

STATES OF JERSEY



Jersey

DRAFT STATUTORY NUISANCES (AMENDMENT) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 20th March 2020
by the Minister for the Environment**

STATES GREFFE

REPORT

These Regulations will amend the [Statutory Nuisances \(Jersey\) Regulations 2017](#) to specify that some public events may be identified as a potential statutory nuisance if they create a risk of spreading coronavirus. Despite the name, these Regulations do not merely exist to give some control over activities that might cause unreasonable irritation or upset to members of the Public, but they also have an important public health function as they allow the Minister for the Environment to control activities and premises that are *'prejudicial to health'*.

The rationale for this amendment is that these Regulations offer the best route to engage legal powers to limit the gathering of people to prevent the spread of coronavirus amongst the population, and to ensure that essential services remain in operation. This is intended to allow Jersey to emulate the restrictions in place in other jurisdictions without the need to amend primary law, which could not be done in a timely manner.

The definition of an event that would constitute a statutory nuisance will rely on more factors than simply the size and duration of any event. While a gathering of a given number of people might not be a specific risk to public health in most circumstances, funeral services of the same size held several times a day at the Crematorium could, taken all together, create an increased risk that essential service personnel (such as Crematorium operators) might be at increased infection risk.

The precise scale and duration of the events in question are not specified, as this will be a decision taken by the Minister for the Environment as necessary, and the restrictions are likely to change as the situation develops. The Public will be notified of the specific restrictions in place at any time.

If the Minister for the Environment is made aware that a statutory nuisance will occur, he will issue an abatement notice on the person who would be responsible for the nuisance (the event organiser). That notice will make holding the event an offence, and this will allow the police to intervene at the time, or to give advice in advance. The intention is that by having that reserve power, events that would constitute a statutory nuisance will not be organised. This should serve to relieve any additional burden that would otherwise fall on his Department.

Financial and manpower implications

The Environment Department will be required to produce abatement notices for events that would constitute a statutory nuisance. It is not anticipated that this will be a significant burden, as there will be no sensible reason for such events to be organised when they could not go ahead.

EXPLANATORY NOTE

These Regulations if passed will amend the Statutory Nuisances (Jersey) Regulations 2017, to add a matter that constitutes a statutory nuisance to the list in Article 2(1) of the Statutory Nuisances (Jersey) Law 1999. The new statutory nuisance is any event at which persons gather, if the event is of such size or duration, and is held in such circumstances in relation to potential contamination or infection with Covid-19, as to be prejudicial to health or a nuisance.



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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES make these Regulations under Article 3 of the Statutory Nuisances (Jersey) Law 1999¹ –

1 Amendment of Regulations

After Regulation 1 of the Statutory Nuisances (Jersey) Regulations 2017² there is inserted –

“1A Statutory nuisance of gatherings of persons

An event at which persons gather constitutes a statutory nuisance, under Article 2(1)(m) of the Statutory Nuisances (Jersey) Law 1999³, if the event is of such size or duration, and is held in such circumstances in relation to potential contamination or infection with Covid-19, as to be prejudicial to health or a nuisance.”.

2 Citation and commencement

These Regulations may be cited as the Statutory Nuisances (Amendment) (Jersey) Regulations 202- and come into force on the day after they are made.

ENDNOTES

Table of Endnote References

<i>1</i>	<i>chapter 22.900</i>
<i>2</i>	<i>chapter 22.900.10</i>
<i>3</i>	<i>chapter 22.900</i>