

Subsidiary Legislation made under s.8(1).

Appropriation (Business Grant Terms COVID-19) Regulations 2020

LN.2020/270

Commencement

31.7.2020

ARRANGEMENT OF REGULATIONS.

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In exercise of the powers conferred on him by section 8(1) of the Appropriation Act 2019, and after having consulted with the Leader of the Opposition, the Chief Minister has made the following Regulations-

Title.

1. These Regulations may be cited as the Appropriation (Business Grant Terms COVID-19) Regulations 2020.

Commencement.

2. These Regulations shall commence on the day of publication and shall continue for the Relevant Period.

Interpretation.

3. In these Regulations-

“BEAT COVID-19 Contribution” shall have the meaning ascribed in regulation 4(2) of the BEAT Regulations;

“BEAT COVID-19 Grant” shall have the meaning ascribed in regulation 4(3) of these Regulations;

“BEAT Regulations” means the Appropriation (Business Employee Assistance Terms COVID-19) Regulations 2020;

“Board” means the BEAT COVID-19 Appeals Board established under regulation 16(2) of these Regulations;

“COVID-19 Response Fund” means the special fund referred to as the COVID-19 Response Fund and established under section 18 of the Public Finance (Control and Audit) Act;

“employee” means any person who has entered into or works under a contract with an employer;

“employer” means any person required by the Businesses Trades and Professions (Registration) Act to register under that Act and from a Relevant Sector;

“Excluded Sector” means any one of the sectors in Gibraltar listed in Schedule 2;

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“Grant Conditions” means any of the conditions set out in Regulation 5(1);

“insolvency proceeding” means any application for the appointment of a liquidator (provisional or otherwise), receiver, administration or bankruptcy order under the Insolvency Act 2011 or the Insolvency Rules, 2014, including a company or individual voluntary arrangement. For the purposes of these Regulations insolvency proceedings are commenced when any application for the appointment of a liquidator, receiver, administration order or bankruptcy order is filed with the court or in the absence of such a filing upon the application being made to the court, whichever is the earliest. For the purposes of these Regulations an individual voluntary arrangement is commenced on the appointment of an interim supervisor under section 283 of the Insolvency Act 2011 and a company voluntary arrangement is commenced when a proposal for such an arrangement is made under Part 2 of the Insolvency Act 2011;

“Minister” means the minister with responsibility for finance;

“Qualifying Business” means an employer or self-employed person that qualifies for a BEAT COVID-19 Grant by virtue of having received a BEAT COVID-19 Contribution or a Self-Employed BEAT COVID-19 Payment for any of the months of April, May or June 2020 or any person designated in accordance with regulation 4(7);

“Relevant Period” means the period commencing on 1 July 2020 up to 31 March 2021 (or such later date as the Minister, in consultation with the Leader of the Opposition unless it is not practicable to do so, may determine by notice in the Gazette);

“Relevant Sector” means any sector that does not fall within an Excluded Sector and, for the purposes of an employer who has been designated in accordance with regulation 18, that employer shall be deemed to fall within the Relevant Sector for the purposes of these Regulations;

“self-employed person” means a person who is registered as self-employed with the Department of Employment or Income Tax Office and whose business is primarily or exclusively within a Relevant Sector;

“Self-Employed BEAT COVID-19 Payment” shall have the meaning ascribed in regulation 12(2) of the BEAT Regulations;

“Unlock the Rock guidelines” means the guideline document made generally available by Government setting out Government’s route map out of lockdown, as updated by Government from time to time;

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“voluntary winding up process” means any process by which any director of a body corporate makes a statutory declaration of solvency in accordance with section 363(2) of the Companies Act 2014.

Employer application for BEAT COVID-19 Grant.

4.(1) Where an employer from a Relevant Sector has received a BEAT COVID-19 Contribution for any of the months of April, May or June 2020, the employer may apply for a grant from the COVID-19 Response Fund for an amount calculated in accordance with Schedule 1 through such platform as may be made available from time to time by Government.

