

DIRECTION NO. 7 OF 2021

(Sark)

Direction of the Civil Contingencies Authority under the Emergency Powers (Coronavirus) (General Provision) (No. 2) (Bailiwick of Guernsey) Regulations, 2021

This Direction is issued by the Authority, in exercise of its powers under regulation 18(1)(a), (b) and (d) and 19(3) of the above Regulations and following consultation with the Medical Officer of Health:-

1. Prohibitions on events, gatherings and meetings of more than 2 persons.

(1) The owner or occupier of any premises must not allow an event, gathering or meeting consisting of more than 2 persons, to take place at or on the premises.

(2) A person must not organise or hold an event, gathering or meeting consisting of more than 2 persons to take place at or on any premises.

(3) A person must not participate in an event, gathering or meeting of more than 2 persons, which is taking place at or on any premises.

2. Disapplication of prohibitions under paragraph 1.

The prohibitions under paragraph 2 –

- (a) shall not apply in respect of an event, gathering or meeting of a type described in the First Annex, and
- (b) are subject to such exceptions, conditions and other matters as the Authority or Medical Officer of Health may from time to time specify and publish in written guidance.

4. Compulsory wearing of face coverings.

The provisions relating to the compulsory wearing of face coverings set out in Part 1 of the Second Annex shall have effect.

5. Application.

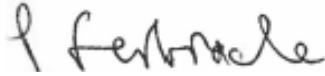
This Direction applies in Sark.

6. Commencement and duration.

This Direction commences on Thursday 25th February, 2021 and ceases to have

effect on 2359 hours on Wednesday 3rd March, 2021.

Dated this 25th day of February, 2021

A handwritten signature in black ink, appearing to read 'P. T. R. Ferbrache', written in a cursive style.

P. T. R. FERBRACHE
Chairman of the Civil Contingencies Authority
For and on behalf of the Authority

FIRST ANNEX

Paragraph 2.

Disapplication of prohibitions under paragraph 1

1. Members of same household.

An event, gathering or meeting attended solely by members of the same household.

2. Members of two households: exclusive expanded bubble arrangement.

An event, gathering or meeting which -

- (a) consists only –
 - (i) of members of 2 households, or
 - (i) of members of 2 households plus any child subject to shared caring arrangements involving another household, and
- (b) takes place in a dwelling, occupied by one or other of the households concerned, in accordance with –
 - (i) an exclusive expanded bubble arrangement, and
 - (ii) such guidance, advice or other measures as the Authority or Medical Officer of Health may, from time to time, publish for the observance by persons attending an event, gathering or meeting further to an exclusive expanded bubble arrangement.

3. Gatherings on qualifying premises.

An event, gathering or meeting which –

- (a) takes place on qualifying premises, and
- (b) is attended by no more than 30 qualified persons –
 - (i) who –
 - (A) where possible, comply with measures intended to maintain social distancing, and

(B) in all other circumstances, observe reduced social distancing, and

(ii) for whom adequate handwashing facilities are provided.

4. Gatherings other than on qualifying premises.

(1) An event, gathering or meeting which takes place on any premises other than qualifying premises, and which is attended by no more than 30 qualified persons (where held on licensed premises or other commercial premises, excluding the owner or occupier of the premises or any person who works at or on the premises, or who is responsible for the management of the premises), and which satisfies the conditions in subparagraph (2).

(2) The conditions are that –

(a) persons (other than persons who are members of the same household) attending the event, gathering or meeting observe –

(i) strict social distancing (including when exercising), or

(ii) reduced social distancing,

(b) where strict social distancing is not observed for the duration of the event, gathering or meeting, a responsible person –

(i) compiles, and maintains for a period of at least 14 days, a legible written record of –

(A) the date and place of the event, gathering or meeting, and

(B) the name and address or telephone number of every person attending the event, gathering or meeting, and

(ii) upon the request of an authorised person, produces the record to that authorised person,

(c) no person sings at the event, gathering or meeting,

(d) there are adequate handwashing facilities available or provided for persons attending the event, gathering or meeting, and

(e) the event, gathering or meeting is otherwise, or in addition, organised and conducted in accordance with such other or further measures as the Authority or Medical Officer of Health may from time to time specify and publish in guidance.

