

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4685 GIBRALTAR Sunday 22nd March 2020

LEGAL NOTICE NO. 124 OF 2020

CIVIL CONTINGENCIES ACT 2007

CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (CATERING AND OTHER ESTABLISHMENTS) (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) (Catering and other Establishments) (Amendment) Regulations 2020.

Commencement.

2. These Regulations come into operation on the 24th March 2020.

Statement in accordance with section 11(2) of the Act.

3. The Minister declares that –

- (a) there is an outbreak of SARS-CoV-2 (“Coronavirus”) which on the 11 March 2020 the World Health Organisation (WHO) declared to be a pandemic; there are more than 266,000 confirmed cases globally and more than 11,000 people have died so far; the virus has so far reached 188 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) on 19th March 2020 the UK Government formally introduced a new bill to the UK Parliament which contains measures designed to amend or introduce new statutory powers to respond to and manage the Coronavirus pandemic;
- (c) 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;
- (d) on the advice of the Attorney General the measures contained in these Regulations are proportionate and compatible with the Gibraltar Constitution;

- (e) the measures provided for are directed at the protection of public health in order to protect and prevent persons from contracting or spreading Coronavirus;
- (f) the conditions in section 12 of the Act are met;
- (g) 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
- (h) the effect of these Regulations is in due proportion to that aspect or effect of the said emergency.

Amendment of the Civil Contingencies Emergency (Coronavirus)(Catering and Other Establishments) Regulations 2020.

4.(1) The Civil Contingencies Emergency (Coronavirus)(Catering and Other Establishments) Regulations 2020 are amended in accordance with this regulation.

(2) In regulation 1 after “(Catering and other Establishments)” insert “(Construction and Shipbuilding and Repair)”.

(3) In regulation 4(1)-

- (a) for the full stop at the end of paragraph (d) substitute a semi-colon; and
- (b) after paragraph (d) insert-
 - “(e) gymnasiums;
 - (f) retail shops;
 - (g) any other establishments that the Minister by notice in the Gazette includes within these Regulations.”.

(4) After regulation (2) insert the following-

“(2A) In subregulation (1)(e) “gymnasiums” means a gymnasium that-

- (a) is open to any member of the public whether on the payment of a fee or otherwise;
- (b) is accessible to members, whether or not also accessible to members of the public.”.

(5) In regulation 5-

- (a) for “Regulation 5” substitute “Regulation 4”;

- (b) for the full stop at the end of paragraph (c) substitute a semi-colon; and
- (c) insert the following paragraph after paragraph (c)-
 - “(d) supermarkets, grocery stores, bakers, confectioneries, butchers, fishmongers and pharmacies;
 - (e) petrol stations, port and bunkering activities;
 - (f) wholesalers or other businesses providing supplies to the above;
 - (g) any other establishment that the Minister may by notice in the Gazette exempt from the application of these Regulations.”.

(6) After regulation 5 insert-

“Construction and shipbuilding repairs.

5A.(1) Unless authorised by virtue of a certificate issued by the Chief Technical Officer -

- (a) all construction sites and sites used for shipbuilding and repair must at all times remain closed; and
 - (b) no construction work or shipbuilding or repairs shall be carried out except in cases of emergency.
- (2) A certificate issued by the Chief Technical Officer under subregulation (1), may be subject to such conditions as may be specified therein.
- (3) A person who contravenes the provisions of this regulation commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.
- (4) If an offence under this regulation committed by a body corporate is proved-
- (a) to have been committed with the consent or connivance of; or
 - (b) to be attributable to any neglect on the part of,
- an officer, the officer as well as the corporate body commits an offence and is liable to be proceeded against and punished accordingly.
- (5) In subregulation (4), “officer” has the same meaning as it has in regulation 4(5).”.

S SACRAMENTO,
Minister with responsibility for Civil Contingencies.

EXPLANATORY MEMORANDUM

These Regulations amend the Civil Contingencies Emergency (Coronavirus)(Catering and Other Establishments) Regulations 2020.

The effect of these regulations is to extend the closure of establishments to include gymnasiums and retail shops, with some exceptions including supermarkets and grocery stores.

It also closes down all construction sites as well as sites used for shipbuilding or repair.

It is an offence to contravene the provisions of these Regulations and the penalty on conviction is a fine up to level 5 on the standard scale.