the document; and
- satisfy themselves, by whatever means they consider practical, that the document signed is the relevant legal document.

Also, in the case of a will of immovable property, the requirement that the will be read aloud in its entirety remains.

As the cohort of people who are most likely to wish to make end-of-life arrangements are also those most vulnerable to Covid-19, many of whom may still be self-isolating though choice, it is appropriate to **EXTEND** the amendments and the Regulations until 31 October 2021.

## **12. Cremation (Suspension and Modification of Regulations – Covid-19) (Jersey) Regulations 2020**

## **13. Cremation (Suspension and Modification of Regulations – Covid-19) (No. 2) (Jersey) Regulations 2020**

The [Cremation \(Jersey\) Regulations 1961](#) govern the process of cremation in Jersey.

The initial response to the pandemic was to simplify the cremation application requirements in anticipation of increased pressure on primary care and medical referees during the period.

The changes to the arrangements for cremation will remain **SUSPENDED**.

*NOTE: These amendments to the 1961 Regulation do not amend the text directly but provide that the text should be read in light of the new 2020 Regulations in both cases. Therefore, in this case it is the 2020 Regulations that are themselves suspended, but this is, in practice, a suspension of the amending effect on the 1961 Regulations so is approached in those terms.*

Modifications to the operation of these Regulations are made to this Law by the **Cremation (Suspension and Modification of Regulations – Covid-19) (Jersey) Regulations 2020**. The amending provisions were **SUSPENDED** by [P.103/2020](#).

[Link to P.21/2020](#)

[Link to amending Regulations No. 1](#)

Under usual circumstances, no cremation is permitted in Jersey unless the application to cremate is accompanied by a certificate of medical attendant and a ‘confirmatory medical certificate’, which can only be completed by a registered medical practitioner who is not a relative of the deceased nor a relative or partner of the practitioner who signed the certificate of medical attendant.

In order to limit the then-anticipated pressures on both medical referees and the primary care sector during the period of an epidemic, the Regulations made two amendments –

- they removed the requirement for a confirmatory medical certificate to be present when a cremation is authorised; and
- provided Medical Referees with the discretion to authorise an application to cremate without a certificate of medical attendant being present during a period of where the cause of death is due to or related to Covid-19.

Further modifications to the operation of these Regulations were made by the **Cremation (Suspension and Modification of Regulations – Covid-19) (No. 2) (Jersey) Regulations 2020**. The amending provisions were also **SUSPENDED** by [P.103/2020](#).

[Link to P.65/2020](#)

[Link to amending Regulations No. 2](#)

These further amendments were intended to allow the changes made to the death certification system by the Marriage and Civil Status (Amendment of Law No. 2) (Covid-19 – Temporary Amendment) (Jersey) Regulations 2020 to function as intended.

The desired effect was to make the process for the registration of death robust enough to operate in a period of significant excess mortality, and the further amendment to the Cremation (Jersey) Regulations 1961 were made to align the certification of death requirements associated with an application for cremation with the revised certification of death requirements provided for through the Covid-19 modifications to the [Marriage and Civil Status \(Jersey\) Law 2001](#) (i.e. by removing the need for attendance during last the deceased’s last illness in order to be able to provide a medical certificate).

The expiry date for these Regulations will be extended to 31 October 2021, but the effect of the Regulations will remain **SUSPENDED**.

#### **14. Civil Partnership (Jersey) Law 2012**

#### **17. Marriage and Civil Status (Jersey) Law 2001**

*The sets of amendments to these laws are intertwined so they are dealt with together.*

The 2001 Law is amended by the **Marriage and Civil Status (Amendment of Law) (Covid-19 – Temporary Amendment) (Jersey) Regulations 2020**.

These Regulations amended the Marriage and Civil Status (Jersey) Law 2001 to modify who could be deemed the Informant for the registration of a birth, stillbirth and death so that the Superintendent Registrar or Deputy could sign the appropriate register. They are currently in force.

The development of suitable public health mitigations mean that the duty of informing the Registrar of a birth, stillbirth or death should revert to being carried out by the informants cited in the 2001 Law prior to any legislative amendments that were made due to Covid-19. Registration of births, stillbirths and deaths by the informants will

recommence with appropriate public health mitigations in place. Accordingly, the amendments made by these Regulations will be **SUSPENDED**.

