

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4842 GIBRALTAR Friday 9th April 2021

LEGAL NOTICE NO. 227 OF 2021.

CIVIL CONTINGENCIES ACT 2007

CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (MISCELLANEOUS AMENDMENTS AND REVOCATION) REGULATIONS 2021

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) (Miscellaneous Amendments and Revocation) Regulations 2021.

Commencement.

2. These Regulations come into operation on the day of publication.

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 132,730,691 confirmed cases globally and more than 2,880,726 people have died; Coronavirus has, to date, reached 235 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 to Civil Contingencies Emergency (Coronavirus) (Businesses and Restrictions) (No.12) Regulations 2021.

4.(1) The Civil Contingencies Emergency (Coronavirus) (Businesses and Restrictions) (No.12) Regulations 2021 are amended in accordance with this regulation.

(2) In the title, for “(BUSINESSES AND RESTRICTIONS) (NO.12)” substitute “(BUSINESSES, RESTRICTIONS AND OTHER MATTERS)”.

(3) In regulation 1, for “(Businesses and Restrictions) (No.12)” substitute “(Businesses, Restrictions and Other Matters)”.

(4) In regulation 4, delete the definitions for “gymnasium” and “treatment”.

(5) After regulation 4, insert–
“

PART I
Businesses and Restrictions.”.

(6) Delete regulations 7, 8, 10, 11 and 13.

(7) In regulation 12–

(a) in subregulation (3), delete paragraph (b);

(b) delete subregulations (10), (11), (12) and (13).

(8) In regulation 14, for “regulation 7 to 13” substitute “regulations 6, 9 and 12”.

(9) After regulation 17, insert–
“

PART II
Other Matters.

Enclosed and substantially enclosed premises.

17A.(1) For the purposes of this Part, premises are enclosed if they–

(a) have a ceiling or roof; and

(b) except for doors, windows and passageways, are wholly enclosed either permanently or temporarily.

(2) For the purposes of this Part, premises are substantially enclosed if they have a ceiling or roof but there is–

(a) an opening in the walls; or

(b) an aggregate area of openings in the walls,

which is less than half of the area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premises.

- (3) In determining the area of an opening or an aggregate area of openings for the purposes of subregulation (2), no account is to be taken of openings in which there are doors, windows or other fittings that can be opened or shut.
- (4) In this Part “roof” includes any fixed or moveable structure or device which is capable of covering all or part of the premises as a roof, including, for example, a canvas awning.

Requirement to wear a mask.

17B. A person must wear a mask when attending a funeral in a place of worship that is an enclosed or substantially enclosed premises, unless that person has a reasonable excuse for not doing so.

Applicability and reasonable excuses.

17C.(1) The requirement in regulation 17B 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.
- (2) For the purposes of regulation 17B 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.
- (3) In subregulation (1)(c) “emergency responder” means a person employed for the purposes of providing, or engaging to provide, medical, ambulance or paramedic services.”.

Revocation.

5. The Civil Contingencies Emergency (Coronavirus) (Masks in Public Areas) (No.8) Regulations 2021 are hereby revoked.

Dated: 9th April 2021.

S SACRAMENTO,
Minister with responsibility for Civil Contingencies.

EXPLANATORY MEMORANDUM

These Regulations amend the Civil Contingencies Emergency (Businesses and Restrictions) (No.12) Regulations 2021 and revoke Civil Contingencies Emergency (Coronavirus) (Masks in Public Areas) (No.8) Regulations 2021.