

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4746 GIBRALTAR Friday 31st July 2020

LEGAL NOTICE NO. 271 OF 2020

CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS INFECTION RISKS MITIGATION AND CONTROL MEASURES NO.3) (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 Infection Risks Mitigation and Control Measures No.3) (Amendment) Regulations 2020.

Commencement.

2. These Regulations come into operation on the day of publication.

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 approximately more than 17,064,000 confirmed cases globally and around 668,000 people have died; the virus has so far reached 216 countries, areas or territories, and it is therefore necessary to take measures to prevent, mitigate and control the spread of the virus in Gibraltar;
- (b) the conditions in section 12 of the Act are met;
- (c) on the advice of the Attorney General the measures contained in these Regulations are proportionate and compatible with the Gibraltar Constitution;
- (d) 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
- (e) 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 Infection Risks Mitigation and Control Measures No.3) Regulations 2020.

4. (1) The Civil Contingencies Emergency (Coronavirus Infection Risks Mitigation and Control Measures No.3) Regulations 2020 are amended in accordance with this regulation.

(2) After regulation 15 insert the following Part-

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**Part 3A
Testing and Certificates**

Testing of samples.

15A.(1) Where a sample is taken of a person (“P”) by, or provided by P to, a private clinic or pharmacy for the purpose of establishing whether P is infected or contaminated with Coronavirus, the sample must be sent to the Public Health Laboratory for processing as specified by the Director of Public Health.

(2) A sample under subregulation (1) may not, without the authority of the Director of Public Health, be sent to be processed to an establishment or facility outside Gibraltar.

(3) The fee for the processing of a sample by the Public Health Laboratory from a private clinic or pharmacy is of £135 per sample.

(4) In this regulation-

“private clinic” means a non-GHA establishment or facility that is devoted to the diagnosis and care of patients and in which services are provided by qualified health professionals; and

“GHA” means the Gibraltar Health Authority.

Certificate of Testing.

15B. A person who has taken a diagnostic test for Coronavirus provided by the Gibraltar Health Authority or the Director of Public Health shall, on the payment of a fee of £30, be provided with a certificate setting out the results of such test.

Recovery of fees.

15C. The fees payable under these Regulations may be recovered as a civil debt owed to the Government.”.

(3) In regulation 18 –

(a) after subregulation (4) insert –

“(4A) A person who contravenes regulation 15A(2) commits an offence.”;

- (b) in subregulation (5) for “subregulation (1), (2), (3) or (4)” substitute “this regulation”.

Dated: 31st July 2020.

S SACRAMENTO,
Minister with responsibility for Civil Contingencies.

EXPLANATORY MEMORANDUM

These Regulations amend the Civil Contingencies Emergency (Coronavirus Infection Risks Mitigation and Control Measures No.3) Regulations 2020.