



HM Government
of Gibraltar

COVID - 19 MEASURES

8th September 2020

GUIDANCE NOTE

COVID-19 RESTRICTIONS ON GATHERINGS IN PUBLIC PLACES

In Gibraltar, we all need to do what we can to reduce the spread of the COVID-19 virus. This is why specific laws have been since the 21st May of this year to place restrictions on gatherings in Gibraltar.

The current law in force is the Civil Contingencies Emergency (Coronavirus) (Restrictions on Gatherings No.4) Regulations 2020. This came into force on the 16th August 2020 and was recently amended.

Regulation 4 of that law makes it a criminal offence for a person to participate in a gathering in a public place of more than 20 people in most circumstances. As such if a person takes part in a gathering of over 20 persons in addition to placing themselves and others at greater risk of catching the virus, failing to comply with the Regulations they will be committing a criminal offence.

There are some exceptions to this and the following are some of the exceptions listed in the law

- a) where the gathering is essential for work purposes;
- b) where the gathering is necessary to carry out the work of the Civil Contingencies Committee or under the instructions of the Civil Contingencies Coordinator or the Director of Public Health;
- c) where reasonably necessary to participate in legal proceedings or fulfil a legal obligation or statutory duty;
- d) at a medical or care facility, including a veterinary clinic, where it is necessary for the normal business of the facilities;
- e) at an airport where it is necessary for the normal business of the airport;
- f) at the Gibraltar Parliament;
- g) at a retail shop, supermarket, grocery store, bakery, confectionery, butcher, fishmonger, health shop or pharmacy, where it is necessary for the normal business of those premises;
- h) where it is necessary for the purposes of law enforcement or the provision of emergency services or under the instructions of law enforcement or the emergency services.

Where a police officer considers that more than twenty people are gathered in contravention of the law he may direct the gathering to disperse. A person who contravenes this regulation or fails to comply with a direction of a police officer is liable on summary conviction to a fine up to level 5 on the standard scale (up to £10,000).

The recent amendments introduce a power for the Commissioner of Police to give a direction in writing to persons who he reasonably believes to be organising or going to take part in a gathering that is intended to take place requiring them to not hold or attend the gathering.

A person who has received a direction from the Commissioner of Police, and contrary to the direction organises or takes part in a gathering, commits a criminal offence, as does anyone who encourages or assists another to commit that offence. The penalty for this offence is a fine up to level 5 on the standard scale (£10,000) or imprisonment for a term not exceeding 3 months.

These offences may also now be dealt with by means of a fixed penalty notice. The fixed penalty for offences not involving directions in writing by the Commissioner of Police is £100. The fixed penalty for organising or taking part in a gathering in respect of a person who has received a written direction (or encouraging or assisting another to commit that offence) is £1000.