

# An Examination on the **Legal Notices** published in relation to the **Covid-19** **Pandemic**

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In this article, Jessica-Ann Spiteri and Emma-Marie Sammut examine the recently published legal notices issued by the Superintendent of Public Health in light of the Covid-19 pandemic.

**TAGS:** Public Health Act

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Malta saw its first case of COVID-19 on the 7th of March 2020. The first cases in Malta were imported, that is, the novel coronavirus reached Maltese shores through people who had travelled to affected countries. Since then, several cases involving local transmission of the virus have been reported and the islands have, in fact, found over a hundred positive cases.

The Government, medical professionals and other relevant authorities have been doing their best to handle the situation with the utmost care and diligence.

While Mater Dei and other medical institutions have implemented the necessary precautions and set up the relevant facilities to treat those infected, the Government has issued a number of legal notices in an attempt to further contain the spread of COVID-19 on our shores, as well as to safeguard the interests and health of the population.

## **1. The Beginning**

L.N. 39 of 2020 was the first notice to provide the general public with the instructions one should follow when observing quarantine and their subsequent enforcement of such directions by the relevant authorities.<sup>1</sup> The Minister Responsible for Public Health, Dr Chris Fearne, and the Superintendent of Public Health, Professor Charmaine Gauci, are at the forefront of the fight against the virus and are together prescribing any relevant and ideal measures to combat and control the infectious COVID-19 disease.

The Superintendent, under Article 29 of the Public Health Act<sup>2</sup>, is granted the discretion to determine the optimal measures needed in times of pandemic, by providing that: <sup>3</sup>

*the Superintendent may order that a person suffering from a notifiable disease:*

*(a) be isolated in such a place as the Superintendent determines;*

*(b) be placed under the supervision of a specified person;*

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1 'L.N. 39 PUBLIC HEALTH ACT (CAP. 465) Enforcement Of Directions Relating To Quarantine regulations, 2020' (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29958&l=1>> accessed 21 March 2020.

2 Chapter 465 of the Laws of Malta.

3 Chapter 465 of the Laws of Malta.

*(c) submits to further medical examination, medical testing, immunisation, medical treatment or counselling;*

*(d) discloses to an authorised officer the name and address of any other person with whom contact by that person may result or may have resulted in the transmission of the disease;*

*(e) refrains from doing anything which may cause the spread of disease.*

Therefore, it is to be noted that any quarantine measure or period established by the Superintendent is to be strictly adhered to and regarded as law.

Any person who fails to abide by such measures shall be guilty of an offence and shall, on conviction, be liable to the payment of a penalty for each and every occasion that the quarantine period is breached. The penalty initially amounted to €1,000, but has now increased to €3,000<sup>4</sup>. Indubitably, the changes made from one Legal Notice to another shed a light on how rapidly the situation has changed in Malta.

## **2. Travel**

L.N. 40 was the first notice to establish the period of quarantine to undertake if persons had arrived in Malta after travelling from the following countries: Italy, Switzerland, France, German, Spain, China (including Hong Kong), Singapore, Japan, Iran, and South Korea. Indeed, any of the said persons must submit him/herself to a fourteen (14) day period of quarantine immediately upon their arrival in Malta. This requirement only applied to those travellers who had arrived in Malta on the 11th of March 2020. The law had then changed to cater to those travellers who arrived in Malta on the 13th of March, and had travelled to the islands from anywhere in the world.

The fourteen days of self-isolation were to start from the last day of presence in these countries. It is to be noted that the Superintendent of Public Health may, at her discretion, increase or reduce this list by notice in the Government Gazette. However, the Malta International Airport has presently ceased all inbound flights.

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4 'L.N. 72 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Enforcement Of Directions Relating To Quarantine (Amendment) Regulations, 2020' (Justice Services, 2020) <<http://www.justiceservices.gov.mt/>

Travel was previously banned<sup>5</sup> to and from Italy, Switzerland, France, Germany, Spain, China (including Hong Kong), Singapore, Japan, Iran and South Korea. This list, however, may be increased or reduced accordingly by the Superintendent. It has been further declared that any person who fails to abide by such rules would be guilty of an offence, liable to the payment of a penalty in accordance with the provisions of Article 44 of the Public Health Act for each and every occasion provisions of this order are breached. Indeed, such Article provides that:

*A person guilty of a first offence against any of the provisions of this Act shall be liable, on conviction, to a fine (multa) of not less than two hundred and thirty-two euro and ninety-four cents (232.94) and not exceeding four thousand and six hundred and fifty-eight euro and seventy-five cents (4,658.75) or to imprisonment for a term of not less than six months and not exceeding two years or both such fine and such imprisonment and on a second or subsequent conviction, to a fine (multa) of not less than four hundred and sixty-five euro and eighty-seven cents (465.87) and not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) or to imprisonment for a term of not less than two years and not exceeding four years or to both such fine and such imprisonment.*

The recent L.N. 92<sup>6</sup> has banned air travel and suspended operations as of the 21st of March. It was provided by the Superintendent that such a travel ban was extended on persons coming to Malta, and from Malta, to and from all countries. However, cargo flights, ferry flights, humanitarian flights, and repatriation flights are exempted. Cargo ships, including container ships and vessels carrying goods and essential commodities and tankers loaded with essential fuels, are also exempted from this order.

