

Subsidiary Legislation made under s.11.

CIVIL CONTINGENCIES EMERGENCY (No. 5)  
REGULATIONS 2011

(LN. 2011/065)

*Commencement*            **12.5.2011**

Amending enactments	Relevant current provisions	Commencement date
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*In exercise of the powers conferred on her by section 11 of the Civil Contingencies Act 2007, and of all other enabling powers, the Minister for Civil Contingencies, acting with the consent of the Chief Minister, has—*

- A. Declared that she is satisfied that—
  - (a) there is a continuing emergency at the building known as the Mediterranean Hotel, Eastern Beach Road, Gibraltar, namely that there is a significant risk of immediate partial collapse of said building;
  - (b) the conditions in section 12 of the Civil Contingencies Act 2007 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.
  
- B. Made the following regulations which—
  - (a) may be cited as the Civil Contingencies Emergency (No. 5) Regulations 2011; and

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(b) shall come into operation on the 17<sup>h</sup> May 2011 and shall lapse after the period of 30 days therefrom.

1. These Regulations are made for the purpose of preventing, controlling or mitigating an aspect or effect of the emergency in respect of which the Regulations are made.

2. Subject to the provisions of these Regulations, no person unless authorised by the Government's appointed Engineer, shall enter any part of the building known as the Mediterranean Hotel, Eastern Beach Road, Gibraltar.

3.–

(i) Engineers appointed by the Government for that purpose shall have the right to enter any and all parts of the building and any premises forming part thereof for the purpose of carrying out a structural survey thereof to assess the extent of the defects in the building and the danger posed thereby.

(ii) Such engineers may carry out intrusive inspections for which purpose they may penetrate walls and other parts of the building, limiting the damage thereto to the minimum necessary for that purpose.

(iii) If access to any premises within the building is not facilitated by the occupier thereof, a police officer may use reasonable force to gain entry into such premises.

4. It is provided that the Commissioner of Police, or any officer of the Royal Gibraltar Police acting under his direction, has a power to give directions or orders which are in his opinion necessary for carrying out the purposes of these Regulations.

5. Any person who–

(a) fails to comply with a provision of these Regulations;

(b) fails to comply with a direction or order given or made under these Regulations; or

(c) obstructs a person in the performance of a function under or by virtue of these Regulations,

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shall be guilty of an offence and shall be liable on summary conviction to imprisonment for three months or to a fine at level five on the standard scale.