The 2001 Law is also amended by the **Marriage and Civil Status (Amendment of Law No. 2) (Covid-19 – Temporary Amendment) (Jersey) Regulations 2020**

The Regulations amended the Marriage and Civil Status (Jersey) Law 2001 to allow for deaths in the community to be certificated by a medical practitioner who was not the deceased's G.P. i.e., it supported the establishment and operation of HCS's Community Death Certification Team, which was disbanded in September 2020.

The Island's end of life processes and associated legislation returned to its pre-Covid state at the end of September 2020, the processes are coping with current levels of death and as such the provisions will remain **SUSPENDED**.

Both the **Marriage and Civil Status Jersey) Law 2001** and the **Civil Partnership (Jersey) Law 2012** are amended by the **Covid-19 (Civil Partnership and Marriage) (Jersey) Regulations 2020**.

The amendments resulting from these Regulations will be **SUSPENDED** from 30th April 2021.

[Link to P.60/2020](#)

[Link to amending Regulations](#)

The amendments the Regulations made modified the administration processes required before a marriage or civil partnership could be solemnized with the aim of allowing the administrative processes to be managed in a way that protected couples and staff from potential infection, by removing the face-to-face contact. Specifically, they –

- Suspended the requirement the Superintendent Registrar to publish the notice of an intended marriage at their Office for public viewing, instead requiring it to be published online.
- Removed the requirement to sign the notice of intended marriage and sign a 'freedom to marry' declaration at the Office of the Superintendent Registrar.
- Provided for the signing of documents relating to marriage and civil partnerships to be witnessed by the Superintendent Registrar by audio-visual link after positively identifying the applicants.

It is proposed that the Office of the Superintendent Registrar is able to reopen from the end of April with Public Health mitigations in place such as, visits by appointment only, masks to be worn and screens in place. Therefore, the administrative processes required by Law prior to a marriage or civil partnership being solemnized can recommence by the witnessing of the signing of documents in person. This will mean that the Regulations can be **SUSPENDED**.

Both the **Marriage and Civil Status Jersey) Law 2001** and the **Civil Partnership (Jersey) Law 2012** are further amended by the **Covid-19 (Civil Partnership and Marriage No. 2) (Jersey) Regulations 2020**. The amendments made by these Regulations will be remain partly **EXTENDED** and remain partly **SUSPENDED** until 31 October 2021 as detailed below.

[Link to P.77/2020](#)

[Link to amending Regulations](#)

These Regulations were the second part of the changes required to allow marriages and civil partnerships to continue to be undertaken safely. They –

- temporarily suspended the right for the public to attend ceremonies, while maintaining the right to raise a lawful objection to a marriage or civil partnership;
- placed a duty on marriage celebrants and civil partnership registrars to adhere to guidance issued by the Superintendent Registrar, based on public health advice, to minimise the risk of Covid-19 being transmitted amongst the couple, guests and celebrants;
- transferred responsibility for the approval of marriage venues away from the Connétable of the relevant parish to the Superintendent Registrar, and temporarily restricted the types of premises which could be newly approved to private dwellings;
- ensured that a location provided to the Superintendent Registrar was automatically deemed an approved location (currently extended);
- removed the right of people to enter the Office of the Superintendent Registrar to search registers, but to provided that the Superintendent Registrar could inspect or search a register or index on their behalf (as the offices of the Superintendent Registrar remain closed except for functions necessary for the Island’s civil registration function).

It is still necessary to control and enforce public health measures at wedding and civil partnership ceremonies, this is due to the wide variety of locations where a ceremony can take place. These Regulations ensure that despite the location of the ceremony the attendees are required to adhere to public health guidance. The Regulations were structured in such a way that the restrictions placed upon marriage and civil partnership ceremonies can be relaxed in line with the wider relaxation of gatherings restrictions as part of the reconnection strategy without further Law changes.

It is also still necessary to hold registry office weddings at an alternative location (the Old Magistrates Court) to enable the Office of the Superintendent Registrar to reopen by appointment only for necessary civil registration activities.

