

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS)
(TEMPORARY RESTRICTIONS ON ENTRY INTO GIBRALTAR AND
TESTING) (NO.2) REGULATIONS 2021**

Revoked by LN.2021/102 as from 31.1.2021

LN.2021/072

Commencement

21.1.2021

ARRANGEMENT OF REGULATIONS.

Regulation

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Civil Contingencies Emergency (Coronavirus) (Temporary Restrictions on Entry into Gibraltar and Testing) (No.2) Regulations 2021

Revoked

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 Restrictions on Entry into Gibraltar and Testing) (No.2) Regulations 2021.

Commencement.

2. These Regulations come into operation on 21th 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) (Temporary Restrictions on Entry into Gibraltar and Testing) 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) conditions in section 12 of the Act are met;
- (d) 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
- (e) the effect of these regulations is in due proportion to that aspect or effect of the said emergency.

**Civil Contingencies Emergency (Coronavirus)
(Temporary Restrictions on Entry into Gibraltar and
Testing) (No.2) Regulations 2021**

Temporary restriction on entry into Gibraltar.

4.(1) Subject to subregulation (2), no person travelling by air from the United Kingdom 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) is the holder of a letter, electronic or otherwise, issued by the Borders and Coast Guard Agency granting P leave to enter Gibraltar.

(3) In these Regulations-

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“enter Gibraltar” means entering Gibraltar by the Gibraltar International Airport;

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

Requirements for a person entering Gibraltar.

5.(1) A person (P) must–

- (a) undergo a Coronavirus test provided by a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health; or
- (b) provide a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health with a negative Coronavirus test result,

within 24 hours of arrival into Gibraltar.

(2) If P remains in Gibraltar for 5 days after their arrival, P must undergo an additional Coronavirus test provided by a registered nurse, medical practitioner or person authorised in writing by the Director of Public Health.

(3) The test result referred to in subregulation (1)(b), must correspond to a PCR test taken by P within 72 hours prior to their arrival into Gibraltar.

(4) In this regulation, “PCR test” means a polymerise chain reaction test.

Charge for Coronavirus Test.

6.(1) A test referred to in regulation 5(1)(a) and 5(2) shall be free of charge for a person that falls under regulation 4(2)(a) or 4(2)(b).

(2) The cost for a test referred to in regulation 5(1)(a) and 5(2) for a person that does not fall under regulation 4(2)(a) or 4(2)(b) shall be £50 per test.

Appeals.

7. A person in relation to whom a requirement is imposed under these Regulations may appeal to the magistrates’ Court against that requirement.

Offences.

8. A person who–

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- (a) provides false or misleading information intentionally or recklessly to any person carrying out a function under these Regulations;
- (b) obstructs, without reasonable excuse, any person carrying out a function under these Regulations; or
- (c) contravenes these Regulations,

commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.

Relationship with Immigration, Asylum and Refugee Act.

9.(1) Where a person “P” has contravened the provisions of regulation 4 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 4.

Application.

10.(1) These Regulations do not apply to a person who-

- (a) is on a scholarship from the Department of Education returning to Gibraltar after a period of study;
- (b) is a seafarer that is the subject of any Coronavirus protocol issued by the Captain of the Port; or
- (c) has been in a relevant area within the last 14 days.

(2) For the purposes of this regulation “relevant area” has the same meaning as in the Civil Contingencies Emergency (Coronavirus Infection Risks Mitigation and Control Measures No.10) Regulations 2020.

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