

STATES OF JERSEY



Jersey

DRAFT COVID-19 (AMENDMENTS – EXTENSION, SUSPENSION AND REPEAL) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 11th August 2020
by the Minister for Health and Social Services**

STATES GREFFE

REPORT

Overview

Jersey is not yet free from the threat of Covid-19. As a community, we need to be able to live safely with the virus until an effective vaccine is successfully deployed. A key part of doing so will be to have 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.

To that end, these Draft Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 202- (the draft Regulations) will amend or repeal 24 pieces of domestic legislation introduced since March 2020 to address the coronavirus pandemic.

The initial legislative response made use of established triennial arrangements, but later enactments rely on the Covid-19 (Enabling Provisions) (Jersey) Law 2020 (the Enabling Law), which was adopted by the Assembly on 27th March 2020, and which is the subject of a separate but connected proposition.

Powers to make subordinate legislation under other Laws have also been used where appropriate.

Much (but not all) of this legislation is time-limited to expire on 30th September 2020. The accompanying report to the Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020 explains that the thinking behind that expiry date was that –

- *“it is 6 months from the day the powers come into force (i.e. the duration period is restricted), and*
- *it is anticipated that peak period of Covid-19 will have passed by that date.”*

The 6-month period 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.

The prediction that six months of emergency measures would be necessary has been mostly borne out by events. The initial outbreak of the virus has been managed and we have enjoyed a period of low case numbers for two to three months. However, Covid-19 transmission is currently increasing globally and in jurisdictions with which Jersey has close connections, and there is significant uncertainty as to what winter here will bring.

The ongoing risk of further outbreaks will preclude a full 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 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. In general, three different arrangements will be made –

Extension

- (a) The expiry date of some legislation is extended to 30th April 2021, and it will continue to have active effects. This is usually the case where legislation is still being relied upon to underpin the continuing pandemic response.

Suspension

- (b) Some legislation will have a ‘suspension provision’ inserted, which will leave it on the statute book but inactive until the criteria for revival are met (those criteria are addressed below). Where legislation is suspended, it will also have its expiry date extended to 30th April 2021.

Repeal

- (c) Some legislation will be repealed. In practical terms this is materially the same as allowing it to expire on 30th September, but Council considered it more appropriate to seek a democratic decision on its treatment.

(a) Extension

The expiry of all legislation that is currently in active use in controlling the spread of Covid-19 will be extended and so remain operational. Notable examples of legislation to be extended include –

- The Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020, which currently serve to underpin the Safer Travel Policy, and
- The Covid-19 (Workplace Restrictions) (Jersey) Regulations 2020, as Orders under these Regulations still serve to impose control on a limited number of businesses.

(b) Suspension (and revival)

Suspension of legislation currently in force

Some legislation that is not currently in use will be retained on the statute books but will be suspended until it is needed.

This will leave the legislation on the statute book but render it inactive until the criteria for revival are met. This is intended to place some of the more intrusive powers beyond immediate use, but to allow those powers to be accessed without delay should the situation deteriorate.

The same suspension provision will be applied across the whole suite of emergency legislation, which will allow the Island to move up and down levels of control and readiness by means of a single coherent and clearly articulated decision.

Where legislation is **SUSPENDED**, it will also retain an expiry date, but this will be **EXTENDED** to 30th April 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.

Suspension will be achieved by inserting an amending provision into each piece of legislation that 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.

This mechanism should also provide certainty to the public and members that no piecemeal application of restrictive powers is possible as a decision taken in consultation with the Council of Ministers will be required to activate suspended law, which must be necessary and proportionate in light of advice from the Medical Officer for Health.

Suspension of legislation currently not in force

In the early weeks of the pandemic it was recognised that it was essential to provide a method to de-escalate or abandon the unprecedented provisions being introduced by emergency legislation, but no established or standardised mechanism for doing so existed. This has resulted in a mix of arrangements for de-escalation, with differing tests for their activation.

Some of the legislation that allows for specific powers to be activated by Government, for instance the ‘failure to cease gathering’ offences in the Covid-19 (Safe Distancing) (Jersey) Regulations 2020, is already suspended by previous Orders¹. Other legislation, such as the Covid-19 (Construction Work) (Jersey) Regulations 2020, remain in force but they have no effect without an Order exercising their powers. Other powers rest on Orders or notices made by individual Ministers without wider consultation requirements.

The powers available under those enactments will be ‘put behind’ the same standardised safeguard as suspended legislation, and their activation will require a decision taken in consultation with the Council which must be necessary and proportionate in light of advice from the Medical Officer for Health.

The effect of each piece of legislation, and the specific arrangements made for them are detailed below.

¹ Covid-19 (Safe Distancing – Suspension) (Jersey) Order 2020

(c) Repeal

In practical terms this is materially the same as allowing legislation to expire on 30th September, but the Council of Ministers considered it more appropriate to ensure that members could make a clear democratic decision on the treatment of the legislation.

Formal repeal also serves to avoid confusion around the legal position for members and the public as amended legislation will not be complicated by expired material and the statute book will not retain expired emergency law.

The timing of the extension arrangements

The date of 30th April 2021 has been chosen as a reasonable date for extension as it is not an unduly long period to retain some limited emergency powers, but it does allow the Island to move through the potentially more difficult winter period and into the medium term with certainty as to its legislative framework.

In order to ensure that the legislation can be safely extended before expiry on 30th April 2021, any proposition will need to be debated before the last possible sitting (as in the case of the current proposition). Assuming a debate in early April at the latest (sitting dates not being set at the time of writing), and (ideally) a six-week lodging period, all necessary decisions regarding any continuation of emergency legislation will need to be taken in mid-February 2021.

A shorter extension date would require decisions to be taken on continuation or cessation of the emergency legislation during the winter period, at which point the circumstances prevailing in spring 2021 might be difficult to predict.

The effects on emergency legislation

Members will note that the detail of the treatment of emergency legislation below is grouped by themes, to aid understanding. Regrettably, this does not allow the items to follow exactly the same order as the Regulations themselves.

Stand-alone legislation

(Triennial Regulations or Regulations under the Enabling Law)

Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020

Regulation 1 of the draft Regulations

These Regulations will be **EXTENDED** until 30th April 2021.

