

Subsidiary Legislation made under s.11.

**Civil Contingencies Emergency (Coronavirus)
(Requirements on Entry into Gibraltar and Testing)
(No.12) Regulations 2022**

LN.2022/351

Commencement **2.1.2023**

ARRANGEMENT OF REGULATIONS

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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) (Requirements on Entry into Gibraltar and Testing) (No.12) Regulations 2022.

Commencement.

2. These Regulations come into operation on 2nd January 2023 and cease to have effect on 27th January 2023.

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 Organization (WHO) declared to be a pandemic; at the time of the publication of these Regulations there are approximately 651,918,402 confirmed cases globally and around 6,656,601 people have died; the virus has so far reached 235 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) 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) conditions in section 12 of the Act are met;
- (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.

Interpretation.

4. In these Regulations–

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“approved private test provider” means a private test provider that has been approved by the Director of Public Health;

“Coronavirus” means the coronavirus (SARS-CoV-2) also known as the coronavirus disease (Covid-19);

“PCR test” means a polymerase chain reaction test.

Duty to report.

5. Any person entering Gibraltar who has been in China or the special administrative regions of Macao or Hong Kong in the 14 day period preceding their date of arrival into Gibraltar must, at the point of entry into Gibraltar, report this information to-

- (a) an officer of the Borders and Coastguard Agency, if entering by land or by the Gibraltar airport; or
- (b) an officer of the Gibraltar Port Authority, if entering by vessel.

Air travel requirements after being in China or the special administrative regions of Macao or Hong Kong.

6.(1) Subject to subregulation (2), a person travelling by air into Gibraltar after being in China or the special administrative regions of Macao or Hong Kong in the 14 day period preceding their date of arrival must satisfy the requirements in regulation 8.

- (2) This regulation does not apply to a person under the age of 8.

Land or sea travel requirements after being in China or the special administrative regions of Macao or Hong Kong.

7.(1) Subject to subregulation (4), a person travelling by land or sea into Gibraltar after being in China or the special administrative regions of Macao or Hong Kong in the 14 day period preceding their date of arrival must comply with the conditions in subregulation (2) or regulation 8.

- (2) In complying with the conditions set out in this subregulation, a person must–
 - (a) book a PCR test with an approved private test provider based in Gibraltar prior to their arrival into Gibraltar;

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- (b) take the test referred to in paragraph (a) within 24 hours of their arrival into Gibraltar; and
 - (c) self-isolate.
- (3) The self-isolation period referred to in subregulation (2)(c) ends when the person taking the PCR test receives confirmation of a negative coronavirus PCR test result from the approved private test provider.
- (4) This regulation does not apply to a person under the age of 8.

Testing requirements.

8.(1) For the purposes of regulations 6(1) and 7, a person (P) who has been in China or the special administrative regions of Macao or Hong Kong in the 14 day period preceding their date of arrival into Gibraltar must, upon their arrival, provide an immigration officer with a negative coronavirus PCR test result.

(2) The PCR test taken to provide the negative coronavirus PCR test result referred to in subregulation (1) must have been taken by P within the 48-hour period prior to P's arrival into Gibraltar.

- (3) The PCR test result referred to in subregulation (1) must include—
- (a) P's name as it appears on their travel documentation;
 - (b) P's date of birth or age;
 - (c) the negative result of the PCR test;
 - (d) the date the test sample was collected or received by the company or business administering the PCR test;
 - (e) the name and contact details of the company or business that carried out the PCR test.

Requirement to self-isolate.

9.(1) A person who is required to self-isolate under these Regulations must remain in a place of residence at all times except for any of the following purposes—

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- (a) to avoid injury or escape a risk of harm; or
 - (b) in order to take PCR test in accordance with these Regulations.
- (2) A person who is required to self-isolate under these Regulations must remain in a single place of residence.
- (3) For the purposes of this regulation, “place of residence” includes temporary accommodation such as, but not limited to a hotel or hostel.

Children.

10.(1) An individual who has responsibility for a child must, so far as reasonably practicable, secure that the child complies with any direction, instruction, requirement or restriction given to or imposed on the child under these Regulations.

(2) An individual who has responsibility for a child must provide to a person exercising a power under these Regulations such information and assistance in relation to the child as is reasonably necessary and practicable in the circumstances.

(3) A power under these Regulations to direct or require a child to self-isolate may instead be exercised by directing or requiring an individual who has responsibility for the child to ensure the child self-isolates.

(4) Where a child has a right of appeal under these Regulations, the right may be exercised by an individual who has responsibility for the child.

(5) For the purposes of these Regulations an individual has responsibility for a child—

- (a) if the individual has custody or charge of the child for the time being; or
- (b) if the individual has parental responsibility for the child (within the meaning of the Children Act 2009).

(6) In these Regulations—

“adult” means a person aged 18 or over;

“child” means a person under the age of 18.

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Appeals.

11. A person in relation to whom a requirement is imposed under these Regulations may appeal to the magistrates' Court against that requirement.

Offences.

12. A person who—

- (a) provides false or misleading information intentionally or recklessly to any person carrying out a function under these Regulations;
- (b) obstructs, without reasonable excuse, any person carrying out a function under these Regulations; or
- (c) contravenes these Regulations,

commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.

Fixed penalty notice.

13.(1) A police officer may issue a fixed penalty notice to anyone that the police officer reasonably believes has committed an offence under regulation 12 by not complying with regulations 5, 6, 7, 8, 9 or 10.

(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—

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- (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;
 - (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 £300.
- (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.

Application.

14. These Regulations do not apply to seafarers that are the subject of any Coronavirus protocol issued by the Captain of the Port.