

Subsidiary Legislation made under s.11.

CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (HEALTH PROTECTION MEASURES) (UNDER 70s) REGULATIONS 2020

LN.2020/158

Commencement **23.4.2020**

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title.
2. Commencement and expiry.
3. Statement in accordance with section 11(2) of the Act.
4. Protection of persons.
5. Disapplication of exceptions.
6. Police powers.
7. Consultation where practicable.
8. Disapplication of Regulations.

2007-14

Civil Contingencies

2020/158

Civil Contingencies Emergency (Coronavirus) (Health Protection Measures) (Under 70s) 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) (Health Protection Measures) (Under 70s) Regulations 2020.

Commencement and expiry.

2.(1) These Regulations come into operation on 23rd April 2020 and shall be reviewed on the 27th April and thereafter every 7 days.

(2) These Regulations cease to have effect on 22nd May 2020, or such earlier date as the Minister deems to be appropriate following a review under subregulation (1).

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) (Health Protection Measures No.2) Regulations 2020 there were approximately 266,000 confirmed cases globally and around 11,000 people had died; at the time of publication of these Regulations there are more than 2,402,000 confirmed cases globally and more than 163,000 people have died; Coronavirus has, to date, reached 213 countries, areas or territories, and it is therefore necessary to take measures to prevent, mitigate and control the spread of Coronavirus in Gibraltar;
- (b) 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;
- (c) on the advice of the Attorney General the measures contained in these Regulations are proportionate and compatible with the Gibraltar Constitution;
- (d) the conditions in section 12 of the Act are met;
- (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) 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
- (g) 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, and P may be required to provide evidence of such employment or self-employment being registered in Gibraltar;
- (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;
- (l) any case where P is at risk of injury or death;

2007-14

Civil Contingencies

2020/158

Civil Contingencies Emergency (Coronavirus) (Health Protection Measures) (Under 70s) Regulations 2020

- (m) to exercise;
 - (n) to exercise children, where P is a parent, guardian or carer;
 - (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) to provide music or entertainment with the prior approval of the Office of the Civil Contingencies Coordinator and subject to such conditions as may be specified;
 - (v) for such other purpose as may be notified by the Minister by notice in the Gazette;
 - (w) 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.

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

(4) Subregulation (2)(a) shall not apply-

(a) in the exception set out in subregulation (1)(f), where the person being cared for is under the age of 70; or

(b) in the exception set out in subregulation (1)(n), where the child being cared for has a disability or is vulnerable,

and the care includes accompanying that person or child outdoors.

(5) Where the exception in subregulation (4) applies, P may accompany the person to whom P provides care provided that each person practises social distancing from other persons.

(6) 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.

(7) For the purposes of these Regulations, “Coronavirus” means SARS-CoV-2 or Covid-19.

Disapplication of exceptions.

5. The exceptions in paragraphs (a), (b), (d) to (k) and (m) to (v) 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

2007-14

Civil Contingencies

2020/158

Civil Contingencies Emergency (Coronavirus) (Health Protection Measures) (Under 70s) Regulations 2020

(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.

(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)(70s and Over) Regulations 2020 shall apply.