Given that it is anticipated that there will be continued restrictions on the numbers of people at marriage and civil partnership ceremonies beyond the end of April these Regulations are **EXTENDED**, with the exception below.

The provisions that transferred the responsibility to approve venues for marriage and civil partnerships to the Superintendent Registrar and away from the Connétable of the relevant parish will remain **SUSPENDED**, as that activity sits more naturally with the Connétable, but the new system of operation may need to be reintroduced should the situation deteriorate.

### Orders

In addition, several Orders under those Laws were amended. These are subordinate changes that must be made to reflect the treatment of the amendments to their primary laws as detailed above.

## 15. Civil Partnership (Approved Premises) (Jersey) Order 2012

[Link to amended Order](#)

Amendments remain partly **EXTENDED** until 31 October 2021 and remain partly **SUSPENDED** until the 31 October 2021 to give effect to the treatment of the **Covid-19 (Civil Partnership and Marriage No. 2) (Jersey) Regulations 2020**.

## **16. Civil Partnership (Forms, Registration and Fees) (Jersey) Order 2012**

[Link to amended Order](#)

Amendments remain **EXTENDED** until 31 October 2021, the amendments made to this Order by the **Covid-19 (Civil Partnership and Marriage) (Jersey) Regulations 2020** will have no effect due to the suspension of the provisions of the Regulations that amended the Civil Partnership (Jersey) Law 2012 as outlined above. As such the amendments made to this Order are effectively null and can be extended so that are ready should they be required again.

## **17. Marriage and Civil Status (Jersey) Law 2001**

*(See 14 above)*

## **18. Marriage and Civil Status (Jersey) Order 2018**

[Link to amended Order](#)

Amendments remain **EXTENDED** until 31 October 2021 to give effect to the treatment of the **Covid-19 (Civil Partnership and Marriage No. 2) (Jersey) Regulations 2020**.

## **19. Unlawful Public Entertainments (Jersey) Regulations 2019**

The amendment to the Regulations will be **EXTENDED** to 31 October 2021.

These Regulations amended the triennial [Unlawful Public Entertainments \(Jersey\) Regulations 2019](#) to allow the Bailiff to withdraw, or add conditions to, events that have already been granted permission (which is not currently possible).

The lack of powers to withdraw or vary conditions was identified as a shortcoming, as events which would include a significant gathering of people had already been approved for the summer.

This amendment was originally made without time-limitation, as, on reflection, the lack of powers to apply retrospective changes to event permissions was recognised as being a problem with the legislation in general terms, not just as issue arising from the pandemic.

The time-limitation was introduced by an amendment to [P.103/2020](#) proposed by the Children, Education and Home Affairs Scrutiny Panel and adopted by the Assembly. Given that the situation could still change significantly between the granting of permission for an event and the event taking place, the powers are still considered necessary.

### **Financial and manpower implications**

There are no financial or manpower implications arising from the lodging of these draft Regulations.



## EXPLANATORY NOTE

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These Regulations, if passed, will make amendments to temporary provisions for Covid-19 in several items of legislation, to extend the expiry dates of those provisions from the end of 30th April 2021 to the end of 31st October 2021. Most of the provisions were previously extended from 30th September 2020 by the Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 2020 (the “previous extension Regulations”).

*Regulation 1* amends the Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020 to extend their expiry date to the end of October 2021. It also amends Regulation 5 of those Regulations, which allows the Minister for Health and Social Services, after consulting the Medical Officer of Health, to make a restricted movement Order prohibiting people from going into or remaining in public places (subject to exceptions and reasonable excuses). The amendment subjects this power to the same mechanism for suspension and re-instatement as was applied to certain other provisions by the previous extension Regulations, by adding a requirement to consult the Council of Ministers before making an Order at any time when there is no Order in force.

