



HM Government
of Gibraltar

COVID-19 MEASURES

27th September 2020

GUIDANCE NOTE

CIVIL CONTINGENCIES ACT 2007

CIVIL CONTINGENCIES (CORONAVIRUS) (BUSINESSES AND RESTRICTIONS) (NO.5) REGULATIONS 2020

CIVIL CONTINGENCIES (CORONAVIRUS) (MASKS IN PUBLIC AREAS) (NO.2) REGULATIONS 2020

Introduction.

In Gibraltar, we all need to do what we can to reduce the spread of the COVID-19 virus. This is why laws have recently been made which are intended to promote the use of masks so as to lower the risk that the virus can spread and infect vulnerable individuals in Gibraltar.

What are the regulations for retail shops?

There is an obligation on the public to wear a mask when they are on the premises of a retail shop unless they have a reasonable excuse to not do so or one of the exceptions apply. This also applies to employees of the retail shop.

There will also be a requirement on the person responsible for carrying on a business as a retail shop to ensure that no person (including their employees) is allowed to enter or remain on their premises unless they are wearing a mask or they have a reasonable excuse for not doing so or one of the exceptions apply.

What does a retail shop include?

For the purposes of the Civil Contingencies (Coronavirus) (Businesses and Restrictions) (No.5) Regulations 2020, the following are a non-exhaustive list of examples of what would be a retail shop. These include but are not limited to a supermarket, grocery store, confectionery, butcher, fishmonger, health shop, perfume shop, electronics shop, clothes shops and shoe shops.

What are the regulations for Hair and Beauty Salons?

There will be an obligation on the public to wear a mask when they are on the premises of a hair and beauty

salon unless they are receiving a treatment, they have a reasonable excuse not to do so or one of the exceptions apply. This also applies to the employees of the hair and beauty salon.

There will also be a requirement on the person responsible for carrying on a business as a hair and beauty salon to ensure that no person (including their employees) is allowed to enter or remain on their premises unless they are wearing a mask, have a reasonable excuse for not doing so, are receiving a treatment or one of the exceptions apply.

What does a treatment include?

For the purposes of the Regulations, a treatment means any treatment or service above the neck. These would include haircuts, facials, etc. Any treatment or service below the neck would still require the use of a mask e.g. Leg waxing, manicures, pedicures.

What are the regulations for estate agents?

There is an obligation on the public to wear a mask when they are on the premises of an estate agency unless they have a reasonable excuse to not do so or one of the exceptions apply. This also applies to employees of the estate agency.

There will also be a requirement on the person responsible for carrying on a business as an estate agency to ensure that no person (including their employees) is allowed to enter or remain on their premises unless they are wearing a mask or they have a reasonable excuse for not doing so or one of the exceptions apply.

What are the regulations for medical and health services?

There is an obligation on the public to wear a mask when they are on the premises of a business that provides dental services, opticians, chiropractors, osteopaths or other medical or health services unless they are receiving a treatment, they have a reasonable excuse not to do so or one of the exceptions apply. This also applies to the employees of the business that provides dental services, opticians, chiropractors, osteopaths or other medical or health services.

There will also be a requirement on the person responsible for carrying on a business that provides dental services, opticians, chiropractors, osteopaths or other medical or health services to ensure that no person (including their employees) is allowed to enter or remain on their premises unless they are wearing a mask, have a reasonable excuse for not doing so, are receiving a treatment or one of the exceptions apply.

What are the regulations for motor vehicle dealers?

There is an obligation on the public to wear a mask when they are on the premises of a motor vehicle dealership unless they have a reasonable excuse to not do so or one of the exceptions apply. This also applies to employees of the motor vehicle dealership.

There will also be a requirement on the person responsible for carrying on a business as a motor vehicle dealer to ensure that no person (including their employees) is allowed to enter or remain on their premises unless they are wearing a mask or they have a reasonable excuse for not doing so or one of the exceptions apply.

What are the regulations for gymnasiums?

A person responsible for carrying on a business of a gymnasium or providing facilities of a gymnasium requires a permit from the Director of Public Health which may be subject to such conditions as may be specified in the permit. These conditions may be varied, added or removed.

