

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS)
(PASSENGER LOCATOR FORM) (NO.5) REGULATIONS 2021**

LN.2021/057

Commencement **09.01.2021**

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Passenger Information

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In exercise of the powers conferred on her by section 11 of the Civil Contingencies Act 2007, and all other enabling powers, the Minister with responsibility for Civil Contingencies, acting with the consent of the Chief Minister, has made these Regulations-

Title.

1. These Regulations may be cited as the Civil Contingencies Emergency (Coronavirus) (Passenger Locator Form) (No.5) Regulations 2021.

Commencement.

2. These Regulations come into operation on the 9th January 2021 and cease to have effect on 6th February 2021.

Statement in accordance with section 11(2) of the Act.

3. The Minister declares that-

- (a) there is an outbreak of SARS CoV-2 also referred to as Covid-19 (“Coronavirus”) which on the 11th March 2020 the World Health Organisation (WHO) declared to be a pandemic; at the time of the publication of the Civil Contingencies Emergency (Coronavirus) (Passenger Locator Form) (No.4) Regulations 2020 there were more than 68,165,887 confirmed cases globally and more than 1,557,385 people had died; at the time of the publication of these Regulations there were more than 86,436,449 confirmed cases globally and more than 1,884,341 people have died; Coronavirus has, to date, reached 235 countries, areas or territories, and it is therefore necessary to take measures to prevent, mitigate and control the spread of Coronavirus in Gibraltar;
- (b) the conditions in section 12 of the Act are met;
- (c) these Regulations contain only provisions which are appropriate for the purpose of preventing, controlling or mitigating an aspect or effect of the emergency in respect of which the Regulations are made; and
- (d) the effect of these Regulations is in due proportion to that aspect or effect of the said emergency.

Interpretation.

4. In these regulations—

“contact details” means in relation to an air passenger, their telephone number and email address;

“Coronavirus” means the coronavirus (SARS-CoV-2) also known as the coronavirus disease (Covid-19);

“Covid-19 Passenger Locator Form” means the form published electronically by the Minister for the provision of passenger information;

“Gibraltar Airport” has the same meaning as its defined in the Civil Aviation Act 2009;

“air passenger” means a person, other than a child, who arrives in Gibraltar at Gibraltar Airport;

“passenger information” means the information set out in the Schedule;

“place of residence”, in relation to an air passenger, means the place, or places at which the air passenger intends to reside during the relevant period;

“relevant period”, in relation to an air passenger, means—

- (a) the period of 14 days from the date on which the air passenger arrives in Gibraltar;
or
- (b) where the duration of their stay in Gibraltar is less than 14 days, the period of their stay;

“authorised officer” has the meaning assigned to it by regulation 5;

“responsible adult” means, in relation to a child that arrives in Gibraltar at Gibraltar Airport, an air passenger who is travelling with the child and who is responsible, alone or jointly with another person for that child for all or part of the journey by which the child arrives in Gibraltar.

Authorised officers.

5. The following persons (each of whom, in these Regulations, is referred to as an “authorised officer”) are specified as authorised officers for the purposes of these Regulations—

- (a) any person appointed as an immigration officer or principal immigration officer under section 4 of the Immigration, Asylum and Refugee Act; and
- (b) an officer of Public Health Gibraltar.

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Covid-19 Passenger Locator Form.

6.(1) An air passenger shall—

- (a) on or before their arrival in Gibraltar, complete the Covid-19 Passenger Locator Form—
 - (i) in respect of themselves; and
 - (ii) subject to subregulation (2), in respect of any child in relation to whom the air passenger is a responsible adult;
- (b) on arrival in Gibraltar, present themselves to an authorised officer; and
- (c) give to the authorised officer the Passenger Locator Form completed in accordance with paragraph (a).

(2) Where the requirement in subregulation (1)(a)(ii) applies to 2 or more air passengers, in relation to a child, that requirement shall be deemed to be complied with by all such air passengers where a Covid-19 Passenger Locator Form has been completed in respect of the child by any one of the air passengers.

(3) Where an authorised officer suspects, with reasonable cause, that any person in Gibraltar Airport who has not completed a Covid-19 Passenger Locator Form is an air passenger, the authorised officer may request that person to provide such information or documentation to the authorised officer as may reasonably be required in order to ascertain whether or not the person is an air passenger.

(4) A person shall comply with a request under subregulation (3).

(5) A person who does not comply with subregulations (1) and (4) commits an offence.

Provision of information to authorised officer.

7.(1) Where an authorised officer considers it necessary to do so, they may request an air passenger to provide such information or documentation as may be required in order to verify any particular stated on a Covid-19 Passenger Locator Form provided by that air passenger.

(2) Where an authorised officer suspects, with reasonable cause, that the information provided on a Covid-19 Passenger Locator Form is inaccurate, incomplete or misleading, they may request the air passenger who provided the information to clarify the information, or provide such further information or documentation as the authorised officer may reasonably require to ensure that the form is completed accurately.