Due to the measures imposed, Air Malta<sup>7</sup> has stated that any passengers who booked flights to travel to Malta until the 31st of March are eligible to receive a full refund or change tickets for a future date upon the cancellation of their trip. This measure is being done so as not to discourage tourists from

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5 'L.N. 42 PUBLIC HEALTH ACT (CAP. 465) Travel Ban Order 2020' (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29965&l=1>> accessed 21 March 2020.

6 'L.N. 92 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Travel Ban (Extension To All Countries) Order, 2020' (Justice Service, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=30021&l=1>> accessed 21 March 2020.

7 (2020) <<https://www.airmalta.com/information/about/special-news-overview/special-news-detail/due-to-the-mandatory-self-quarantine-imposed-by-the-maltese-government-any-passengers-traveling-with-air-malta->>> accessed 21 March 2020.

visiting the island once the situation stabilises, as Malta is one of the few countries whose main source of income is tourism. It is thus unquestionable that the national airline company is doing its utmost to safeguard such sector.

L.N. 80<sup>8</sup> is also worth considering, since it deals with the rights of a traveller regarding package cancellation. It is understood that if there is to be a cancellation made by the traveller due to unforeseen or unavoidable circumstances which are occurring in the place of destination or close to such destination and the package would be affected, then one would not be required to pay the termination fee normally payable under normal circumstances. The traveller would be entitled to a refund if, due to such extraordinary circumstances. The delivery of such package was cancelled by the organiser. The amendments portray that refunds which are to be provided to the traveller are to be made within 6 months.

Failure to observe these obligations will result in fines of €3,000 for each time they are breached. At present, however, any person, whether they have travelled to a foreign country or have come into contact with an infected person, and is subsequently obliged to observe the fourteen-day rule, will be liable to the same fine if found to be in breach of such obligations.

Relatives living in the same house as those under mandatory quarantine<sup>9</sup> are also under the obligation to adhere to quarantine rules. As aforementioned, this is also applicable to people who were in contact with a COVID-19 patient<sup>10</sup>. Therefore, L.N. 78 of 2020 broadened the margin of responsibility.

Any individual living with such persons is also required to observe said lockdown. More information on the lockdown will be provided in Section 14.

Police officers are also aiding health officials by carrying out spot checks at the homes declared by those affected by quarantine regulations. A training session was held for the police force on the 13th of March<sup>11</sup> at

8 'L.N. 80 Of 2020 MALTA TRAVEL AND TOURISM SERVICES ACT (CAP. 409) Package Travel And Linked Travel Arrangements (Amendment) Regulations, 2020' (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=30007&l=1>> accessed 21 March 2020.

9 'L.N. 63 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Period Of Quarantine (Extension Of Countries) Order, 2020' (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29987&l=1>> accessed 21 March 2020.

10 'L.N. 78 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Period Of Quarantine (Contact With Other Persons) Order, 2020' (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=30005&l=1>> accessed 21 March 2020.

11 'Police Officers In Spot Checks On Quarantined People' (Times of Malta, 2020) <<https://timesofmalta.com/articles/view/police-officers-in-spot-checks-on-quarantined-people777962>> accessed 21 March 2020.

the Environmental Health Directorate. The police officers making up the Administrative Law Enforcement Unit accompanied public health officials to inspect the aforementioned places of residence. L.N. 44<sup>12</sup> deals precisely with the Service of Notice relating to the Enforcement of Quarantine Regulations. It specifically explains that any police officer who discovers that a person has breached the conditions, *“shall hand over to the offender or affix in some conspicuous place at the address of the offender a notice containing the nature of the offence, the place, time and date of the offence, the signature of the Police officer handing over or affixing the notice, and information as to payment of the penalty”*<sup>13</sup>.

### **3. Closure of Schools**

Where any notice has been handed over or affixed, the offender may, within fifteen days of the termination of his quarantine period, pay the penalty in respect of the breach in such manner as shown in that notice. If penalty is not paid within the period referred to, proceedings shall be instituted before a Commissioner for Justice.

