

Subsidiary Legislation made under s.11.

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS)
(CATERING AND OTHER ESTABLISHMENTS) (CONSTRUCTION
AND SHIPBUILDING AND REPAIR) (No.2) REGULATIONS 2020**

LN.2020/150

Commencement

6.4.2020

ARRANGEMENT OF REGULATIONS.

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Civil Contingencies Emergency (Coronavirus) (Catering and Other Establishments) (Construction and Shipbuilding and Repair) (No.2) Regulations 2020

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) (Catering and Other Establishments) (Construction and Shipbuilding and Repair) (No.2) Regulations 2020.

Commencement and expiry.

2. These Regulations come into operation on 6 April 2020 and will cease to have effect on Wednesday 6 May 2020.

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 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 1,100,000 confirmed cases globally and more than 63,000 people have died; Coronavirus has, to date, reached 209 countries, areas or territories, and it is therefore necessary to take measures to prevent, mitigate and control the spread of Coronavirus in Gibraltar;
- (b) 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.

Closure of certain establishments.

4.(1) The following establishments must at all times remain closed to any member of the public-

- (a) restaurants;

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- (b) bars;
- (c) cafeterias;
- (d) discotheques/nightclubs;
- (e) gymnasiums;
- (f) retail shops;
- (g) any other establishments that the Minister by notice in the Gazette includes within these Regulations.

(2) Subregulation (1) does not prevent any establishment from operating a kitchen for the purposes of the sale or supply of food and beverages to consumers for consumption off the premises (that is as a takeaway meal) or through a home delivery service provider.

(3) In subregulation (1)(e) “gymnasiums” means a gymnasium that-

- (a) is open to any member of the public whether on the payment of a fee or otherwise;
- (b) is accessible to members, whether or not also accessible to members of the public.

(4) A person who contravenes the provisions of this regulation commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.

(5) If an offence under this regulation committed by a corporate body is proved-

- (a) to have been committed with the consent or connivance of; or
- (b) to be attributable to any neglect on the part of,

an officer, the officer as well as the corporate body commits the offence and is liable to be proceeded against and punished accordingly.

(6) In subregulation (5), “officer” means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity and if the affairs of a corporate body are managed by its members, “director” means a member of that body.

Exceptions to regulation 4.

5.(1) Regulation 4 does not apply to-

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- (a) a restaurant in a hotel which only serves food and beverages to the guests of that hotel;
- (b) the restaurant in the Gibraltar International Airport that is located airside, after passport and security controls; and
- (c) messing facilities within the Ministry of Defence estate which serve food and beverages to persons entitled to use such facilities (but this does not exempt a bar within that estate);
- (d) supermarkets, grocery stores, bakers, confectioneries, butchers, fishmongers, health shops and pharmacies;
- (e) petrol stations, port and bunkering activities;
- (f) wholesalers or other businesses providing supplies to the above;
- (g) any other establishment that the Minister may by notice in the Gazette exempt from the application of these Regulations;
- (h) an establishment that is operating within the terms of a permit issued under subregulation (2).

(2) For the purposes of subregulation (1)(h) a permit may, only in exceptional circumstances and if satisfied that it is essential, be issued by the Ministry of Business, Tourism and Transport and such permit may be issued subject to any conditions specified therein and may be amended or revoked at any time.

Construction and shipbuilding repairs.

6.(1) Unless authorised by virtue of a certificate issued by the Chief Technical Officer-

- (a) all construction sites and sites used for shipbuilding and repair must at all times remain closed; and
- (b) no construction work or shipbuilding or repairs shall be carried out except in cases of emergency.

(2) A certificate issued by the Chief Technical Officer under subregulation (1), may be subject to such conditions as may be specified therein.

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(3) A person who contravenes the provisions of this regulation commits an offence and is liable on summary conviction to a fine up to level 5 on the standard scale.

(4) If an offence under this regulation committed by a body corporate is proved-

(a) to have been committed with the consent or connivance of; or

(b) to be attributable to any neglect on the part of,

an officer, the officer as well as the corporate body commits an offence and is liable to be proceeded against and punished accordingly.

(5) In subregulation (4), “officer” has the same meaning as it has in regulation 4(6).

Validity of permits and authorisations.

7. Any permit or authorisation issued under the Civil Contingencies Emergency (Coronavirus) (Catering and Other Establishments) (Construction and Shipbuilding and Repair) Regulations 2020 is deemed to have been issued under these Regulations and continues to have effect including as to the period of validity and any restrictions or conditions that may have been imposed.