



STATES OF JERSEY ORDER PAPER

27th May 2020

SUMMARY

- 9.30 a.m. Communications by the Presiding Officer and other announcements
- Approx. 9.40 a.m. Oral questions without notice:
- Questions permitted to any Minister on any subject within the official responsibility of the Government of Jersey
- Approx. 10.40 a.m. **Draft Cremation (Suspension and Modification of Regulations – Covid-19) (No. 2) (Jersey) Regulations 202-** (P.65/2020)
- Note: Notice has been given of the intention to propose that the minimum lodging period be reduced so that the proposition can be debated.*
- Draft Covid-19 (Safe Distancing) (Jersey) Regulations 202-** (P.66/2020)
- Note: Notice has been given of the intention to propose that the minimum lodging period be reduced so that the proposition can be debated.*
- Draft Covid-19 (Safe Distancing) (Jersey) Regulations 202-** (P.66/2020): amendment (P.66/2020 Amd.)
- Note: Notice has been given of the intention to propose that the minimum lodging period be reduced so that the proposition can be debated.*



STATES OF JERSEY ORDER PAPER

27th MAY 2020

CONSOLIDATED

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Covid-19 (Workplace Restrictions) (Jersey) Order 2020. R&O.67/2020.
Minister for Health and Social Services.

Covid-19 (Restricted Movement) (Amendment – Workplaces and Fourth R&O.68/2020.
Extension) (Jersey) Order 2020.
Minister for Health and Social Services.

Animal Welfare (Calves) (Jersey) Order 2020. R&O.69/2020.
Signed by Assistant Minister Deputy G.C.U. Guida of St. Lawrence, for and on behalf of the Minister for the Environment.

Animal Health (Tuberculosis) (Amendment) (Jersey) Order 2020. R&O.70/2020.
Signed by Assistant Minister Deputy G.C.U. Guida of St. Lawrence, for and on behalf of the Minister for the Environment

Veterinary Surgeons (Amendment of Law) (Jersey) Order 2020. R&O.71/2020.
Signed by Assistant Minister Deputy G.C.U. Guida of St. Lawrence, for and on behalf of the Minister for the Environment.

* Covid-19 (Construction Work) (Amendment – Exemptions and Second Extension) R&O.72/2020.
(Jersey) Order 2020.
Minister for Health and Social Services.

* Road Traffic (St. Clement) (Amendment No. 24) (Jersey) Order 2020. R&O.73/2020.
Minister for Infrastructure.

C. DOCUMENTS PRESENTED

* Draft Cremation (Suspension and Modification of Regulations – Covid-19) (No. 2) P.65/2020.
(Jersey) Regulations 202- (P.65/2020): comments. Com.
Presented: 26th May 2020, *Health and Social Security Scrutiny Panel.*

* Draft Covid-19 (Safe Distancing) (Jersey) Regulations 202- (P.66/2020): P.66/2020.
comments. Com.
Presented: 26th May 2020, *Health and Social Security Scrutiny Panel.*

Jersey Employment and Discrimination Tribunal: Annual Report 2019. R.51/2020.
Presented: 22nd May 2020, *Minister for Social Security.*

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Covid-19 (Safe Distancing) (Jersey) Regulations 202-. P.66/2020.
Lodged: 20th May 2020, *Minister for Health and Social Services.*



- * Draft Covid-19 (Safe Distancing) (Jersey) Regulations 202- (P.66/2020): P.66/2020.
amendment. Amd.
Lodged: 22nd May 2020, *Minister for Health and Social Services.*

I. QUESTIONS

Questions to Ministers without notice (1 hour) –

Questions permitted to any Minister on any subject within the official responsibility of the Government of Jersey.

L. PUBLIC BUSINESS

- Draft Cremation (Suspension and Modification of Regulations – Covid-19) (No. 2) (Jersey) Regulations 202-.** P.65/2020.
Lodged: 20th May 2020, *Minister for Health and Social Services.*

Note: Because of the requirement for a six-week lodging period, the minimum lodging period of the proposition of the Minister for Health and Social Services will expire on Wednesday 1st July 2020. The Minister has therefore given notice of his intention to propose, in accordance with Standing Order 26(7), that the minimum lodging period for the proposition be reduced in order that it can be debated at the meeting.

