

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (BIRTHS AND DEATHS) (MEDICAL CERTIFICATES, EXAMINATIONS AND THE CORONER) (NO.16) REGULATIONS 2021**

**LN.2021/279**

*Commencement* **28.5.2021**

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## **Civil Contingencies**

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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) (Births and Deaths) (Medical Certificates, Examinations and the Coroner) (No.16) Regulations 2021.

#### **Commencement and expiry.**

2. These Regulations come into operation on 28<sup>th</sup> May 2021 and cease to have effect on 25<sup>th</sup> June 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) (Births and Deaths) (Medical Certificates, Examinations and the Coroner) (No.15) Regulations 2021 there were more than 148,329,348 confirmed cases globally and more than 3,128,962 people had died; at the time of the publication of these Regulations there were more than 167,958,998 confirmed cases globally and more than 3,492,673 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, 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) the 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

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- (e) the effect of these Regulations is in due proportion to that aspect or effect of the said emergency.

*Registration of births and deaths*

**Giving information other than in person and dispensing with signing the register.**

4.(1) A qualified informant who is required under the Births and Deaths Registration Act to give information, or to make a declaration, about a birth or death to the Registrar must give the information or make the declaration-

- (a) by electronic means; or
- (b) by any other method specified by the Registrar,

and in such form and manner as the Registrar may specify.

(2) Any duty in the Births and Deaths Registration Act on a qualified informant to –

- (a) sign the Register in the presence of the Registrar;
- (b) personally make and sign a declaration before the Registrar; or
- (c) attend personally at the registry office,

does not apply.

(3) For the purposes of the Births and Deaths Registration Act, an entry in a register of births or deaths for which, by virtue of this regulation, no signature is required is to be treated as an entry signed by a qualified informant in the presence of, or personally made before, the Registrar.

(4) Section 15(3) of the Births and Deaths Registration Act does not apply.

(5) In this regulation and in regulation 5-

“qualified informant” means, in relation to a birth or death, a person who is required or stated to be qualified by the Births and Deaths Registration Act to give information, or to make a declaration, concerning that birth or death;

“birth” includes still-birth;

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“Registrar” has the meaning given in section 2 of the Births and Deaths Registration Act.

#### **Delivery of documents by alternative methods.**

5.(1) Any document relating to a birth or death that is required or permitted by or under the Births and Deaths Registration Act to be delivered or transmitted to the Registrar, must be delivered or transmitted by electronic means or by such other means as the Registrar may specify.

(2) Any other document, not falling within subregulation (1), relating to a birth or death that is required or permitted by or under the Births and Death Registration Act may be delivered by electronic means.

(3) The delivery of a signed copy of a document by electronic means shall be deemed for the purposes of the Births and Deaths Registration Act to be delivery of the original or hard copy of the document.

(4) Any reference in the Births and Deaths Registration Act to “sign”, and related expressions, includes an electronic signature.

(5) An application under section 9 of the Crematoria Act 2008 for a cremation authorisation, including any accompanying documents, must be made or delivered to the Registrar by electronic means or by such other means as the Registrar may specify.

(6) The granting of a cremation authorisation under the Crematoria Act 2008 may be made or delivered by electronic means.

(7) The delivery of a signed copy of a document by electronic means shall be deemed for the purposes of the Crematoria Act 2008, and regulations made under it, to be delivery of the original or hard copy of the document.

(8) Any reference in the Crematoria Act 2008, or regulations made under it, to “sign”, and related expressions, includes an electronic signature.

(9) Where any form prescribed for use in connection with a provision of the Births and Deaths Act or the Crematoria Act 2008 is inconsistent with a modification made by these Regulations, the form may, in connection with the provision as so modified, be used with appropriate amendments.

#### *Medical certificates*

#### **Medical certificates of cause of death.**

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6.(1) A registered medical practitioner (“X”) who is not the practitioner who was present at the death of the deceased person (“D”) or who attended D during D’s last illness may sign a certificate under section 21 of the Births and Deaths Registration Act if-

- (a) D has died of natural causes;
- (b) the practitioner who was present at the death of D or who attended D is unable to sign the certificate or it is impractical for that practitioner to sign the certificate; and
- (c) X is able to state to the best of X’s knowledge and belief the cause of death.

