

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (HEALTH
PROTECTION MEASURES) (70s AND OVER) REGULATIONS 2020**

LN.2020/154

Commencement **15.4.2020**

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Regulation

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Civil Contingencies Emergency (Coronavirus) (Health Protection Measures) (70s and Over) 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) (Health Protection Measures) (70s and Over) Regulations 2020.

Commencement and expiry.

2.(1) These Regulations come into operation on 15 April 2020 and shall be reviewed every 7 days.

(2) These Regulations cease to have effect on 15 May 2020, or such earlier date as the Minister deems to be appropriate following a review under subregulation (1).

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 11 March 2020 the World Health Organisation (WHO) declared to be a pandemic; at the time of the publication of the Civil Contingencies Emergency (Coronavirus) (Health Protection Measures) Regulations 2020 on 16th March 2020 there were approximately 164,000 confirmed cases globally and around 6,400 people had died; at the time of publication of these Regulations there are more than 1,848,400 confirmed cases globally and more than 117,200 people have died; Coronavirus has, to date, reached 213 countries, areas or territories, and it is therefore necessary to take measures to prevent, mitigate and control the spread of Coronavirus in Gibraltar;
- (b) she is satisfied, in accordance with section 11 of the Act, that there exists a situation which threatens serious damage to human welfare in Gibraltar and which involves, causes or may cause loss of human life and human illness or injury;
- (c) on the advice of the Attorney General the measures contained in these Regulations are proportionate and compatible with the Gibraltar Constitution;
- (d) the measures provided for are directed at protecting persons aged 70 years and older who, on medical advice, are considered to be a class of persons who are particularly vulnerable to Coronavirus;
- (e) the conditions in section 12 of the Act are met;

- (f) 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
- (g) the effect of these Regulations is in due proportion to that aspect or effect of the said emergency.

Protection of persons aged 70 or over.

4.(1) Any person (P) who is aged 70 or over, for the purposes of the protection of their health from Coronavirus, is prohibited from leaving their place of residence except for any of the following purposes-

- (a) to purchase food, beverages, pharmaceutical products or such other essential items;
- (b) to attend a medical or care facility of any kind and howsoever described or an essential services provider, for accessing services provided therein;
- (c) if they are in employment or self-employed, to go to their place of work;
- (d) to provide care to a person where P is the carer of a person with a disability or who is a vulnerable person;
- (e) to go to a bank or other financial institution;
- (f) to exercise a dog outdoors provided that P is during that time not accompanied by any other person;
- (g) the exercise of any ministerial or parliamentary duties;
- (h) any case where P is at risk of injury or death; or
- (i) any other activity that is absolutely necessary.

(2) A person who fails to comply with or contravenes this regulation is liable to a civil penalty of £250.

(3) Any of the following persons may issue a civil penalty under subregulation (2)-

- (a) an environmental health officer;
- (b) an assistant environmental health officer;

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(c) any other person authorised by the Minister.

(4) A civil penalty issued under this regulation may be recovered as a civil debt owed to the Government of Gibraltar.

Disapplication of exceptions.

5.(1) The exceptions in paragraphs (a) and (c) to (g) of regulation 4(1) shall not apply to-

(a) a person (P) who is diagnosed as having the Coronavirus or who has been advised by the Gibraltar Health Authority or the Director of Public Health to self-isolate; or

(b) a member of P's household to whom these Regulations apply,

for the period that P is required or advised by the Gibraltar Health Authority or the Director of Public Health to self-isolate.

(2) For the purposes of these Regulations, "Coronavirus" means SARS-CoV-2 or Covid-19.

Appeal of civil penalty.

6. A person on whom a civil penalty has been imposed in accordance with regulation 4 may appeal to the Magistrates' Court and on hearing such appeal the court may confirm or quash the penalty.

Police Powers.

7.(1) This regulation applies if a police officer has reasonable grounds to suspect that a person ("P") is in breach of the provisions of regulation 4.

(2) A police officer may-

(a) require P to answer any questions to enable the police officer to ascertain who P is and whether P falls within the exceptions set out in regulation 4; and

(b) direct P to go immediately to P's residence.

(3) The power in subregulation (2) may be exercised where P is at any place other than P's residence.

(4) For the purpose of exercising the power in subregulation (2), a police officer may enter any place other than a residence.

Consultation where practicable.

8. Unless it is not practicable to do so, the Chief Minister will consult with the Leader of the Opposition prior to the Minister for Civil Contingencies making new regulations extending or replacing the effect of these Regulations.

Amendment of the Civil Contingencies Emergency (Coronavirus)(Health Protection Measures No.2) Regulations 2020.

9. Regulation 8 of the Civil Contingencies Emergency (Coronavirus)(Health Protection Measures No.2) Regulations 2020 are amended by inserting “(70s and Over)” after “(Health Protection Measures)”.