5. Other gatherings authorised by the Authority or the Medical Officer of Health.

An event, gathering or meeting which is authorised by the Authority or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Authority or Medical Officer of Health, as the case may be, shall specify in writing.

6. Interpretation: general.

In this Annex -

an "**authorised person**" means –

- (a) the Director of Environmental Health and Pollution Regulation,
- (b) the Medical Officer of Health,
- (c) a police officer, or
- (d) the Constable, the Vingtenier or an Assistant Constable,

"**exclusive expanded bubble arrangement**" has the meaning given in paragraph 7 below,

"**hand washing facilities**" includes facilities that enable the use of hand sanitising products,

"**licensed premises**" has the meaning given in the Liquor Licensing (General Provisions) (Sark) Ordinance, 1979,

a person occupies a dwelling as a "**member of the same household**" as another person if -

- (a) that person –
 - (i) normally occupies the dwelling, or
 - (ii) is occupying the dwelling on a temporary basis (with the intention of remaining in occupation for the duration of any emergency measures relating to the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19) for reasons associated with –
 - (A) the risk to public health caused by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, or

- (B) some other risk to human welfare associated with those measures, or
- (iii) is a child in respect of whom shared parenting arrangements are in place, the child occupies the dwelling, and the dwelling is owned or occupied by a person with parental responsibility for that child, and
- (b) that person is related to the other members of the household (by blood, marriage or adoption) or is treated by members of that household as a member of the household,

the "**notification requirement**" means a requirement –

- (a) to notify the Director of Environmental Health and Pollution Regulation and the Medical Officer of Health by completion and electronic submission of the Business Notification Form accessible via the States of Guernsey GOV.GG website, and
- (b) to notify those office holders of any change in the details submitted in the Business Notification Form,

a "**qualified person**" means any person, other than a person who –

- (a) is subject to a restriction or requirement imposed by the Medical Officer of Health under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020 or any regulations amending or replacing those Regulations, or is exhibiting symptoms of Covid-19, or
- (b) has been subject to such a restriction or requirement or has exhibited such symptoms within the last 14 days,

"**qualifying premises**" means –

- (a) relevant premises which are maintained in conformity with standards of hygiene in written guidance applicable to the type of premises and published by the Authority or Medical Officer of Health from time to time, and
- (b) in respect of which, other than in the case of a school, the notification requirement is satisfied,

"**reduced social distancing**" in relation to a person ("P") means, wherever reasonably practicable, the observance and maintenance by P of a distance of at least one metre from another person, other than a person who is a member of P's household,

"**relevant premises**" means premises used for the purpose of an office, cinema, theatre, school, retail outlet, library, community or youth centre, indoor or outdoor leisure facility, factory, warehouse, place of worship, hotel, guest house, campsite or the provision of sleeping accommodation, board, lodging or board and lodging for reward,

"**responsible person**" means, in relation to an event, gathering or meeting –

- (a) the owner or occupier of the premises upon which the event, gathering or meeting takes or has taken place,
- (b) the person responsible for organising or holding the event, gathering or meeting, or
- (c) any other person, appointed in writing for the purpose, by a person of a description falling in paragraph (a) or (b), and

"**strict social distancing**" in relation to a person ("P") means the observance and maintenance by P of a distance of at least 2 metres from another person, other than a person who is a member of P's household.

7. **Interpretation: exclusive expanded bubble arrangement.**

(a) Subject to the following subparagraphs, an "**exclusive expanded bubble arrangement**" is an exclusive arrangement agreed by all the members (other than persons under the age of 18 years) of the households concerned to meet or gather in a dwelling occupied by one or other of the households concerned, as if they (and any child subject to shared caring arrangements involving another household) were all members of the same household, for the purpose of maintaining familial or friendship connections and/or enabling the provision of care or support for persons living alone or otherwise isolated.

(b) An exclusive expanded bubble arrangement cannot be agreed in respect of any household where a member of the household –

- (i) is subject to a restriction or requirement imposed by the Medical Officer of Health under Part I of the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021, or any regulations amending or replacing those Regulations ("the Emergency Powers Regulations") or is exhibiting symptoms of COVID-19,
- (ii) has been subject to such a restriction or requirement or has exhibited such symptoms within the last 14 days, or
- (iii) is self-isolating further to a requirement to do so under the Emergency Powers Regulations or is self-isolating for some other reason.

