

**ORAL QUESTION FOR MONDAY 9th MARCH 2020**  
*(To be answered by the Minister in person under Standing Order 13(3A))*

Deputy M.R. Higgins of St. Helier will ask the following question of H.M. Attorney General –

Will H.M. Attorney General advise members whether there are any existing legal powers that can be used by the Council of Ministers to restrict the freedom of movement of those people who have contracted, or who are suspected of contracting, COVID-19, or who have been to places where the disease is prevalent?

**Answer**

I will provide a brief summary of the powers that are presently available for these purposes. However, it is important that the Deputy does not treat this answer as detailing the plans of the Government of Jersey in relation to these matters. The Deputy will be aware that the Medical Officer of Health, Ministers and senior officers provided a detailed briefing to all States Members on their preparations for the potential coming pandemic. Those plans are focussed on providing good quality information to Islanders, advising those who may be affected by the virus to self-isolate and providing treatment. The Minister will be best placed to speak to those plans, but my Department will of course be providing its full support for Government, the medical staff who are preparing for a potential outbreak and the Assembly in relation to these matters.

**Restrictions overview**

There is legislation in Jersey that restricts, and provides powers to restrict, the movements of persons who have contracted or who are suspected of having contracted an infectious disease, such as corona virus. These powers due to their age some may benefit from further development and revision. This is a matter that I understand the Government of Jersey is keeping under review having regard to legislative developments in the UK which is also looking to adapt to meet the challenge the virus poses.

There is separate legislation applicable to a person travelling to or from Jersey and a person who is already present here in the community and I will address each I turn.

**1) Persons travelling to or from Jersey**

In relation to persons travelling to or from Jersey (whether or not they are resident in Jersey), the Public Health (Vessels and Aircraft) (Jersey) Law 1950 (the “**1950 Law**”) contains Order making powers so that the Minister for Health and Social Services may make provision to manage public health risks arising from travel to and from Jersey. In exercise of the powers in the 1950 Law, provision was made just under fifty years ago for the carrying out of checks and imposition of controls on incoming passengers on planes or ships to prevent the spread of infectious diseases. The Public Health (Aircraft) (Jersey) Order 1971 and the Public Health (Ships)(Jersey) Order 1971 contain similar provisions to one another respectively in relation to aircraft or ships arriving in Jersey. Among other things, these orders give the Medical Officer of Health or a qualified medical practitioner acting under his or her instructions the power to:

- a) at the request of the commander of the plane or master of the ship, examine and detain any person on board, as well as the detention of the plane or ship; and

- b) cause any person leaving a plane or ship who the medical officer suspects is suffering from an infectious disease to be isolated or sent to hospital, or sent to some other suitable place.

Wilfully neglecting or refusing to obey, or obstructing the execution of either of these Orders is punishable with a Level 3 fine (£10,000) and/or up to 3 months imprisonment. There is also a further daily fine set at Level 2 on the standard scale (£1000) for any continuing breaches of an Order (see Article 4 of the 1950 Law).

## 2) Persons in the community

In relation to the community more widely the relevant legislation is the *Loi 1934 sur la Santé Publique* (the “**1934 Law**”). The principal practical powers and restrictions in the 1934 Law that may be applied for present purposes are found in Articles 13, 16, 19, 21 and 23 of the 1934 Law. These Articles provide that:

- a) The Medical Officer of Health and the health inspectors may visit, at any reasonable time, any house, establishment or other place whatsoever in the Island. Any person who obstructs the Medical Officer of Health or the health inspectors in the execution of their duties under this Article shall be liable to a fine of Level 3 on the standard scale (Art 13).
- b) Where the Medical Officer of Health is satisfied that it is necessary for public health that the patient be isolated and that this isolation cannot be done at home, the Medical Officer may require the transfer of the patient to a place designated for this purpose by the Minister (Art 16). The Minister has recently designated the General Hospital as the appropriate place for this purpose in relation to corona virus.
- c) It is an offence for any person who is infected with a disease liable to spread by contagion or otherwise, to make use of a public vehicle or to appear, in a road or other public place. This is punishable with a fine of Level 2 on the standard scale (Art 19).
- d) It is an offence for a person caring for a child to send the child to school if he or she knows that such child is infected with a disease liable to spread by contagion or that such child has been in contact with persons so infected. This is punishable with a fine of Level 2 on the standard scale (Art 21).
- e) The Minister for Health and Social Services may prescribe by Order a notifiable contagious disease (Art 23) and I understand that the relevant Ministerial Order will be or is in the course of being made in respect of COVID-19.