Failure to comply with a condition of the permit or the requirements to ensure masks are worn by all those present on the premises, keep a daily list of the details of all persons attending the gymnasium, keeping the information for 10 days or a request to provide the information could result in the permit being suspended or revoked.

There is an obligation on the public to wear a mask when they are on the premises of a gymnasium unless they are carrying out a training or exercise activity where social distancing can be maintained, have a reasonable excuse to not do so or one of the exceptions apply. This also applies to employees of the gymnasium.

The requirement on the person responsible for carrying on a business of a gymnasium to ensure that no person is allowed to enter or remain on their premises unless they are wearing a mask, are carrying out a training or exercise activity where social distancing can be maintained, they have a reasonable excuse for not doing so or one of the exceptions apply, includes their employees.

The information collected for the purposes of the Regulations must be destroyed within 10 days.

These requirements do not apply to a gymnasium that forms part of the amenities available to residents of a residential development.

What are the requirements for personal trainers?

A person responsible for providing a service as a personal trainer requires a permit from the Director of Public Health which may be subject to such conditions as may be specified in the permit. These conditions may be varied, added or removed.

Failure to comply with a condition of the permit or the requirements to keep a daily list of the details of all persons using their services, keeping the information for 10 days or a request to provide the information could result in the permit being suspended or revoked.

The information collected for the purposes of the Regulations must be destroyed within 10 days.

What are the requirements for restaurants, cafeterias and bars?

A person responsible for carrying on a business of a restaurant, cafeteria or bar where food or drink is sold for consumption on the premises requires a permit from the Director of Public Health which may be subject to such conditions as may be specified in the permit. These conditions may be varied, added or removed.

Failure to comply with a condition of the permit or the requirements to ensure masks are worn by all those present on the premises, keep a daily list of the details of all persons attending the restaurant, cafeteria or bar, keeping the information for 10 days or a request to provide the information could result in the permit being suspended or revoked.

Failure to comply with a condition of a permit on three occasions within a period of 14 days shall result in an immediate revocation of the permit.

There is an obligation on the person responsible for carrying on a business of a restaurant, cafeteria or bar where food or drink is sold for consumption on the premises to ensure that no person (including their employees) is allowed to enter or remain on their premises unless they are wearing a mask, they have a reasonable excuse for not doing so, they are sat down at a table or one of the exceptions apply.

There is an obligation on the public to wear a mask when they are on the premises of a restaurant, cafeteria or bar unless they have a reasonable excuse to not do so, they are sat down at a table or one of the exceptions apply. This also applies to employees of the restaurant, cafeteria or bar.

The Director of Public Health may issue an exemption to the use of masks by staff in kitchen areas of the restaurant, cafeteria or bar.

The information collected for the purposes of the Regulations must be destroyed within 10 days.

These requirements do not apply to any outside areas or the restaurant in Gibraltar International Airport that is located airside after passport and security controls.

What are the requirements for takeaways?

There is an obligation on the public to wear a mask when they are on the premises of a business engaged in the sale of food or drink for consumption off premises unless they have a reasonable excuse to not do so or one of the exceptions apply. This also applies to employees of the business engaged in the sale of food or drink for consumption off premises.

There will also be a requirement on the person responsible for carrying on a business engaged in the sale of food or drink for consumption off premises to ensure that no person (including their employees) is allowed to enter or remain on their premises unless they are wearing a mask or they have a reasonable excuse for not doing so or one of the exceptions apply.

What about other businesses?

Any business that does not fall under the Civil Contingencies (Coronavirus) (Businesses and Restrictions) (No.5) Regulations 2020 may need to follow the requirements of the Civil Contingencies (Coronavirus) (Masks in Public Areas) (No.2) Regulations 2020.

The Civil Contingencies (Coronavirus) (Masks in Public Areas) (No.2) Regulations 2020.

The Civil Contingencies (Coronavirus) (Masks in Public Areas) (No.2) Regulations 2020 impose a requirement on a person to wear a mask in enclosed or substantially enclosed premises which are open to the public and specified open areas, unless that person has a reasonable excuse not to do so or one of the exceptions apply.

What if an enclosed or substantially enclosed premises is a place of work?