(c) An exclusive expanded bubble arrangement comes to an end if a member of a household becomes subject to a restriction or requirement imposed by the Medical Officer of Health under Part I of the Emergency Powers Regulations, or exhibits symptoms of COVID-19.

(d) If an exclusive expanded bubble arrangement ("the former arrangement") comes to an end, a new arrangement may not be formed until –

- (i) at least 14 days have expired since the former arrangement came to an end, and
- (ii) the members of the households subject to the former arrangement have, since the former arrangement came to an end, lived separately as part of their original households.

Part 1

Compulsory wearing of face coverings*Whilst entering or remaining on relevant premises***1. Requirement to wear a face covering whilst entering or remaining on relevant premises.**

(1) Subject to subparagraph (2), no person may, without reasonable excuse, enter or remain within relevant premises without wearing a face covering.

(2) The requirement in subparagraph (1) does not apply –

- (a) to a child who is under the age of 12,
- (b) to a person responsible for relevant premises or an employee of that person acting in the course of their employment,
- (c) to any other person providing services in the relevant premises under arrangements made with the person responsible for the relevant premises, or
- (d) to an essential worker who has entered or remained in the relevant premises for the purpose of discharging their work functions or whilst acting in the course of their duties.

(3) The exceptions from the requirement to wear a face covering provided in paragraph 1(2)(b) or (c) do not apply to any person who, when acting in the course of their employment or providing services under arrangements made with the person responsible for any relevant premises, is in any part of the relevant premises which are open to the public, and comes or is likely to come within close contact of any member of the public.

2. Reasonable excuse for the purposes of paragraph 1.

For the purposes of paragraph 1(1), the circumstances in which a person ("P") has a reasonable excuse include those where –

- (a) P cannot put on, wear or remove a face covering –
 - (i) because of any physical or mental illness or impairment, or disability, or
 - (ii) without severe distress,

- (b) P is accompanying, or providing assistance to, another person ("B") and B relies on lip reading to communicate with P,
- (c) P removes their face covering to avoid harm or injury, or the risk of harm or injury, to themselves or others,
- (d) P is entering or within relevant premises to avoid injury, or to escape a risk of harm, and does not have a face covering with them,
- (e) it is reasonably necessary for P to eat or drink and P removes their face covering to eat or drink,
- (f) P has to remove their face covering for the purpose of medical or dental treatment or to take medication,
- (g) a person responsible for relevant premises or an employee of that person acting in the course of his or her employment, requires that P remove their face covering in order to verify P's identity,
- (h) in a pharmacy, an employee of that pharmacy acting in the course of his or her employment, requires that P remove their face covering in order to assist in the provision of healthcare or healthcare advice to P, and
- (i) a police officer or the Constable requests that P remove their face covering.

Where using a public transport system

3. Requirement to wear a face covering whilst on public transport.

(1) Subject to subparagraph (2), no person may, without reasonable excuse, use a public transport service without wearing a face covering.

(2) For the purposes of subparagraph (1), a person is using a public transport service at any time when -

- (a) they are boarding any vehicle by means of which a public transport service is provided, or
- (b) they are (whether or not for the purposes of travel) on board any vehicle by means of which a public transport service is provided.

(3) The requirement in subparagraph (1) does not apply –

- (a) to a child who is under the age of 12,

- (b) to an employee of the operator of the relevant public transport service acting in the course of his or her employment,
- (c) to any other person providing services under arrangements made with the operator of the relevant public transport service who is providing those services,
- (d) to an essential worker discharging their work functions or whilst acting in the course of their duties.

(4) In this paragraph, "**public transport service**" means horse or vehicle drawn carriages in which members of the public are carried for reward.