(2) Where a self-employed person has received a Self-Employed BEAT COVID-19 Payment for any of the months of April, May or June 2020, such self-employed person may apply for a grant from the COVID-19 Response Fund for an amount calculated in accordance with Schedule 1 through such platform as may be made available from time to time by Government.

(3) In these Regulations a grant payment made by the COVID-19 Response Fund to a Qualifying Business under subregulation (1) or (2) is referred to as a BEAT COVID-19 Grant.

(4) A BEAT COVID-19 Grant shall be paid to a Qualifying Business by direct bank transfer only and to the same bank account into which the BEAT COVID-19 Contribution or Self-Employed BEAT COVID-19 Payment was made, or such other bank account as may be accepted by the Financial Secretary.

(5) An application for a BEAT COVID-19 Grant shall be made within the deadlines prescribed by Government and Government shall not accept any retrospective applications for a BEAT COVID-19 Grant made thereafter.

(6) A Qualifying Business shall be deemed to have signed and made any application for a BEAT COVID-19 Grant that is submitted and upon being requested by the Director of Employment, a Qualifying Business representative shall sign a hard copy of the application so submitted.

(7) The Financial Secretary shall have the power to designate a person from a Relevant Sector that did not receive a BEAT COVID-19 Contribution or a Self-Employed BEAT COVID-19 Payment for any of the months of April, May or June 2020 to be a Qualifying Business for the purposes of subregulation (1) or (2) on a case by case basis if the Financial Secretary determines that the person would have had a right to a BEAT COVID-19 Contribution or a Self-Employed BEAT COVID-19 Payment had the person applied.

Conditions of use of BEAT COVID-19 Grant.

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5.(1) Any Qualifying Business who receives a BEAT COVID-19 Grant shall—

- (a) be used by the Qualifying Business solely and exclusively for meeting the necessary costs and expenses incurred in the Qualifying Business' ordinary course of business and expenses incurred in connection with infrastructure, refurbishment, product development, marketing and the creation of new jobs;
- (b) not declare, charge or pay a bonus or dividend to any director, shadow director or shareholder of that body corporate during the Relevant Period;
- (c) not terminate the employment of more than 30% of its total number of employees as registered with the Department of Employment as at 30 June 2020;
- (d) be carrying on their business as fully as possible in compliance with the Unlock the Rock guidelines; and
- (e) comply with all applicable laws, including all employment laws of Gibraltar.

(2) A Qualifying Business that receives a BEAT COVID-19 Grant but fails to comply with any of the conditions set out in subregulation (1) shall —

- (a) cease to receive any further BEAT COVID-19 Grant payments that would otherwise have been due; and
- (b) have all BEAT COVID-19 Grant payments received up to the date of their failure to comply automatically converted into a BEAT COVID-19 Loan,

and upon the occurrence of such failure to comply, Government shall issue a notice to the Qualifying Business stating the particulars of the Qualifying Business' failure to comply with any of the conditions set out subregulation (1) and the consequences thereof.

(3) The Director of Employment shall have a discretion to temporarily suspend the imposition of the condition set out in subregulation (1)(c) and the consequences set out in subregulation (2) in exceptional circumstances where she is satisfied that any termination of employment arising during the Relevant Period under subregulation (1)(c) is promptly filled by the Qualifying Business.

(4) The Director of Employment shall, with the consent of the Financial Secretary, have a discretion to waive the imposition of the condition set out in subregulation (1)(c) and the consequences set out in subregulation (2) in extenuating circumstances that justify an exceptional waiver.

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(5) A Qualifying Business shall repay an erroneous or such other amount of the BEAT COVID-19 Grant to Government as reasonably directed by the Director of Employment.

(6) A Qualifying Business shall notify the Director of Employment in writing of all proposed terminations at least 7 days prior to submitting a notice of termination to the Department of Employment.

BEAT COVID-19 Loan terms.