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

[Link to Regulations](#)

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

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.

The Regulations also 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.

Additionally, they 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.

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.

Covid-19 (Safe Distancing) (Jersey) Regulations 2020

Regulation 2 of the draft Regulations

The remaining active Regulations will be **SUSPENDED** on 30th September 2020.

[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 have been suspended by Order on 25th June 2020, but there is a residual requirement for the Medical Officer for Health to report to the Minister for Health and Social Services on the current and anticipated Covid-19 situation every fortnight, and for that to be passed on to the Assembly.

This is an odd home for a broad-based reporting requirement, and the reports, which may have been useful in the early stages, especially when required to underpin the offences, but as reporting has developed it has become simply a restatement of the Covid-19 official figures already distributed to States members through other channels.

The intention is to retain that reporting in its current more developed form, while suspending the less useful provision in the Regulations.

Covid-19 (Emergency Provisions – Courts) (Jersey) Regulations 2020

Regulation 3 of the draft Regulations

These Regulations will be **EXTENDED** until 30th April 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 confirmed it will recommence jury trials and is now allowing the public galleries to be occupied so these Regulations can be left in place without prejudice to justice.

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

Regulation 4 of the draft Regulations

These Regulations will be (effectively) **SUSPENDED** on 30th September 2020.

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

[Link to Regulations](#)

These Regulations are not currently active as they require the Minister, by published notice, to require the closure of schools, so they are effectively currently **SUSPENDED**. The terms of power for the Minister to close schools will be amended to mirror the suspension requirements applied in other emergency legislation.

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.

Arguably, these Regulations could remain in force as they are triggered by a notice rather than being active in their own right. However, unlike most of the other Covid-19 emergency legislation they do not contain a ‘necessity and proportionality’ test which engages the Medical Officer of Health’s (MoH’s) judgement as to the scale of the risk (this is simply because they were one of the very first pieces of emergency legislation to be brought forward). It is therefore proposed that they are aligned with the procedures for other suspended legislation.

Covid-19 (Workplace Restrictions) (Jersey) Regulations 2020

Regulation 5 of the draft Regulations

These Regulations will be **EXTENDED** until 30th April 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.

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.

Covid-19 (Construction Work) (Jersey) Regulations 2020

Regulation 6 of the draft Regulations

These Regulations will be **EXTENDED** until 30th April 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 is currently to be made by the Minister for Health and Social Services, having been advised by the Medical Officer of Health, and after consultation with the Minister for Economic Development, Tourism, Sport and Culture.

That Order has now expired, 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, but they will be amended 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.

Legislation amended by emergency provisions

- **General**

Control of Housing and Work (Exemptions) (Jersey) Order 2013

Regulation 7 of the draft Regulations

Amendments are made to this Order by the **Control of Housing and Work (Exemptions) (Covid-19 – Temporary Amendment) (Jersey) Order 2020**. These amendments will be **REPEALED** on 30th September 2020.

[Amending Order](#)

[Ministerial Decision](#)

[Consolidated order](#)

These amendments discounted, for up to 3 months, workers who had left Jersey due to the outbreak of Covid-19 from the maximum number Licensed or Registered people permitted to work for an undertaking. This has served its purpose and is **REPEALED**. As an Order, similar provisions can be introduced at need.

Residential Tenancy (Jersey) Law 2011

Regulation 8 of the draft Regulations

Amendments are made to this Law by the **Covid-19 (Residential Tenancy) (Temporary Amendment of Law) (Jersey) Regs 2020**, which insert a new Part 3A. This new Part 3A will be **REPEALED** on 30th September 2020.

[Link to amended Law](#)

[Link to P.42/2020](#)

[Link to amending Regulations](#)

These Regulations made provisions relating to suspension of rent increases, preventing evictions and allowing extension of tenancy during the period of financial hardship associated with restrictive measures.

They were intended to protect tenants' health and safety during the Covid-19 outbreak by preventing people from moving, and ensuring they were not faced with eviction or becoming homeless. As people are now permitted to move and people should not be facing the same level of financial hardship that they may have been at the start of the Covid-19 outbreak, the legislation will be **REPEALED**.

A Court Direction issued alongside the Regulations will continue to apply in relation to how landlords and tenants should deal with Covid-19 related rent arrears, and the Court will take the reasonableness of people's actions into account when determining any eviction/claim for rent arrears claims that involve legal proceedings.

Medical Practitioners (Registration) (General Provisions) (Jersey) Order 2014

Regulation 9 of the draft Regulations

Amendments are made to this Order by the **Medical Practitioners (Registration) (General Provisions) (Covid-19 – Temporary Amendments) (Jersey) Order 2020**. These amendments will be **REPEALED** on 30th September 2020.

[Amending Order](#)

[Ministerial Decision](#)

[Consolidated order](#)

In light of the United Kingdom making preparations to recall retired medical professionals to manage stress on medical system should the pandemic situation deteriorate, provision was made to recognise that recall in Jersey, allowing medical practitioners who were registered by the General Medical Council (GMC) under the emergency provisions in Section 18A of the UK's Medical Act 1983 to register with the Jersey Care Commission. This was not required and is **REPEALED**. As an Order, similar provisions can be introduced at need.

Statutory Nuisances (Jersey) Regulations 2017

Regulation 15 of the draft Regulations

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 30th April 2021.

NOTE: this inserted Regulation was not originally time limited, and these Regulations introduce that time-limitation to standardise the position across the emergency legislation.

[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 the 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.

Wills and Successions (Jersey) Law 1993

Regulations 16 and 17 of the draft Regulations

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 30th April 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 30th April 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 30th April 2021.

Legislation amended by emergency provisions

- **Care arrangements**

Capacity and Self-Determination (Jersey) Law 2016

Regulation 10 of the draft Regulations

Amendments are made to this Law by the **Covid-19 (Capacity and Self-Determination) (Jersey) Regs 2020**, which inserts new Articles 60A to 60H. These new Articles 60A to 60H will be **REPEALED** on 30th September 2020.

