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The COVID-19 (Construction Work) (Jersey) Order

APRIL 2020

The COVID-19 (Construction Work) (Jersey) Order 2020 (**Construction Order**) was enacted on 22 April 2020 and applies from 23 April 2020 onwards. The Construction Order will remain in effect until all other COVID-19 restrictions (eg the Stay at Home order) are lifted by the Government.

Under the Construction Order, construction in Jersey can only be undertaken in the following circumstances (unless the site is subject to additional special measures already in place for sites of critical national infrastructure or which provide public services):

- If the construction work is a necessary emergency repair; or
- If the work is exempt because it is undertaken by two individuals only, subject to certain conditions set out below; or
- Where a permit has been granted by the Minister for Health and Social Services (**Minister**) specifically for those works at that site.

Work to be undertaken by two individuals – what are the conditions?

If non-emergency works are to be continued on the basis of the two individuals exemption, the following must be adhered to:

- No more than two people **in total** may be on site at any time. This includes any foreman/site manager/surveyor. If, therefore, a site manager or surveyor is present, they are counted as one of the two persons on site, meaning that only one other person is allowed on site at that time.
- Any occupants of a property being worked on must remain inside the structure (e.g. the house), with all works being undertaken outside the structure. If a construction site is not occupied, work can be undertaken either inside or outside the structure in compliance with the other conditions.
- The two individuals working on the outside of the property must maintain social distancing of at least 2m (6ft) at all times, and must adhere to any further guidance published by the Minister or the Medical Officer for Health.

How to obtain a permit if required

If a contractor cannot continue work using any other exemption under the Construction Order, then it may apply to the Minister for a permit to continue construction works with more than two individuals on site, provided that such works can be done safely and while minimising the risk of spreading COVID-19. The permit

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is specific to particular works at a particular site, and so cannot be transferred from one site or task to another.

The Minister has a discretion regarding whether or not to grant a permit, and may impose conditions he sees fit to reduce the risk of spreading COVID-19. Any conditions imposed by the Minister must be adhered to, along with general conditions that (1) a notice must be displayed outside the site setting out the details of the site and the permit, and (2) the site must be available for inspection by government officials at any time on request. Any permit granted can either be for a specific time period, or indefinite. A permit can be cancelled, after a warning is provided, if any conditions are breached or if it is suspected that work is otherwise being conducted in violation of the permit.

A permit can be applied for here by filling out an online questionnaire providing details about the contractor, the site and the proposed activities, and uploading the following:

- COVID-19 site-specific procedure plan
- COVID-19 project and site-specific risk assessment (this can be included in any wider risk assessment document)
- Site induction documents
- Site layout plan
- Site monitoring documentation

What are the penalties for non-compliance?

If work is undertaken in contravention of a permit or without a permit (other than where another exemption under the Construction Order applies), the persons conducting the works and anyone managing or controlling the construction are guilty of an offence and liable to a fine. It is also an offence to provide false information on an application for a permit, punishable by a fine and up to two years imprisonment.

How Collas Crill can help

We are here to help you during these difficult times. If you need any advice on any aspect of the Construction Order and how it may impact your business and what you need to do, please reach out to any of the contacts below or your usual Collas Crill contact.

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