

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS)
(BUSINESSES, RESTRICTIONS AND OTHER MATTERS) (NO.16)
REGULATIONS 2022**

LN.2022/129

Commencement **20.05.2022**

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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, Restrictions and Other Matters) (No.16) Regulations 2022.

Commencement.

2. These Regulations come into operation on 20th May 2022 and cease to have effect on 17th June 2022.

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, Restrictions and Other Matters) (No.15) Regulations 2022 there were more than 503,131,834 confirmed cases globally and more than 6,200,571 people had died; at the time of the publication of these Regulations there are more than 520,372,490 confirmed cases globally and more than 6,270,230 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.

Interpretation.

4. In these Regulations-

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“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;

“mask” means a covering of any type which covers a person’s nose and mouth;

“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.

**PART I
Businesses and Restrictions.**

Medical and Health Services.

5.(1) A person responsible for carrying on a business that provides medical or dental 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) that employees wear masks at all times;
- (d) that no person, without reasonable excuse or an exemption from the Director of Public Health, is allowed to enter or to remain on the premises unless such person is wearing a mask or they are receiving treatment; and
- (e) compliance with any recommendations or instructions from the Director of Public Health.

(2) An employee of a business referred to in subregulation (1) must wear a mask at all times whilst on the premises of such business.

(3) 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—

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- (a) has a reasonable excuse for not doing so;
- (b) is receiving treatment; or
- (c) has an exemption from the Director of Public Health.

(4) The requirement in subregulation (3) 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 (3) the circumstances in which a person (“P”) has a reasonable excuse include those where–

- (a) P is travelling with, or providing assistance to another person (“B”) and B relies on lip reading to communicate with P;
- (b) 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.

Exceptions to requirement to wear a mask.

6. The requirement in regulation 5 for an employee (“X”) to wear a mask does not apply–

- (a) if it is reasonably necessary for X to eat or drink;
- (b) where X removes the mask to take medication;
- (c) where X removes the mask to avoid harm or injury or the risk of harm of injury.

Testing permit.

7.(1) A person may offer services for the testing and detection of Coronavirus if they have been issued with a testing permit from the Civil Contingencies Coordinator.

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(2) A person applying for a testing permit under subregulation (1) must satisfy the Civil Contingencies Coordinator of the following–

- (a) suitable premises will be used to provide the services referred to in subregulation (1);
- (b) appropriately trained staff will be employed to carry out the testing and detection of coronavirus with evidence of competency assessment and participation in relevant external quality assessment provided; and
- (c) appropriate liability and medical indemnity insurance for staff has been obtained.

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

(4) A person that has been issued a testing permit under subregulation (1) must ensure that the conditions of the permit are complied with.

(5) The duration of the testing permit issued under subregulation (1) shall be specified in the permit.

(6) Failure to comply with a condition of a testing permit issued under subregulation (1) constitutes reasonable grounds for suspension or revocation of the permit by the Civil Contingencies Coordinator.

**PART II
Other Matters.**

Offences and penalties.

8.(1) 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.

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Fixed penalty notice.

9.(1) An authorised person may issue a fixed penalty notice to anyone that the authorised officer reasonably believes has committed an offence under these Regulations.

(2) The fixed penalty notice shall offer the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the clerk of the Magistrates' Court.

(3) Where a person is issued with a notice under this regulation in respect of an offence-

- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(4) A fixed penalty notice must-

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- (b) state that proceedings cannot be brought against a person for the offence to which the notice relates before the end of the period of 28 days following the date of the notice;
- (c) specify the amount of the fixed penalty;
- (d) state the address of the clerk of the Magistrates' Court to whom the fixed penalty may be paid.

(5) The amount specified under subregulation (4)(c) shall be £100.

(6) In any proceedings, a certificate which-

- (a) purports to be signed by or on behalf of the clerk of the Magistrates' Court; and
- (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

shall be conclusive evidence of the facts stated.

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(7) In this regulation “authorised person” means-

- (a) a police officer;
- (b) the Chief Environmental Health Officer, an Environmental Health Officer or an Assistant Environmental Health Officer.

Validity of permits.

10. Any permit issued under the Civil Contingencies Emergency (Coronavirus) (Businesses, Restrictions and Other Matters) (No.15) Regulations 2022 is deemed to have been issued under these Regulations and continues to have effect including as to the period of validity and any restrictions or conditions that may have been imposed.