



Jersey

COVID-19 (CONSTRUCTION WORK) (JERSEY) REGULATIONS 2020

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*Made**22nd April 2020**Coming into force**23rd April 2020*

THE STATES make these Regulations under Article 2 of the Covid-19 (Enabling Provisions) (Jersey) Law 2020¹ –

1 Interpretation

- (1) In these Regulations –
- “Health and Safety Regulations” means the Health and Safety (Management in Construction) (Jersey) Regulations 2016²;
 - “Medical Officer of Health” means a person appointed as such under Article 10 of the Loi (1934) sur la Santé Publique³;
 - “Minister” means the Minister for Health and Social Services;
 - “publish” means publish online or in any other manner appearing to the person publishing to be likely to bring the matter published to the attention of those whom it concerns;
 - “restriction Order” means an Order under Regulation 3;
 - “restriction period” means a period specified under Regulation 3(4);
 - “specified” means specified in a restriction Order.
- (2) In these Regulations the following expressions have the same meaning as in the Health and Safety Regulations –
- (a) “commercial client” and “domestic client”;
 - (b) “construction project”, “major construction project” and “minor construction project”;
 - (c) “construction site”;
 - (d) “construction work”;
 - (e) “contractor” and “relevant contractor”;
 - (f) “in the course or furtherance of a business”.

2 Application of Regulations

- (1) These Regulations apply to construction work (“relevant construction work”) if –
 - (a) it is undertaken during a restriction period; and
 - (b) it does not fall within either or both of paragraphs (2) and (3).
- (2) Construction work falls within this paragraph if, by virtue of Regulation 6 of the Health and Safety Regulations, those Regulations do not apply to it.
- (3) Construction work falls within this paragraph if it is undertaken by a single individual at a construction site at which no other person is present.

3 Order to restrict construction work

- (1) This Regulation applies if the Minister, after consulting the Medical Officer of Health, is satisfied that, in relation to construction work, the risk to public health caused by Covid-19 has reached a level at which it is proportionate and necessary to make a restriction Order.
- (2) The Minister must, before making a restriction Order, consult the Minister for Economic Development, Tourism, Sport and Culture.
- (3) The Minister may, by Order, prohibit or restrict relevant construction work.
- (4) The Order must specify a restriction period by declaring that it starts on a specified date, being no sooner than the coming into force of the Order, and ends –
 - (a) at the end of a period of restricted movement under a specified Order under Regulation 5 of the Covid-19 (Screening, Assessment and Isolation) (Jersey) Regulations 2020⁴, as that Order may be amended from time to time; or
 - (b) at the end of a specified day, being no later than 14 days after the start of the period.
- (5) Despite Article 17 of the Interpretation (Jersey) Law 1954⁵, a provision specifying the end of a period under paragraph (4)(b) may not be amended other than –
 - (a) to declare an earlier end; or
 - (b) to declare a later end, being no later than 14 days after the commencement of each Order making such an amendment.
- (6) Paragraphs (7) to (10) do not limit the application of Article 11(4) of the Interpretation (Jersey) Law 1954 to the power conferred by paragraph (3).
- (7) A restriction Order may include provision to –
 - (a) prohibit all relevant construction work;
 - (b) prohibit all relevant construction work other than –
 - (i) specified work or a specified class of work,
 - (ii) work complying with guidance published by the Minister, the Medical Officer of Health or any other specified person appearing appropriate to the Minister for the purpose,
 - (iii) work complying with any other specified condition; or