- * Draft Cremation (Suspension and Modification of Regulations – Covid-19) (No. 2) (Jersey) Regulations 202- (P.65/2020): comments. P.65/2020.
Presented: 26th May 2020, *Health and Social Security Scrutiny Panel.* Com.

- Draft Covid-19 (Safe Distancing) (Jersey) Regulations 202-.** P.66/2020.
Lodged: 20th May 2020, *Minister for Health and Social Services.*

Note: Because of the requirement for a six-week lodging period, the minimum lodging period of the proposition of the Minister for Health and Social Services will expire on Wednesday 1st July 2020. The Minister has therefore given notice of his intention to propose, in accordance with Standing Order 26(7), that the minimum lodging period for the proposition be reduced in order that it can be debated at the meeting.

- * **Draft Covid-19 (Safe Distancing) (Jersey) Regulations 202- (P.66/2020): amendment.** P.66/2020.
Lodged: 22nd May 2020, *Minister for Health and Social Services.* Amd.

Note: Because of the requirement for a two-week lodging period, the minimum lodging period of the amendment of the Minister for Health and Social Services will expire on Friday 5th June 2020. The Minister has therefore given notice of his intention to propose, in accordance with Standing Order 26(7), that the minimum lodging period for the proposition be reduced in order that it can be debated at the meeting.

- * Draft Covid-19 (Safe Distancing) (Jersey) Regulations 202- (P.66/2020): comments. P.66/2020.
Presented: 26th May 2020, *Health and Social Security Scrutiny Panel.* Com.

DR. M. EGAN
Greffier of the States

22nd May 2020

An asterisk * in the left-hand margin denotes either a new item added to this Order Paper since the Order Paper was first published on 22nd May 2020, or an item which has been altered or moved.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.67/2020.

Covid-19 (Workplace Restrictions) (Jersey) Order 2020.

This Order restricts the opening of certain workplaces for a specified period under the Covid-19 (Workplace Restrictions) (Jersey) Regulations 2020.

Article 1 provides for the start and end of the restriction period during which the provisions of the Order apply. The period starts on the commencement of the Order and ends at midnight on Wednesday 3rd June, a period of 14 days.

Article 2 provides for the closure of certain workplaces, namely –

- (a) amusement centres;
- (b) art galleries, libraries and museums;
- (c) workplaces that are used for the purpose of –
 - (i) spas, nail salons, beauty salons, waxing salons, tanning salons or hair laser removal,
 - (ii) tattoo or piercing parlours or massage parlours, or
 - (iii) providing haircuts, hair styling or the professional application of make up;
- (d) entertainment facilities;
- (e) indoor recreation facilities;
- (f) nightclubs;
- (g) outdoor playgrounds and gymnasium equipment in public places;
- (h) public swimming and paddling pools;
- (i) soft play centres.

Article 3(1) provides that certain types of workplace may open, but only for the purposes specified. Those workplaces and specified purposes are –

- (a) boarding houses, caravan parks, camping grounds and hostels for the purpose of accommodating permanent residents of the boarding house, caravan park, camping ground or hostel;
- (b) commercial accommodation for the purpose of accommodating (including providing food and beverages to persons using the accommodation to consume in their room) persons who are employed or contracted to work in Jersey for a purpose relating to the Covid-19 outbreak;
- (c) community centres for the purpose of providing 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;
- (d) food and drink premises (whether or not part of any other workplace that may be open under this Article) for the purpose of –
 - (i) selling food or beverages for persons to consume off the premises,
 - (ii) selling food or beverages other than intoxicating liquor for persons to consume in an outdoor area, or
 - (iii) selling intoxicating liquor to persons taking a meal (as defined in the Licensing (Jersey) Law 1974) in an outdoor area;
- (e) golf courses for the purpose of allowing access to open spaces to be used for the purpose of playing golf;