[Link to amended Law](#)

[Link to P.47/2020](#)

[Link to amending Regulations](#)

At the time of development, there was a significant concern that Covid-19 could place significant pressures on the Island's healthcare system. In relation to care services, this could include the loss of staff redeployed to other priority healthcare services, and restrictions on access to places of care, including the Island's hospital facilities and care homes.

These Regulations provide for a new interim authorisation process for imposing 'significant restrictions of liberty' on a person who lacks capacity, with safeguards necessary to protect the rights of those individuals. A significant restriction on liberty could include, for example, a person not being permitted to leave their care home unaccompanied, or their freedom of movement in the care home being limited to certain rooms or use of physical force and/or restraint if necessary, or restrictions on their social contact.

The primary concern was that it might become impossible to apply the standard authorisation process because external staff would not be able to enter a care home due to the risk of spread of Covid-19.

These Regulations required an 'Extraordinary Period' to be declared by Order before the interim process could be used. An Order was never made because it was not required. Given that these Regulations have potentially significant implications for individual people and that, if there is a second significant outbreak, a moderate lead-in time will be required to support communicate with care providers, they will be **REPEALED**. They may be re-enacted, potentially with improvements, should there be a further significant outbreak and if supported by the Assembly.

Mental Health (Jersey) Law 2016

Regulations 11 and 12 of the draft Regulations

Amendments are made to this Law by the **Covid-19 (Mental Health) (Jersey) Regulations 2020**, which inserts a new Part 12A. This new Part 12A will be **REPEALED** on 30th September 2020.

In addition, the **Covid-19 (Mental Health) (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 **REPEALED** on 30th September 2020.

[Link to amended Law](#)

[Link to P.46/2020](#)

[Link to amending Regulations](#)

These Regulations allowed for a wider range of medical practitioners to approve actions in respect of people with mental health issues, such as, admission and detention of patients. This was intended to ensure that people could still be provided the care they needed to keep them and others safe in the event of significant staff illness and lack of access to specialist resource.

At the time of development, there was a significant concern that Covid-19 could place significant pressures on the Island's healthcare system. In relation to mental health services, this could include –

- specialists / consultants being unavailable to make detention and treatment decisions
- mental health staff – doctors, nurses and other professionals – being redeployed to other priority healthcare services;
- access to UK-based specialists, including 'Second Opinion Approved Doctors', who are required to give second opinions in relation to specific types of treatment due to travel restrictions and/or pressures on the UK's mental health system.

These Regulations required an 'Extraordinary Period' to be declared by Order, which would serve to loosen the legislative requirements around emergency admission threshold and duration, requirements for second opinion doctors, the provision of evidence to courts, and the period for the transfer of prisoners to an approved establishment.

As the systemic stresses on the medical services proved to be manageable, an Extraordinary Period was never declared. With the testing programme now in place, it is considered likely that there will be sufficient advance warning of increasing burden on healthcare services to allow these Regulations to be re-enacted, potentially with improvements, should there be a further significant outbreak and if supported by the Assembly.

Regulation of Care (Jersey) Law 2014

Regulation 13 of the draft Regulations

Amendments are made to this Law by the **Regulation of Care (Amendment of Law) (Covid-19 - Temporary Amendment) (Jersey) Regs 2020**, which inserts new Articles into Schedule 1. These inserted Articles will be **REPEALED** on 30th September 2020.

[Link to amended Law](#)

[Link to P.27/2020](#)

[Link to amending Regulations](#)

It was anticipated that, as the outbreak of Covid-19 progressed, there might be a need to set up additional care beds for vulnerable individuals, to include if necessary, the use of hotels or other lodgings to provide emergency accommodation.

Ordinarily, these services would be care home services, as defined under Schedule 1 of the 2014 Law, and providers of such temporary, emergency accommodation and care arrangements would have to register with and be regulated by the Jersey Care Commission (JCC).

For reasons of practicality, however, it was considered necessary to provide a way to exempt short-term emergency services established by the Government in haste, because

the requirement for such registration and regulation would inhibit the speed with which they can be set up.

Given that these Regulations have potentially significant implications for safeguards in the care sector, and that, if there is a second significant outbreak, a moderate lead-in time will be required to support communication with care providers, they will be **REPEALED**. They may be re-enacted, potentially with improvements, should there be a further significant outbreak and if supported by the Assembly.

Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018

Regulation 14 of the draft Regulations

Amendments are made to this Law by the **Regulation of Care (Standards and Requirements) (Covid-19 – Temporary Amendments) (Jersey) Regulations 2020**, which inserts new Regulations 3A, 17A, 32A and 34A. These inserted Regulations will be **REPEALED** on 30th September 2020.

[Link to amended Law](#)

[Link to P.26/2020](#)

[Link to amending Regulations](#)

These amendments were intended to give registered providers of adult day care, care home and home care services greater flexibility to manage the potential impact of the outbreak of Covid-19 if their services were affected.

The Regulation of Care (Jersey) Law 2014 provides a legislative framework for the independent regulation of health and social care in Jersey. It is underpinned by a series of Regulations, covering each regulated activity listed under the Law. The aforementioned Law established the independent JCC.

The 2018 Regulations, which provide for the regulation of home care, adult day care and care home services, including children's residential homes, were adopted by the States Assembly in October 2018 and came into force on 1st January 2019.

Prior to the amendment, the JCC was required to impose certain relevant conditions on each registered service provider. In the normal course of events, the JCC should limit the nature of the services provided, including the number of beds each care home can provide and the number of care hours each home care service can provide.

There were concerns that the pandemic had the potential to drastically affect the ability of service providers to maintain services as per the usual conditions imposed upon them.

The amendments allowed service providers to operate outside of normal restrictions by requiring the JCC to suspend their usual conditions of service where it was reasonable and proportionate to do so as a result of Covid-19. This was intended to ameliorate systems stress arising from mass sickness, creating situations in which, for example, a care homes had to increase capacity at short notice and to provide more nursing care than would usually be permitted.

Given that these Regulations have potentially significant implications for safeguards in the care sector, and that, if there is a second significant outbreak, a moderate lead-in time will be required to support communicate with care providers, they will be **REPEALED**. They may be re-enacted, potentially with improvements, should there be a further significant outbreak and if supported by the Assembly.