*Regulations 2 to 7, 9 to 13, 15, 16, 18 and 19* amend the following Regulations to extend the expiry date of their temporary provisions to the end of October 2021 –

- (a) the Covid-19 (Safe Distancing) (Jersey) Regulations 2020;
- (b) the Covid-19 (Emergency Provisions – Courts) (Jersey) Regulations 2020;
- (c) the Covid-19 (Schools and Day Care of Children) (Jersey) Regulations 2020;
- (d) the Covid-19 (Workplace Restrictions) (Jersey) Regulations 2020;
- (e) the Covid-19 (Construction Work) (Jersey) Regulations 2020;
- (f) the Covid-19 (Gatherings) (Jersey) Regulations 2020 (which did not exist when the previous extension Regulations were made);
- (g) the Statutory Nuisances (Jersey) Regulations 2017;
- (h) the Wills and Successions (Jersey) Law 1993;
- (i) the Covid-19 (Signing of Instruments) (Jersey) Regulations 2020;
- (j) the Cremation (Suspension and Modification of Regulations – Covid-19) (Jersey) Regulations 2020;
- (k) the Cremation (Suspension and Modification of Regulations – Covid-19) (No. 2) (Jersey) Regulations 2020;
- (l) the Civil Partnership (Approved Premises) (Jersey) Order 2012;
- (m) the Civil Partnership (Forms, Registration and Fees) (Jersey) Order 2012;
- (n) the Marriage and Civil Status (Jersey) Order 2018;
- (o) the Unlawful Public Entertainments (Jersey) Regulations 2019.

*Regulation 8* amends the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 (the “Care Regulations”) to extend the expiry date of the temporary provisions to the end of October 2021. It also amends Regulation 3A of the Care Regulations, which requires the Commission to suspend the imposition of certain conditions on a provider’s registration. The effect of the amendment is that the Commission’s duty under Regulation 3A is suspended until the Minister for the Environment makes an Order to re-instate it. The Minister for the Environment must,

before making the Order, take the same action as for other suspended provisions, namely consulting the Council of Ministers, obtaining the consent of the Minister for Health and Social Services (who must consult the Medical Officer of Health), and being satisfied that the Order is necessary and proportionate in relation to the Covid-19 risk. If the Commission has suspended the imposition of a condition under Regulation 3A(2) for a period of one month, that period is cut short if it is still running when these Regulations come into force, when an Order repeals another Order that re-instated the duty, or when Regulation 3A itself expires.

This Regulation also amends Regulation 17A of the Care Regulations, which gives, in certain circumstances, a registered provider or registered manager one month of relief from certain requirements as to fitness of workers. That provision is suspended until the Minister for the Environment makes an Order re-instating it, after taking the same action outlined above.

This Regulation does not suspend the other temporary provision in the Care Regulations (for which the expiry date is extended), namely Regulation 32(3) to (5) which requires the Commission to report concerns about the standard or quality of care.

*Regulation 14* amends the Civil Partnership (Jersey) Law 2012 to extend the expiry date of the temporary provisions to the end of October 2021. It also suspends the effect of Articles 26A, 26B and 26C, which relate to the publication requirements for notices of civil partnerships, the process for declarations and affirmations for licences, and the process for declarations and affirmations for certificates of civil partnerships. The Minister for Home Affairs can re-instate their effect by Order, but must first take the same action as for other suspended provisions, namely consulting the Council of Ministers, obtaining the consent of the Minister for Health and Social Services (who must consult the Medical Officer of Health), and being satisfied that the Order is necessary and proportionate in relation to the Covid-19 risk. This amendment does not affect the suspension by the previous extension Regulations of Articles 26G(1) and (2) (which relate to the approval of premises), which can also be re-instated in the same manner.

*Regulation 17* amends the Marriage and Civil Status (Jersey) Law 2001 to extend the expiry date of the temporary provisions to the end of October 2021. It also suspends the effect of Articles 24H to 24L, which relate to the process to give notice of intended marriage, the publication requirements for notices of intended marriage, the signature verification process for the issue of a marriage schedule, the process for signing a certificate of no impediment, and the signature verification process for the issue of a conversion declaration form. The Minister for Home Affairs can re-instate the effect of these Articles (as a group, not individually) by Order, but must first take the same action as for other suspended provisions, namely consulting the Council of Ministers, obtaining the consent of the Minister for Health and Social Services (who must consult the Medical Officer of Health), and being satisfied that the Order is necessary and proportionate in relation to the Covid-19 risk.

