



**COURT OF APPEAL**

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**GIBRALTAR**

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**CIRCULAR TO ALL CHAMBERS**

8 June 2020

Circ. 10 of 2020

**CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (COURT OF APPEAL) REGULATIONS 2020**

Regulations have today been published allowing for hearings of the Court of Appeal to be heard remotely. You will find a copy of the Civil Contingencies Emergency (Coronavirus) (Court of Appeal) Regulations 2020 appended to this Circular.

In the first instance appellants in criminal matters will be invited to make representations as to whether they wish to have their matter dealt with in this manner.

Although all civil appeals had been pushed back to the September/October session, any party who would want to make use of these provisions should in the first instance contact the Registrar.

**KARL TONNA**

Registrar

Enc. Civil Contingencies Emergency (Coronavirus) (Court of Appeal) Regulations 2020

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4722 GIBRALTAR Monday 8th June 2020

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LEGAL NOTICE NO. 202 OF 2020

## CIVIL CONTINGENCIES ACT 2007

### CIVIL CONTINGENCIES EMERGENCY (CORONAVIRUS) (COURT OF APPEAL) 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) (Court of Appeal) Regulations 2020.

#### **Commencement and expiry.**

2. These Regulations come into operation on the day of publication and cease to have effect on 7<sup>th</sup> July.

#### **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 6,799,713 confirmed cases globally and more than 397,388 people have died; Coronavirus has, to date, reached 216 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.

**Court of Appeal Sessions.**

4.(1) The application of section 4 of the Court of Appeal Act is, whilst these Regulations are in force, subject to the provisions of this regulation in respect of the determination of interlocutory matters (subregulation (2)) and the hearing of appeals (subregulation (3)).

(2) The Court of Appeal may, as an alternative to sitting in accordance with section 4(2)(a) or (b) of the Act and for the determination of any interlocutory matter, sit in the United Kingdom by hearing the matter remotely with the judges of the Court of Appeal, the parties or their counsel taking part by any method of direct oral communication including live video technology.

(3) If the President or the Chief Justice certifies-

- (a) that it is not practicable for the Court of Appeal to sit in Gibraltar for the hearing of an appeal; and
- (b) taking into account any representations that the parties may make, that it is necessary that there be a hearing so as to avoid injustice,

the Court of Appeal may sit in the United Kingdom by hearing the matter remotely with the judges of the Court of Appeal, the parties or their counsel taking part by any method of direct oral communication including live video technology.

(4) Nothing in this regulation shall be construed so as to affect the powers of the Court of Appeal to adjourn, postpone or cancel any sitting of the Court of Appeal appointed by the President under section 4 of the Court of Appeal Act.

(5) In these Regulations “President” means the person appointed to be President of the Court of Appeal in accordance with section 62 of the Constitution.

Dated: 8<sup>th</sup> June 2020.

S SACRAMENTO,  
Minister with responsibility for Civil Contingencies.

**EXPLANATORY MEMORANDUM**

These Regulations make provision to allow the Court of Appeal to sit in the United Kingdom and conduct remote hearings in light of the public health emergency occasioned by the coronavirus pandemic.