6.(1) A BEAT COVID-19 Loan shall—

- (a) bear interest at a simple rate of 6% per annum calculated on the total amount BEAT COVID-19 Grant payment received by the Qualifying Business;
- (b) be repayable over a maximum term of 5 years; and
- (c) save for the last repayment, shall be repaid in equal monthly instalments to cover repayment of capital and interest on a reducing balance basis.

Notifications.

7.(1) A Qualifying Business shall notify the Director of Employment immediately with full particulars upon or prior to any of the Grant Conditions not being met during the Relevant Period.

(2) A Qualifying Business shall notify the Director of Employment immediately if they receive an erroneous BEAT COVID-19 Grant.

(3) A Qualifying Business shall provide the Director of Employment with satisfactory evidence of their compliance with the Grant Conditions and any other documentary evidence or supporting documentation that may be reasonably requested by the Director of Employment in order to verify or audit such Qualifying Business' compliance with the Grant Conditions.

Exclusions.

8.(1) A Qualifying Business may lose their right to receive any further BEAT COVID-19 Grant payments that would otherwise have been due and may have all BEAT COVID-19 Grant payments received automatically converted into a BEAT COVID-19 Loan in circumstances where-

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- (a) as a corporate body, it fails to comply with its current PAYE and social insurance contributions; or
- (b) a Qualifying Business has increased the salary of any director, senior management employee or other senior management officer by an amount that exceeds 10% of that person's salary as at 15 March 2020, unless the Qualifying Business can show reasonable cause.

(2) Where a Qualifying Business can show reasonable cause under subregulation (1)(b), such Qualifying Business may increase such person's salary by an amount that does not exceed 20% over that person's salary as at 15 March 2020.

Calculations and limits.

9. The following matters shall be as prescribed in Schedule 1—

- (a) the calculation of a BEAT COVID-19 Grant;
- (b) the maximum limits applicable to a BEAT COVID-19 Grant; and
- (c) the limits applicable to the availability period of BEAT COVID-19 Grant.

BEAT - Income Tax and Social Insurance contributions.

10.(1) Any BEAT COVID-19 Grant received by a Qualifying Business during the Relevant Period shall not be deemed to constitute assessable income by the Income Tax Office.

(2) A Qualifying Business shall be liable to PAYE and social insurance during the Relevant Period.

Offences.

11.(1) A person shall be guilty of an offence if that person—

- (a) intentionally, or recklessly fails to comply with these Regulations; or
- (b) intentionally, or recklessly includes any false, inaccurate or misleading information in their application for a BEAT COVID-19 Contribution.

(2) A person guilty of an offence under these Regulations is liable—

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- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum, or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding seven years or a fine, or both.

(3) If an offence under subregulation (1) which was committed by a person is proved to have been committed for the benefit of a corporate body, irrespective of whether that person acted individually or as the holder of a position in or as the agent of the corporate body, the corporate body commits a similar offence.

(4) If an offence under subregulation (1) was committed by a person (“P”)—

- (a) by reason of the failure, by any director, manager, secretary or other similar officer of the body corporate, to adequately supervise or control P; and
- (b) where the corporate body benefitted from the commission of the offence,

the corporate body commits a similar offence.

Civil debts.

12.(1) A Qualifying Business who is determined by the Commissioner of Income Tax to have intentionally, or recklessly failed to comply with these Regulations or intentionally, or recklessly included any false, inaccurate or misleading information in their application for a BEAT COVID-19 Grant shall be liable to pay the COVID-19 Response Fund the sum produced by multiplying 3 by the total amount of the BEAT COVID-19 Grant that the Qualifying Business would have received in the Relevant Period.

(2) A payment due under subregulation (1) is a debt due to Government and recoverable as a civil debt.

(3) A person who is liable to a payment under subregulation (1) shall in addition to that payment also be liable to repay all BEAT COVID-19 Grants received in the Relevant Period.

(4) A repayment due under subregulation (3) is a debt due to Government and recoverable as a civil debt.

(5) An appeal shall lie to the Magistrates’ Court from a determination made under subregulation (1), and on any such appeal the court may either confirm, amend or set aside the payment and repayment.

