

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4766 GIBRALTAR Friday 25th September 2020

LEGAL NOTICE NO. 334 OF 2020.

CIVIL CONTINGENCIES ACT 2007

CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (BUSINESSES AND RESTRICTIONS) (NO.5) (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.5) (Amendment) Regulations 2020.

Commencement.

2. These Regulations come into operation on the 26th of September 2020.

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 more than 32,029,704 confirmed cases globally and more than 979,212 people had 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.

Amendment to the Civil Contingencies Emergency (Coronavirus) (Businesses and Restrictions) (No.5) Regulations 2020.

4.(1) The Civil Contingencies Emergency (Coronavirus) (Businesses and Restrictions) (No.5) Regulations 2020 are amended in accordance with this Regulation.

(2) In regulation 4–

(a) in the definition of “public service vehicle”, for “2005.” substitute “2005;”; and

(b) insert the following definition after the definition of “public service vehicle”–

““treatment” any treatment or service above the neck.”.

(3) In regulation 7–

(a) in subregulation (1), insert the following paragraph after paragraph (c)–

“(ca) that no person, without reasonable excuse, is allowed to enter or remain on the premises unless such person is wearing a mask or they are receiving treatment;”; and

(b) insert the following after subregulation (2)–

“(3) A person who is not an employee of a business referred to in subregulation (1) must wear a mask at all times whilst on the premises of such business, unless that person–

(a) has a reasonable excuse for not doing so; or

(b) is receiving treatment.

(4) The requirements in subregulations (1)(ca) and (3) do not apply–

(a) to a child who is 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.

(5) For the purposes of subregulations (1)(ca) and (3) 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.

(6) In subregulation (4)(c) “emergency responder” means a person employed for the purposes of providing, or engaging to provide, medical, ambulance or paramedic services.”.

(4) Renumber regulation 8 as regulation 8. (1).

(5) In the newly renumbered regulation 8–

(a) in subregulation (1)–

(i) substitute the following for paragraph (c)–

“that employees wear masks at all times”; and

(ii) insert the following paragraph after paragraph (c)–

“(ca) that no person, without reasonable excuse, is allowed to enter or to remain on the premises unless a person is wearing a mask; and”;
and

(b) insert the following after subregulation (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.

(3) A person who is not an employee of a business referred to in subregulation (1) must wear a mask at all times whilst on the premises of such business, unless that person has a reasonable excuse for not doing so.

(4) The requirements in subregulations (1)(ca) and (3) do not apply–

(a) to a child who is 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.

(5) For the purposes of subregulations (1)(ca) and (3) 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.

(6) In subregulation (4)(c) “emergency responder” means a person employed for the purposes of providing, or engaging to provide, medical, ambulance or paramedic services.”.

(6) In regulation 9–

(a) in subregulation (1)–

(i) substitute the following for paragraph (c)–

“that employees wear masks at all times”; and

(ii) insert the following paragraph after paragraph (c)–

“(ca) that no person, without reasonable excuse, is allowed to enter or to remain on the premises unless such person is wearing a mask or they are receiving treatment; and”;

(b) insert the following after subregulation (1)–

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

(c) substitute subregulation (2) with the following–

“(2) A person who is not an employee of a business referred to in subregulation (1) must wear a mask at all times whilst on the premises of such business, unless that person–

(a) has a reasonable excuse for not doing so; or

(b) is receiving treatment.”.

(7) Renumber regulation 10 as regulation 10. (1).

(8) In the newly renumbered regulation 10–

(a) in subregulation (1)–

(i) substitute the following for paragraph (c)–

“that employees wear masks at all times”; and

(ii) insert the following paragraph after paragraph (c)–

“(ca) that no person, without reasonable excuse, is allowed to enter or to remain on the premises unless such person is wearing a mask; and”; and

(b) insert the following after subregulation (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.

(3) A person who is not an employee of a business referred to in subregulation (1) must wear a mask at all times whilst on the premises of such business, unless that person has a reasonable excuse for not doing so.

(4) The requirements in subregulations (1)(ca) and (3) do not apply–

- (a) to a child who is 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.

