

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS)
(RETURNING SCHOLARSHIP HOLDERS) (NO.5) REGULATIONS
2021**

LN.2021/132

Commencement **13.2.2021**

ARRANGEMENT OF REGULATIONS.

Regulation

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2007-14

Civil Contingencies

2021/132 Civil Contingencies Emergency (Coronavirus) (Returning Scholarship Holders) (No.5) Regulations 2021

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) (Returning Scholarship Holders) (No.5) Regulations 2021.

Commencement.

2. These Regulations come into operation on 13th February 2021 and cease to have effect on 13th March 2021.

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 the Civil Contingencies Emergency (Coronavirus) (Returning Scholarship Holders) (No.4) Regulations 2021 there were more than 91,492,507 confirmed cases globally and more than 1,979,507 people had died; at the time of the publication of these Regulations there are more than 106,991,090 confirmed cases globally and more than 2,347,015 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) 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.

Interpretation.

4. In these Regulations-

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

Requirements for scholarship holders.

5.(1) A person (“P”) who is on a scholarship from the Department of Education must–

- (a) prior to or upon their immediate return to Gibraltar after a period of study, inform a person authorised in writing by the Director of Public Health of their return to Gibraltar;
- (b) upon their immediate return to Gibraltar after a period of study, allow a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health to take a biological sample of P, including a sample of P’s respiratory secretions, saliva or blood, by appropriate means including by swabbing P’s nasopharyngeal cavity or provide such a sample to a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health;
- (c) upon the immediate completion of the requirement set out in paragraph (b), self-isolate for 5 days;
- (d) upon the immediate completion of the requirement set out paragraph (c), allow a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health to take a biological sample of P, including a sample of P’s respiratory secretions, saliva or blood, by appropriate means including by swabbing P’s nasopharyngeal cavity or provide such a sample to a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health; and
- (e) upon the immediate completion of the requirement set out in paragraph (d), self-isolate until informed by a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health that the sample taken or provided under paragraph (d) returned a negative result for coronavirus.

(2) When required to self-isolate, P must remain in their place of residence at all times except for any of the following purposes–

- (a) to attend a medical or care facility of any kind and howsoever described or an essential services provider, for accessing services provided therein;
- (b) to avoid injury or escape a risk of harm; or
- (c) for any other purpose that is absolutely essential.

Appeals.

6. A person in relation to whom a restriction or requirement is imposed under these Regulations may appeal to the magistrates' court against that requirement or restriction.

Penalties.

7. 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 the provisions of 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.

8.(1) An authorised person 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;
 - (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 person" means a police officer.