

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS)
(RESTRICTIONS ON GATHERINGS AND OTHER MATTERS) (NO.5)
REGULATIONS 2021**

LN.2021/068

Commencement **21.1.2021**

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title.
2. Commencement.
3. Statement in accordance with section 11(2) of the Act.

**Part I
Restrictions on Gatherings**

4. Restrictions on gatherings.

**Part II
Other Matters**

5. Suspension of annual general meetings.
6. Loitering.

**Part III
Enforcement**

7. Fixed Penalty Notice.

2007-14

Civil Contingencies

2021/068 **Civil Contingencies Emergency (Coronavirus)**
(Restrictions on Gatherings and Other Matters) (No.5)
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) (Restrictions on Gatherings and Other Matters) (No.5) Regulations 2021.

Commencement.

2. These Regulations come into operation on the 21st January 2021 and cease to have effect on 19th February 2021.

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) (Restrictions on Gatherings and Other Matters) (No.4) Regulations 2020 there were more than 76,382,044 confirmed cases globally and around 1,702,128 had died; at the time of the publication of these Regulations there are approximately 94,124,612 confirmed cases globally and more than 2,034,527 have died; the virus has so far reached 235 countries, areas or territories, and it is therefore necessary to take measures to prevent, mitigate and control the spread of the virus 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) 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

**Civil Contingencies Emergency (Coronavirus)
(Restrictions on Gatherings and Other Matters) (No.5)
Regulations 2021**

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

**Part I
Restrictions on Gatherings**

Restrictions on gatherings.

4.(1) No person may participate in a gathering in a public place of more than twelve people except-

- (a) where the gathering is essential for work purposes;
- (b) where the gathering is necessary to carry out the work of the Civil Contingencies Committee or under the instructions of the Civil Contingencies Coordinator or the Director of Public Health;
- (c) where the gathering is for the purpose of legal proceedings;
- (d) at a medical or care facility, including a veterinary clinic, where it is necessary for the normal business of the facilities;
- (e) at an airport where it is necessary for the normal business of the airport;
- (f) at the Gibraltar Parliament;
- (g) at a retail shop, supermarket, grocery store, bakery, confectionery, butcher, fishmonger, health shop or pharmacy, where it is necessary for the normal business of those premises;
- (h) where it is necessary for the purposes of law enforcement or the provision of emergency services or under the instructions of law enforcement or the emergency services;
- (i) at a gymnasium provided that it is in compliance with the conditions of a permit issued by the Director of Public Health;
- (j) at a club provided it is with the prior approval of the Office of the Civil Contingencies Co-ordinator and subject to such conditions as may be specified;
- (k) at a place of worship provided it has a permit from the Director of Public Health and subject to such conditions as may be specified therein;

2007-14

Civil Contingencies

2021/068 **Civil Contingencies Emergency (Coronavirus)**
(Restrictions on Gatherings and Other Matters) (No.5)
Regulations 2021

- (l) at a stadium or other sporting facility provided it is with a permit from the Director of Public Health and subject to such conditions as may be specified therein;
 - (m) where the gathering is for the purpose of a marriage ceremony or civil partnership registration, or the celebration of a marriage or civil partnership, provided it is with a permit from the Director of Public Health and in compliance with such conditions as may be specified therein.
- (2) No person may participate in a gathering in residential premises of more than twelve people except-
- (a) for the purposes of law enforcement or the provision of emergency services;
 - (b) for the purposes of carrying out urgent or necessary repairs to the premises;
 - (c) in any other emergency situation.
- (3) Where a police officer considers that more than twelve people are gathered in contravention of this regulation he may direct the gathering to disperse.
- (4) Where the Commissioner of Police reasonably believes that a gathering in a public place of more than twelve people is intended to be held, he may give a direction to the persons organising or taking part in the gathering to not hold or attend said gathering.
- (5) A direction given under subregulation (4) must be given in writing.
- (6) A person who—
- (a) organises; or
 - (b) takes part in,
- a gathering that is the subject of a direction given under subregulation (4) commits an offence.
- (7) A person who encourages or assists another to commit the offence described in subregulation (6)(b) commits an offence.
- (8) A person who contravenes subregulation (1) or (2) or fails to comply with a direction of a police officer under subregulation (3), commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.

**Civil Contingencies Emergency (Coronavirus)
(Restrictions on Gatherings and Other Matters) (No.5)
Regulations 2021**

2021/068

(9) A person who commits an offence under subregulation (6) or (7) is liable on summary conviction to a fine up to level 5 on the standard scale or imprisonment for a term not exceeding 3 months.

(10) For the purposes of this regulation –

“residential premises” includes any communal area, garden or patio and any garage, underground car park, outhouse or other structure.

**Part II
Other Matters**

Suspension of annual general meetings.

5.(1) Any –

- (a) legal requirement for; or
- (b) requirement contained in the constitution or rules of,

an organisation to hold an annual general meeting for the year 2020/2021 is suspended until these Regulations expire.

(2) For the purposes of this regulation, “organisation” means a society, union, sports club, social club, cultural club, housing association or charity and includes a club as defined under the Clubs Act.

Loitering.

6.(1) A person must not loiter, frequent or remain in Chatham Counterguard, Reclamation Road or Fish Market Lane without reasonable excuse between the hours of 11pm and 1am on a Thursday, Friday or Saturday.

(2) A person who does not comply with subregulation (1) is liable on summary conviction to a fine up to level 5 on the standard scale.

**Part III
Enforcement**

Fixed Penalty Notice.

2007-14

Civil Contingencies

2021/068 **Civil Contingencies Emergency (Coronavirus)**
(Restrictions on Gatherings and Other Matters) (No.5)
Regulations 2021

7.(1) A police officer may issue a fixed penalty notice to anyone that the police 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 –

- (a) £100 for an offence committed under regulation 4(8); and
- (b) £1000 for an offence committed under regulation 4(6) or 4(7).

(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,

Civil Contingencies

2007-14

**Civil Contingencies Emergency (Coronavirus)
(Restrictions on Gatherings and Other Matters) (No.5)
Regulations 2021**

2021/068

shall be conclusive evidence of the facts stated.