

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS)
(CATERING AND OTHER ESTABLISHMENTS) (CONSTRUCTION
AND SHIPBUILDING AND REPAIR) (NO.3) REGULATIONS 2020**

LN.2020/173

		<i>Commencement</i>	6.5.2020
Amending enactments	Relevant current provisions	Commencement date	
LN.2020/182	r. 6A	14.5.2020	

ARRANGEMENT OF REGULATIONS.

Regulation

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2020/173 **Civil Contingencies Emergency (Coronavirus) (Catering and Other Establishments) (Construction and Shipbuilding and Repair) (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) (Catering and Other Establishments) (Construction and Shipbuilding and Repair) (No.3) Regulations 2020.

Commencement and expiry.

2. These Regulations come into operation on 6th May and will cease to have effect on 4th June 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 publication of the Civil Contingencies Emergency (Coronavirus) (Catering and Other Establishments) (Construction and Shipbuilding and Repair) (No.2) Regulations 2020 there were more than 1,100,000 confirmed cases globally and more than 63,000 people had died; at the time of the publication of these Regulations there are more than 3,489,000 confirmed cases globally and more than 241,500 people have died; Coronavirus has, to date, reached 215 countries, areas or territories, and it is therefore necessary to take measures to prevent, mitigate and control the spread of Coronavirus in Gibraltar;
- (b) 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.

Closure of certain establishments.

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4.(1) The following establishments must at all times remain closed to any member of the public-

- (a) restaurants;
- (b) bars;
- (c) cafeterias;
- (d) discotheques/nightclubs;
- (e) gymnasiums;
- (f) any other establishments that the Minister by notice in the Gazette includes within these Regulations.

(2) Subregulation (1) does not prevent any establishment from operating a kitchen for the purposes of the sale or supply of food and beverages to consumers for consumption off the premises (that is as a takeaway meal) or through a home delivery service provider.

(3) In subregulation (1)(e) “gymnasiums” means a gymnasium that-

- (a) is open to any member of the public whether on the payment of a fee or otherwise;
- (b) is accessible to members, whether or not also accessible to members of the public.

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

(5) If an offence under this regulation committed by a corporate body is proved-

- (a) to have been committed with the consent or connivance of; or
- (b) to be attributable to any neglect on the part of,

an officer, the officer as well as the corporate body commits the offence and is liable to be proceeded against and punished accordingly.

(6) In subregulation (5), “officer” means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity and if the affairs of a corporate body are managed by its members, “director” means a member of that body.

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Exceptions to regulation 4.

5. Regulation 4 does not apply to-

- (a) a restaurant in a hotel which only serves food and beverages to the guests of that hotel;
- (b) the restaurant in the Gibraltar International Airport that is located airside, after passport and security controls; and
- (c) messing facilities within the Ministry of Defence estate which serve food and beverages to persons entitled to use such facilities (but this does not exempt a bar within that estate)-.

Shops and other businesses: restrictions and conditions.

6.(1) A person responsible for carrying on a business as a retail shop must ensure-

- (a) that the shop remains closed for the purpose of serving retail customers on the premises other than between the hours of 10am and 5.30pm;
- (b) that hand sanitising facilities are provided at the point of entry and exit to the premises;
- (c) so far as it is reasonably practicable, that persons on the premises are able to practice social distancing from each other;
- (d) where social distancing is not possible, that employees wear masks at all times; and
- (e) compliance with any recommendations or instructions from the Director of Public Health.

(2) Subregulation (1)(a) shall not apply to –

- (a) supermarkets, grocery stores, bakers, confectioneries, butchers, fishmongers, health shops and pharmacies;
- (b) petrol stations, port and bunkering activities; or
- (c) motor vehicle dealers.

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(3) A person responsible for carrying on a business as a hair or beauty salon must ensure—

- (a) that customers attend by appointment only;
- (b) that hand sanitising facilities are provided at the point of entry and exit to the premises;
- (c) that employees wear masks at all times;
- (d) that measures are put in place to ensure that good hygiene is maintained; and
- (e) compliance with any recommendations or instructions from the Director of Public Health.

(4) A person responsible for carrying on a business that is an estate agent must ensure-

- (a) so far as it is reasonably practicable, that persons on the premises are able to practice social distancing from each other;
- (b) that hand sanitising facilities are provided at the point of entry and exit to the premises;
- (c) where social distancing is not possible or when carrying out a visit to a property, that employees wear masks at all times; and
- (d) compliance with any recommendations or instructions from the Director of Public Health.

(5) A person responsible for carrying on a business that provides dental services, opticians, chiropractors, osteopaths or other medical or health services must ensure—

- (a) so far as it is reasonably practicable, persons on the premises where the services are available are able to practice social distancing from each other;
- (b) that hand sanitising facilities are provided at the point of entry and exit to the premises;
- (c) where social distancing is not possible, that employees wear masks at all times; and
- (d) compliance with any recommendations or instructions from the Director of Public Health.

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- (6) A person responsible for carrying on a business as a motor vehicle dealer must ensure—
- (a) so far as it is reasonably practicable, that persons on the premises are able to practice social distancing from each other;
 - (b) that hand sanitising facilities are provided at the point of entry and exit to the premises;
 - (c) where social distancing is not possible, that employees wear masks at all times; and
 - (d) compliance with any recommendations or instructions from the Director of Public Health.
- (7) A personal trainer—
- (a) may only offer classes or training—
 - (i) outdoors;
 - (ii) to no more than two persons at a time and who are from the same household;
 - (b) must ensure that social distancing is maintained between the personal trainer and any client and from other persons; and
 - (c) must ensure compliance with any recommendations or instructions from the Director of Public Health.
- (8) A person who contravenes the provisions of this regulation commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.
- (9) If an offence under this regulation committed by a corporate body is proved—
- (a) to have been committed with the consent or connivance of; or
 - (b) to be attributable to any neglect on the part of,
- an officer, the officer as well as the corporate body commits the offence and is liable to be proceeded against and punished accordingly.

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(10) In this regulation-

“a person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;

“employee” includes a self-employed person;

“officer” means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity and if the affairs of a corporate body are managed by its members, “director” means a member of that body.

Temperature screening.

6A.(1) Where the Director of Public Health issues a recommendation or instruction regarding the taking of the temperature of any person for the purposes of protecting public health from the effects of the Coronavirus, any data shall be deemed to have been processed under their legitimate interest to protect their employees and anyone attending their premises-

- (a) if a notice is placed at the entrance to the premises informing persons that their temperature is to be taken; and
- (b) no record is kept of the person’s temperature.

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

Construction and shipbuilding repairs.

7.(1) Unless authorised by virtue of a certificate issued by the Chief Technical Officer-

- (a) all construction sites and sites used for shipbuilding and repair must at all times remain closed; and
- (b) no construction work or shipbuilding or repairs shall be carried out except in cases of emergency.

(2) A certificate issued by the Chief Technical Officer under subregulation (1), may be subject to such conditions as may be specified therein.

(3) A person who contravenes the provisions of this regulation commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.

(4) If an offence under this regulation committed by a body corporate is proved-

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(a) to have been committed with the consent or connivance of; or

(b) to be attributable to any neglect on the part of,

an officer, the officer as well as the corporate body commits an offence and is liable to be proceeded against and punished accordingly.

(5) In subregulation (4), “officer” has the same meaning as it has in regulation 4(6).