

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4746 GIBRALTAR Friday 31st July 2020

LEGAL NOTICE NO. 272 OF 2020

CIVIL CONTINGENCIES ACT 2007

CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (BUSINESSES AND RESTRICTIONS) (NO.3) (AMENDMENT) 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) (Businesses and Restrictions) (No.3) (Amendment) Regulations 2020.

Commencement.

2. These Regulations come into operation on the day of publication.

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 these Regulations there are approximately more than 17,064,000 confirmed cases globally and around 668,000 people have died; the virus has so far reached 216 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) 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.

Amendment of Civil Contingencies Emergency (Coronavirus) (Businesses and Restrictions) (No.3) Regulations 2020.

4. (1) The Civil Contingencies Emergency (Coronavirus) (Businesses and Restrictions) (No.3) Regulations 2020 are amended in accordance with this regulation.

(2) In regulation 4-

(a) before the definition of “officer” insert-

““mask” means a covering of any type which covers a person’s nose and mouth;”;

(b) after the definition of “officer” insert-

““public service vehicle” has the meaning given in section 2 of the Traffic Act 2005.”.

(3) In regulation 6-

(a) renumber regulation 6 as “6.(1)”;

(b) delete the words “where social distancing is not possible,”

(c) insert the following after the newly renumbered regulation 6(1)-

“(2) An employee of a business referred to in subregulation (1) must wear a mask at all times whilst on the premises of such business.”.

(4) In regulation 7-

(a) renumber regulation 7 as “7.(1)”;

(b) insert the following after the newly renumbered regulation 7(1)-

“(2) An employee of a business referred to in subregulation (1) must wear a mask at all times whilst on the premises of such business.”.

(5) For regulation 12(2) substitute the following-

“(2) A permit issued under subregulation (1) shall-

(a) be subject to a condition that employees wear masks at all times;

(b) be subject to such other conditions as may be specified in the permit,

and any conditions may be varied, added or removed.

(2A) An employee of a business referred to in subregulation (1) must wear a mask at all times whilst on the premises of such business, including any outdoor area or terrace.”.

(6) In regulation 12(7) after “regulation” insert “but this does not preclude a police officer from enforcing this regulation”.

(7) After regulation 12 insert-

“Exceptions to requirement to wear a mask.

12A. The requirement in regulation 6, 7 and 12 for an employee (“X”) to wear a mask does not apply–

- (a) if it is reasonably necessary for X to eat or drink;
- (b) where X removes the mask to take medication;
- (c) where X removes the mask to avoid harm or injury or the risk of harm of injury.”.

(8) After regulation 13 insert the following-

“Public Service Vehicles.

13A.(1) No person may, without reasonable excuse, drive or use a public service vehicle without wearing a mask.

(2) The requirement in subregulation (1) does not apply-

- (a) to a child under the age of 11;
- (b) to a police officer acting in the course of his duty;
- (c) to an emergency responder acting in their capacity as an emergency responder.

(3) For the purposes of subregulation (1), the circumstances in which a person (“P”) has a reasonable excuse include those where-

- (a) P cannot put on, wear or remove a mask because of any physical or mental illness or impairment or disability;
- (b) P is travelling with, or providing assistance to another person (“B”) and B relies on lip reading to communicate with P;
- (c) P is travelling to avoid injury, or to escape a risk of harm, and does not have a mask with them.

- (4) In this regulation, “emergency responder” means a person employed for the purposes of providing, or engaged to provide, medical, ambulance or paramedic services.”.

(9) After regulation 15 insert the following-

“Fixed penalty notice.

15A.(1) An authorised person 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 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.

(7) In this regulation “authorised person” means-

- (a) a police officer;
- (b) an Environmental Health Officer or an Assistant Environmental Health Officer.”.

Dated: 31st July 2020.

S SACRAMENTO,
Minister with responsibility for Civil Contingencies.

EXPLANATORY MEMORANDUM

These Regulations amend the Civil Contingencies Emergency (Coronavirus) (Businesses and Restrictions) (No.3) Regulations 2020.