Legislation amended by emergency provisions

- **Marriage, civil partnership and death**

The Marriage and Civil Status (Jersey) Law 2001 and the Civil Partnership (Jersey) Law 2012, together with Orders made under both, establish the legislative framework for Marriage and Civil Partnerships to take place in Jersey. The Cremation (Jersey) Regulations 1961 sets the rules for the cremation of the deceased.

The integration in Jersey of the management systems for births, deaths and major life events such as partnerships mean that the issues are intertwined in Law, with some of the requirements for death certification arising from the Marriage and Civil Status (Jersey) Law 2001, for instance. In addition, the registration of births, deaths and unions are carried out to a large extent by the same staff using the same facilities.

A package of measures was introduced to ensure that the systems for the recording and administration of deaths was sufficiently effective to manage a period of significant excess deaths and robust enough to continue doing so at a time of significant system stress, including loss of staff to sickness or self-isolation, and infrastructure becoming unsuitable for use due to distancing requirements. This also meant, for the reasons above, removing a degree of physical contact from administrative procedures associated with marriage arrangement.

Also, the amendments centralised arrangements for elements of the process such as the approval of wedding venues to ensure that they were managed safely and consistently when the risk of coronavirus transmission was high. The centralisation of arrangements also allowed the systems to operate during the period on which parish services were unavailable.

The **Cremation (Jersey) Regulations 1961, Marriage and Civil Status (Jersey) Law 2001 and Civil Partnership (Jersey) Law 2012** are amended to provide for a revised system.

The amendments are complex, interlinked and in some areas overlapping (as revised arrangements were made as the situation developed) and so are best considered together.

Cremation (Jersey) Regulations 1961

(Under the Cremation (Jersey) Law 1953)

Regulations 18 and 19 of the draft Regulations

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.

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 will be **SUSPENDED** from 30th September 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 an 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 draft Regulations made forward 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.

NOTE: The discretion to cremate without a medical attendant’s certificate was never exercised, and is seen as a last resort to manage excess deaths beyond the capacity of the usual systems to accommodate.

Further modifications to the operation of these Regulations are made by the **Cremation (Suspension and Modification of Regulations – Covid-19) (No. 2) (Jersey) Regulations 2020**. The amending provisions will be **SUSPENDED** from 30th September 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 in 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 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).

Marriage and Civil Status (Jersey) Law 2001 and the Civil Partnership (Jersey) Law 2012

Regulations 20 and 23 of the draft Regulations

The Marriage and Civil Status (J) Law 2001 is amended by the **Marriage and Civil Status (Amendment of Law) (Covid-19 – Temporary Amendment) (Jersey) Regulations 2020**, which insert a new Article 49A. That Article 49A is partly overwritten by the amendments in the **Marriage and Civil Status (Amendment of Law No. 2) (Covid-19 – Temporary Amendment) (Jersey) Regulations 2020**, and those parts which remain will be **SUSPENDED** on 30th September 2020.

[Link to amending Regulations](#)

[Link to P.23/2020](#)

These Regulations provided that the Superintendent Registrar could act as the informant for purpose of registering both births and deaths in Jersey. This removed for the requirement for members of the public and others to attend the Office of the

Superintendent Registrar in person to sign the register, as the Superintendent Registrar's Office is remaining closed this set of regulations needs to be extended.

Note: These regulations also altered the timescale for the criteria relating to whether a doctor is qualified in relation to a death from 14 days to 28 days, this change was superseded by the amendments made by the Marriage and Civil Status (Amendment of Law No.2) (Covid-19 – Temporary Amendment) (Jersey) Regulations 2020 and as part of that amendment original provisions were overwritten in the law.

The Marriage and Civil Status (J) Law 2001 is further amended by the **Marriage and Civil Status (Amendment of Law No. 2) (Covid-19 – Temporary Amendment) (Jersey) Regulations 2020**, which modifies new Article 49A. All of new Article 49A will be **SUSPENDED** on 30th September 2020.

[Link to P.36/2020](#)

[Link to amending Regulations](#)

The Marriage and Civil Status provides that only certain medical practitioners are 'qualified' to certify a person's death, by virtue of having seen the patient within a certain time before death (usually within 14 days of death, amended to 28 days by the previous Marriage and Civil Status (Amendment of Law) (Covid-19 – Temporary Amendment) Regulations above).

If an 'unqualified' practitioner completes a death certificate, the Superintendent Registrar must notify the Viscount.

Due to the emergency processes put in place to increase the capacity to certify death during the outbreak of Covid-19 in Jersey most deaths that were expected to occur in the community in the months following April 2020 were to be certified by 'unqualified' (in the sense of not having attended the deceased during the deceased's last illness) medical practitioners, as a core team of 4 medical practitioners were tasked with the sole responsibility of attending where a person has passed away and completing the certificate of fact and cause of death.

This would have resulted in almost all deaths in the community being referred by the Superintendent Registrar to the Viscount, even where the registered medical practitioner was able to certify to the best of their knowledge and belief the cause of death, which would lead to unacceptable delays and was not an efficient use of the Viscount's or the Superintendent Registrar's time or resources. A further concern is that the delays caused would have resulted in significantly increased body storage requirements.

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**.

These amendments resulting from these Regulations will be **EXTENDED** until 30th April 2021 as they have proved to be an effective way of managing the process while minimising personal contact requirements.

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

[Link to amending Regulations](#)

The amendments they make modifies the administration processes required before a marriage or civil partnership is solemnized with the aim of allowing administrative processes to be managed in a way that protects 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.
- 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.

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 partly **EXTENDED** until 30th April 2021 and partly **SUSPENDED** from 30th September 2020 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 be undertaken safely. They –

- Temporarily suspend the right for the public to attend ceremonies, while maintaining the right to raise a lawful objection to a marriage or civil partnership.
- Place 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.
- Transfer responsibility for the approval of marriage venues away from the Connétable of the relevant parish to the Superintendent Registrar, and temporarily restrict the types of premises which could be newly approved to private dwellings.
- Remove the right of people to enter the Office of the Superintendent Registrar to search registers, but to provide that the Superintendent Registrar could inspect or search a register or index on their behalf (as the offices of the Superintendent Registrar were closed as a mitigation to safeguard the Island’s civil registration function).

