

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS)
(BUSINESSES AND RESTRICTIONS) (NO.3) REGULATIONS 2020**

LN.2020/265

Commencement **26.7.2020**

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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) (Businesses and Restrictions) (No.3) Regulations 2020.

Commencement.

2. These Regulations come into operation on the 26th July 2020 and cease to have effect on 23rd 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 the Civil Contingencies Emergency (Coronavirus) (Businesses and Restrictions) (No.2) Regulations 2020 there were more than 9,296,200 confirmed cases globally and more than 479,100 people had died; at the time of the publication of these Regulations there are more than 15,012,731 confirmed cases globally and more than 619,150 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.

Interpretation.

4. In these Regulations-

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

“Coronavirus” means SARS-CoV-2 or Covid-19;

“employee” includes a self-employed person;

“gymnasium” 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;

“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.

Closure of certain establishments.

5. The following establishments must at all times remain closed to any member of the public-

- (a) discotheques/nightclubs;
- (b) any other establishments that the Minister by notice in the Gazette includes within this Regulation.

Retail Shops.

6. A person responsible for carrying on a business as a retail shop must ensure-

- (a) that hand sanitising facilities are provided at the point of entry and exit to the premises;
- (b) so far as it is reasonably practicable, that persons on the premises are able to practice social distancing from each other;
- (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.

Hair and Beauty Salons.

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7. 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.

Estate Agents.

8. A person responsible for carrying on a business as an estate agency 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.

Medical and Health Services.

9. A person responsible for carrying on a business that provides dental services, opticians, chiropractors, osteopaths or other medical or health services must ensure—
- (a) so far as it is reasonably practicable, that 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.

Motor Vehicle Dealer.

10. A person responsible for carrying on a business as a motor vehicle dealer 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, that employees wear masks at all times; and
 - (d) compliance with any recommendations or instructions from the Director of Public Health.

Gymnasiums and Personal Trainers.

11.(1) A person responsible for-

- (a) carrying on a business of a gymnasium or providing the facilities of a gymnasium; or
- (b) providing a service as a personal trainer,

requires a permit from the Director of Public Health.

(2) A permit issued under subregulation (1) may be subject to such conditions as may be specified in the permit and any conditions may be varied, added or removed.

(3) The duration of a permit issued under subregulation (1) shall be as specified in the permit.

(4) Failure to comply with-

- (a) a condition of a permit issued under subregulation (1); or
- (b) a provision of subregulation (5),

constitutes reasonable grounds for suspension or revocation of the permit by the Director of Public Health.

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- (5) A person referred to in subregulation (1) must-
- (a) keep a daily list of the name and contact telephone number of all persons attending the gymnasium or making use of their services;
 - (b) keep such list for 10 days;
 - (c) where the Director of Public Health requests a copy of the daily list for a particular day for contact tracing purposes, that list must be provided to the Director of Public Health without undue delay.
- (6) The list referred to in subregulation (5) must be destroyed at the end of the 10 days.
- (7) This regulation shall not apply in respect of a gymnasium that forms part of the amenities available to residents of a residential development.

Restaurants, cafeterias and bars.

12.(1) A person responsible for carrying on a business of a restaurant, cafeteria or bar where food or drink is sold for consumption on the premises requires a permit from the Director of Public Health.

(2) A permit issued under subregulation (1) may be subject to such conditions as may be specified in the permit and any conditions may be varied, added or removed.

(3) The duration of a permit issued under subregulation (1) shall be as specified in the permit.

(4) Failure to comply with-

- (a) a condition of a permit issued under subregulation (1); or
- (b) a provision of subregulation (5),

constitutes reasonable grounds for suspension or revocation of the permit by the Director of Public Health.

- (5) A person referred to in subregulation (1) must-
- (a) keep a daily list of the name and contact telephone number of all the customers who have booked a table at the restaurant, cafeteria or bar;
 - (b) keep such list for 10 days from the date for which the table was booked;

- (c) where the Director of Public Health requests a copy of the daily list for a particular day for contact tracing purposes, that list must be provided to the Director of Public Health without undue delay.
- (6) The list referred to in subregulation (5) must be destroyed at the end of the 10 days after the date for which the table was booked.
- (7) The Chief Environmental Health Officer and the Environmental Health Officers are responsible for the enforcement of this regulation.
- (8) The Chief Environmental Health Officer and the Environmental Health Officers shall have all the powers conferred upon them by the Food and Drugs Act for the purposes of subregulation (7).
- (9) This regulation shall not apply-
- (a) to the restaurant in the Gibraltar International Airport that is located airside, after passport and security controls; and
 - (b) in respect of the sale or supply of food or drink to customers for consumption off the premises.

Construction, shipbuilding and repairs.

13.(1) This regulation applies to a person responsible for carrying on a business of -

- (a) construction work; or
 - (b) shipbuilding or repair work.
- (2) A person to whom this regulation applies must ensure-
- (a) so far as reasonably practicable, that workers at a site can practice social distancing from each other;
 - (b) where it is not possible for workers to practice social distancing from each other, that workers are provided with masks which must be worn at all times;
 - (c) where construction work is being carried out inside a dwelling, office or any other building, that masks are worn at all times;
 - (d) that workers are screened at the point of entry to a site by taking their temperature; and

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(e) any recommendations and instructions given by the Director of Public Health are complied with.

(3) If following the screening of a worker it appears that the worker has a temperature of more than 37.8 degrees Celsius, or is otherwise unwell, the person to whom this regulation applies must inform the Director of Public Health immediately and follow any instructions given by him.

(4) The inspectors appointed under the Factories Act shall be responsible for the enforcement of this regulation and shall have all the powers conferred upon them under that Act for the purposes of this regulation.

Temperature screening.

14. Where the Director of Public Health issues a recommendation or instruction regarding the taking of the temperature of any person for the purposes of protecting public health from the effects of the Coronavirus, any data shall be deemed to have been processed under their legitimate interest to protect their employees and anyone attending their premises-

- (a) if a notice is placed at the entrance to the premises informing persons that their temperature is to be taken; and
- (b) no record is kept of the person's temperature.

Offences and penalties.

15. A person who contravenes the provisions of these Regulations commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.

(2) 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.

Validity of permits.

16. Any permit issued under the Civil Contingencies Emergency (Coronavirus) (Businesses and Restrictions) (No.2) Regulations 2020 is deemed to have been issued under these

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Regulations and continues to have effect including as to the period of validity and any restrictions or conditions that may have been imposed.