

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4759 GIBRALTAR Tuesday 8th September 2020

LEGAL NOTICE NO. 306 OF 2020

CIVIL CONTINGENCIES ACT 2007

CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (RESTRICTIONS ON GATHERINGS NO.4) (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) (Restrictions on Gatherings No.4) (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 27,205,200 confirmed cases globally and more than 890,300 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) 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 conditions in section 12 of the Act are met;

- (e) 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
- (f) 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) (Restrictions on Gatherings No.4) Regulations 2020.

4.(1) The Civil Contingencies Emergency (Coronavirus) (Restrictions on Gatherings No.4) Regulations 2020 are amended in accordance with the provisions of this regulation.

(2) In regulation 4-

(a) after subregulation (3) insert the following –

“(3A) Where the Commissioner of Police reasonably believes that a gathering in a public place of more than twenty people is intended to be held, he may give a direction to the persons organising or taking part in the gathering to not hold or attend said gathering.

(3B) A direction given under subregulation (3A) must be given in writing.

(3C) A person who–

(a) organises; or

(b) takes part in,

a gathering that is the subject of a direction given under subregulation (3A) commits an offence.

(3D) A person who encourages or assists another to commit the offence described in subregulation (3C)(b) commits an offence.”;

(b) in subregulation (4)-

(i) for “this regulation” substitute “subregulation (1) or (2)”; and

(ii) after “a police officer” insert “under subregulation (3)”; and

(c) after subregulation (4) insert-

“(4A) A person who commits an offence under subregulation (3C) or (3D) is liable on summary conviction to a fine up to level 5 on the standard scale or imprisonment for a term not exceeding 3 months.”.

(3) After regulation 4 insert-

“Fixed Penalty Notice.

5.(1) A police officer may issue a fixed penalty notice to anyone that the police 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;
- (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 –

- (a) £100 for an offence committed under regulation 4(4); and
- (b) £1000 for an offence committed under regulation 4(3C) or 4(3D).

(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.”.

Dated: 8th September 2020.

S SACRAMENTO,
Minister with responsibility for Civil Contingencies.

EXPLANATORY MEMORANDUM

These Regulations amend the Civil Contingencies Emergency (Coronavirus) (Restrictions on Gatherings No.4) Regulations 2020.

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