- (c) prohibit only specified relevant construction work or only a specified class of relevant construction work.
- (8) Work, or a class of work, may be specified for the purpose of paragraph (7)(b)(i) or 7(c) by reference to –
- (a) the person undertaking the work, including whether that person is a contractor, a principal contractor, a relevant contractor or any other person;
 - (b) the person for whom the work is undertaken, including whether that person is a commercial client, a domestic client or any other person;
 - (c) the nature or location of the work, including whether it is undertaken in the course or furtherance of a business, is undertaken at a person's residence, or otherwise;
 - (d) any construction project to which the work relates, including whether it relates to a major construction project, a minor construction project or any other project;
 - (e) the purpose of the work, including whether the purpose is related to dealing with the outbreak of Covid-19, or to any other interest of Jersey, or to any other matter;
 - (f) a criterion published by the Medical Officer of Health, as that criterion may be from time to time; or
 - (g) any other criterion appearing relevant to the Minister.
- (9) A restriction Order may include provision –
- (a) imposing a condition on the undertaking of the work;
 - (b) requiring a person, having a specified connection to the undertaking of the work, to obtain a permit from the Minister for that work;
 - (c) empowering the Minister to attach a condition to such a permit, or to attach conditions to a class of permit by published notice; or
 - (d) empowering the Minister to cancel such a permit.
- (10) A condition imposed under paragraph (9) may include –
- (a) a requirement as to the space between persons undertaking the work, including as to whether each such person is reasonably able to maintain a specified distance between himself or herself and any other person on the construction site;
 - (b) a requirement to have regard to any relevant guidance issued, before or after the commencement of these Regulations, by the Minister or by the Medical Officer of Health;
 - (c) a requirement to display a permit or other notice; or
 - (d) any other requirement appearing appropriate to the Minister.

4 Offence of undertaking restricted construction work

- (1) A person commits an offence, and is liable to a fine, if the person undertakes restricted construction work.
- (2) Construction work is “restricted construction work” if –
 - (a) it is relevant construction work; and

- (b) it is undertaken in contravention of a restriction Order, or of a condition imposed by or under a restriction Order.
- (3) For the purpose of paragraph (2)(b) a requirement for any person (whether or not the person undertaking the work) to obtain a permit under Regulation 3(9)(b) for the work is to be treated as a condition imposed by or under the restriction Order.

5 Offence of allowing restricted construction work or failing to take reasonable steps to prevent it

- (1) A responsible person commits an offence, and is liable to a fine, if the person –
 - (a) allows another person to undertake restricted construction work; or
 - (b) fails to take reasonable steps to prevent another person from undertaking restricted construction work.
- (2) A person is a “responsible person” if the person is, in relation to the construction work or to the construction project to which the construction work relates –
 - (a) a commercial client; or
 - (b) a relevant contractor.
- (3) In this Regulation “restricted construction work” has the same meaning as in Regulation 4.
- (4) A person assessing the question of whether a step is reasonable, for the purpose of paragraph (1)(b), must have regard to any guidance that –
 - (a) is or was issued, before or after the commencement of these Regulations, by the Minister or by the Medical Officer of Health; and
 - (b) is relevant to the question.

6 Offence of giving false or misleading information

A person commits an offence, and is liable to imprisonment for a term of 2 years and to a fine, if the person knowingly gives false or misleading information in connection with an application for a permit under a restriction Order.

7 Offences by bodies corporate and others

- (1) In this Regulation –
 - “relevant offence” means an offence under these Regulations that is committed by a limited liability partnership, a separate limited partnership, an incorporated limited partnership or another body corporate;
 - “relevant person” means –
 - (a) if the relevant offence is committed by a limited liability partnership, a partner of the partnership;
 - (b) if the relevant offence is committed by a separate limited partnership or an incorporated limited partnership –

- (i) a general partner, or
 - (ii) a limited partner who is participating in the management of the partnership;
 - (c) if the relevant offence is committed by a body corporate other than an incorporated limited partnership –
 - (i) a director, manager, secretary or other similar officer of the body corporate, and
 - (ii) if the affairs of the body corporate are managed by its members, a member who is acting in connection with the member's functions of management; and
 - (d) a person purporting to act in any capacity described in subparagraphs (a) to (c) in relation to the partnership or body that commits the relevant offence.
- (2) If a relevant offence is proved to have been committed with the consent or connivance of a relevant person, that relevant person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
 - (3) Paragraph (4) applies if a relevant offence –
 - (a) is an offence that may be committed by neglect; and
 - (b) is proved to be attributable to any neglect on the part of a relevant person.
 - (4) The relevant person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

8 Citation, commencement and expiry

- (1) These Regulations may be cited as the Covid-19 (Construction Work) (Jersey) Regulations 2020 and come into force on the day after they are made.
- (2) These Regulations expire on 30th September 2020.

L.-M. HART

Deputy Greffier of the States

ENDNOTES**Table of Endnote Reference**

<i>1</i>	<i>L.2/2020</i>
<i>2</i>	<i>chapter 05.300.61</i>
<i>3</i>	<i>chapter 20.875</i>
<i>4</i>	<i>R&O.33/2020</i>
<i>5</i>	<i>chapter 15.360</i>