Where the enclosed or substantially enclosed premises is a place of work any visitor and any person attending the visitor will be required to wear a mask unless they have a reasonable excuse for not doing so.

These requirements do not apply to any business dealt with under the Civil Contingencies (Coronavirus) (Businesses and Restrictions) (No.5) Regulations 2020, schools or premises that is the subject to an exemption granted by the Director of Public Health.

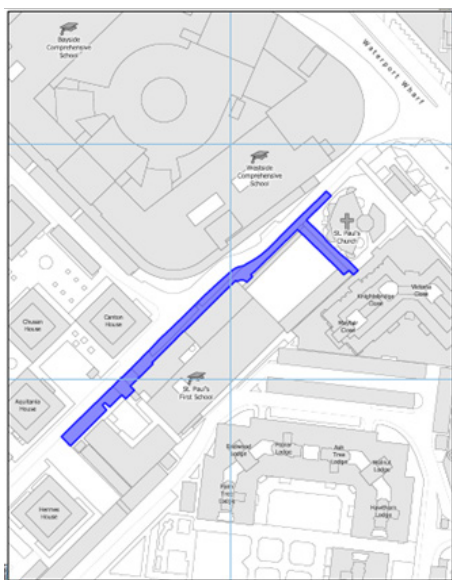
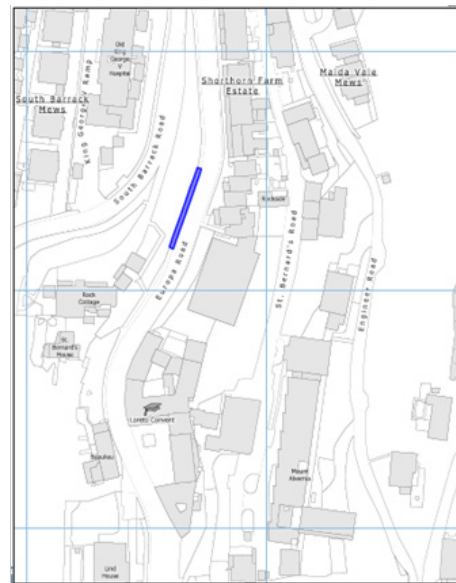
Where no provision is made by rules of court, these requirements apply to court proceedings, however a magistrate or judge shall have a discretion in their individual courtrooms to allow persons, including themselves, to remove their face coverings to the extent necessary for the conduct of proceedings.