This Regulation also amends Article 49A (which modifies the provisions on registration of births, stillbirths and deaths). Paragraphs (2), (2A) and (2B) of that Article were already suspended by the previous extension Regulations. This amendment suspends paragraphs (3) and (4) as well, on the same basis. The Minister for Home Affairs can make an Order to re-instate the effect of these paragraphs, but only in groups, for all of (2) to (4), or just (2) to (2B), or just (3) and (4). Again, the Minister for Home Affairs must first take the same action as for other suspended provisions, as set out above.

The opportunity is also taken to gather all the expiry provisions into Article 80F (moving the expiry provisions from Articles 23A and 49A).

*Regulation 20* provides the citation for these Regulations and brings them into force at the start of 29th April 2021 (before the amended temporary provisions are due to expire).





Jersey

## **DRAFT COVID-19 (AMENDMENTS – EXTENSION AND SUSPENSION) (JERSEY) REGULATIONS 202-**

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Jersey

## **DRAFT COVID-19 (AMENDMENTS – EXTENSION AND SUSPENSION) (JERSEY) REGULATIONS 202-**

*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES** make these Regulations under Article 2 of the Covid-19 (Enabling Provisions) (Jersey) Law 2020<sup>1</sup> –

### **1 Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020 amended**

In the Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020<sup>2</sup> –

- (a) after Regulation 5(2) there is inserted –  
“(2A) Before making an Order under paragraph (2) at a time when no Order under that paragraph is in force, the Minister must consult the Council of Ministers.”;
- (b) in Regulation 15(3) for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

### **2 Covid-19 (Safe Distancing) (Jersey) Regulations 2020 amended**

In Regulation 6(3) of the Covid-19 (Safe Distancing) (Jersey) Regulations 2020<sup>3</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

### **3 Covid-19 (Emergency Provisions – Courts) (Jersey) Regulations 2020 amended**

In Regulation 9(2) of the Covid-19 (Emergency Provisions – Courts) (Jersey) Regulations 2020<sup>4</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

### **4 Covid-19 (Schools and Day Care of Children) (Jersey) Regulations 2020**

In Regulation 4(3) of the Covid-19 (Schools and Day Care of Children) (Jersey) Regulations 2020<sup>5</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

**5 Covid-19 (Workplace Restrictions) (Jersey) Regulations 2020 amended**

In Regulation 9(2) of the Covid-19 (Workplace Restrictions) (Jersey) Regulations 2020<sup>6</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

**6 Covid-19 (Construction Work) (Jersey) Regulations 2020 amended**

In Regulation 8(2) of the Covid-19 (Construction Work) (Jersey) Regulations 2020<sup>7</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

**7 Covid-19 (Gatherings) (Jersey) Regulations 2020 amended**

In Regulation 4(3) of the Covid-19 (Gatherings) (Jersey) Regulations 2020<sup>8</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

**8 Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 amended**

In the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018<sup>9</sup> –

- (a) at the end of Regulation 3A there is inserted –
  - “(6) During the period between the commencement of the Covid-19 (Amendments – Extension and Suspension) (Jersey) Regulations 202-<sup>10</sup> and the expiry of this Regulation under Regulation 34A, paragraphs (1) to (4) do not have effect unless there is in force an Order under paragraph (7).
  - (7) The Minister may by Order re-instate the effect of paragraphs (1) to (4).
  - (8) Before making an Order under paragraph (7) the Minister must –
    - (a) consult the Council of Ministers;
    - (b) obtain the consent of the Minister for Health and Social Services; and
    - (c) be satisfied that it is necessary and proportionate, having regard to the foreseeable risk of the spread of Covid-19 in Jersey, to make the Order.
  - (9) Before giving consent under paragraph (8)(b) the Minister for Health and Social Services must consult the Medical Officer of Health.
  - (10) If a relevant condition has been suspended under paragraph (2), but the one-month period for that suspension has not ended at a time when an early termination event occurs, the suspension ends on the occurrence of the early termination event.
  - (11) An early termination event is –
    - (a) the commencement of the Covid-19 (Amendments – Extension and Suspension) (Jersey) Regulations 202-<sup>11</sup>;

- (b) the commencement of an Order repealing an Order under paragraph (7); or
- (c) the expiry of this Regulation under Regulation 34A.