(6) If a person who is liable to make a payment under subregulation (1) has completed the application on behalf of a body corporate, and there is a failure to make any payment or repayment under this regulation, that payment or repayment, or such part thereof as remains unpaid, shall be a debt due to the COVID-19 Response Fund jointly and severally from any directors of the body corporate.

Insolvency Proceedings, voluntary winding up and schemes of arrangement.

13.(1) In the event that a Qualifying Business becomes insolvent and insolvency proceedings are commenced against such Qualifying Business during the Relevant Period, any penalty or repayment due by that Qualifying Business under these Regulations shall be recoverable by the Government as a debt which becomes due and owing on the commencement of any insolvency proceedings under the Insolvency Act 2011.

(2) In the event that a Qualifying Business becomes insolvent and insolvency proceedings are commenced against it during the Relevant Period—

- (a) any BEAT COVID-19 Grant received by the Qualifying Business shall be a preferential debt due to Government for the purposes of the Insolvency Act 2011 and subsidiary legislation thereto and deemed to have been included within section 2(1) of the Insolvency Act 2011;
- (b) any BEAT COVID-19 waiver measures paid from the BEAT COVID-19 Response Fund and applied to a Qualifying Business shall be a preferential debt due to Government for the purposes of the Insolvency Act 2011 and subsidiary legislation thereto and deemed to have been included within section 2(2) of the Insolvency Act 2011.

(3) In the event that during the Relevant Period any voluntary winding up process is commenced in relation to a Qualifying Business or an application is filed under section 296 of the Companies Act 2014 in respect of a proposed scheme arrangement or if such an application is not made but a court sanctions a scheme of arrangement under section 299 of the Companies Act 2014, any penalty or repayment due by that Qualifying Business under regulation 22 shall be recoverable by the Government as a debt which becomes due and owing on the filing of a statutory declaration of solvency under section 363(2) of the Companies Act 2014 or the filing of an application under section 296 or a court makes an order under section 299 of the Companies Act 2014.

(4) In the event that any voluntary winding up process is commenced in relation to a Qualifying Business during the Relevant Period—

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(a) any BEAT COVID-19 Grant received by the Qualifying Business shall be deemed a preferential debt owed to the Government for the purposes of the Companies Act 2014 and the Insolvency Act 2011 and shall be deemed to have been included within section 2(1) of the Insolvency Act 2011 and section 359(1) of the Companies Act 2014 and the Government shall likewise be deemed preferential creditors for the purposes of sections 2(2) of the Insolvency Act 2011 and sections 359(2) and 386(1) of the Companies Act 2014;

(b) any BEAT COVID-19 waiver measures paid from the BEAT COVID-19 Response Fund and applied to the Qualifying Business shall be deemed a preferential debt owed to Government for the purposes of the Companies Act 2014 and the Insolvency Act 2011 and shall be deemed to have been included within section 2(1) of the Insolvency Act 2011 and section 359(1) of the Companies Act 2014 and the Government shall likewise be deemed a preferential creditor for the purposes of sections 2(2) of the Insolvency Act 2011 and sections 359(2) and 386(1) of the Companies Act 2014.

(5) In the event that an application is filed during the Relevant Period under section 296 of the Companies Act 2014 in respect of a proposed scheme arrangement or if such an application is not made but a court sanctions a scheme of arrangement under section 299 of the Companies Act 2014 during the Relevant Period—

(a) any BEAT COVID-19 Grant received by the Qualifying Business shall be deemed a preferential debt owed to the Government for the purposes of the Companies Act 2014 and the Government shall likewise be deemed preferential creditors for the purposes of that Act;

(b) any BEAT COVID-19 waiver measures paid from the BEAT COVID-19 Response Fund and applied to the Qualifying Business shall be deemed a preferential debt owed to Government for the purposes of the Companies Act 2014 and the Government shall likewise be deemed a preferential creditor for the purposes of that Act.