- (f) markets and retail premises (including retail premises forming part of business premises that may open under this Article) for the purpose of selling or hiring out the goods and merchandise offered for sale or hire in those markets or premises;
- (g) places of public worship for the purpose of conducting a funeral service or facilitating the formation of a marriage;
- (h) outdoor recreational facilities for the purposes of –
 - (i) allowing the use of recreational facilities in outdoor areas,
 - (ii) hiring out equipment to persons who intend to participate in recreational activities in outdoor areas, or
 - (iii) carrying out instructional recreational activities in outdoor areas,and 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;
- (i) workplaces controlled or operated by Jersey Heritage or the Durrell Wildlife Conservation Trust for the purposes of –
 - (i) allowing visitors to access outdoor areas, and
 - (ii) if reasonably necessary, allowing visitors to transit through indoor areas for that purpose, including ticketing.

Article 3(2) provides definitions for some of the terms used above.

Article 3(3) makes it clear that *Article 4(1)* does not prevent the occupier or operator of a workplace from providing –

- (a) reasonable access to toilet facilities or facilities to administer appropriate first aid;
- (b) a free service to assist vulnerable members of the public such as a food bank, blood donations or a service providing for the needs of homeless people; or
- (c) accommodation (including room service) to a person accessing a public service (including emergency accommodation), whether provided by the Government of Jersey, a private provider or a non-profit organisation.

Article 4 allows any workplace that is not prohibited from being open under any other provision of the Order to be open.

Article 5 makes it clear that workplaces subject to the provisions of the Order may be used to deliver, or to arrange the collection of, goods, merchandise and materials purchased by a person off the premises.

Article 6 provides for the citation and brings the Order into force on the day after it is made.

The Order was made on 20th May 2020 and came into force on 21st May 2020.

R&O.68/2020.

Covid-19 (Restricted Movement) (Amendment – Workplaces and Fourth Extension) (Jersey) Order 2020.

This Order amends the Covid-19 (Restricted Movement) (Jersey) Order 2020. The amendment extends, for the fourth time, the period of restricted movement under that Order so that it ends at the end of Thursday 28th May 2020 (instead of Wednesday 20th May 2020).

This Order also makes amendments to take account of commencement of the Covid-19 (Workplace Restrictions) (Jersey) Regulations 2020, by which the Covid-19 (Restricted Trading) (Jersey) Regulations 2020 are to be repealed. A workplace (as defined in the former Regulations) that would otherwise be treated as public is excluded from the prohibition on entering or remaining in public places. But a person who relies on the exception for spending 6 hours away from home (rather than on the exception for work that cannot be done remotely) cannot go into any building, unless it is a workplace and the person is admitted as a member of the public rather than as an employee. However, if a person is required by his or her employer to work at a workplace, and that requirement does not contravene the Covid-19 (Workplace Restrictions) (Jersey) Regulations 2020 (or any Order under those Regulations), then



the employee can enter a public place to go to that workplace for an unlimited time (workers who cannot work remotely can already spend an unlimited time at work).

The Order was made on 20th May 2020 and came into force on 21st May 2020.

R&O.69/2020.

Animal Welfare (Calves) (Jersey) Order 2020.

This Order makes provision in relation to the welfare of calves confined for rearing and fattening and implements the provisions in Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves (“the Directive”).

Article 1 is an interpretation provision.

Article 2 sets out that the Order applies to calves confined for rearing and fattening.

Article 3 makes provision in relation to when individual pens may be used, their size and the space required per calf for calves kept together.

Article 4 requires that keepers comply with the conditions in Annex 1 to the Directive in relation to the conditions for rearing calves.