Given that it is anticipated that there will be continued restrictions on the numbers of people at wedding ceremonies beyond end of September 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 be **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 are amended. These are subordinate changes that must be made to reflect the treatment of the amendments to their primary laws as detailed above.

Civil Partnership (Approved Premises) (Jersey) Order 2012

Regulation 21 of the draft Regulations

[Link to amended Order](#)

Amendments are partly **EXTENDED** until 30th April 2021 and partly **SUSPENDED** from 30th September 2020 to give effect to the treatment of the **Covid-19 (Civil Partnership and Marriage No. 2) (Jersey) Regulations 2020**.

Civil Partnership (Forms, Registration and Fees) (Jersey) Order 2012

Regulation 22 of the draft Regulations

[Link to amended Order](#)

Amendments are **EXTENDED** until 30th April 2021.

Marriage and Civil Status (Jersey) Order 2018

Regulation 24 of the draft Regulations

[Link to amended Order](#)

Amendments are **EXTENDED** until 30th April 2021.

Statement on financial and manpower implications

No financial or manpower implications arise from the lodging of these Regulations.

Summary of the amending legislation and its treatment

Reg No	Legislation amended	Amended by	Treatment of amendments
1	Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020	Stand-alone	EXTEND
2	Covid-19 (Safe Distancing) (Jersey) Regulations 2020	Stand-alone	SUSPEND
3	Covid-19 (Emergency Provisions – Courts) (Jersey) Regulations 2020	Stand-alone	EXTEND
4	Covid-19 (Schools and Day Care of Children) (Jersey) Regulations 2020	Stand-alone	SUSPEND
5	Covid-19 (Workplace Restrictions) (Jersey) Regulations 2020	Stand-alone	EXTEND
6	Covid-19 (Construction Work) (Jersey) Regulations 2020	Stand-alone	EXTEND
7	Control of Housing and Work (Exemptions) (Jersey) Order 2013	Control of Housing and Work (Exemptions) (Covid-19 – Temporary Amendment) (Jersey) Order 2020	REPEAL
8	Residential Tenancy (Jersey) Law 2011	Covid-19 (Residential Tenancy) (Temporary Amendment of Law) (Jersey) Regs 2020	REPEAL
9	Medical Practitioners (Registration) (General Provisions) (Jersey) Order 2014	Medical Practitioners (Registration) (General Provisions) (Covid-19 – Temporary Amendments) (Jersey) Order 2020	REPEAL
10	Capacity and Self-Determination (Jersey) Law 2016 amended	Covid-19 (Capacity and Self-Determination) (Jersey) Regs 2020	REPEAL
11	Covid-19 (Mental Health) (Jersey) Regulations 2020	Stand-alone	REPEAL
12	Mental Health (Jersey) Law 2016 amended	Covid-19 (Mental Health) (Jersey) Regs 2020	REPEAL
13	Regulation of Care (Jersey) Law 2014 amended	Regulation of Care (Amendment of Law) (Covid-19 - Temporary Amendment) (Jersey) Regs 2020	REPEAL

		Regulation of Care (Amendment of Law) (Covid-19 - Temporary Amendment No. 2) (Jersey) Regs 2020	REPEAL
14	Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 amended	Regulation of Care (Standards and Requirements) (Covid-19 - Temporary Amendments) (Jersey) Regs 2020	REPEAL
15	Statutory Nuisances (Jersey) Regulations 2017 amended	Statutory Nuisances (Amendment) (Jersey) Regulations 2020	EXTEND
16	Wills and Successions (Jersey) Law 1993 amended	Covid-19 (Signing of Instruments) (Jersey) Regs 2020	EXTEND
17	Covid-19 (Signing of Instruments) (Jersey) Regulations 2020	Stand-alone	EXTEND
18	Cremation (Suspension and Modification of Regulations – Covid-19) (Jersey) Regulations 2020	Stand-alone	SUSPEND
19	Cremation (Suspension and Modification of Regulations – Covid-19) (No. 2) (Jersey) Regulations 2020	Stand-alone	SUSPEND
20	Civil Partnership (Jersey) Law 2012 amended	Covid-19 (Civil Partnership and Marriage) (Jersey) Regs 2020	EXTEND
		Covid-19 (Civil Partnership and Marriage No. 2) (Jersey) Regs 2020	EXTEND
21	Civil Partnership (Approved Premises) (Jersey) Order 2012 amended	Covid-19 (Civil Partnership and Marriage No. 2) (Jersey) Regulations 2020	Part EXTEND Part SUSPEND
22	Civil Partnership (Forms, Registration and Fees) (Jersey) Order 2012 amended	Covid-19 (Civil Partnership and Marriage) (Jersey) Regulations 2020	EXTEND
23	Marriage and Civil Status (Jersey) Law 2001 amended	Marriage and Civil Status (Amendment of Law) (Covid-19 – Temporary Amendment) (Jersey) Regs 2020	SUSPEND
		Marriage and Civil Status (Amendment of Law No. 2) (Covid-19 – Temporary Amendment) (Jersey) Regs 2020	SUSPEND
		Covid-19 (Civil Partnership and Marriage) (Jersey) Regs 2020	EXTEND

		Covid-19 (Civil Partnership and Marriage No. 2) (Jersey) Regs 2020	Part EXTEND Part SUSPEND
24	Marriage and Civil Status (Jersey) Order 2018 amended	Covid-19 (Civil Partnership and Marriage) (Jersey) Regulations 2020	EXTEND
		Covid-19 (Civil Partnership and Marriage No. 2) (Jersey) Regulations 2020	Part EXTEND Part SUSPEND

EXPLANATORY NOTE

These Regulations, if passed, will make amendments to several items of legislation that make special provision in relation to Covid-19, most of which are currently due to expire on 30th September 2020. The amendments broadly either repeal the legislation, extend its expiry date to the end of April 2021, or suspend its effect but enable that effect to be re-instated by the relevant Minister at any time before the end of April 2021 (and suspended again, and so on, but not beyond the end of April 2021). In each case of suspension, the power to reinstate is subject to consulting the Council of Ministers and obtaining the consent of the Minister for Health and Social Services (if that Minister is not the one doing the re-instating), who must consult the Medical Officer of Health. Also, the Minister re-instating the provision must be satisfied that it is necessary and proportionate to do so, having regard to the foreseeable risk of the spread of Covid-19 in Jersey.