(6) Where for the purposes of an application for the appointment of a liquidator or receiver or for the making of an administration or bankruptcy order the court needs to determine whether the Qualifying Business is insolvent before it makes a determination of that application, any debt created by this regulation shall not be taken into account in determining whether the Qualifying Business is insolvent and deemed to have been included within section 2(2) of the Insolvency Act 2011.

Sharing of data.

14.(1) Government reserves the right to share any data collected or generated in connection with the administration of all applications received under these Regulations with the tax, social insurance and other appropriate authorities of the country of residence of each Qualifying Business that is a self-employed person in respect of whom an application is made or in order to comply with any legal obligations.

(2) The receipt of a BEAT COVID-19 Grant shall be deemed to constitute the recipient's consent to share data under subregulation (1).

(3) Government reserves the right to demand from any banking institution or from any corresponding authority of any country or state any information that would enable Government to determine whether any self-employed person who has received a BEAT COVID-19 Grant has other recurring income in excess of £15,000 per year.

Consultation where practicable.

15. Unless it is not practicable to do so, the Minister shall consult with the Leader of the Opposition prior to the Minister making new regulations amending, extending or replacing the effect of these Regulations.

Appeals.

16.(1) There shall be established a BEAT COVID-19 Appeals Board for the purpose of hearing and determining appeals under this regulation.

(2) The Board shall consist of the following members, as published by notice in the Gazette, appointed by the Minister—

- (a) a Government officer from the Office of the Financial Secretary, who shall be chairman;
- (b) a Government officer from the Department of Employment; and
- (c) a Government officer from the Ministry of Digital and Financial Services.

(3) Any—

- (a) person who has been refused a BEAT COVID-19 Grant after making a valid application under these Regulations;
- (b) person who is dissatisfied with the calculation of any BEAT COVID-19 Grant or repayment of any BEAT COVID-19 Loan made pursuant to these Regulations,

may appeal to the Board.

(4) Any appeal under this regulation shall be made by notice in writing or using any application that may be made available by Government from time to time, within 28 days—

- (a) in the case of an appeal under subregulation (3)(a), of the date of notification of the refusal of the application; or
- (b) in the case of an appeal under subregulation (3)(b), beginning with the day the BEAT COVID-19 Grant was received by the person.

(5) On determining an appeal against a decision of the Government under subregulation (3), the Board may—

- (a) affirm the decision of the Government;
- (b) direct the Government to pay such BEAT COVID-19 Grant.

(6) A person who, having a right of appeal under this regulation, is dissatisfied with a determination pursuant to this regulation, may appeal to the Magistrate's Court on a point of law, and in determining such an appeal the court may make such order as it deems fit and shall not have any further recourse to appeal.

Publication of details of failure to comply with these Regulations.

17.(1) Subject to the provisions of this regulation, the Director of Employment may cause to be published in the Gazette the name of any person whom the Director of Employment has reason to believe has failed to comply with the requirements of these Regulations.

(2) The Director of Employment may act in accordance with subregulation (1) where the Director of Employment has, at least thirty days prior to the publication referred to in subregulation (1), issued to the person a letter notifying that person of the Director of Employment's intention to publish details of such person's failure to comply with these Regulations unless the person satisfies the Director of Employment that there was a reasonable cause for their failure to comply.

(3) For the purposes of subsection (1), the following information may be published—

- (a) the name of the person (including any trading name, previous name or pseudonym);

- (b) the name of the person making the application;
- (c) any other name or description used by the person in carrying on or exercising the trade, business, profession or vocation;
- (d) the business address of the person (or registered office);
- (e) the nature of any trade, business, profession or vocation carried on or exercised by the person;
- (f) any such information as the Director of Employment considers appropriate to publish in order to make clear the person's identity;
- (g) the particulars of the person's failure to comply with these Regulations and the period to which it relates.

(4) Where the Director of Employment is satisfied that after publication of any item of information mentioned in paragraphs (a) to (e) of subregulation (3), any such item of information is incorrect, the Director of Employment shall publish a retraction in the Gazette as soon as practicably possible.