L.N. 41<sup>14</sup> dealt with the closure of education institutions. Such facilities are understood to include:

- (a) child care centres;
- (b) kindergarten centres;
- (c) Colleges;
- (d) Sixth Forms/Higher Secondaries;
- (e) the University of Malta;
- (f) other tertiary educational institutions;
- (g) further and higher educational institutions; and
- (h) ELT schools.

Initially, the University of Malta was declared to have temporarily closed

12 ‘L.N. 44 COMMISSIONERS FOR JUSTICE ACT (CAP. 291) Service Of Notice Relating To The Enforcement Of Quarantine Regulations, 2020’ (2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29967&l=1>> accessed 21 March 2020.

13 Ibid.

14 ‘L.N. 41 PUBLIC HEALTH ACT (CAP. 465) Closure of Schools Order, 2020’ (Justice services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29964&l=1>> accessed 21 March 2020.



between the 13th and the 20th of March. However, as the virus continued to rapidly spread through the community, this statement was then amended by another Legal Notice. At the time of writing, the closure of schools has been extended to 17th April 2020 by L.N. 77<sup>15</sup>. Furthermore, the Superintendent may, by notice in the Gazette, extend the closure of schools to other employees assigned to the schools. However, this suspension date could be revised following consultation with the Health Authorities.

#### 4. The Notary Public

Moreover, Legal Notice 43,<sup>16</sup> dubbed the Epidemics and Infectious Disease (Suspension of legal times relating to promise of sale agreements, notarial and related matters) Order, is of utmost importance as it deals with the profession of notary public. It states that:

*When the Superintendent orders the closure of government departments for the purpose of guarding against and, or controlling dangerous epidemics or infectious disease, such order shall suspend the running of all the legal terms imposed on a notary public by law to register any deed, will, act or private writing or any period within which the notary public, in terms of any applicable law, has to pay taxes collected by him in the exercise of his profession or any term related to fiscal benefits, incentives or exemptions or any period within which a notary public is to submit any information or documentation to any authority or regulator pursuant to relevant notarial activity and any expiration term of any promise of sale agreement duly registered in terms of law with the Commissioner of Revenue within the period established by law shall also be suspended whilst the order for closure is in force. The suspension shall last until forty five (45) days following the lifting of the repeal of any such order by the Superintendent. Without prejudice to the generality of the foregoing, such suspension shall mean that if the last day of any legal term expires during the time when an order provided for in this regulation is in force, the running of the times shall be suspended until forty five(45) days after the day*

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15 'L.N. 77 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Closure Of Schools (Extension Of Period Of Closure) Order, 2020' (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=30004&l=1>> accessed 21 March 2020.

16 'L.N. 43 PUBLIC HEALTH ACT (CAP. 465) Epidemics And Infectious Disease (Suspension Of Legal Times Relating To Promise Of Sale Agreements, Notarial And Related Matters) Order, 2020' (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29966&l=1>> accessed 21 March 2020.

*when the Superintendent repeals the order for the closure of any government department by notice in the Gazette.*

L.N. 64<sup>17</sup> added a further proviso which states that:

*If the last day of any legal term expires during the first five (5) days immediately following the lifting of the repeal of any such order by the Superintendent, in this case, the running of any legal terms shall be deemed to be suspended for a period of twenty (20) days from the lifting of the repeal of any such order by the Superintendent.*

L.N. 75<sup>18</sup> repealed the aforementioned Order. Proviso 3 of L.N. 75 goes on to state that:

*When the Superintendent orders the closure of all courts or any courts, for the purpose of guarding against and, or controlling dangerous epidemics or infectious disease, the suspension of the running of all the legal terms imposed on a notary public by law to register any deed, will, act or private writing or any period within which the notary public, in terms of any applicable law, has to pay taxes collected by him in the exercise of his profession or any term related to fiscal benefits, incentives or exemptions or any period within which a notary public is to submit any information or documentation to any authority or regulator pursuant to relevant notarial activity and any expiration of any term in any promise of sale agreement duly registered in terms of law with the Commissioner of Revenue within the period established by law shall be suspended whilst the order for closure is in force without the need of any signatures or formal renewals by the parties. The suspension shall last until twenty (20) days following the repeal of any such order by the Superintendent.*

The relevant time frames relating to promise of sale agreements, notarial acts and other related measures have been suspended as from the 16th of March. If the time stated in the promise of sale agreement where the buyer and seller would agree to enter into a contract has expired while this

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17 'L.N. 64 Of 2020 Epidemics And Infectious Disease (Suspension Of Legal Times Relating To Promise Of Sale Agreements, Notarial And Related Matters) Order, 2020' (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29988&l=1>> accessed 21 March 2020.