(12) Nothing in an Order under paragraph (7) is to be treated as derogating from Regulation 34A.”;

(b) at the end of Regulation 17A there is inserted –

“(6) During the period between the commencement of the Covid-19 (Amendments – Extension and Suspension) (Jersey) Regulations 202-<sup>12</sup> and the expiry of this Regulation under Regulation 34A, paragraphs (1) to (5) do not have effect unless there is in force an Order under paragraph (7).

(7) The Minister may by Order re-instate the effect of paragraphs (1) to (5).

(8) Before making an Order under paragraph (7) the Minister must –

- (a) consult the Council of Ministers;
- (b) obtain the consent of the Minister for Health and Social Services; and
- (c) be satisfied that it is necessary and proportionate, having regard to the foreseeable risk of the spread of Covid-19 in Jersey, to make the Order.

(9) Before giving consent under paragraph (8)(b) the Minister for Health and Social Services must consult the Medical Officer of Health.

(10) Nothing in an Order under paragraph (7) is to be treated as derogating from Regulation 34A.”;

(c) in Regulation 34A for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

## **9 Statutory Nuisances (Jersey) Regulations 2017 amended**

In Regulation 1A(2) of the Statutory Nuisances (Jersey) Regulations 2017<sup>13</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

## **10 Wills and Successions (Jersey) Law 1993 amended**

In Articles 17B(1) and (8) of the Wills and Successions (Jersey) Law 1993<sup>14</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

## **11 Covid-19 (Signing of Instruments) (Jersey) Regulations 2020 amended**

In Regulations 2(1), 3(1) and 5(2) of the Covid-19 (Signing of Instruments) (Jersey) Regulations 2020<sup>15</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

## **12 Cremation (Suspension and Modification of Regulations – Covid-19) (Jersey) Regulations 2020 amended**

In Regulation 4(c) of the Cremation (Suspension and Modification of Regulations – Covid-19) (Jersey) Regulations 2020<sup>16</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

## **13 Cremation (Suspension and Modification of Regulations – Covid-19) (No. 2) (Jersey) Regulations 2020 amended**

In Regulation 4(c) of the Cremation (Suspension and Modification of Regulations – Covid-19) (No. 2) (Jersey) Regulations 2020<sup>17</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

## **14 Civil Partnership (Jersey) Law 2012 amended**

In the Civil Partnership (Jersey) Law 2012<sup>18</sup> –

(a) at the end of Article 26A there is inserted –

“(4) During the period between the commencement of the Covid-19 (Amendments – Extension and Suspension) (Jersey) Regulations 202-<sup>19</sup> and the expiry of this Part, paragraphs (1) to (3) do not have effect unless there is in force an Order under paragraph (5).

(5) The Minister may by Order re-instate the effect of paragraphs (1) to (3).

(6) Before making an Order under paragraph (5) the Minister must –

(a) consult the Council of Ministers;

(b) obtain the consent of the Minister for Health and Social Services; and

(c) be satisfied that it is necessary and proportionate, having regard to the foreseeable risk of the spread of Covid-19 in Jersey, to make the Order.

(7) Before giving consent under paragraph (6)(b) the Minister for Health and Social Services must consult the Medical Officer of Health.

(8) Nothing in an Order under paragraph (5) is to be treated as derogating from Article 26I.”;

(b) at the end of Article 26B there is inserted –

“(4) Paragraphs (1) to (3) do not have effect during any period for which paragraphs (1) to (3) of Article 26A do not have effect.”;

(c) at the end of Article 26C there is inserted –

“(4) Paragraphs (1) to (3) do not have effect during any period for which paragraphs (1) to (3) of Article 26A do not have effect.”;

(d) in Article 26I for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

## **15 Civil Partnership (Approved Premises) (Jersey) Order 2012 amended**

In Articles 2A(4), 4A(4) and 9A(3) of the Civil Partnership (Approved Premises) (Jersey) Order 2012<sup>20</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

