

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4870 GIBRALTAR Friday 25th June 2021

LEGAL NOTICE NO. 314 OF 2021

CIVIL CONTINGENCIES ACT 2007

CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (REQUIREMENTS ON ENTRY INTO GIBRALTAR AND TESTING) (NO.2) (AMENDMENT) 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) (No.2) (Amendment) 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 179,513,309 confirmed cases globally and more than 3,895,661 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) (No.2) Regulations 2021.

4.(1) The Civil Contingencies Emergency (Coronavirus) (Requirements on Entry into Gibraltar and Testing) (No.2) Regulations 2021 are amended in accordance with this regulation.

(2) In regulation 4–

- (a) delete the definition of “MHRA”; and
- (b) in the definition of “vaccine” for “the MHRA” substitute “a body listed in Schedule 3.”.

(3) Delete regulation 8.

(4) In the title of regulation 9 for “travelling to Gibraltar by air” substitute “entering Gibraltar”.

(5) In regulation 9–

- (a) in subregulation (1), delete paragraph (a);
- (b) in subregulations (3), for “through Gibraltar Airport” substitute “after being in a red list country in the 10 day period preceding their date of arrival into Gibraltar”; and
- (c) in subregulations (6), for “through Gibraltar Airport” substitute “after being in a red list country in the 10 day period preceding their date of arrival into Gibraltar”.

(6) In regulation 10–

- (a) in subregulation (1), for “A person (P)”, substitute “Subject to subregulation (1A), a person (P)”; and
- (b) after subregulation (1) insert the following –

“(1A) Subregulation (1) does not apply where P has completed a passenger locator form in accordance with the Civil Contingencies Emergency (Coronavirus) (Passenger Locator Form) (No.11) Regulations 2021.”.

(7) After regulation 14, insert–

“Children.

- 14A.(1) An individual who has responsibility for a child must, so far as reasonably practicable, secure that the child complies with any direction, instruction, requirement or restriction given to or imposed on the child under these Regulations.
- (2) An individual who has responsibility for a child must provide to a person exercising a power under these Regulations such information and assistance in relation to the child as is reasonably necessary and practicable in the circumstances.
- (3) A power under these regulations to direct or require a child to self-isolate may instead be exercised by directing or requiring an individual who has responsibility for the child to ensure the child self-isolates.
- (4) Where a child has a right of appeal under these Regulations, the right may be exercised by an individual who has responsibility for the child.
- (5) For the purposes of these Regulations an individual has responsibility for a child–
- (a) if the individual has custody or charge of the child for the time being; or
- (b) if the individual has parental responsibility for the child (within the meaning of the Children Act 2009).

- (6) In these regulations–

“adult” means a person aged 18 or over;

“child” means a person under the age of 18.”.

- (8) After regulation 16 insert–

“Fixed penalty notice.

- 16A.(1) A police officer may issue a fixed penalty notice to anyone that the police officer reasonably believes has committed an offence under regulation 16 by not complying with regulations 6(1)(b), 6(2), 7(1)(c), 7(1)(e), 7(4)(a), 7(4)(c), 8(1)(b), (8)(1)(d), 8(4)(a), 8(4)(c), 9(3)(c), 9(3)(e), 9(6)(a), 9(6)(c), 10, 14 or 14A.
- (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 £300.
- (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.”.
- (9) In regulation 17(1) for “regulation 5” substitute “regulations 9(1) or 9(2)”.
- (10) Substitute the following for Schedule 1–

**“SCHEDULE 1
GREEN LIST COUNTRIES**

Anguilla
Antigua and Barbuda
Australia
Barbados
Bermuda
British Antarctic Territory
British Indian Ocean Territory
British Virgin Islands

Brunei
Cayman Islands
Dominica
Falkland Islands
Faroe Islands
Grenada
Iceland
Israel
Madeira
Malta
Montserrat
New Zealand
Pitcairn, Henderson, Ducie and Oeno Islands
Singapore
South Georgia and South Sandwich Islands
St Helena, Ascension and Tristan da Cunha
Spain
The United Kingdom, Jersey, Guernsey and Isle of Man
Turks and Caicos Islands”.

(11) Substitute the following for Schedule 2–

**“SCHEDULE 2
RED LIST COUNTRIES**

Afghanistan
Angola
Argentina
Bahrain
Bangladesh
Bolivia
Botswana
Brazil
Burundi
Cape Verde
Chile
Colombia
Congo (Democratic Republic)
Costa Rica
Dominican Republic
Ecuador
Egypt
Eritrea
Eswatini
Ethiopia
French Guiana
Guyana
Haiti

India
Kenya
Lesotho
Malawi
Maldives
Mongolia
Mozambique
Namibia
Nepal
Oman
Pakistan
Panama
Paraguay
Peru
Philippines
Qatar
Rwanda
Seychelles
Somalia
South Africa
Sri Lanka
Sudan
Suriname
Tanzania
Trinidad and Tobago
Tunisia
Turkey
Uganda
United Arab Emirates (UAE)
Uruguay
Venezuela
Zambia
Zimbabwe”.

(12) After Schedule 2, insert–

**“SCHEDULE 3
RECOGNISED BODIES FOR REGULATORY APPROVAL FOR VACCINES**

Medicines and Healthcare products Regulatory Agency (MHRA)
World Health Organisation (WHO)
European Medicines Agency (EMA)
Food and Drug Administration (FDA)”.

Dated: 25th June 2021.

S SACRAMENTO,
Minister with responsibility for Civil Contingencies.

EXPLANATORY MEMORANDUM

These Regulations amend the Civil Contingencies Emergency (Coronavirus) (Requirements on Entry into Gibraltar and Testing) (No.2) Regulations 2021.