Regulation 1 amends the Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020 to extend their expiry date to the end of April 2021.

Regulation 2 amends the Covid-19 (Safe Distancing) (Jersey) Regulations 2020 to suspend them and provide for their re-instatement by the Minister for Health and Social Services as described above (up to the end of April 2021).

Regulation 3 amends the Covid-19 (Emergency Provisions – Courts) (Jersey) Regulations 2020 to extend their expiry date to the end of April 2021.

Regulation 4 amends the Covid-19 (Schools and Day Care of Children) (Jersey) Regulations 2020 to suspend them and provide for their re-instatement by the Minister for Education as described above (up to the end of April 2021).

Regulation 5 amends the Covid-19 (Workplace Restrictions) (Jersey) Regulations 2020 to extend their expiry date to the end of April 2021. These Regulations have no effect unless the Minister for Health and Social Services makes an Order under them, and then have effect only during the period specified in the Order (in a manner already aligned with the arrangements described above for suspension and re-instatement).

Regulation 6 amends the Covid-19 (Construction Work) (Jersey) Regulations 2020. These Regulations have no effect unless the Minister for Health and Social Services makes an Order under them, and then have effect only during the period specified in the Order. The amendment aligns their suspension and re-instatement with the arrangements described above (and extends the expiry date of the Regulations up to the end of April 2021).

Regulation 7 amends the Control of Housing and Work (Exemptions) (Jersey) Order 2013 to repeal its Covid-19 provision (Article 4(1)(ba)) on 30th September 2020.

Regulation 8 amends the Residential Tenancy (Jersey) Law 2011 to repeal its Covid-19 provision (Part 3A) on 30th September 2020.

Regulation 9 amends the Medical Practitioners (Registration) (General Provisions) (Jersey) Order 2014 to repeal its Covid-19 provision (Article 9A) on 30th September 2020.

Regulation 10 amends the Capacity and Self-Determination (Jersey) Law 2016 to repeal its Covid-19 provisions (Articles 60A to 60H) on 30th September 2020.

Regulation 11 repeals the Covid-19 (Mental Health) (Jersey) Regulations 2020 on 30th September 2020.

Regulation 12 amends the Mental Health (Jersey) Law 2016 to repeal its Covid-19 provision (Part 12A) on 30th September 2020.

Regulation 13 amends the Regulation of Care (Jersey) Law 2014 to repeal its Covid-19 provisions (paragraphs 1(2A) and 3(3) of Schedule 1) on 30th September 2020.

Regulation 14 amends the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 to repeal their Covid-19 provisions (Regulations 3A, 17A and 32A) on 30th September 2020.

Regulation 15 amends the Statutory Nuisances (Jersey) Regulations 2017 to make the Covid-19 provision expire at the end of April 2021.

Regulation 16 amends the Wills and Successions (Jersey) Law 1993 to extend the expiry date of its Covid-19 provision (Article 17B) to the end of April 2021.

Regulation 17 amends the Covid-19 (Signing of Instruments) (Jersey) Regulations 2020 to extend their expiry date to the end of April 2021.

Regulation 18 amends the Cremation (Suspension and Modification of Regulations – Covid-19) (Jersey) Regulations 2020 to suspend them and provide for their re-instatement by the Minister for Health and Social Services as described above (up to the end of April 2021).

Regulation 19 amends the Cremation (Suspension and Modification of Regulations – Covid-19) (No. 2) (Jersey) Regulations 2020 to suspend them and provide for their re-instatement by the Minister for Health and Social Services as described above (up to the end of April 2021).

Regulation 20 amends the Civil Partnership (Jersey) Law 2012 to extend the expiry date of the Covid-19 provisions (Part 2A) to the end of April 2021. But it suspends Articles 26G(1) and (2) (which relate to the approval of premises) and provides for their re-instatement by the Minister for Home Affairs as described above (up to the end of April 2021).

Regulation 21 amends the Civil Partnership (Approved Premises) (Jersey) Order 2012 to extend the expiry date of the Covid-19 provisions (Articles 2A, 4A and 9A) to the end of April 2021. But it suspends Article 2A (which limits approvals to renewals and certain private residences) whenever Article 26G(1) or (2) of the Civil Partnership (Jersey) Law 2012 is suspended (see note on Regulation 20 above).

Regulation 22 amends the Civil Partnership (Forms, Registration and Fees) (Jersey) Order 2012 to extend the expiry date of the Covid-19 provisions (Articles 2(1A) and 2(2A)) to the end of April 2021.

Regulation 23 amends the Marriage and Civil Status (Jersey) Law 2001 to extend the expiry date of the Covid-19 provisions (Articles 23(1A) and (4)(c), 24H to 24P, 49A and 80E) to the end of April 2021. It also adds provision to enable the Minister for Home Affairs to make an Order (as described above) re-instating the effect of Part 3A of the Marriage and Civil Status (Jersey) Order 2018 (repealed, by way of suspension, by Regulation 24 – see note below) until no later than the end of April 2021.

Regulation 24 amends the Marriage and Civil Status (Jersey) Order 2018. It extends the expiry date of two of the Covid-19 provisions (Articles 20A and 32A) to the end of April 2021. It repeals the other Covid-19 provision (Part 3A, comprising Articles 24A to 24C, which provides for approval of locations for solemnization of marriages during the outbreak). But it does so only as a means to suspend the effect of the repealed Part, in that Regulation 23 amends the Law under which the Order is made to allow the Minister for Home Affairs to re-instate the effect of Part 3A by re-inserting it (or its equivalent) into the Order (see note on Regulation 23 above).

Regulation 25 provides the citation for these Regulations and brings them into force on 30th September 2020, at which point the suspensions and repeals will take effect.