Article 5 requires that inspectors (within the meaning of the Animal Welfare (Jersey) Law 2004) carry out inspections to ensure compliance with Articles 3 and 4. An inspector will be able to enter premises where calves are confined and inspect the premises, calves and any equipment. These may be carried out at the same time as other checks and the inspector may be accompanied by such persons as the inspector considers appropriate, including a veterinary expert from the European Commission. The inspections must cover a statistically representative sample of the different farming systems used in Jersey.

Article 6 makes provision for enforcement by way of notices served by the Minister in cases where the Minister considers a person has not complied with, is not complying with or is not likely to comply with, a requirement of Article 3 or 4. Failure to comply is an offence and a person is liable to imprisonment for a term of up to 12 months or to a fine up to level 3 on the standard scale, which is £10,000). The Article also makes provision for a person to apply for a reconsideration of a decision to serve a notice and for a review of that decision.

Article 7 gives the title by which this Order may be cited and makes provision for it to come into force 7 days after it is made.

The Order was made on 21st May 2020 and comes into force on 28th May 2020.

R&O.70/2020.

Animal Health (Tuberculosis) (Amendment) (Jersey) Order 2020.

This Order amends the Animal Health (Tuberculosis) (Jersey) Order 2017 (“the 2017 Order”) to allow the Minister for the Environment to approve any suitable person and not just veterinary surgeons to carry out the testing of cattle for tuberculosis.

Article 2 replaces the definition of “approved veterinary surgeon” in Article 1 of the 2017 Order with a definition of “approved tuberculin tester”.

Article 3 amends Article 3 of the 2017 Order which makes provision for the notification and testing for tuberculosis. It amends paragraph (1) so that the Article applies where a diagnostic test that shows a positive reaction or an inconclusive reaction has been read by a tuberculin tester. It also amends paragraph (2) so that the notice which must be served where the Article applies may be served by an inspector (rather than a veterinary inspector), and paragraph (4) so that the notice may be revoked by an inspector once a veterinary surgeon considers that the premises no longer provide a risk.

Article 4 amends Article 9 of the 2017 Order so that it makes provision for the approval of any suitable person as a tuberculin tester.



Article 5 amends Article 10 of the 2017 Order to provide that a keeper of an animal must comply with reasonable requirements of a tuberculin tester to assist with the application of a test for tuberculosis.

Article 6 amends Article 11 of the 2017 Order to allow the Minister to take action under that Article if a person contravenes a reasonable requirement of a tuberculin tester under Article 10.

Article 7 gives the title by which this Order may be cited and provides for it to come into force 7 days after it is made.

The Order was made on 21st May 2020 and comes into force on 28th May 2020.

R&O.71/2020.

Veterinary Surgeons (Amendment of Law) (Jersey) Order 2020.

The Veterinary Surgeons (Jersey) Law 1999 regulates the practice of veterinary medicine and surgery. Schedule 2 provides exemptions from the restrictions on the practice of veterinary surgery where the person carrying out the activity has been approved by the States Veterinary Officer. This Order adds the collection of blood for diagnostic or surveillance purposes and the testing of animals for diagnostic or surveillance purposes to the list of exemptions.

The Order was made on 21st May 2020 and comes into force on 28th May 2020.

R&O.72/2020.

Covid-19 (Construction Work) (Amendment – Exemptions and Second Extension) (Jersey) Order 2020.

This Order amends the Covid-19 (Construction Work) (Jersey) Order 2020 to extend the restriction period to the end of Sunday 7th June 2020, and to provide an exemption for work undertaken as the holder of a licence under the Health and Safety at Work (Asbestos – Licensing) (Jersey) Regulations 2008 (or by an employee of the holder).

The Order was made on 22nd May 2020 and came into force on 25th May 2020.

R&O.73/2020.

Road Traffic (St. Clement) (Amendment No. 24) (Jersey) Order 2020.

This Order amends the Road Traffic (St. Clement) (Jersey) Order 1987 in two respects. First by introducing a prohibition of waiting in part of La Rue de Samarès; second by closing La Rue du Maupertuis to through traffic.

This Order comes into force 7 days after the day it is made.

The Order was made on 22nd May 2020 and comes into force on 29th May 2020.