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COUNCIL OF MINISTERS

(50th Meeting)

(Business conducted by electronic mail)20th March 2020**PART A (Non-Exempt)**

All members were present, with the exception of Senator S.Y. Mézec, Minister for Children and Housing, Senator T.A. Vallois, Minister for Education, Deputy J.A. Martin of St. Helier, Minister for Social Security and Deputy C.F. Labey, Minister for International Development, from whom apologies had been received.

Senator J.A.N Le Fondré, Chief Minister  
 Senator L.J. Farnham, Deputy Chief Minister and Minister for Economic Development, Tourism, Sport and Culture  
 Senator I.J. Gorst, Minister for External Relations  
 Deputy R.J. Renouf of St. Ouen, Minister for Health and Social Services  
 Connétable L. Norman of St. Clement, Minister for Home Affairs  
 Deputy J. H. Young, Minister for the Environment  
 Deputy K.C. Lewis of St. Saviour, Minister for Infrastructure  
 Deputy S.J. Pinel of St. Clement, Minister for Treasury and Resources

In attendance -

P. Bradbury, Head of Ministerial Support, Office of the Chief Executive  
 M. Clark, Clerk to the Council of Ministers

Note: The Minutes of this meeting comprise Part A only.

Emergency legislation relating to COVID-19; decision to lodge 'au Greffe.'

A1. The Council, with reference to its Minute No. B1 of 18th March 2020, considered certain proposed legislative amendments, designed to provide additional flexibility and scope to assist Government departments to tackle the COVID-19 outbreak in Jersey.

The Council acknowledged that multiple challenges arising from the epidemic were continually emerging. An initial tranche of legislative change (comprising matters that could be dealt with by way of Regulation) was proposed, in order to protect the public, facilitate the delivery of essential supplies and mitigate risks to the continuation of public services.

Accordingly, the Council noted the following proposed Regulations:

**Draft Cremation (Suspension and Modification of Regulations – Covid-19) (Jersey) Regulations 202-**

The Regulations would be lodged by the Minister for Health and Social Services and were designed to assist medical practitioners during the period of the Covid-19 epidemic, by removing the requirement for one or both of the certificates and examinations usually required prior to the cremation of a body, significantly reducing the burden on doctors who authorised cremations.

The proposed changes to the process were noted to have been drawn up in collaboration with the Viscount, Superintendent Registrar and medical practitioners involved in delivering the present process;

**Draft Regulation of Care (Standards and Requirements) (Covid-19 - Temporary Amendment) (Jersey) Regulations 202-**

The Regulations, to be lodged by the Chief Minister, would give registered providers of adult day care, care home and home care services flexibility during the COVID-19 outbreak, should their services be affected. Time-limited powers would provide that the Care Commission would be obliged to suspend conditions placed on service providers, if they were unable to meet their usual conditions of service, ensuring that care providers were not at risk of committing a criminal offence. The Regulations also allowed the Care Commission to disapply existing Regulations requiring workers to be suitably qualified, in circumstances when staff were unavailable due to COVID-19 and less experienced or qualified staff could be required to step in. Finally, the Regulations recognised that the Care Commission could be unable to fulfil its legal obligation to conduct inspections due to the risk of spreading the virus or having insufficient staff, and relaxed existing Regulations accordingly;

**Draft Regulation of Care (Amendment of Law) (Covid-19 - Temporary Amendment) (Jersey) Regulations 202-**

The Regulations, to be lodged by the Chief Minister, provided that temporary care accommodation would be exempt from regulation by the Care Commission, which was noted to address the situation whereby a hotel or other facility was requisitioned for the temporary delivery of care;

**Draft Public Finances Law (Amendment of Law) (Jersey) Regulations 202-**

The Regulations, to be lodged by the Minister for Treasury and Resources, would provide the Minister with powers to withdraw amounts from the Consolidated Fund in emergency circumstances arising from the COVID-19 pandemic and introduce associated measures to ensure that appropriate levels of funding were made available for the duration of such circumstances;

**Draft Unlawful Public Entertainments (Amendment) (Jersey) Regulations 202-**

The Regulations, to be lodged by the Minister for Home Affairs, would allow the Bailiff to withdraw permission (or add conditions to a permission that had already been granted) for an event to take place which was not expressly provided for in the triennial regulations governing public events which required the Bailiff's permission. The amendment was intended to regulate large public entertainment events that were due to take place, having already been granted permission, during summer 2020;

**Draft Statutory Nuisances (Amendment) (Jersey) Regulations 202-**

These Regulations, to be lodged by the Minister for the Environment, would amend the Statutory Nuisances (Jersey) Regulations 2017 to create a new statutory nuisance, being any event at which persons gathered, if the event was of such size or duration and was held in such circumstances in relation to potential contamination or infection with COVID-19, as to be prejudicial to health, or constitute a nuisance. The Minister for the Environment would accordingly have the power shut down gatherings of people that health advice suggested should not go ahead;

**Draft Marriage and Civil Status (Amendment of Law) (Covid-19 – Temporary Amendment) (Jersey) Regulations 202-**

The Regulations, to be lodged by the Minister for Home Affairs, would enable certain registration services performed by the Superintendent Registrar to be delivered remotely, by allowing the Superintendent to act as the informant for

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registration purposes. The Regulations would also expedite the conduct of the death registration process by providing that a doctor would be ‘qualified’ to certify cause of death if they had seen the deceased in the previous 28 days (as opposed to the current 14); and

**Draft Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No. 3) Act 202-**  
The Appointed Day Act to be lodged by the Minister for Home Affairs would cause certain provisions of the Criminal Procedure Law to be enacted earlier than previously planned, affording the courts additional flexibility to function, notwithstanding the effects of COVID-19.

The Council accordingly noted the aforementioned draft legislation and endorsed the decision of the responsible Ministers to lodge the various Projets ‘au Greffe,’ for consideration by the States Assembly on 24th March 2020.