

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (HEALTH PROTECTION MEASURES NO.2) REGULATIONS 2020**

**LN.2020/125**

<i>Amending enactments</i>	<i>Relevant current provisions</i>	<i>Commencement date</i>
2020/134	rr. 4(2A), 5	24.3.2020

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**ARRANGEMENT OF REGULATIONS.**

Regulation

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## Civil Contingencies

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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) (Health Protection Measures No.2) Regulations 2020.

**Commencement and expiry.**

2. These Regulations come into operation on 24<sup>th</sup> March 2020 and cease to have effect on 23<sup>rd</sup> April 2020 or such earlier date as the Minister deems to be appropriate.

**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 11 March 2020 the World Health Organisation (WHO) declared to be a pandemic; at the time of publication of these Regulations there are more than 266,000 confirmed cases globally and more than 11,000 people have died; Coronavirus has, to date, reached 188 countries, areas or territories, and it is therefore necessary to take measures to prevent, mitigate and control the spread of Coronavirus in Gibraltar;
- (b) on 19 March 2020 the UK Government formally introduced a new bill to the UK Parliament which contains measures designed to amend or introduce new statutory powers to respond to and manage the Coronavirus pandemic;
- (c) 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;
- (d) on the advice of the Attorney General the measures contained in these Regulations are proportionate and compatible with the Gibraltar Constitution;
- (e) the measures provided for are directed at the protection of public health in order to protect and prevent persons from contracting or spreading Coronavirus;
- (f) the conditions in section 12 of the Act are met;

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- (g) 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
- (h) the effect of these Regulations is in due proportion to that aspect or effect of the said emergency.

**Protection of persons.**

4.(1) Subject to subregulation (2), a person (P), for the purposes of the protection of the health of P and others from Coronavirus, is prohibited from leaving their place of residence except for any of the following purposes-

- (a) to purchase food, beverages, pharmaceutical products or such other essential items;
- (b) to take food, beverages, pharmaceutical products or such other essential items to a person over the age of 60 or to a person referred to in regulation 5;
- (c) to attend a medical or care facility of any kind and howsoever described or an essential services provider, for accessing services provided therein;
- (d) if P is in employment or self-employed or is the holder of a public office, to go to work;
- (e) if P is a member of an essential service, to report to duty;
- (f) to provide care to a person where P is the carer of a person with a disability or who is a vulnerable person;
- (g) to go to a bank or other financial institution;
- (h) to exercise a dog outdoors;
- (i) the exercise of any ministerial or parliamentary duties;
- (j) where P is a public servant and is acting under the instructions of the Chief Secretary;
- (k) where P is a volunteer and is acting under the instructions of the Civil Contingencies Coordinator or the Director of Public Health;

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- (l) any case where P is at risk of injury or death;
  - (m) to exercise;
  - (n) to exercise children, accompanying them as a parent or guardian;
  - (o) where P is a non-resident parent, to pick up a child from, or go back to, the child's residence;
  - (p) taking a child to an official activity, a childcare facility (other than at a school—whether at a private residential place or otherwise) or a school and returning from that activity or place, provided that in the case of a school the child falls within the category of children for whom the facility is available;
  - (q) to travel by vessel or car;
  - (r) to travel to or from the frontier, airport or port in order to enter into or depart from Gibraltar;
  - (s) where required to go to court, to file any court documents or for purposes relating to it;
  - (t) if P is employed or self-employed in the written or audio-visual media, to go to work;
  - (u) for such other purpose as may be notified by the Minister by notice in the Gazette;
  - (v) any other activity that is absolutely necessary.
- (2) P may pursue the purposes set out in subregulation (1) subject to the following-
- (a) for the purposes set out in paragraphs (a), (b), (c), (f), (g), (n), (o), (p) and (r), provided that P is alone or accompanied by no more than one other person from the same household and any children and provided that each person practises social distancing from other persons not from the same household;
  - (b) for the purposes set out in paragraphs (h), (m) and (q), provided that P is alone or accompanied by no more than three other persons from the same household and provided that each person practises social distancing from other persons not from the same household.

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(2A) Subregulation (2)(b) shall not apply to an official vehicle of the Government or to emergency services.

(3) A person who fails to comply with or contravenes this regulation commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.

(4) For the purposes of these Regulations, “Coronavirus” means SARS-CoV-2.

**Disapplication of exceptions.**

5. The exceptions in paragraphs (a), (b), (d) to (k) and (m) to (u) of subregulation (1) shall not apply to-

(a) a person (P) who is diagnosed as having the Coronavirus or who has been advised by the Gibraltar Health Authority or the Director of Public Health to self-isolate; or

(b) a member of P’s household,

for the period that P is required or advised by the Gibraltar Health Authority or the Director of Public Health to self-isolate.

**Police powers.**

6.(1) This regulation applies if a police officer has reasonable grounds to suspect that a person (“P”) is in breach of the provisions of regulation 4.

(2) A police officer may-

(a) require P to answer any questions to enable the police officer to ascertain who P is and whether P falls within the exceptions set out in regulation 4; and

(b) direct P to go immediately to P’s residence; or

(c) detain and convey P to P’s residence.

(3) The power in subregulation (2) may be exercised where P is at any place other than P’s residence.

(4) For the purpose of exercising the power in subregulation (2), a police officer may enter any place other than a residence.

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(5) A police officer may use reasonable force, if necessary, in the exercise of a power under this regulation.

#### **Consultation where practicable.**

7. Unless it is not practicable to do so, the Chief Minister will consult with the Leader of the Opposition prior to the Minister for Civil Contingencies making new regulations amending, extending or replacing the effect of these Regulations.

#### **Disapplication of Regulations.**

8. These regulations shall not apply to a person who is aged 70 years or over to whom the Civil Contingencies Emergency (Coronavirus)(Health Protection Measures) Regulations 2020 shall apply.