Jersey

DRAFT COVID-19 (AMENDMENTS – EXTENSION, SUSPENSION AND REPEAL) (JERSEY) REGULATIONS 202-

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Jersey

DRAFT COVID-19 (AMENDMENTS – EXTENSION, SUSPENSION AND REPEAL) (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 2020¹ –

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

In Regulation 15(3) of the Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020² for “on 30th September 2020” there is substituted “at the end of 30th April 2021”.

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

In the Covid-19 (Safe Distancing) (Jersey) Regulations 2020³ –

- (a) in Regulation 5(4) for “satisfied, after considering” there is substituted “satisfied, after consulting the Council of Ministers, and after considering”;
- (b) in Regulation 6(3) for “on 30th September 2020” there is substituted “at the end of 30th April 2021”;
- (c) after Regulation 6(4) there is inserted –

“(4A) The effect of Regulation 5 is suspended whenever the effect of Regulations 2(2) and 3(1) is suspended under paragraph (4).

(4B) Before making an Order to revoke an Order made under paragraph (4), the Minister must –

- (a) consult the Medical Officer of Health and the Council of Ministers; and
- (b) be satisfied that it is necessary and proportionate, having regard to the foreseeable risk of the spread of Covid-19 in Jersey, to revoke the Order.”.

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

In Regulation 9(2) of the Covid-19 (Emergency Provisions – Courts) (Jersey) Regulations 2020⁴ for “on 30th September 2020” there is substituted “at the end of 30th April 2021”.

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

In the Covid-19 (Schools and Day Care of Children) (Jersey) Regulations 2020⁵ –

- (a) at the end of Regulation 2 there is inserted –
 - “(3) Before publishing a notice under this Regulation 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 publish the notice.
 - (4) Before giving consent under paragraph (3)(b) the Minister for Health and Social Services must consult the Medical Officer of Health.
 - (5) The Minister must keep under review the operation of any notice published under this Regulation.
 - (6) Article 11(3) of the Interpretation (Jersey) Law 1954⁶ applies to the power to publish a notice under this Regulation as it applies to a power to make an enactment under another enactment.”;
- (b) in Regulation 4(3) for “on 30th September 2020” there is substituted “at the end of 30th April 2021”;
- (c) for Regulation 4(4) and (5) there is substituted –
 - “(4) Any notice published under Regulation 2, that has effect immediately before the commencement of the Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 202-, ceases to have effect on that commencement.”.

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

In Regulation 9(2) of the Covid-19 (Workplace Restrictions) (Jersey) Regulations 2020⁷ for “on 30th September 2020” there is substituted “at the end of 30th April 2021”.

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

In the Covid-19 (Construction Work) (Jersey) Regulations 2020⁸ –

- (a) in Regulation 3(2) for “consult the Minister” there is substituted “consult the Council of Ministers, and in particular the Minister”;

- (b) in Regulation 8(2) for “on 30th September 2020” there is substituted “at the end of 30th April 2021”.

7 Control of Housing and Work (Exemptions) (Jersey) Order 2013 amended

Articles 4(1)(ba) and (7) of the Control of Housing and Work (Exemptions) (Jersey) Order 2013⁹ are repealed.

8 Residential Tenancy (Jersey) Law 2011 amended

Part 3A of the Residential Tenancy (Jersey) Law 2011¹⁰ is repealed.

9 Medical Practitioners (Registration) (General Provisions) (Jersey) Order 2014 amended

Article 9A of the Medical Practitioners (Registration) (General Provisions) (Jersey) Order 2014¹¹ is repealed.

10 Capacity and Self-Determination (Jersey) Law 2016 amended

Articles 60A to 60H of the Capacity and Self-Determination (Jersey) Law 2016¹² are repealed.

11 Covid-19 (Mental Health) (Jersey) Regulations 2020 repealed

The Covid-19 (Mental Health) (Jersey) Regulations 2020¹³ are repealed.

12 Mental Health (Jersey) Law 2016 amended

Part 12A of the Mental Health (Jersey) Law 2016¹⁴ is repealed.

13 Regulation of Care (Jersey) Law 2014 amended

Paragraphs 1(2A), 3(3) and 3A of Schedule 1 to the Regulation of Care (Jersey) Law 2014¹⁵ are repealed.

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

Regulations 3A, 17A, 32A and 34A of the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018¹⁶ are repealed.

15 Statutory Nuisances (Jersey) Regulations 2017 amended

In Regulation 1A of the Statutory Nuisances (Jersey) Regulations 2017¹⁷, the existing text is re-numbered as paragraph (1), and after that paragraph there is inserted –

“(2) This Regulation expires at the end of 30th April 2021.”.

16 Wills and Successions (Jersey) Law 1993 amended

In Regulation 17B of the Wills and Successions (Jersey) Law 1993¹⁸ –

- (a) in paragraph (1) for “up to 30th September 2020” there is substituted “up to the end of 30th April 2021”;
- (b) in paragraph (8) for “on 30th September 2020” there is substituted “at the end of 30th April 2021”.

17 Covid-19 (Signing of Instruments) (Jersey) Regulations 2020 amended

In the Covid-19 (Signing of Instruments) (Jersey) Regulations 2020¹⁹ –

- (a) in Regulations 2(1) and 3(1) for “up to 30th September 2020” there is substituted “up to the end of 30th April 2021”;
- (b) in Regulation 5(2) for “on 30th September 2020” there is substituted “at the end of 30th April 2021”.

18 Cremation (Suspension and Modification of Regulations – Covid-19) (Jersey) Regulations 2020 amended

In the Cremation (Suspension and Modification of Regulations – Covid-19) (Jersey) Regulations 2020²⁰ –

- (a) after Regulation 1(2) there is inserted –
 - “(3) During the period between the commencement of the Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 202- and the expiry of these Regulations, Regulations 2 and 3 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 Regulations 2 and 3.
 - (5) Before making an Order under paragraph (4) the Minister must –
 - (a) consult the Medical Officer of Health and the Council of Ministers; and
 - (b) 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) Nothing in an Order under paragraph (4) is to be treated as derogating from Regulation 4(c).”;
- (b) in Regulation 4(c) for “on 30th September 2020” there is substituted “at the end of 30th April 2021”.

