

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4829 GIBRALTAR Friday 26th February 2021

LEGAL NOTICE NO. 159 OF 2021.

CIVIL CONTINGENCIES ACT 2007

CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (BUSINESSES AND RESTRICTIONS) (NO.11) (AMENDMENT) REGULATIONS 2021

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.11) (Amendment) Regulations 2021.

Commencement.

2. These Regulations come into operation on 1st March 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 the publication of these Regulations there are more than 112,456,453 confirmed cases globally and more than 2,497,514 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) 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 Civil Contingencies Emergency (Coronavirus) (Businesses and Restrictions) (No.11) Regulations 2021.

4.(1) The Civil Contingencies Emergency (Coronavirus) (Businesses and Restrictions) (No.11) Regulations 2021 are amended in accordance with this regulation.

(2) Substitute the following for regulation 5–

“Closure of certain establishments.

5. The following establishments must at all times remain closed to any member of the public–

- (a) discotheques/nightclubs; and
- (b) any other establishments that the Minister by notice in the Gazette includes within this Regulation.”.

(3) After regulation 11, insert–

“Restaurants, cafeterias and bars.

11A.(1) A person responsible for carrying on a business of a restaurant, cafeteria or bar where food or drink is sold for consumption on the premises requires a permit from the Director of Public Health.

(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.

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

- (a) subject to subregulation (14), 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.

(4) Subject to subregulation (14), 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.

(5) The duration of a permit issued under subregulation (1) shall be as specified in the permit.

(6) Failure to comply with-

- (a) a condition of a permit issued under subregulation (1); or
- (b) a provision of subregulation (3) or (8),

constitutes reasonable grounds for suspension or revocation of the permit by the Director of Public Health.

(7) Failure to comply with a condition of a permit issued under subregulation (1) on three occasions within a period of 14 days shall result in the immediate revocation of the permit by the Director of Public Health.

(8) A person referred to in subregulation (1) must-

- (a) keep a daily list of the name and contact telephone number of all the customers who have booked a table at the restaurant, cafeteria or bar;
- (b) keep such list for 10 days from the date for which the table was booked;
- (c) where the Director of Public Health requests a copy of the daily list for a particular day for contact tracing purposes, that list must be provided to the Director of Public Health without undue delay.

(9) The list referred to in subregulation (8) must be destroyed at the end of the 10 days after the date for which the table was booked.

(10) 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.

(11) The requirement in subregulations (3)(b) and (10) 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.

(12) For the purposes of subregulation (3)(b) and (10) 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.
- (13) In subregulation (11) “emergency responder” means a person employed for the purposes of providing, or engaging to provide, medical, ambulance or paramedic services.
- (14) 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.
- (15) The Chief Environmental Health Officer and the Environmental Health Officers are responsible for the enforcement of this regulation but this does not preclude a police officer from enforcing this regulation.
- (16) The Chief Environmental Health Officer and the Environmental Health Officers shall have all the powers conferred upon them by the Food and Drugs Act for the purposes of subregulation (15).
- (17) This regulation shall not apply-
- (a) to the restaurant in the Gibraltar International Airport that is located airside, after passport and security controls; and
 - (b) in respect of the sale or supply of food or drink to customers for consumption off the premises.”.

Dated: 26th February 2021.

S SACRAMENTO,
Minister with responsibility for Civil Contingencies.

EXPLANATORY MEMORANDUM

These Regulations amend the Civil Contingencies Emergency (Businesses and Restrictions) (No.11) Regulations 2021.