(5) For the purposes of subregulations (1)(ca) and (3) 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.

(6) In subregulation (4)(c) “emergency responder” means a person employed for the purposes of providing, or engaging to provide, medical, ambulance or paramedic services.”.

(9) In regulation 11–

- (a) in subregulation (4)(b), after “subregulation” insert “(4A) or”; and
- (b) insert the following after subregulation (4)–

“(4A) A person responsible for carrying on a business or providing the facilities in subregulation 1(a) must ensure that–

- (a) employees wear masks at all times;
- (b) no person, without reasonable excuse, is allowed to enter or to remain on the premises unless such person is wearing a mask; and
- (c) the conditions of a permit issued under subregulation (1) are complied with.

(4B) An employee of a business referred to in subregulation (1)(a) must wear a mask at all times whilst on the premises of such business.

(4C) A person who is not an employee of a business referred to in subregulation (1)(a) must wear a mask at all times whilst on the premises of such business, unless that person has a reasonable excuse for not doing so.

(4D) The requirements in subregulations (4A)(b) and (4C) do not apply–

- (a) to a child who is 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.

(4E) For the purposes of subregulations (4A)(b) and (4C) 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.

(4F) In subregulation (4D) “emergency responder” means a person employed for the purposes of providing, or engaging to provide, medical, ambulance or paramedic services.”.

(10) In regulation 12–

- (a) substitute the following for subregulation (2)–

“(2) A permit issued under subregulation (1) shall be subject to such conditions as may be specified in the permit and any conditions may be varied, added or removed.”;

(b) insert the following after subregulation (2);

“(2A) A person responsible for carrying on a business referred to in subregulation (1) must ensure that;

(a) subject to subregulation (8E), employees wear masks at all times;

(b) no person, without reasonable excuse, is allowed to enter or to remain on the premises unless such person is wearing a mask or they are seated at a table; and

(c) the conditions of a permit issued under subregulation (1) are complied with.”;

(c) in subregulation (3), for “An employee” substitute “Subject to subregulation (8E), an employee”;

(d) in subregulation (5)(b), after “subregulation” insert “(2A) or”; and

(e) insert the following after subregulation (8)–

“(8A) A person who is not an employee of a business referred to in subregulation (1) must wear a mask at all times whilst on the premises of such business, unless that person –

(a) has a reasonable excuse for not doing so; or

(b) is seated at a table.

(8B) The requirement in subregulations (2A)(b) and (8A) do not apply–

(a) to a child who is 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.

(8C) For the purposes of subregulation (2A)(b) and (8A) 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.

(8D) In subregulation (8B) “emergency responder” means a person employed for the purposes of providing, or engaging to provide, medical, ambulance or paramedic services.

(8E) The Director of Public Health may issue an exemption to a person referred to in subregulation (1) exempting them and their employees from the requirement to wear a mask in any kitchen on the premises of the business.”.

(11) In regulation 13–

(a) substitute the following for subregulation (1)–

“(1) A person responsible for carrying on a business engaged in the sale of food or drink for consumption off the premises must ensure that–

- (a) employees wear masks at all times; and
- (b) no person, without reasonable excuse, is allowed to enter or to remain on the premises unless such person is wearing a mask.”;

(b) substitute the following for subregulation (2)–

“(2) A person who is not an employee of a business referred to in subregulation (1) must wear a mask at all times whilst on the premises of such business, unless that person has a reasonable excuse for not doing so.”;

(c) insert the following after subregulation (2)–

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

(d) in subregulation (3), for “subregulation (2)” insert “subregulations (1), (2) and (2A)”;

(e) in subregulation (4) for “requirement in subregulation (2) does” substitute “requirements in subregulations (1)(b) and (2) do”.

(12) In regulation 14, for “6, 7, 12 and 13” substitute “6 to 13”.

Dated: 25th September 2020

S SACRAMENTO,
Minister with responsibility for Civil Contingencies.

EXPLANATORY NOTE

These Regulations amend the Civil Contingencies Emergency (Coronavirus) (Businesses and Restrictions) (No.5) Regulations 2020.

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