

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS)
(RESTRICTION ON CONSUMPTION OF ALCOHOL IN PUBLIC
PLACES) (No.5) REGULATIONS 2020**

LN.2020/448

		<i>Commencement</i>	12.12.2020
Amending enactments	Relevant current provisions	Commencement date	
LN.2020/469	s. 5(1), (1A)	18.12.2020	

ARRANGEMENT OF REGULATIONS.

Regulation

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(Restriction on Consumption of Alcohol in Public Places)
(No.5) 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) (Restriction on Consumption of Alcohol in Public Places) (No.5) Regulations 2020.

Commencement.

2. These Regulations come into operation on the 12th December 2020 and cease to have effect on 9th January 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) (Restriction on Consumption of Alcohol in Public Places) (No.4) Regulations 2020 there were more than 52,177,708 confirmed cases globally and more than 1,286,063 people had died; at the time of the publication of these Regulations there were more than 68,165,877 confirmed cases globally and more than 1,557,385 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.

Interpretation.

4. In these Regulations-

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“Coronavirus” means SARS-CoV-2 or Covid-19;

“licensed premises” means any premises which are subject to a permit for the consumption of alcohol under an enactment; and

Restriction on Consumption of Alcohol in Public Places

5.(1) Subject to subregulations (1A) and (2), any person who, between the hours of 7pm and 8am –

- (a) consumes alcohol in a public place; or
- (b) is found to be in possession of an open container containing alcohol in a public place,

shall be guilty of an offence and liable on summary conviction to a fine at level 5 on the standard scale.

(1A) Subject to subregulation (2), any person who, between 4pm on the 24th December 2020 and 8am on the 25th of December 2020 –

- (a) consumes alcohol in a public place; or
- (b) is found to be in possession of an open container containing alcohol in a public place,

shall be guilty of an offence and liable on summary conviction to a fine at level 5 on the standard scale.

(2) It shall not be an offence against these regulations to do anything in any public place which is licensed premises.

Presumptions.

6.(1) This regulation applies for the purposes of any proceedings for an offence against these Regulations.

(2) Any liquid found in a container shall, subject to the provisions of this regulation, be presumed to conform to the description of the liquid on the container.

(3) A container which is found to contain–

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- (a) no liquid; or
- (b) insufficient liquid to permit analysis,

shall, subject to the provisions of this regulation, be presumed to have contained at the time of the alleged offence liquid which conformed to the description of the liquid on the container.

(4) A person shall not be entitled to lead evidence for the purpose of rebutting a presumption mentioned in subregulation (2) or (3) above, unless, not less than 7 days before the date of the proceedings, he has given notice to the prosecutor of his intention to do so.

Fixed penalty notice.

7.(1) An authorised officer 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;

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(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 officer" means a police officer.