

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4704 GIBRALTAR Friday 1st May 2020

LEGAL NOTICE NO. 165 OF 2020

CIVIL CONTINGENCIES ACT 2007

CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (CATERING AND OTHER ESTABLISHMENTS) (CONSTRUCTION AND SHIPBUILDING AND REPAIR) (No.2) (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) (Construction and Shipbuilding and Repair) (No.2) (Amendment) Regulations 2020.

Commencement.

2. These Regulations come into operation on 2nd May 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 publication of these Regulations there are more than 3,145,400 confirmed cases globally and more than 221,800 people have died; Coronavirus has, to date, reached 213 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) 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 of the Civil Contingencies Emergency (Coronavirus) (Catering and Other Establishments) (Construction and Shipbuilding and Repair) (No.2) Regulations 2020.

4. The Civil Contingencies Emergency (Coronavirus) (Catering and Other Establishments) (Construction and Shipbuilding and Repair) (No.2) Regulations 2020 are amended as follows-

- (a) in regulation 4(1) delete paragraph (f);
- (b) in regulation 5 delete-
 - (i) paragraphs (d) to (h); and
 - (ii) subregulation (2);
- (c) insert the following regulation after regulation 5-

“Shops and other businesses: restrictions and conditions.

5A.(1) A person responsible for carrying on a business as a retail shop must ensure-

- (a) that the shop remains closed for the purpose of serving retail customers on the premises other than between the hours of 10am and 5.30pm;
- (b) that hand sanitising facilities are provided at the point of entry and exit to the premises;
- (c) so far as it is reasonably practicable, that persons on the premises are able to practice social distancing from each other;
- (d) where social distancing is not possible, that employees wear masks at all times; and
- (e) compliance with any recommendations or instructions from the Director of Public Health.

(2) Subregulation (1)(a) shall not apply to -

- (a) supermarkets, grocery stores, bakers, confectioneries, butchers, fishmongers, health shops and pharmacies; or

- (b) petrol stations, port and bunkering activities.
- (3) A person responsible for carrying on a business as a hair or beauty salon must ensure–
- (a) that customers attend by appointment only;
 - (b) that hand sanitising facilities are provided at the point of entry and exit to the premises;
 - (c) that employees wear masks at all times;
 - (d) that measures are put in place to ensure that good hygiene is maintained; and
 - (e) compliance with any recommendations or instructions from the Director of Public Health.
- (4) A person responsible for carrying on a business that is an estate agent must ensure–
- (a) so far as it is reasonably practicable, that persons on the premises are able to practice social distancing from each other;
 - (b) that hand sanitising facilities are provided at the point of entry and exit to the premises;
 - (c) where social distancing is not possible or when carrying out a visit to a property, that employees wear masks at all times; and
 - (d) compliance with any recommendations or instructions from the Director of Public Health.
- (5) A person responsible for carrying on a business that provides dental services, opticians, chiropractors, osteopaths and other medical or health services must ensure–
- (a) so far as it is reasonably practicable, persons on the premises where the services are available are able to practice social distancing from each other;
 - (b) that hand sanitising facilities are provided at the point of entry and exit to the premises;
 - (c) where social distancing is not possible, that employees wear masks at all times; and

- (d) compliance with any recommendations or instructions from the Director of Public Health.
- (6) 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.
- (7) If an offence under this regulation committed by a corporate body 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 the offence and is liable to be proceeded against and punished accordingly.

- (8) In this regulation-

“a person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;

“employee” includes a self-employed person;

“officer” means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity and if the affairs of a corporate body are managed by its members, “director” means a member of that body.”.

Dated: 1st May 2020.

S SACRAMENTO,
Minister with responsibility for Civil Contingencies.