## **16 Civil Partnership (Forms, Registration and Fees) (Jersey) Order 2012 amended**

In Article 10A of the Civil Partnership (Forms, Registration and Fees) (Jersey) Order 2012<sup>21</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

## **17 Marriage and Civil Status (Jersey) Law 2001 amended**

In the Marriage and Civil Status (Jersey) Law 2001<sup>22</sup> –

- (a) in Article 23A(4) for “the expiry of this Article” there is substituted “the expiry of this Article under Article 80F”;
- (b) Article 23A(5) is deleted;
- (c) at the end of Article 24H there is inserted –
  - “(3) During the period between the commencement of the Covid-19 (Amendments – Extension and Suspension) (Jersey) Regulations 202-<sup>23</sup> and the expiry of this Article under Article 80F, paragraphs (1) and (2) do not have effect unless there is in force an Order under paragraph (4).
  - (4) The Minister may by Order re-instate the effect of paragraphs (1) and (2).
  - (5) Before making an Order under paragraph (4) the Minister must –
    - (a) consult the Council of Ministers;
    - (b) obtain the consent of the Minister for Health and Social Services; and
    - (c) be satisfied that it is necessary and proportionate, having regard to the foreseeable risk of the spread of Covid-19 in Jersey, to make the Order.
  - (6) Before giving consent under paragraph (5)(b) the Minister for Health and Social Services must consult the Medical Officer of Health.
  - (7) Nothing in an Order under paragraph (4) is to be treated as derogating from Article 80F.”;
- (d) at the end of Article 24I there is inserted –
  - “(3) Paragraphs (1) and (2) do not have effect during any period for which paragraphs (1) and (2) of Article 24H do not have effect.”;
- (e) at the end of Article 24J there is inserted –
  - “(5) Paragraphs (1) to (4) do not have effect during any period for which paragraphs (1) and (2) of Article 24H do not have effect.”;

- (f) at the end of Article 24K there is inserted –
  - “(4) Paragraphs (1) to (3) do not have effect during any period for which paragraphs (1) and (2) of Article 24H do not have effect.”;
  
- (g) at the end of Article 24L there is inserted –
  - “(5) Paragraphs (1) to (4) do not have effect at any time at which paragraphs (1) and (2) of Article 24H do not have effect.”;
  
- (h) for Article 49A(1A) and (1B) there is substituted –
  - “(1A) During the period between the commencement of the Covid-19 (Amendments – Extension and Suspension) (Jersey) Regulations 202-<sup>24</sup> and the expiry of this Article under Article 80F, each of paragraphs (2) to (4) does not have effect unless there is in force, in relation to that paragraph, an Order under paragraph (1B).
  - (1B) The Minister may by Order re-instate the effect of one of the following groups of paragraphs –
    - (a) paragraphs (2), (2A) and (2B);
    - (b) paragraphs (3) and (4); or
    - (c) all of paragraphs (2) to (4).”;
  
- (i) in Article 49A(1E) for “derogating from paragraph (5)” there is substituted “derogating from Article 80F”;
- (j) Article 49A(5) is deleted;
- (k) in Article 80F –
  - (i) for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”;
  - (ii) after sub-paragraph (b) there is inserted –
    - “(ba) Article 23A;”;
  - (iii) after sub-paragraph (d) there is inserted –
    - “(da) Article 49A;”.

## 18 Marriage and Civil Status (Jersey) Order 2018 amended

In Articles 20A(3) and 32A(2) of the Marriage and Civil Status (Jersey) Order 2018<sup>25</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

## 19 Unlawful Public Entertainments (Jersey) Regulations 2019 amended

In Regulation 1(5) of the Unlawful Public Entertainments (Jersey) Regulations 2019<sup>26</sup> for “the end of 30th April 2021” there is substituted “the end of 31st October 2021”.

## **20 Citation and commencement**

These Regulations may be cited as the Covid-19 (Amendments – Extension and Suspension) (Jersey) Regulations 202- and come into force on 29th April 2021.

## ENDNOTES

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<a href="#">3</a>	<i>R&amp;O.76/2020</i>
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