

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) of the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2020 as amended ("the (No. 5) Regulations")¹, 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 (No. 5) Regulations and consequently by regulation 4(1) of the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) Regulations, 2020 ("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 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 (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 4(1) of the Regulations (as varied by this variation) is an offence under regulation 12(2) of the Regulations, and this variation should be construed accordingly.

¹ The (No. 5) Regulations were revoked and replaced by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) Regulations, 2020 ("the Regulations") with effect from 4th September. Notwithstanding that revocation and replacement, the variation continues to have effect in respect of the equivalent provisions of the Regulations by virtue of regulation 22 of the Regulations.

The 7 day self-isolation option is available from and including **17th August 2020**².

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 country³ (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. This is subject to the exemption in Appendix 2 for direct transit through a Category A country.

You should note that on arrival, 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 4(1) 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.

² Note: this variation was amended by the CCA with effect from 3rd September in accordance with regulation 3(8ZC) of the (No. 5) Regulations, with the purpose and effect of making it available to persons arriving in, or travelling on to, Alderney (in addition to other persons arriving in the Bailiwick). It was further amended by the CCA with effect from 5th September in accordance with regulation 4(8) of the Regulations to relax the restrictions in respect of healthcare workers and to facilitate the visiting of seriously ill patients in the Princess Elizabeth Hospital, and to make minor consequential amendments. It was further amended by the CCA with effect from 15th September in accordance with regulation 4(8) of the Regulations to make provision in respect of direct transit (as defined in Appendix 2) through a Category A country, and to make minor consequential amendments.

³ 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.

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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.

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 3.8.

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 12(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 3.9) is a criminal offence under regulation 4(9) of the Regulations. The text of regulation 4(9) is set out in Appendix 1 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 Hospital⁴ (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 restrictions⁵ 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 subject to 3.3, 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;
 - 3.3 if the Relevant Person is a worker at a nursing, care or residential home and the manager of the home agrees, the Relevant Person may enter that home to work, but such work may be carried out only in accordance with a method statement that has been agreed with Public Health;
 - 3.4 subject to 3.5 and 3.6. 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

⁴ In a drive-in procedure, so that the Relevant Person does not have to enter the hospital.

⁵ Note: this list of restrictions was amended by the CCA with effect from 3rd September in accordance with regulation 3(8ZC) of the (No. 5) Regulations, to remove a restriction in respect of travel to Alderney. It was further amended by the CCA with effect from 5th September in accordance with regulation 4(8) of the Regulations to relax the restrictions in respect of healthcare workers, to facilitate the visiting of seriously ill patients in the Princess Elizabeth Hospital, and to make minor consequential amendments.

restrictions before entering the Princess Elizabeth Hospital if reasonably practicable in all the circumstances;

- 3.5 the Relevant Person may enter the Princess Elizabeth Hospital to visit a patient who is seriously ill if the management of the hospital agrees, but such a visit may be undertaken only in accordance with a method statement that has been agreed with the management of the hospital and Public Health;
- 3.6 if the Relevant Person is a worker at the Princess Elizabeth Hospital and his or her line manager agrees, the Relevant Person may enter the hospital to work, but such work may be undertaken only in accordance with a method statement that has been agreed with Public Health;
- 3.7 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;
- 3.8 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); and
- 3.9 the Relevant Person must comply with any additional conditions and restrictions imposed from time to time by the Medical Officer of Health.

APPENDIX 1

Extracts from the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) Regulations, 2020⁶

PART I

SCREENING, ASSESSMENT, AND POWERS TO DETAIN ETC.

Requirement to self-isolate on arrival in the Bailiwick.

4. (1) *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.*

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

- (a) *answer any question put to him or her by a relevant officer relating to his or her travel during the 14 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 As noted previously, the variation was made under the (No. 5) Regulations and continues to have effect by virtue of regulation 22 of the Regulations.

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(4) *The requirement to self-isolate under paragraph (1) and a requirement to self-isolate imposed under paragraph (3) 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.*

(5) *The powers of the MOH and the Authority under paragraph (4) to vary the requirement under paragraph (1) or a requirement imposed under paragraph (3) 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).

(6) *For the avoidance of doubt, and without prejudice to the generality of paragraphs (4) and (5), in any case where the MOH or the Authority varies a requirement to self-isolate under paragraph (1) or imposed under paragraph (3), that variation may be amended in accordance with paragraph (7) or (8) (as the case may be), and if so amended shall be treated for all purposes as continuing to have effect in accordance with its terms.*

(7) *In any case where the MOH has varied such a requirement to self-isolate, the MOH may amend that variation orally or in writing (in a case where the requirement was varied orally), and in writing (in a case where the requirement was varied in writing); and the amendment shall have effect from such time as the MOH may specify.*

(8) *In any case where the Authority has varied such a requirement to self-isolate, the*

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Authority may amend the variation by publication of the variation in amended form on the relevant States of Guernsey website; and the amendment shall have effect from such time as the Authority may specify on the face of the variation as so amended and published.

(9) Without prejudice to the generality of paragraphs (4) and (5), in any case where the Authority varies, under paragraph (4)(b), the requirement to self-isolate under paragraph (1), 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 (10) is met.

(10) The condition referred to in paragraph (9) 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.

APPENDIX 2⁷

Meaning of direct transit through a Category A country

Direct transit through a Category A country does not count as spending time in that Category A country for the purposes of this variation; and as set out in footnote 3, a Category A country can include a town, city, area or region. This Appendix sets out what direct transit means for these purposes, both as regards private vehicles and public transport.

In this Appendix, a "private vehicle" includes a taxi, and references to a private vehicle stopping are to such a vehicle stopping in circumstances where one or more persons alight from, or get into, the vehicle.

Direct transit in a private vehicle means –

- (a) travel in a private vehicle that does not stop at all in the Category A country, or
- (b) travel in a private vehicle that only stops in the Category A country in circumstances where –
 - (i) no new people get into the vehicle, and
 - (ii) no-one in the vehicle gets out, comes within 2 metres of any other person (other than another occupant of the vehicle), and then gets back in again.

Direct transit in public transport means travel on any form of public transport that does not stop at all in the Category A country.

⁷ Appendix 2 was added by amendment of the variation made by the CCA with effect from 15th September.