

# STATES OF JERSEY



Jersey

## **DRAFT COVID-19 (SCREENING, ASSESSMENT AND ISOLATION) (AMENDMENT) (JERSEY) REGULATIONS 202-**

---

**Lodged au Greffe on 1st April 2020  
by the Minister for Health and Social Services**

---

**STATES GREFFE**



## REPORT

---

This is a minor amendment to the Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020 which will improve the structure of the offence in Regulation 5.

Following the amendment, the relevant part of the Regulation 5 offence will read –

### **5 Power by Order to prohibit going to or remaining in public places**

- (4) The Order –
  - (a) must provide for exceptions from the requirement of paragraph (5) for specified descriptions of person; and
  - (aa) **may provide a non-exhaustive list of reasonable excuses; and**
  - (b) may specify places that are, or are not, to be treated as public places.
- (5) A person must not, unless an exception applies, **without reasonable excuse** go into or remain in a public place during a period of restricted movement.
- (6) A person who, ~~without reasonable excuse~~, contravenes paragraph (5) commits an offence and is liable to a fine of level 2 on the standard scale.

This will serve two functions. Firstly, it will allow the Regulations to better align with the Order of the Minister for Health and Social Services which provides the exemptions from the offence of being in a public place. It will do so by allowing that Order to provide a non-exhaustive list on what is and is not a ‘reasonable excuse’ for being in public. In practice this will mean that exemptions for types of people who are exempted from the requirement to stay at home will appear on the Order, but that this will be ‘non-exhaustive’ to allow other activities to be identified in guidance (which can change much faster in response to the situation).

Secondly, it will restructure the offence of being in public. Currently it is an offence to be out in public during the period when people are required to stay at home. There is then a consideration of whether a person has a valid defence of ‘reasonable excuse’. This was the best way to develop the offence on the immensely contracted timescale, but following further consideration by the Legislative Drafters and the Law Officers it seems safer to instead limit the offence itself to ‘being in a public place without a reasonable excuse’ and leave no possibility that a member of the Public will have to offer a defence for doing something reasonable or essential.

### **Financial and manpower implications**

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



## **EXPLANATORY NOTE**

---

These Triennial Regulations if passed will amend Regulation 5 of the Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020. That Regulation creates an offence of going into or remaining in a public place during a restricted movement period, and allows the Minister for Health and Social Services to make an Order starting the period and providing for exceptions. (The Covid-19 (Restricted Movement) (Jersey) Order 2020 was made under that Regulation and came into force at 8 a.m. on Monday 30th March 2020.)

The amendments allow an Order to include a non-exhaustive list of reasonable excuses. They also make the absence of a reasonable excuse part of the main prohibition rather than the offence, to ensure that it is something that the prosecution must prove (along with the other elements of the offence).

The Regulations would come into force on the day after they are made. The Regulations that are being amended are themselves Triennial, and these amendments do not affect their expiry (on 30th September 2020).





Jersey

## **DRAFT COVID-19 (SCREENING, ASSESSMENT AND ISOLATION) (AMENDMENT) (JERSEY) REGULATIONS 202-**

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

**THE STATES** make these Regulations under the Order in Council dated 14th April 1884<sup>1</sup> –

### **1 Amendment of Regulation 5 (power by Order to prohibit going to or remaining in public places)**

- (1) After Regulation 5(4)(a) of the Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020<sup>2</sup>, there is inserted –  
    “(aa) may provide a non-exhaustive list of reasonable excuses;  
    and”.
- (2) In Regulation 5(5) of those Regulations, for “A person must not, unless an exception applies, go into” there is substituted “A person must not, unless an exception applies, without reasonable excuse go into”.
- (3) In Regulation 5(6) of those Regulations, for “A person who, without reasonable excuse, contravenes” there is substituted “A person who contravenes”.

### **2 Citation and commencement**

- (1) These Regulations may be cited as the Covid-19 (Screening, Assessment and Isolation) (Amendment) (Jersey) Regulations 202-.
- (2) These Regulations come into force on the day after they are made.

## ENDNOTES

### Table of Endnote References

---

<i>1</i>	<i>chapter 16.700</i>
<i>2</i>	<i>R&amp;O.33/2020</i>