

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS)
(TEMPORARY ACCOMMODATION) REGULATIONS 2020**

LN.2020/147

Commencement

2.4.2020

ARRANGEMENT OF REGULATIONS.

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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) (Temporary Accommodation) Regulations 2020.

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 SARS-CoV-2, also referred to as Covid-19, (“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 850,000 confirmed cases globally and more than 42,000 people have died; Coronavirus has, to date, reached 205 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 measures provided for are directed at the protection of public health in order to protect and prevent persons from contracting or spreading Coronavirus;
- (e) the conditions in section 12 of the Act are met;
- (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

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

Interpretation.

4. In these Regulations-

“temporary accommodation centre” means any premises that are designated as a temporary accommodation centre pursuant to regulation 5 and listed in the Schedule.

Designation of temporary accommodation centre.

5. The premises listed in the Schedule are designated as a temporary accommodation centre for the purposes of these Regulations.

Admission to and allocation of temporary accommodation centre.

6.(1) A person (in these Regulations “P”) who is in Gibraltar and has no fixed abode must-

- (a) as soon as is reasonably practicable after the coming into operation of these Regulations; or
- (b) when directed by a police officer to do so,

report to a temporary accommodation centre.

(2) Where P reports to a temporary accommodation centre in accordance with subregulation (1) P must be-

- (a) admitted as a resident; or
- (b) conveyed to another temporary accommodation centre and admitted to that temporary accommodation centre.

Record of residents.

7.(1) A temporary accommodation centre must at all times maintain a record of all the persons who have been admitted as residents of that centre.

(2) Where a question arises as to whether P has been admitted to a temporary accommodation centre the records maintained under subregulation (1) are, unless the contrary is proven, prima facie evidence of P’s residence.

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Police powers.

8.(1) 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 scope of regulation 6;
- (b) where P fails to comply with a direction under regulation 6(1)(b), detain and convey P to a temporary accommodation centre;
- (c) detain and convey P to P's residence.

(2) The power in subregulation (1) may be exercised where P is at any place other than P's residence.

(3) For the purpose of exercising the power in subregulation (1), a police officer may enter any place other than a residence.

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

Food and beverage etc.

9. It is the duty of the Government to ensure that, for such time as P is a resident of a temporary accommodation centre, P-

- (a) is provided with adequate beverages and food that is wholesome, nutritious and sufficient in quantity, for the duration of the period that P is required to reside there;
- (b) has access to sanitary and washing facilities for the purposes of maintain personal hygiene.

Deemed residency and relationship to other legislation.

10.(1) Where P has been admitted to a temporary accommodation centre under these Regulations, P is for the purposes of these Regulations and for the purposes of any other subsidiary legislation made under the Civil Contingencies Act 2007, deemed to be a resident of that temporary accommodation centre and in any such legislation a reference to a person's residence is to be construed accordingly.

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(2) Nothing in these Regulations limits the powers in relation to P under any other enactment.

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Schedule

Regulation 4

Temporary Accommodation Centres

Garrison Gymnasium, Europa Road

Europa Retreat Centre, 11 Windmill Hill Road