

7 DAY SELF-ISOLATION OPTION

Introduction and legal

This document is a variation, made by the Civil Contingencies Authority ("the CCA") under regulation 3(6)(b)¹ of the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2020 as amended ("the Regulations"), of the requirement of persons arriving in the Bailiwick by air or sea to self-isolate for 14 days, imposed by regulation 3(3) of the Regulations. It is a variation only in relation to the category of case of persons who have been assessed to be eligible for, and have elected to take part in, the 7 day self-isolation option, as that term is defined in this document. The nature of the variation is as specified in this document. A person who is assessed to be eligible and has elected to take part in the 7 day self-isolation option, and so is a person to whom this variation applies, is called a Relevant Person in this document.

If a Relevant Person fails to comply with any of the conditions and restrictions which apply to him or her in respect of the variation, the variation shall lapse as it applies to that person, and he or she is liable to prosecution under the Regulations for that failure to comply. See the *What are the conditions and restrictions that apply to those taking part in the 7 day self-isolation option* section of this variation. In respect of children, see the *Can a child take part in the 7 day self-isolation option* section.

The employer of a Relevant Person may be liable to prosecution if the Relevant Person fails to comply with any of the conditions and restrictions which apply to him or her in respect of the variation. This will be particularly relevant where a Relevant Person returns to work within the 14 day period after having tested negative for COVID-19 on the seventh day of self-isolation – a Relevant Person who works in a nursing, care or residential home or in the Princess Elizabeth Hospital must not return to work at the home or Hospital within the 14 day period (see the *What are the conditions and restrictions that apply to those taking part in the 7 day self-isolation option* section).

A Relevant Person who plans to return to work should inform their employer that they are taking part in the 7 day self-isolation option.

References in this document to the Medical Officer of Health include any person authorised by her to act for the purposes of the Regulations.

Failure without reasonable excuse to comply with the requirement to self-isolate under regulation 3(3) or 3(4) of the Regulations (as varied by this variation) is an offence under regulation 11(2) of the Regulations, and this variation should be construed accordingly.

The 7 day self-isolation option is available from and including **17th August 2020**.

¹ Regulation 3(8)(b) of the Regulations provides that the powers of the CCA under regulation 3(6) include, but are not limited to, powers to shorten the duration of the requirement to self-isolate, either unconditionally or on the MOH being satisfied that one or more specified conditions have been met.

Who is eligible to elect to take part in the 7 day self-isolation option?

To be eligible to take part in the 7 day self-isolation option, you must not have spent any of the period of 7 days immediately before your arrival in the Bailiwick in a place that is a Category A country² (as specified for this purpose on the relevant States of Guernsey website) at the time of your arrival in the Bailiwick. For the avoidance of doubt, if you spent any of the previous 7 days (or any part thereof) in a place that is, at the time of your arrival in the Bailiwick, so specified as a Category A country, you will not be eligible to take part in the 7 day self-isolation option - even if that place was not so specified as a Category A country when you were in it.

The 7 day self-isolation option is not available to anyone arriving in Alderney from outside the Bailiwick (or to anyone travelling on to Alderney from Guernsey), and such a person will not be eligible to take part.

You should note that on arrival in Guernsey, if you express a wish to take part in the 7 day self-isolation option you will be asked about your travel history to assess if you are eligible. It is a criminal offence knowingly or recklessly to give false or misleading answers to these questions.

What happens if I don't want to take part in the 7 day self-isolation option, or I am not eligible?

If you do not wish to take part in the 7 day self-isolation option, or you are assessed to be ineligible to do so, you must self-isolate for 14 days pursuant to, and in accordance with, the requirement imposed by regulation 3(3) of the Regulations.

What does the 7 day self -isolation option involve?

Those individuals who on arrival in the Bailiwick are assessed to be eligible to take part in the 7 day self-isolation option and who so elect ("Relevant Persons") must self-isolate on arrival for seven days. On the seventh day, they will be required to undergo a test for COVID-19.

If the result of that test is negative, the self-isolation requirement will be lifted for the remainder of the 14 day period - subject to the Relevant Person complying with the conditions and restrictions specified in this document.

If the result of that test is positive, the self-isolation requirement will remain in place, and the Relevant Person will be required to comply with all other restrictions and requirements imposed on him or her by the Medical Officer of Health.

² A town, city, area or region can constitute a Category A country (or a Category B or Category C country). If you have spent all of the period of 7 days immediately before your arrival in the Bailiwick in a Category C country (including any time spent in the Bailiwick) you will not have been in an infected area for the purposes of the Regulations, and so will not need to self-isolate at all.

As stated above, if a Relevant Person fails to comply with the conditions and restrictions which apply to him or her in respect of the variation, including (for the avoidance of doubt) the requirement to self-isolate for the 14 day period unless and until the receipt of a negative test result for COVID-19, the variation shall lapse as it applies to that person, and he or she may be liable to prosecution under the Regulations.

For the avoidance of doubt, a person who –

- (a) elects to take part in the 7 day self-isolation option, and
- (b) subsequently decides that he or she does not wish to undertake the test for COVID-19,

will not be required to undertake that test, but he or she will be required to self-isolate for the remainder of the 14 days in accordance with the Regulations.

Can a child take part in the 7 day self-isolation option?

