

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS)
(TEMPORARY REGISTRATION OF MEDICAL PRACTITIONERS
ETC.) (NO.5) REGULATIONS 2020**

LN.2020/281

Commencement **9.8.2020**

ARRANGEMENT OF REGULATIONS.

Regulation

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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) (Temporary Registration of Medical Practitioners etc.) (No.5) Regulations 2020.

Commencement and expiry.

2. These Regulations come into operation on 9th August 2020 and cease to have effect on 6th September 2020.

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) (Temporary Registration of Medical Practitioners etc.)(No.4) Regulations 2020 there were more than 11,874,200 confirmed cases globally and more than 545,400 had died; at the time of the publication of these Regulations there are more than 19,261,600 confirmed cases globally and more than 717,700 people have died; Coronavirus has, to date, reached 216 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) 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

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

Interpretation.

4. In these Regulations—

“Board” means the Medical Registration Board established under section 4 of the Medical and Health Act, or the Nurses and Midwives Registration Board established under section 25 of the Medical and Health Act, as the circumstances may require;

“to register” and “registration” mean a temporary registration permitted by these Regulations.

Temporary registration of persons in the register of medical practitioners, dentists, pharmacists and allied health professionals.

5.(1) The Board may temporarily include a person on the relevant part of the register of medical practitioners, dentists, pharmacists and allied health professionals if the Board is satisfied that the person—

- (a) holds or has held qualifications or training that the Board considers are suitable having regard to the intended area of practice; and
- (b) is a fit and proper person,

and in determining whether a qualification is suitable the Board must have regard to whether the qualifications or training (and where appropriate taken together with any relevant experience) entitle or are intended to entitle that person to practise in the State in which the qualifications were conferred.

(2) The Board must include an annotation in the register denoting that a person has been registered by virtue of this regulation.

(3) The registration of a person under this regulation has effect subject to any restrictions and conditions imposed by the Board and the Board may at any time vary or revoke such restrictions or conditions or add new restrictions or conditions.

(4) A person’s registration ceases to have effect at the earliest of—

- (a) the revocation of these Regulations;

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(b) the cancellation of the registration by the Board,

but the registration does not cease to have effect if these Regulations expire by operation of law and are replaced by regulations in similar terms.

(5) A provision of the Medical and Health Act requiring fees to be paid upon registration is modified so that no fees are payable in respect of a person registered by virtue of this regulation.

(6) The Medical and Health (Licence to Practise and Revalidation) Rules 2014 do not apply to a person registered by virtue of these Regulations.

(7) If a person breaches a condition of that person's registration the Board must cancel the registration.

(8) Section 45 of the Medical and Health Act (Appeal from decision of the Board) does not apply where the Board—

(a) has refused to register a person; or

(b) has cancelled a person's registration,

in accordance with the provisions of this regulation.

Temporary registration of persons in the register of nurses, midwives and health visitors.

6.(1) The Board may temporarily include a person on the relevant part of the register of nurses, midwives and health visitors if the Board, having regard to any conditions it is likely to impose, considers that the person is a fit, proper and suitably experienced person to be registered as a member of the profession in question.

(2) The Board must include an annotation in the register denoting that a person has been registered by virtue of this regulation.

(3) The registration of a person under this regulation has effect subject to any conditions imposed by the Board and the Board may at any time vary or revoke such a condition or add new conditions.

(4) A person's registration ceases to have effect at the earliest of—

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but the registration does not cease to have effect if these Regulations expire by operation of law and are replaced by regulations in similar terms.

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