

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4754 GIBRALTAR Friday 21st August 2020

LEGAL NOTICE NO. 291 OF 2020

CIVIL CONTINGENCIES ACT 2007

CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (BUSINESSES AND RESTRICTIONS) (NO.3) (AMENDMENT NO.3) 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) (Businesses and Restrictions) (No.3) (Amendment No.3) Regulations 2020.

Commencement.

2. These Regulations come into operation on the 21st August 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 these Regulations there are more than 22,492,312 confirmed cases globally and more than 788,503 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) the conditions in section 12 of the Act are met;
- (c) 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
- (d) 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) (Businesses and Restrictions) (No.3) Regulations 2020.

4.(1) The Civil Contingencies Emergency (Coronavirus) (Businesses and Restrictions) (No.3) Regulations 2020 are amended in accordance with this regulation.

(2) Regulation 9 is renumbered 9(1) and after renumbered subregulation (1) insert-

“(2) A person who is not an employee of a business referred to in subregulation (1) must wear a mask at all times whilst on the premises of such business, unless that person has a reasonable excuse for not doing so.

(3) The requirement in subregulation (2) does not apply-

- (a) to a child who is under the age of 11;
- (b) to a police officer acting in the course of his duty;
- (c) to an emergency responder acting in their capacity as an emergency responder.

(4) For the purposes of subregulation (2) the circumstances in which a person (“P”) has a reasonable excuse include those where-

- (a) P cannot put on, wear or remove a mask because of any physical or mental illness or impairment or disability;
- (b) P is travelling with, or providing assistance to another person (“B”) and B relies on lip reading to communicate with P;
- (c) P is travelling to avoid injury, or to escape a risk of harm, and does not have a mask with them.

(5) In subregulation (3)(c) “emergency responder” means a person employed for the purposes of providing, or engaging to provide, medical, ambulance or paramedic services.”.

(3) After regulation 12 insert-

“Takeaways and establishments selling for consumption off the premises.

12ZA.(1) A person responsible for carrying on a business engaged in the sale of food or drink for consumption off the premises must ensure that employees wear masks at all times.

(2) A person who –

- (a) is not an employee of a business referred to in subregulation (1); and

- (b) is on the premises to order, pay for or collect food or drink for consumption off the premises,

must wear a mask at all times whilst on the premises of such business, unless that person has a reasonable excuse for not doing so.

- (3) For the purposes of subregulation (2) “premises” does not include any outdoor area or terrace.

- (4) The requirement in subregulation (2) does not apply–

- (a) to a child who is under the age of 11;
- (b) to a police officer acting in the course of his duty;
- (c) to an emergency responder acting in their capacity as an emergency responder.

- (5) For the purposes of subregulation (2) the circumstances in which a person (“P”) has a reasonable excuse include those where–

- (a) P cannot put on, wear or remove a mask because of any physical or mental illness or impairment or disability;
- (b) P is travelling with, or providing assistance to another person (“B”) and B relies on lip reading to communicate with P;
- (c) P is travelling to avoid injury, or to escape a risk of harm, and does not have a mask with them.

- (6) In subregulation (4)(c) “emergency responder” means a person employed for the purposes of providing, or engaging to provide, medical, ambulance or paramedic services.”.

- (4) In regulation 12A, for “6, 7 and 12” substitute “6, 7, 12 and 12ZA”.

Dated: 21th August 2020.

S SACRAMENTO,
Minister with responsibility for Civil Contingencies.

EXPLANATORY MEMORANDUM

These Regulations amend the Civil Contingencies Emergency (Coronavirus) (Businesses and Restrictions) (No.3) Regulations 2020.