

Subsidiary Legislation made under s.11.

CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (HEALTH PROTECTION MEASURES NO.3) REGULATIONS 2020

LN.2020/556

Commencement **27.12.2020**

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title.
2. Commencement and expiry.
3. Statement in accordance with section 11(2) of the Act.
4. Protection of persons.
5. Police powers.
6. Fixed penalty notice.
7. Consultation where practicable.

2007-14

Civil Contingencies

2020/556

Civil Contingencies Emergency (Coronavirus) (Health Protection Measures No.3) Regulations 2020

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) (Health Protection Measures No.3) Regulations 2020.

Commencement and expiry.

2. These Regulations come into operation on 27th December 2020 and shall cease to have effect on 11th January 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 publication of these Regulations there are more than 79,062,802 confirmed cases globally and more than 1,751,311 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) 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) on the advice of the Attorney General the measures contained in these Regulations are proportionate and compatible with the Gibraltar Constitution;
- (d) the conditions in section 12 of the Act are met;
- (e) the measures provided for are directed at the protection of public health in order to protect and prevent persons from contracting or spreading Coronavirus;
- (f) 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
- (g) the effect of these Regulations is in due proportion to that aspect or effect of the said emergency.

Protection of persons.

4.(1) Subject to subregulation (2), a person (P), for the purposes of the protection of the health of P and others from Coronavirus, is prohibited from being in a place other than a place of residence between the hours of 10pm and 6am except for when P is-

- (a) delivering food;
- (b) in employment or self-employed or is the holder of a public office, and is travelling to or from work;
- (c) exercising a dog outdoors;
- (d) in need of medical attention;
- (e) to provide care to a person where P is the carer of a person with a disability or who is a vulnerable person;
- (f) on the autism spectrum or has a learning disability and may need to temporarily leave their place of residence on account of said disability;
- (g) at risk of injury or death; or
- (h) doing so with the prior approval of the Office of the Civil Contingencies Coordinator and subject to such conditions as may be specified in writing.

(2) Subregulation (1) does not apply between the hours of 10pm on the 31st December 2020 and 6am on the 1st January 2021.

(3) A person may be required to provide evidence of the employment or self-employment referred to in subregulation 1(b), being registered in Gibraltar.

(4) A person who fails to comply with or contravenes this regulation commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.

(5) For the purposes of these Regulations, “Coronavirus” means SARS-CoV-2 or Covid-19.

Police powers.

5.(1) This regulation applies if a police officer has reasonable grounds to suspect that a person (“P”) is in breach of the provisions of regulation 4.

(2) A police officer may-

2007-14

Civil Contingencies

2020/556

Civil Contingencies Emergency (Coronavirus) (Health Protection Measures No.3) Regulations 2020

- (a) require P to answer any questions to enable the police officer to ascertain who P is and whether P falls within the exceptions set out in regulation 4; and
- (b) direct P to go immediately to a place of residence; or
- (c) detain and convey P to a place of residence.

(3) The power in subregulation (2) may be exercised where P is at any place other than a place of residence.

(4) For the purpose of exercising the power in subregulation (2), a police officer may enter any place other than a residence.

(5) A police officer may use reasonable force, if necessary, in the exercise of a power under this regulation.

Fixed penalty notice.

6.(1) A police officer may issue a fixed penalty notice to anyone that the police 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 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 be taken for the offence before the end of the period of 28 days following the date of the notice;
- (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;
- (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;

- (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.

Consultation where practicable.

7. Unless it is not practicable to do so, the Chief Minister will consult with the Leader of the Opposition prior to the Minister for Civil Contingencies making new regulations amending, extending or replacing the effect of these Regulations.