(3) An authorised officer may, during a relevant period, request an air passenger to confirm—

(a) where the air passenger is—

(i) currently residing; and

(ii) any other residence that the air passenger may reside for the next 14 days; and

(b) where a child, in relation to whom the air passenger has completed a Covid-19 Passenger Locator Form is—

(i) currently residing; and

(ii) any other residence that the child may reside for the next 14 days.

(4) An air passenger shall comply with a request under subregulation (1), (2) or (3).

(5) Subject to subregulation (6), where an air passenger, during a relevant period—

(a) takes up residence in a place other than the place of residence specified in the Covid-19 Passenger Locator Form;

(b) changes their contact details from those provided in the Covid-19 Passenger Locator Form; or

(c) is aware that a child in relation to whom they have completed a Covid-19 Passenger Locator Form has taken up residence in a place other than the place of residence specified in that form,

such that information provided in the Covid-19 Passenger Locator Form completed by the air passenger is no longer accurate, the air passenger shall make reasonable efforts to provide to an authorised officer, in writing, accurate information as to the new place or contact details, or both, as the case may be.

(6) The information that is to be provided in accordance with subregulation (5) shall be provided to an authorised officer by an air passenger—

(a) in the case of information specified in subregulation (5)(a) or (c), before the air passenger, or child as the case may be, has taken up residence in the new place, or as soon as practicable thereafter; or

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(b) in the case of information specified in subregulation (5)(b), as soon as is practicable after the contact details have changed.

(7) A person who does not comply with subregulations (4), (5) or (6) commits an offence.

Data Protection.

8.(1) Personal data provided on the Covid-19 Passenger Locator Form, or otherwise provided to an authorised officer under Regulation 7, may be processed by the Minister for Public Health, the Director of Public Health and one or more relevant persons, for the purposes of—

- (a) recording and verifying information regarding the place of residence of an air passenger, and any child in respect of whom a Covid-19 Passenger Locator Form has been completed, for a period of up to 14 days following the arrival in Gibraltar of such a passenger or child; and
- (b) the identification, tracing and contacting of persons who have been in contact with persons who have been diagnosed, or are suspected of having been infected, with Covid-19.

(2) For the purposes of these Regulations, the Minister for Civil Contingencies, the Minister for Public Health and the Director of Public Health—

- (a) are designated as the data controllers in relation to personal data processed for the purposes of these Regulations; and
- (b) shall put in place appropriate data processing contracts with authorised officers processing personal data under these Regulations.

(3) Subject to subregulations (4) and (5), personal data collected for the purpose of these Regulations shall be permanently deleted no later than 14 days after the air passenger has given a Covid-19 Passenger Locator Form to an authorised officer in accordance with regulation 6.

(4) A data controller may, in exceptional circumstances, extend the 14 day time limit stipulated in subregulation (3) by an additional 14 days.

(5) Notwithstanding subregulations (3) and (4), where personal data collected in accordance with these Regulations are required for the purposes of the prevention, investigation, detection or prosecution of a criminal offence, the data—

- (a) may be processed for as long as they are required for such prevention, investigation, detection or prosecution, and

- (b) shall be permanently deleted after they are no longer required for such prevention, investigation, detection or prosecution.

(6) In this Regulation—

“personal data” has the same meaning it has in the Data Protection Act 2004;

“processing”, in relation to personal data, has the same meaning it has in the Data Protection Act 2004.

Obstruction.

9. A person who obstructs an authorised officer carrying out a function under these Regulations commits an offence.

Penalties.

10. A person who commits an offence under these regulations is liable on summary conviction to a fine up to level 5 on the standard scale.

Fixed penalty notice.

11.(1) An authorised officer may issue a fixed penalty notice to anyone that the authorised officer reasonably believes has committed an offence under these Regulations.

(2) The fixed penalty notice shall offer the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty notice to the clerk of the Magistrates’ Court.

(3) Where a person is issued with a notice under this Regulation in respect of an offence—

- (a) no proceedings may take be taken for the offence before the end of the period of 28 days following the date of the notice; and
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(4) A fixed penalty notice must—

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;

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- (b) state that proceedings cannot be brought against a person for the offence to which the notice relates before the end of the period of 28 days following the date of the notice;
 - (c) specify the amount of the fixed penalty; and
 - (d) state the address of the clerk of the Magistrates' Court to whom the fixed penalty may be paid.
- (5) The amount specified under subregulation (4)(c) shall be £100.
- (6) In any proceedings, a certificate which—
- (a) purports to be signed by or on behalf of the clerk of the Magistrates' Court; and
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate, shall be conclusive evidence of the facts stated.
- (7) In this regulation “authorised officer” includes a police officer.

SCHEDULE

Passenger Information

1. Forename
2. Surname
3. Date of birth
4. Nationality
5. Date and time of arrival at Gibraltar Airport
8. Name of airline
9. Flight number
10. Seat number
11. Airport of departure
12. Contact telephone number in which passenger can be contacted for up to 14 days from the date of arrival at Gibraltar
13. Addresses passenger will be residing at for up to 14 days from the date of arrival at Gibraltar–
 - (a) Addresses in Gibraltar
 - (b) Addresses outside of Gibraltar

(if multiple addresses, include all addresses in the relevant 14 day period)
14. Countries visited in the last 14 days