

Regulation 5 COVID-19 (Safe Distancing) (Jersey) (Regulations) 2020

Statement by Minister in response to Medical Officer of Health Report no. 1

Date: 15 June 2020

Background to Minister's statement

1. COVID-19 (Safe Distancing) (Jersey) (Regulations) 2020 ("the Regulations") require the Medical Officer of Health (MoH) to report to the Minister for Health and Social Services, at intervals of no more than 14 days,
 - a. changes in the risk of the spread of COVID-19 in Jersey
 - b. the foreseeable likelihood of any change to that risk in the next 14-day period
 - c. whether the MoH recommends that the Minister should consider taking any action with regard to the Regulations.
2. The Minister is required, within a reasonable period, after receiving the MoH report to prepare a statement in response to the MoH report and lay the MoH report and any statement before the Assembly.
3. In accordance with the Regulation, the MoH submitted a report to the Minister on 11 June 2020 (Report 1 attached). The Minister's statement in response to Report 1 is set out below.

Minister's statement

4. I would like to thank Dr Ivan Muscat for his report dated 11 June 2020 (Report 1). Dr Muscat is Deputy Medical Officer of Health and made the report in the absence, on health grounds, of the Medical Officer for Health.
5. In that report, Dr Muscat recommends that the COVID-19 (Safe Distancing) (Jersey) (Regulations) 2020 and the associated offences should, at this point in time, be maintained. Dr Muscat makes that recommendation because, as he states, it cannot yet be known if the move to Level 2 of the Safe Exit framework will impact COVID-19 transmission rates in Jersey. Level 2 commenced on 12 June 2020, the day after Dr Muscat provided Report 1. I accept Dr Muscat's recommendation; I recognise that we

must have some indication of the effect of moving to Level 2 before bringing forward changes to the Regulations.

6. I note that Dr Muscat anticipates that the MoH's follow up report (Report 2) - which must be submitted by 25 June 2020 - may recommend that I, as Minister, take action under Regulation 5 (5). This action could include:
 - a. making an Order to suspend the offences set out in the Regulations, or
 - b. bringing a proposition to the States to amend the offences or repeal the Regulations in their entirety.

7. Dr Muscat also anticipates that, in addition to any recommendation that may be made with regard to the Regulations, public health advice may be amended to recommend that people should maintain at least 1m distance from other people who are not members of the same household, but 2 metres wherever possible.

8. For action to be taken under Regulation 5 (5), I must, in accordance with Regulation 5 (4), be satisfied that the risk of COVID-19 transmission in Jersey, or the foreseeable likelihood of changes to that risk, mean it is no longer proportionate or necessary for a person to be subject to criminal sanction for failure to comply with 2 metres safe distancing. I have therefore asked the MoH consider and address the following points in Report 2, all of which I consider as important in helping meet the requirements of 5 (4):
 - a. the available evidence on the efficacy of 1 metre safe distancing
 - b. the monitoring evidence of changes in COVID-19 transmission that may have arisen from the move to Level 2 (for example, confirmed new cases)
 - c. the appropriate period to monitor evidence of COVID-19 transmission that may have arisen from the move to Level 2
 - d. the potential implications of existing travel restrictions being lifted in Jersey
 - e. any indicators of behaviour changes that could generate risk (for example, reported incidents of gatherings of large groups of people)
 - f. evidence from other key stakeholders, such as States of Jersey Police, about the implications of not legislating for safe distancing
 - g. factors for consideration in relation to children and their wellbeing.

Deputy Richard Renouf
Minister, Health and Social Services