(2) A registered medical practitioner (“P”) may sign a certificate under section 21 of the Births and Deaths Registration Act, even in the case of a person who has not been attended during that person’s last illness by a registered medical practitioner, if the deceased person has died of natural causes and P is able to state to the best of P’s knowledge and belief the cause of death.

(3) Where a registered medical practitioner proposes to sign a certificate under section 21 of the Births and Deaths Registration Act in reliance on subregulation (1) or (2) Form D in Schedule 1 to the Births and Deaths Registration Rules has effect as if-

- (a) the line beginning with “Last seen” were omitted; and
- (b) the words “I was in medical attendance during the above named deceased’s last illness, and that” were omitted.

(4) Where a registered medical practitioner signs a certificate under section 21 of the Births and Deaths Registration Act in reliance on subregulation (1) or (2) –

- (a) the practitioner is subject to the other duties applicable to a person who has signed such a certificate; and
- (b) in a subregulation (1) case, the practitioner who was present at the death of the deceased or who attended the deceased during the last illness of the deceased is not subject to any duties in relation to such a certificate.

(5) Section 21 of the Births and Deaths Registration Act shall have effect as if–

- (a) for the words “within twenty-four hours after such death” there were substituted “as soon as practicable”; and

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(b) the words from “and in default thereof” to the end were deleted.

(6) Where a registered medical practitioner signs a certificate under section 21 in reliance on subregulation (1) or (2), rule 6(1) of the Births and Deaths Registration Rules does not apply.

### *Examination of deceased persons*

#### **Examination of deceased persons.**

7.(1) During such time as these Regulations are in force, it shall be lawful for a registered medical practitioner employed by the Gibraltar Health Authority to conduct an examination on any deceased person that has died in Gibraltar.

(2) In subregulation (1) “examination” means any of the following-

- (a) taking swabs;
- (b) taking scans including computed tomography imaging, magnetic resonance imaging and x-rays;
- (c) taking blood;
- (d) taking samples-
  - (i) of bodily fluids; and
  - (ii) for toxicology testing.

(3) Subregulation (1) does not apply to any deceased person that appears to have died an unexplained or unnatural death, or has died a sudden death of which the cause is unknown or has died in prison, or in such place, or under such circumstances as to require an inquest under any enactment.

#### **Duty to preserve.**

8.(1) This regulation applies to a case where an examination has been undertaken pursuant to regulation 7 and the Coroner has been notified by a registered medical practitioner of the circumstances touching on the death of the deceased.

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(2) Where subregulation (1) applies the Gibraltar Health Authority must ensure that all medical notes, scans and the results of the examination undertaken pursuant to regulation 7 are preserved in a secure manner until such time as the Coroner issues a direction to the Medical Director.

(3) A direction under subregulation (2) must state-

- (a) that the Coroner no longer requires the retention of medical notes etc; or
- (b) that the Coroner does require the retention of the medical notes and the direction may make provision as to what further steps must be taken by the Medical Director.

*The Coroner*

**Coroner Act.**

9.(1) For the purposes of section 3(1) of the Coroner Act, more than one Deputy Coroner may be appointed.

(2) Section 3(2) of the Coroner Act shall have effect as if the words “In the event of the death, resignation absence or incapacity from whatsoever cause of the Coroner,” were omitted.

(3) For the purposes of section 6(2)(b) of the Coroner Act, Coronavirus is not a disease notice of which is required to be given to a government department or to any inspector or other officer of a government department.

(4) For the purposes of section 7 of the Coroner Act –

- (a) the requirement in subsection (1) for the Coroner to view the body does not apply; and
- (b) subsection (2) shall have effect as if the words “after he has viewed the body” were omitted.

(5) For the purposes of the Coroner Act, the reference to a “post-mortem examination” includes a computed tomography scan, magnetic resonance imaging or such other kind of examination as the Coroner may direct.

(6) Rule 7(1) of the Coroners Rules 1953 as applied by rule 2 of the Coroner Rules shall have effect as if the words “or, in the case of a post-mortem examination consisting of a

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computed tomography scan or magnetic resonance imaging, in such form as may be approved by the Coroner” were inserted after “like effect”.

(7) In this regulation, “Coronavirus” means SARS-CoV-2 or Covid-19.

### **Expiry.**

10. The expiry of these Regulations does not affect the validity of anything done pursuant to these Regulations.