

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS)
(TEMPORARY RESTRICTIONS ON ENTRY INTO GIBRALTAR AND
TESTING) (NO.5) REGULATIONS 2021**

LN.2021/205

Commencement **27.3.2021**

ARRANGEMENT OF REGULATIONS.

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SCHEDULE

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Civil Contingencies Emergency (Coronavirus) (Temporary Restrictions on Entry into Gibraltar and Testing) (No.5) Regulations 2021

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) (Temporary Restrictions on Entry into Gibraltar and Testing) (No.5) Regulations 2021.

Commencement.

2. These Regulations come into operation on 27th March 2021 and cease to have effect on 24th April 2021.

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

3. The Minister declares that –

- (a) there is an outbreak of 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) (Temporary Restrictions on Entry into Gibraltar and Testing) (No.4) Regulations 2021 there were more than 101,917,147 confirmed cases globally and around 2,205,515 had died; at the time of the publication of these Regulations there are approximately 124,871,140 confirmed cases globally and more than 2,744,543 have died; the virus has so far reached 235 countries, areas or territories, and it is therefore necessary to take measures to prevent, mitigate and control the spread of the virus in Gibraltar;
- (b) she is satisfied, in accordance with section 11 of the Act, that there exists a situation which threatens serious damage to human welfare in Gibraltar and which involves, causes or may cause loss of human life and human illness or injury;
- (c) conditions in section 12 of the Act are met;
- (d) 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
- (e) the effect of these regulations is in due proportion to that aspect or effect of the said emergency.

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Duty to report.

4. Any person entering Gibraltar who has been in a country, territory or area listed in the Schedule in the 14 day period preceding his date of arrival into Gibraltar must, at the point of entry into Gibraltar, report this information to-

- (a) an officer of the Borders and Coastguard Agency, if entering by land or by the Gibraltar airport; or
- (b) an officer of the Gibraltar Port Authority, if entering by vessel.

Temporary restriction on entry into Gibraltar.

5.(1) Subject to subregulation (2), no person-

- (a) travelling by air from the United Kingdom; or
- (b) who has been in a country, territory or area listed in the Schedule in the 14 day period preceding his date of arrival into Gibraltar,

may enter Gibraltar.

(2) Subregulation (1) does not apply to a person (P) if P proves to the satisfaction of an immigration officer that P-

- (a) falls within the definition of a Gibraltarian pursuant to section 4 of the Gibraltarian Status Act;
- (b) is a lawful resident of Gibraltar;
- (c) is a seafarer who-
 - (i) is on transit to a vessel which is berthed or at anchor within British Gibraltar Territorial Waters;
 - (ii) holds a valid seafarer's book; and
 - (iii) has a letter of guarantee from a shipping agent registered in Gibraltar;
- (d) is a Spanish national and is on transit to Spain;

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- (e) intends to transit Gibraltar for the purposes of entering Spain and P-
 - (i) is lawfully resident in Spain, and
 - (ii) is or will be allowed to enter Spain from Gibraltar;
- (f) is carrying out a work activity in Gibraltar or who are taking up employment in Gibraltar;
- (g) is a member of the armed forces and P has been issued with a travel order that states that Gibraltar is P's destination;
- (h) is the holder of a letter, electronic or otherwise, issued by the Borders and Coast Guard Agency granting P leave to enter Gibraltar.

(3) In these Regulations-

“immigration officer” includes an officer of the Borders and Coast Guard Agency and an officer of the Gibraltar Port Authority.

Requirements for a person entering Gibraltar after travelling by air from the United Kingdom.

6.(1) A person (P) entering Gibraltar after travelling by air from the United Kingdom who has not been in a country, territory or area listed in the Schedule in the 14 day period preceding his date of arrival into Gibraltar must—

- (a) undergo a Coronavirus test provided by a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health; or
- (b) provide a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health with a negative Coronavirus PCR test result taken by P within 72 hours prior to their arrival into Gibraltar,

within 24 hours of their arrival into Gibraltar.

(2) If P remains in Gibraltar for 5 days after their arrival, P must undergo an additional Coronavirus test provided by a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health.

(3) In this regulation, “PCR test” means a polymerase chain reaction test

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Requirements for a person entering Gibraltar after being in a country, area or territory listed in the Schedule.

7.(1) Subject to subregulation (4), A person (P) who has been in a country, territory or area listed in the Schedule in the 14 day period preceding their date of arrival into Gibraltar must—

- (a) undergo a Coronavirus test provided by a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health immediately upon their arrival into Gibraltar; and
- (b) upon the completion of the requirement set out in paragraph (a), self-isolate for 14 days.

(2) When required to self-isolate, P must remain in their place of residence at all times except for any of the following purposes—

- (a) to attend a medical or care facility of any kind and howsoever described or an essential services provider, for accessing services provided therein;
- (b) to avoid injury or escape a risk of harm; or
- (c) for any other purpose that is absolutely essential.

(3) Upon completion of the requirement set out in subregulation (1)(b), P must undergo an additional Coronavirus test provided by a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health.

(4) The Civil Contingencies Coordinator, on the advice of the Director of Public Health, may issue alternative requirements in writing to P and where P has been issued with said alternative requirements, subregulation (1) does not apply.

Appeals.

8. A person in relation to whom a requirement is imposed under these Regulations may appeal to the magistrates' Court against that requirement.

Offences.

9. A person who—

- (a) provides false or misleading information intentionally or recklessly to any person carrying out a function under these Regulations;

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(b) obstructs, without reasonable excuse, any person carrying out a function under these Regulations; or

(c) contravenes these Regulations,

commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.

Relationship with Immigration, Asylum and Refugee Act.

10.(1) Where a person “P” has contravened the provisions of regulation 5 and irrespective of whether P has been prosecuted for that offence under these Regulations-

(a) for the purposes of the Immigration, Asylum and Refugee Act, the Principle Immigration Officer is deemed to have declared P to be a prohibited immigrant pursuant to section 52(1); and

(b) all the powers under that Act are available as regards P.

(2) The provisions in Part IV (EEA Nationals and Family Members, Swiss Posted Workers) of the Immigration, Asylum and Refugee Act are modified to the extent required to give effect to regulation 5.

Application.

11.(1) Regulation 6 does not apply to a person who-

(a) is a seafarer that is the subject of any Coronavirus protocol issued by the Captain of the Port; or

(b) has been in a relevant area within the last 14 days.

(2) For the purposes of this regulation “relevant area” has the same meaning as in the Civil Contingencies Emergency (Coronavirus Infection Risks Mitigation and Control Measures No.12) Regulations 2021.

Amendment to Civil Contingencies Emergency (Coronavirus Infection Risks Mitigation and Control Measures No.12) Regulations 2021.

12.(1) The Civil Contingencies Emergency (Coronavirus Infection Risks Mitigation and Control Measures No.12) Regulations 2021 are amended in accordance with this section.

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(2) In regulation 3, subregulation (1), in the definition to “relevant area”, in paragraph (d) for “No.4” substitute “No.5”.

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SCHEDULE

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Argentina
Bolivia
Botswana
Brazil
Burundi
Cape Verde
Chile
Colombia
Democratic Republic of Congo
Ecuador
Eswatini
French Guiana
Guyana
Lesotho
Malawi
Mozambique
Namibia
Panama
Paraguay
Peru
Rwanda
Seychelles
South Africa
Suriname
Tanzania
United Arab Emirates
Uruguay
Venezuela
Zambia
Zimbabwe