



Jersey

## **REGULATION OF CARE (STANDARDS AND REQUIREMENTS) (COVID-19 – TEMPORARY AMENDMENTS) (JERSEY) REGULATIONS 2020**

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## **REGULATION OF CARE (STANDARDS AND REQUIREMENTS) (COVID-19 – TEMPORARY AMENDMENTS) (JERSEY) REGULATIONS 2020**

*Made*

*24th March 2020*

*Coming into force*

*25th March 2020*

**THE STATES** make these Regulations under Articles 11, 14 and 30(3) of the Regulation of Care (Jersey) Law 2014<sup>1</sup> and after the Chief Minister having consulted the Health and Social Care Commission and in accordance with Article 14(9) –

### **1 Amendment of Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018**

The Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018<sup>2</sup> are amended in accordance with the following provisions of these Regulations.

### **2 Regulation 3A inserted**

After Regulation 3 there is inserted –

#### **“3A Modification of application of Regulation 3 due to outbreak of Covid-19**

- (1) Paragraph (2) applies if –
  - (a) a registered provider is unable to comply with any of the relevant conditions of the provider’s registration imposed under Regulation 3 as a direct or indirect result of the outbreak of Covid-19 in Jersey; and
  - (b) the registered provider notifies the Commission of the conditions that the provider is unable to comply with.
- (2) Where this paragraph applies, the Commission must suspend the imposition of any relevant condition in relation to that registered provider for a period of 3 months if the Commission determines, on the basis of information supplied by the registered provider, that it is proportionate and reasonable to do so.

- (3) Paragraph (2) also applies if, at the end of that and any subsequent 3-month period, paragraph (1)(a) continues to apply and the registered provider again notifies the Commission as required by paragraph (1)(b).
- (4) In this Regulation “relevant conditions” means the conditions set out in Regulation 3(1)(d) to (j).”.

### 3 Regulation 17A inserted

After Regulation 17 there is inserted –

#### “17A Modification of application of Regulation 17 due to outbreak of Covid-19

- (1) Paragraph (2) applies if –
  - (a) a registered person has put in place a plan to mitigate the effects of a shortage of persons who are suitably qualified, skilled, competent and experienced for the duties to which they are assigned as a direct or indirect result of the outbreak of Covid-19 in Jersey; and
  - (b) the registered person has reasonable grounds for declaring to the Commission that, due to that outbreak, the registered person is nevertheless still unable to comply with any relevant requirement.
- (2) Where this paragraph applies, any relevant requirements that the registered person is unable to comply with do not apply to the registered person for a period of 3 months.
- (3) Paragraph (2) also applies if at the end of that or any subsequent 3-month period, the registered person again satisfies the conditions set out in paragraph (1).
- (4) Regulation 17(2) has effect as if after “A person is not a fit person if” there is inserted “the registered person, having made reasonable enquiries of the person knows or has reason to suspect that”.
- (5) In this Regulation “relevant requirements” means the requirements set out in Regulation 17(1)(a), (3) and (4).”.

### 4 Regulation 32A inserted

After Regulation 32 there is inserted –

#### “32A Modification of application of Regulation 32 due to outbreak of Covid-19

The Commission need not comply with Regulation 32(1) if –

- (a) the Commission is unable to carry out the required inspection as a direct or indirect result of the outbreak of Covid-19 in Jersey, whether or not this is due to there being an insufficient number of inspectors available;

- (b) the Commission notifies the Chief Minister of the failure to comply and the reason for it; and
- (c) the required inspection is carried out within 2 years of the date of the last such inspection.”.

## 5 Regulation 34A inserted

After Article 34 there is inserted –

### “34A Expiry of Regulations 3A, 17A and 32A

Regulations 3A, 17A and 32A expire on 30th September 2020.”.

## 6 Citation and commencement

These Regulations may be cited as the Regulation of Care (Standards and Requirements) (Covid-19 – Temporary Amendments) (Jersey) Regulations 2020 and come into force on the day after they are made.

**L.-M. HART**

*Deputy Greffier of the States*

## ENDNOTES

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<i>1</i>	<i>chapter 20.820</i>
<i>2</i>	<i>chapter 20.820.65</i>