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

In the Cremation (Suspension and Modification of Regulations – Covid-19)
(No. 2) (Jersey) Regulations 2020²¹ –

- (a) after Regulation 1(2) there is inserted –
 - “(3) During the period between the commencement of the Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 202- and the expiry of these Regulations, Regulations 2 and 3 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 Regulations 2 and 3.
 - (5) Before making an Order under paragraph (4) the Minister must –
 - (a) consult the Medical Officer of Health and the Council of Ministers; and
 - (b) 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) Nothing in an Order under paragraph (4) is to be treated as derogating from Regulation 4(c).”;
- (b) in Regulation 4(c) for “on 30th September 2020” there is substituted “at the end of 30th April 2021”.

20 Civil Partnership (Jersey) Law 2012 amended

In the Civil Partnership (Jersey) Law 2012²² –

- (a) after Article 26G(2) there is inserted –
 - “(2A) During the period between the commencement of the Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 202- and the expiry of this Part, paragraphs (1) and (2) do not have effect unless there is in force an Order under paragraph (2B).
 - (2B) The Minister may by Order re-instate the effect of paragraphs (1) and (2).
 - (2C) Before making an Order under paragraph (2B) 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.
 - (2D) Before giving consent under paragraph (2C)(b) the Minister for Health and Social Services must consult the Medical Officer of Health.

- (2E) Nothing in an Order under paragraph (2B) is to be treated as derogating from Article 26I.”;
- (b) in Article 26I for “on 30th September 2020” there is substituted “at the end of 30th April 2021”.

21 Civil Partnership (Approved Premises) (Jersey) Order 2012 amended

In the Civil Partnership (Approved Premises) (Jersey) Order 2012²³ –

- (a) after Article 2A(3) there is inserted –
 - “(3A) The effect of paragraphs (1) and (2) is suspended during any period in which the effect of Article 26G(1) or (2) of the Civil Partnership (Jersey) Law 2012 is suspended under Article 26G(2A) of that Law.”;
- (b) in Article 2A(4) for “on 30th September 2020” there is substituted “at the end of 30th April 2021”;
- (c) in Article 4A(4) for “on 30th September 2020” there is substituted “at the end of 30th April 2021”;
- (d) in Article 9A(3) for “on 30th September 2020” there is substituted “at the end of 30th April 2021”.

22 Civil Partnership (Forms, Registration and Fees) (Jersey) Order 2012 amended

In Article 10A of the Civil Partnership (Forms, Registration and Fees) (Jersey) Order 2012²⁴ for “on 30th September 2020” there is substituted “at the end of 30th April 2021”.

23 Marriage and Civil Status (Jersey) Law 2001 amended

In the Marriage and Civil Status (Jersey) Law 2001²⁵ –

- (a) after Article 23 there is inserted –

“23A Power to make temporary provision in relation to Covid-19 for approved locations

- (1) The Minister may by Order make provision equivalent or similar to that previously made by the Part 3A that was inserted in the Marriage and Civil Status (Jersey) Order 2018²⁶ by Regulation 4(2) of the Covid-19 (Civil Partnership and Marriage No. 2) (Jersey) Regulations 2020²⁷.
- (2) Before making an Order under paragraph (1) 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.
 - (3) Before giving consent under paragraph (2)(b) the Minister for Health and Social Services must consult the Medical Officer of Health.
 - (4) Any provision made under paragraph (2) must include express provision for its expiry at a time specified in the provision, being no later than the expiry of this Article.
 - (5) This Article expires at the end of 30th April 2021.”;
- (b) after Article 49A(1) there is inserted –
- “(1A) During the period between the commencement of the Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 202- and the expiry of this Article, paragraphs (2), (2A) and (2B) do not have effect unless there is in force an Order under paragraph (1B).
- (1B) The Minister may by Order re-instate the effect of paragraphs (2), (2A) and (2B).
- (1C) Before making an Order under paragraph (1B) 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.
- (1D) Before giving consent under paragraph (1C)(b) the Minister for Health and Social Services must consult the Medical Officer of Health.
- (1E) Nothing in an Order under paragraph (1B) is to be treated as derogating from paragraph (5).”;
- (c) in Article 49A(5) for “on 30th September 2020” there is substituted “at the end of 30th April 2021”;
 - (d) in Article 80F for “on 30th September 2020” there is substituted “at the end of 30th April 2021”.

24 Marriage and Civil Status (Jersey) Order 2018 amended

In the Marriage and Civil Status (Jersey) Order 2018²⁸ –

- (a) in Article 20A(3) for “on 30th September 2020” there is substituted “at the end of 30th April 2021”;
- (b) Part 3A is repealed;
- (c) in Article 32A(2) for “on 30th September 2020” there is substituted “at the end of 30th April 2021”.

25 Citation and commencement

These Regulations may be cited as the Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 202- and come into force on 30th September 2020.

ENDNOTES

Table of Endnote References

1	<i>L.2/2020</i>
2	<i>R&O.33/2020</i>
3	<i>R&O.76/2020</i>
4	<i>R&O.45/2020</i>
5	<i>R&O.32/2020</i>
6	<i>chapter 15.360</i>
7	<i>R&O.65/2020</i>
8	<i>R&O.49/2020</i>
9	<i>chapter 18.150.10</i>
10	<i>chapter 18.720</i>
11	<i>chapter 20.600.30</i>
12	<i>chapter 20.040</i>
13	<i>R&O.47/2020</i>
14	<i>chapter 20.650</i>
15	<i>chapter 20.820</i>
16	<i>chapter 20.820.65</i>
17	<i>chapter 22.900.10</i>
18	<i>chapter 04.960</i>
19	<i>R&O.50/2020</i>
20	<i>R&O.23/2020</i>
21	<i>R&O.74/2020</i>
22	<i>chapter 12.260</i>
23	<i>chapter 12.260.10</i>
24	<i>chapter 12.260.40</i>
25	<i>chapter 12.600</i>
26	<i>chapter 12.600.10</i>
27	<i>R&O.83/2020</i>
28	<i>chapter 12.600.10</i>