(5) No person having any official duty or being employed in the administration of these Regulations shall be liable in damages for anything done or omitted in the discharge or purported discharge of any powers under these Regulations unless that act or omission is made in bad faith.

(6) No action shall lie in defamation, misrepresentation or any other cause resulting in liability for damages against any person uttering, reporting or publishing any information published by the Director of Employment under this section unless at the date of such utterance, report or publication the Director of Employment has published a retraction under this section.

Exemptions.

18. The Minister shall have the power to designate an employer from an Excluded Sector to be an employer from a Relevant Sector on a case by case basis if the Minister determines that there are extenuating circumstances that merit such designation.

Appointment of Agent.

19.(1) The Official Receiver may by notice in writing, if they think it necessary, declare any person to be the agent of any other person, and the person so declared to be the agent shall be

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the agent of such person for the purposes of these Regulations, and may be required to pay any amounts due from any moneys, which may be held by him for, or due by him to, the person whose agent he had been declared to be, and in default of such payment the amount shall be recoverable from him as if the amount were a debt due from him under these Regulations or a debt due under the BEAT Regulations.

(2) In respect of a company each and every director or shadow director of that company shall be deemed to be the agent of that company for the purposes of this regulation.

(3) For the purpose of this section the Official Receiver may require any person to give them information as to any moneys, funds or other assets which may be held by him for, or of any moneys due by him to, any person.

(4) A person declared by the Official Receiver to be the agent of any person under the provisions of subsection (1) who is aggrieved by that declaration may appeal within 29 days of the declaration in writing and with any supporting evidence against the declaration of the Official Receiver to the Financial Secretary.

(5) On an appeal against a declaration made under this regulation, the Financial Secretary may either confirm or quash the declaration of the Official Receiver.

Recovery through Employer.

20.(1) Notwithstanding anything to the contrary in these Regulations with regard to the repayment of any erroneous Self-Employed BEAT COVID-19 Payment, any erroneous BEAT COVID-19 Payment or any BEAT COVID-19 Grant to Government, the Official Receiver may require the amount paid in error to be deducted by any or all or particular employers only or persons making payment from any wages, salary, bonus, commission, allowance or other remuneration paid to such individuals at such times and in such amounts as the Official Receiver may determine, and may require employers or persons making payment to account for and pay over to him any amount required to be so deducted which shall be a debt due to the Government and recoverable as such, and the Official Receiver may serve on such persons a direction to deduct and account for such amount accordingly.

(2) An individual who has suffered a deduction in accordance with the provisions of this regulation shall have the same rights of appeal as if a declaration had been made upon them under regulation 19 had been made directly upon them.

(4) A person who wilfully or without reasonable excuse fails to deduct an amount in accordance with a direction given by the Official Receiver shall be liable to pay to the Official Receiver such an amount as if they had deducted it.

(5) In cases where an individual named in a direction to deduct under these Regulations has left the employment of, or is not entitled to receive any further payment from, the person to whom a direction is addressed, the latter person shall, within seven days of the date of the direction, advise the Official Receiver of the date of cessation of employment.

(6) (a) A person who has been required to deduct an amount in accordance with the provisions of this regulation shall, not later than the fifteenth day of the month following any month in which he has made a deduction,—

- (i) remit to the Official Receiver the total amount so deducted in the previous month;
- (ii) furnish to the Official Receiver a statement in such form as the Official Receiver may require of the deductions made, together with an explanation by the person to whom the direction to deduct was addressed of any failure on his part to comply in any respect with the said direction; and
- (iii) give a receipt for the total amount so paid to the person in respect of whom the payment is made.

(b) Where an amount is deducted from any disbursements made by Government the provisions of this subregulation shall not apply.

(7) Where an individual has borne deductions as provided in this regulation but a receipt has not been issued by the Official Receiver to that individual confirming the amount so deducted, then that individual may apply to the Official Receiver for a certificate of payment.

