

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4861 GIBRALTAR Friday 4th June 2021

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LEGAL NOTICE NO. 290 OF 2021

## CIVIL CONTINGENCIES ACT 2007

### CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (REQUIREMENTS ON ENTRY INTO GIBRALTAR AND TESTING) (AMENDMENT NO.2) 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) (Requirements on Entry into Gibraltar and Testing) (Amendment No.2) 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 171,292,827 confirmed cases globally and more than 3,687,589 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 the Civil Contingencies Emergency (Coronavirus) (Requirements on Entry into Gibraltar and Testing) Regulations 2021.**

4.(1) The Civil Contingencies Emergency (Coronavirus) (Requirements on Entry into Gibraltar and Testing) Regulations 2021 are amended in accordance with this regulation.

- (2) In regulation 5, for “14” substitute “10”.
- (3) In regulation 6, in subregulations (1) and (3), for “14” substitute “10”;
- (4) In regulation 7, in subregulations (1), (4) and (5) for “14” substitute “10”.
- (5) In regulation 8–
  - (a) in the title, after “Gibraltar” insert “via land or sea”;
  - (b) in subregulation (1)–
    - (i) after “Gibraltar” insert “via land or sea”; and
    - (ii) for “14” substitute “10”; and
  - (c) in subregulation (4), for “14” substitute “10”.
- (6) Insert the following after regulation 8–

**“Requirements for a person travelling to Gibraltar by air after being in a red list country.**

8A.(1) Subject to subregulation (2), no person–

- (a) travelling into Gibraltar by air; and
- (b) who has been in a red list country in the 10 day period preceding their date of arrival into Gibraltar,

may enter Gibraltar.

- (2) Subregulation (1) does not apply to a person (P) if P proves to the satisfaction of an immigration officer that P–
  - (a) falls within the definition of a Gibraltarian pursuant to section 4 of the Gibraltarian Status Act;
  - (b) is a lawful resident of Gibraltar;

- (c) is a seafarer who-
    - (i) is on transit to a vessel which is berthed or at anchor within British Gibraltar Territorial Waters;
    - (ii) holds a valid seafarer's book; and
    - (iii) has a letter of guarantee from a shipping agent registered in Gibraltar;
  - (d) is a Spanish national and is on transit to Spain;
  - (e) intends to transit Gibraltar for the purposes of entering Spain and P-
    - (i) is lawfully resident in Spain, and
    - (ii) is or will be allowed to enter Spain from Gibraltar;
  - (f) is carrying out a work activity in Gibraltar or who are taking up employment in Gibraltar;
  - (g) is a member of the armed forces and P has been issued with a travel order that states that Gibraltar is P's destination;
  - (h) has, in exceptional circumstances, been granted permission by the Borders and Coastguard Agency to enter Gibraltar and is the holder of a letter, electronic or otherwise, issued by the Borders and Coast Guard Agency granting P leave to enter Gibraltar.
- (3) Subject to subregulations (5) and (7), a person entering Gibraltar through Gibraltar Airport and proving to the satisfaction of an immigration officer that they satisfy one of the conditions in subregulation (2) must–
- (a) book a PCR test with a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health prior to their arrival;
  - (b) take the test referred to in paragraph (a) on the day of their arrival;
  - (c) self-isolate for 10 days following their arrival into Gibraltar; and
  - (d) take an additional PCR test, provided by a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health, on the tenth day of the self-isolation period referred to in paragraph (c).
- (4) The requirement to self-isolate under subregulation (3)(c) is not completed until the requirement in subregulation (3)(d) has been met and a person authorised in

writing by the Director of Public Health has confirmed that the self-isolation period has been completed.

- (5) Subregulation (3) does not apply to a fully vaccinated person.
- (6) A fully vaccinated person entering Gibraltar through Gibraltar Airport after proving to the satisfaction of an immigration officer that they satisfy one of the conditions in subregulation (2) must –
  - (a) book a PCR test upon their arrival into Gibraltar with a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health;
  - (b) take the test referred to in paragraph (a) on the day of their arrival; and
  - (c) take an additional PCR test, provided by a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health, five days following the test referred to in paragraph (a).
- (7) This Regulation does not apply to a person under the age of 8.
- (8) In these Regulations-

“immigration officer” includes an officer of the Borders and Coast Guard Agency and an officer of the Gibraltar Port Authority.”.

(7) In regulation 9, for “6, 7 and 8” substitute “6, 7, 8 and 8A”.

(8) In regulation 10–

- (i) in subregulation (1), for “14” substitute “10”; and
- (ii) in subregulation (2), for “7(2) and 8(2)” substitute “7(2), 8(2) and 8A(4)”.

(9) After regulation 14, insert–

**“Relationship with Immigration, Asylum and Refugee Act.**

14A.(1) Where a person “P” has contravened the provisions of regulation 5 and irrespective of whether P has been prosecuted for that offence under these Regulations-

- (a) for the purposes of the Immigration, Asylum and Refugee Act, the Principle Immigration Officer is deemed to have declared P to be a prohibited immigrant pursuant to section 52(1); and
- (b) all the powers under that Act are available as regards P.

(2) The provisions in Part IV (EEA Nationals and Family Members, Swiss Posted Workers) of the Immigration, Asylum and Refugee Act are modified to the extent required to give effect to regulation 8A(1) or 8A(2).”.

(10) In Schedule 1, delete “Portugal (including the Azores and Madeira)”.

(11) Substitute the following for Schedule 2–

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**SCHEDULE 2  
RED LIST COUNTRIES**

Afghanistan  
Angola  
Argentina  
Bahrain  
Bangladesh  
Bolivia  
Botswana  
Brazil  
Burundi  
Cape Verde  
Chile  
Colombia  
Congo (Democratic Republic)  
Costa Rica  
Ecuador  
Egypt  
Eswatini  
Ethiopia  
French Guiana  
Guyana  
India  
Kenya  
Lesotho  
Malawi  
Maldives  
Mozambique  
Namibia  
Nepal  
Oman  
Pakistan  
Panama  
Paraguay  
Peru  
Philippines  
Qatar  
Rwanda

Seychelles  
Somalia  
South Africa  
Sri Lanka  
Sudan  
Suriname  
Tanzania  
Trinidad and Tobago  
Turkey  
United Arab Emirates (UAE)  
Uruguay  
Venezuela  
Zambia  
Zimbabwe”.

Dated: 4<sup>th</sup> June, 2021.

S SACRAMENTO,  
Minister with responsibility for Civil Contingencies.

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### **EXPLANATORY MEMORANDUM**

These Regulations amend the Civil Contingencies Emergency (Coronavirus) (Requirements on Entry into Gibraltar and Testing) Regulations 2021.