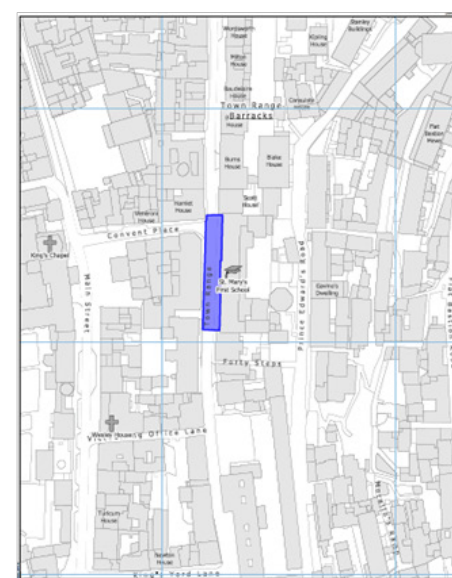
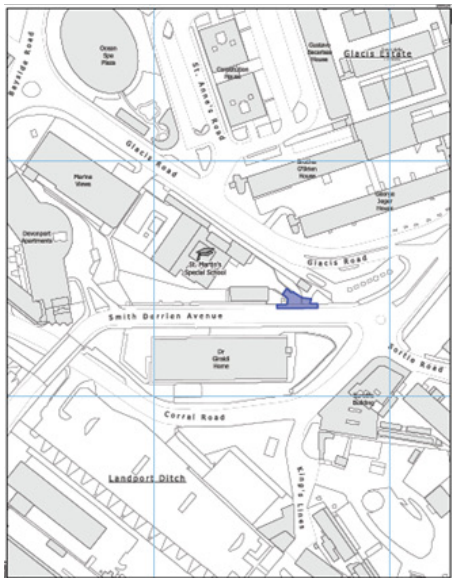
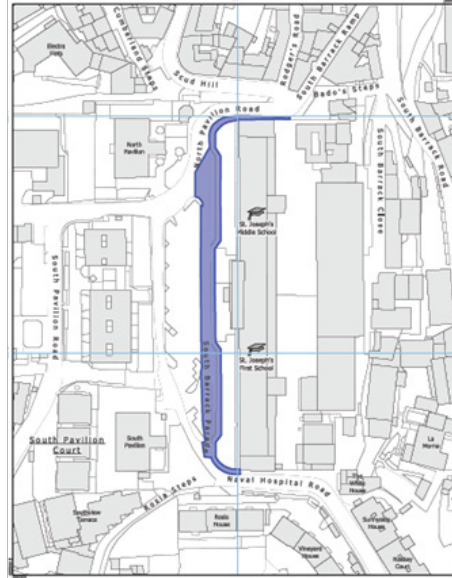
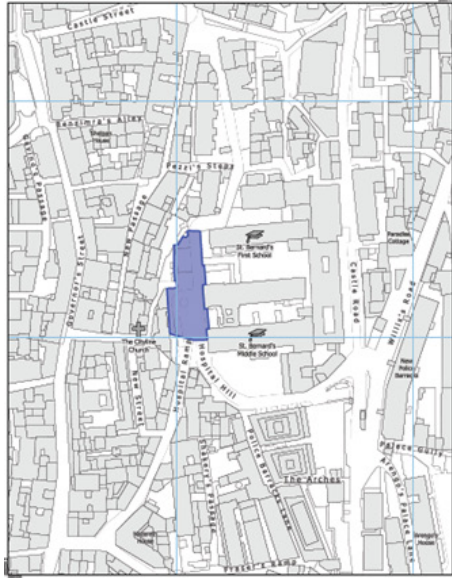
Open Public Areas

A person will also be required to wear a mask in an open public area where the area is listed in a plan in a schedule unless that person has a reasonable excuse not to do so or one of the exceptions apply. The requirement will only apply to the shaded areas of the plan.

Schools

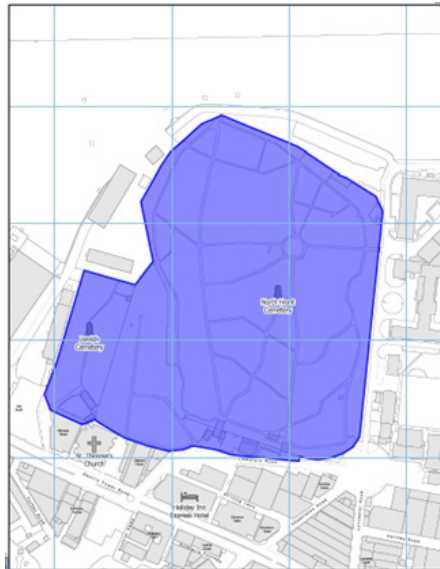
In the case of the plans depicting areas outside schools, the requirement will apply only when a person is collecting a child from school between 11.45am and 4.00pm. These areas are shown below.





Funerals

For the plan depicting North Front Cemetery, the requirement will apply only when a person is attending a funeral. This area is shown below.



Exceptions and reasonable excuses.

The standard exceptions and reasonable excuses that apply throughout the Regulations will apply to the businesses mentioned above. They are as follows–

- (a) Exceptions are–
 - (i) a child who is under the age of 11;
 - (ii) a police officer acting in the course of his duty; and
 - (iii) an emergency responder acting in their capacity as an emergency responder.
- (b) A reasonable excuse includes when a person–

- (i) cannot put on, wear or remove a mask because of any physical or mental illness or impairment or disability;
- (ii) is travelling with or providing assistance to another person and they rely on lip reading to communicate with that person; and
- (iii) is travelling to avoid injury, or to escape a risk of harm and does not have a mask with them.

What happens if you break the rules?

In addition to placing yourself and others at greater risk of catching the virus, failing to comply with the Regulations could lead to receiving a fixed penalty notice of £100 or a fine of up to £10,000 being imposed if proven in court.