Subject to advice from the Medical Officer of Health in particular cases, a child can take part in the 7 day self-isolation option. In those circumstances, the person with parental responsibility for the child or who has the care or charge of the child for the time being (the child's "responsible adult") is responsible for ensuring that the child complies with the restrictions and conditions set out herein so far as he or she is reasonably able to do so; and a person who fails so to ensure may be liable to prosecution under the Regulations. As regards the section below, and for the avoidance of doubt, a child's responsible adult must, in respect of that child, provide the information required under 1, and (so far as reasonably practicable) keep the record of people referred to at 3.5.

What are the conditions and restrictions that apply to those taking part in the 7 day self-isolation option?

A Relevant Person must remain in self-isolation for the 14 day period unless and until he or she is informed that the result of his or her 7 Day Test (as defined below) is negative. Failure to comply with this requirement is a criminal offence under regulation 11(2) of the Regulations.

Failure to comply, without reasonable excuse, with any of the following conditions and restrictions (including, for the avoidance of doubt, but not limited to, any of 3.1 to 3.7) is a criminal offence under regulation 3(8A) of the Regulations. The text of regulation 3(8A) is set out in the Appendix at the end of this variation.

1. A Relevant Person must provide such information to officers from Public Health, the Guernsey Border Agency and Guernsey Police, and to any other persons authorised in this behalf by the Guernsey Border Agency, as those officers and persons may require in

connection with the operation and enforcement of the 7 day self-isolation option, and must comply with any other direction from those officers in that connection.

2. A Relevant Person must undergo a test for COVID-19 on the seventh day after arrival (or at such other time as the Medical Officer of Health may direct), or else self-isolate for the 14 day period. That test – referred to in this section as a 7 Day Test - will be undertaken at the Princess Elizabeth Hospital³ (or any other site approved for this purpose by the Medical Officer of Health) by a nasopharyngeal swab (or such other test procedure approved for this purpose by the Medical Officer of Health).

3. The requirement to self-isolate for the remainder of the 14 days does not apply to a Relevant Person who has tested negative for COVID-19 on a 7 Day Test if, and only if, the Relevant Person complies with each of the following restrictions during that period -

- 3.1 the Relevant Person must at all times be vigilant for symptoms, however mild, of COVID-19; must report any such symptoms immediately to Public Health; and must comply with any instructions given by Public Health thereafter (which may, for the avoidance of doubt, include an immediate resumption of self-isolation);
- 3.2 the Relevant Person must not enter a nursing, care or residential home without the prior agreement of the manager of the home, received after having informed the manager of the home of his or her status as being subject to these restrictions, and in any event must not return to work in such a home;
- 3.3 the Relevant Person must not, other than in an emergency, enter the Princess Elizabeth Hospital, and in an emergency must give prior notification of his or her status as being subject to these restrictions before entering the Princess Elizabeth Hospital if reasonably practicable in all the circumstances;
- 3.4 the Relevant Person must inform any other healthcare provider of his or her status as being subject to these restrictions when making any appointment for care;
- 3.5 the Relevant Person must, so far as reasonably practicable, keep a record of people met and places visited (to assist with contact tracing if necessary);
- 3.6 the Relevant Person must not travel to Alderney; and
- 3.7 the Relevant Person must comply with any additional conditions and restrictions imposed from time to time by the Medical Officer of Health.

³ In a drive-in procedure, so that the Relevant Person does not have to enter the hospital.

APPENDIX

Extracts from the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2020 as amended

PART I

SCREENING, ASSESSMENT, AND POWERS TO DETAIN ETC.

Imposition of restrictions and requirements.

3.

[...]

(3) *A person who has arrived in the Bailiwick by air or sea and who has left an infected area within the 14 day period immediately preceding the date of his or her arrival in the Bailiwick must self-isolate for 14 days.*

(3A) *On arrival in the Bailiwick from any place outside the Bailiwick, if required a person must –*

(a) *answer any question put to him or her by a relevant officer relating to his or her travel during the 7 day period immediately preceding the date of his or her arrival in the Bailiwick,*

(b) *provide any travel document specified by a relevant officer relating to that person, or a child travelling with that person, for inspection, and*

(c) *answer any question put to him or her by a relevant officer relating to that travel document.*

[...]

(6) *The requirement to self-isolate under paragraph (3) and a requirement to self-isolate imposed under paragraph (4) may be varied –*

- (a) *by the MOH in relation to a particular case, orally or in writing,*
- (b) *by the Authority in relation to or to one or more categories of case, or in relation to all cases, by publication on the relevant States of Guernsey website.*

[...]

(8) *The powers of the MOH and the Authority under paragraph (6) to vary the requirement under paragraph (3) or a requirement imposed under paragraph (4) include (but are not limited to) powers to –*

- (a) *specify exceptions to the requirement to self-isolate, and*
- (b) *shorten the duration of the requirement to self-isolate, either unconditionally or on the MOH being satisfied that one or more specified conditions have been met,*

and such powers may be exercised either in relation to a particular case (as regards the powers of the MOH), or one or more categories of case, or all cases (as regards the powers of the Authority).

(8A) *Without prejudice to the generality of paragraphs (6) and (8), in any case where the Authority varies, under paragraph (6)(b), the requirement to self-isolate under paragraph (3), failure without reasonable excuse to comply with a condition or restriction set out in, and applicable to, that variation of the requirement is an offence if the condition in paragraph (8B) is met.*

(8B) *The condition referred to in paragraph (8A) is that the variation of the relevant requirement as published on the relevant States of Guernsey website provides (however expressed) that failure without reasonable excuse to comply the specified condition or restriction is an offence under this regulation.*