(8) In the event of the death of an employer, any amount deducted or which ought to have been deducted by him under this section and which had not been paid to the Official Receiver at the date of death of the employer shall be a debt due from and payable out of the estate of the deceased, and his executor shall be responsible for furnishing the Official Receiver with any statement, information or explanation required to be furnished under this regulation.

(8) All sums which have been or should have been deducted in pursuance of a direction served by the Official Receiver under the provisions of subregulation (1) but which have not been paid to the Official Receiver, shall be included among the debts which—

- (a) under the provisions of section 33 of the Bankruptcy Act are, in the distribution of the property of a bankrupt, to be paid in priority to all other debts; and
- (b) under the provisions of section 305 of the Companies Act are, in a winding up, to be paid in priority to all other debts.

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SCHEDULE 1

Regulation 4

Interpretation.

1. In this Schedule-

“Average BEAT COVID-19 Contribution” shall mean—

- (a) in the case of an employer, the average BEAT COVID-19 Contributions that were correctly paid to such employer over the months of April and May 2020, or
- (b) in the case of a self-employed person, the average Self-Employed BEAT COVID-19 Payments that were correctly paid to such self-employed person over the months of April and May 2020,

save that in circumstances where—

- (i) the employer has not received BEAT COVID-19 Contributions for the months of April and May 2020, or
- (ii) the self-employed person has not received Self-Employed BEAT COVID-19 Payments for the months of April and May 2020,
- (iii) there is a significant difference between the BEAT COVID-19 Contribution or Self-Employed BEAT COVID-19 Payment received by the employer or self-employed person for the month of April and that received for the month of May 2020,

Government may calculate the Average BEAT COVID-19 Contribution at its discretion, taking into account any relevant information that may be available to Government.

Calculation of BEAT COVID-19 Grant.

2.(1) Subject to paragraph 3, the amount of a BEAT COVID-19 Grant payable to a Qualifying Business for a calendar month is the corresponding percentage of the Average BEAT COVID-19 Contribution as more particularly set out in the table below, or such lesser sum as Government may determine having taken into consideration the number of terminations made by the Qualifying Business and any other relevant information that may be available to Government.

July 2020	60%
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August 2020	40%
September 2020	20%

(2) The Financial Secretary may reduce the amount of any BEAT COVID-19 Grant payment to a Qualifying Business in order to compensate for any Self-Employed BEAT COVID-19 Payment or BEAT COVID-19 Contribution that may have been erroneously received by the Qualifying Business and the Qualifying Business has not repaid Government.

(3) The Minister, in consultation with the Leader of the Opposition unless it is not practicable to do so, may vary by notice in the Gazette the corresponding percentages specified in subregulation (1).

Limits on availability period of BEAT COVID-19 Grant.

3. An employer shall only have a right to a BEAT COVID-19 Grant for each calendar month from the 1 July 2020 to 31 September 2020 or such other period as the Minister, in consultation with the Leader of the Opposition unless it is not practicable to do so, may determine by notice in the Gazette.

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SCHEDULE 2

Regulation 3

1. Utility providers;
2. Telecommunications operators and internet service providers;
3. Data centre providers;
4. Care workers;
5. Supermarkets;
6. Grocers;
7. Butchers;
8. Market Stalls;
9. Wholesalers with a tobacco licence;
10. Petrol stations;
11. Food delivery companies;
12. Online gaming industry and casinos;
13. Accountancy firms;
14. Law firms;
15. Businesses that are licensed by the FSC (including insurance businesses and intermediaries);
16. Pharmacies;
17. Ship repair businesses;
18. Bunkering, ship chandlers, sea transport and other shipping businesses;
19. Property management companies;
20. Construction businesses with 20 or more employees registered with the Department of Employment as at 30 June 2020;
21. Businesses that are predominantly reliant on Government as their main source of income; and
21. Any other business deemed that is deemed by Government not to have been adversely affected by the COVID-19 pandemic or that has operated recently with at least normal levels of business activity.

and the Minister, in consultation with the Leader of the Opposition unless it is not practicable to do so, shall be able to update the Excluded Sectors by notice in the Gazette.