4. Reasonable excuse for the purposes of paragraph 3(1).

For the purposes of paragraph 3(1), the circumstances in which a person ("P") has a reasonable excuse include those where -

- (a) P cannot put on, wear or remove a face covering -
 - (i) because of any physical or mental illness or impairment, or disability, or
 - (ii) without severe distress,
- (b) P is travelling with, or providing assistance to, another person ("B") and B relies on lip reading to communicate with P,
- (c) P removes their face covering to avoid harm or injury, or the risk of harm or injury, to themselves or others,
- (d) P is travelling to avoid injury, or to escape a risk of harm, and does not have a face covering with them,
- (e) it is reasonably necessary for P to eat or drink and P removes their face covering to eat or drink,
- (f) P has to remove their face covering to take medication, and
- (g) a relevant person requests that P remove their face covering.

5. Essential workers

For the purposes of this Annex, "**essential workers**" are workers essential to the delivery of critical services, and civil servants or office holders specified by the Policy and Finance Committee of the Chief Pleas.

Part 2

Relevant Premises

1. Shops
2. Pharmacies
3. Banks
4. Pubs
5. The Island Hall and Community Centre
6. The Assembly Rooms
7. Restaurants and cafes
8. The Post Office
9. La Maseline Harbour
10. The doctor's surgery
11. Public areas of hotels and guest houses

Explanatory Note

Direction No. 7 is made by the Civil Contingencies Authority ("the Authority") on 25th February, 2021 further to powers conferred on it by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021 as made by the Authority under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012.

It has been made following consultation with the Medical Officer of Health. It applies only in Sark, and replaces Direction No. 5 in that Island. Its intent is to give effect in Sark to Stage 2 of the exit from the "lockdown" which was put in place on 23rd January, 2021 following detection of new cases of infection with the Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19. The purpose of the Direction is the prevention of the further introduction and spread within Sark and the Bailiwick of that virus, while removing or loosening restrictions in Sark where that can be done safely.

The Direction removes restrictions formerly in place in respect of premises. In respect of gatherings, the default prohibition on attending events, gatherings and meetings of more than 2 persons places obligations on certain persons who might be in a position to organise or attend events etc. In particular:-

- (a) owners and/or occupiers of any premises must not allow an event, gathering or meeting consisting of more than 2 persons, to take place at or on their premises,
- (b) a person must not organise or hold an event, gathering or meeting consisting of more than 2 persons to take place at or on any premises, and
- (c) a person must not participate in an event, gathering or meeting of more than 2 persons, which is taking place at or on any premises.

There are several significant exemptions from the prohibition described above. These are set out in the First Annex to the Direction. In summary they are as follows:-

- (a) An event, gathering or meeting attended solely by members of the same household, or members of an established exclusive expanded bubble arrangement.
- (b) An event, gathering or meeting which takes place on qualifying premises, and is attended by persons who, where possible, comply with measures intended to maintain social distancing, and in all other circumstances, observe reduced social distancing, and for whom adequate handwashing facilities are provided. Qualifying premises are those used for the purpose of an office, cinema, theatre, school, retail outlet, library, community or youth centre, indoor or outdoor leisure facility, factory, warehouse, place of worship, hotel, guest house, campsite or the provision of sleeping accommodation, board, lodging or board and lodging for reward.

- (c) An event, gathering or meeting which takes place on any premises other than qualifying premises and which is attended by no more than 30 qualified persons. Several conditions apply to this exemption, including the observance of strict social distancing (i.e. 2 metre separation). If strict social distancing cannot be observed, reduced social distancing must be observed (i.e. at least 1 metre separation) and a record kept of the names and addresses or telephone numbers of persons attending the event, gathering or meeting. The record must be retained for 14 days and produced to an authorised person (e.g. a public health officer or police officer, or the Sark Constable).
- (d) An event, gathering or meeting which is authorised by the Authority or the Medical Officer of Health for such purpose, subject to such conditions and for such duration as the Authority or Medical Officer of Health, as the case may be, shall specify in writing.

The Second Annex deals with the compulsory wearing of face coverings. Subject to the exceptions set out in the Annex no person may, without reasonable excuse enter or remain within relevant premises or use a public transport service (as defined for the context of Sark) without wearing a face covering. The Annex also lists circumstances that constitute a reasonable excuse. Relevant premises where wearing is compulsory are listed in Part 2 of the Annex.

The Direction will remain in place from Thursday 25th February 2021 until 2359 hours on Wednesday 3rd March, 2021 unless revoked before that time.