18 'L.N. 75 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Suspension Of Legal Times Relating To Promise Of Sale Agreements, Notarial And Other Related Matters (Epidemics And Infectious Disease) Order, 2020' (Justice Service, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=30002&l=1>> accessed 21 March 2020.



suspension is still in place, a further suspension of (20) days of the running of time following the repealing of the suspension will come into play. Such a suspension will also apply to acts and private writings conducted by notaries. However, if its prescription started running prior to the 6th of March 2020, the L.N. will not have affected it, and the date would therefore remain valid, although, given the present situation, one may still encounter difficulties in handling the matter accordingly.

## 5. Closure of the Courts of Malta

The courts of the land have also been affected by the COVID-19 pandemic. On the 11th of March 2020, the Chamber of Advocates<sup>19</sup> released a statement clarifying that the number of people allowed in court is to be decreased and minimised as much as possible. Lawyers were to inform their clients not to be present during court sittings of a civil nature.

It was still being debated whether cases of a criminal nature (*sommarji*), where numerous people would be present in court, were to be deferred. Those lawyers who could not attend sittings due to mandatory quarantine are to propose for the case to be deferred using an application (*rikors*), and also inform the lawyers of the opposing side about it.

As from the 16th of March, the Chamber of Advocates prohibited lawyers from attending court sittings or tribunals, except for certain exceptions. This was done in the hope that the Government would close courts immediately.

L.N. 61<sup>20</sup> provides that if the Superintendent orders the closure of courts to control and guard against:

*...dangerous epidemics or infectious disease, such order shall suspend the running of any legal and judicial times and of any other time limits including peremptory periods applicable to proceedings or other procedures before the said courts. The suspension shall last until seven (7) days following the lifting of the repeal of any such order by the Superintendent. Without prejudice to the generality of the foregoing, such suspension shall mean that if the last day of any legal or judicial time or other time limit expires during the time when an order provided for in this*

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19 'DIRETTIVA TAL-KAMRA TAL-AVUKATI Coronavirus Covid-19' (avukati.org, 2020) <<https://www.avukati.org/2020/03/11/direttiva-tal-kamra-tal-avukati-covid-19/>> accessed 21 March 2020.

20 'L.N. 61 Of 2020PUBLIC HEALTH ACT (CAP. 465) Epidemics And Infectious Disease (Suspension Of Legal And Judicial Times) Order, 2020' (Justice Service, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29985&l=1>> accessed 21 March 2020.

*regulation is in force, the running of the times shall be suspended until seven (7) days after the day when the Superintendent repeals the order for the closure of any court by notice in the Gazette.*

The implication is that when one brings an appeal according to the law, such an appeal will be suspended up until seven days from when the suspension of judicial activities is stopped.

These provisions were further updated by L.N. 65,<sup>21</sup> which dealt with the closure of courts. It was ordered that the term “courts” was to include the Courts of Justice and the Registry, and that this L.N. would take effect from the 16th March 2020, and shall remain in force until it is revoked by the Superintendent.

L.N. 97 of 2020<sup>22</sup>, which amends the notices dealing with the Closure of the Courts of Justice, brought on the inclusion of two important provisions were added: (a) the suspension of legal, judicial or administrative time limits, and (b) transitory periods. Indeed, Article 4 provides that:

*Any legal, judicial or administrative time-limit for the filing of any acts before the court following the conclusion of any proceedings before any Tribunal, board, commission, committee or other entity which does not operate from the building of the Courts of Justice, shall be suspended for a period of twenty (20) days from the lifting of the repeal of this order by the Superintendent.*

The transitory provision provides that the time limits allocated to tribunals, boards, commissions, committees and other entities which are not operating in the building of the Courts of Justice, and which were suspended before this amendment came into being, would remain in force for five days from the coming into force of this amending order.

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21 ‘L.N. 65 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Closure Of The Courts Of Justice Order, 2020’ (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29989&l=1>> accessed 21 March 2020.

22 ‘L.N. 97 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Closure Of The Courts Of Justice (Amendment) Order, 2020’ (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=30026&l=1>> accessed 23 March 2020.

## 7. Quarantine Leave

Quarantine leave is dealt with in L.N. 62.<sup>23</sup> As seen during these past couple of weeks, the granting of quarantine leave was a highly debated topic, especially by the General Workers Union (hereinafter referred to as the ‘GWU’).<sup>24</sup> Such legal notice explained what is meant by “quarantine leave”. This type of leave is thus understood to be:

*...granted to the employee without loss of wages in such cases where the employee is legally obliged to abide by a quarantine order confining the employee to a certain area or to certain premises as determined by the Superintendent of Public Health under the Public Health Act or by any public authority under any other law.*

Quarantine leave for any period of quarantine is to be determined by the Superintendent of Public Health or by any other public authority.

Interestingly, in a Times of Malta article, Dr Jacob Borg<sup>25</sup> (in representation of the Malta Employment Lawyers Association) discussed whether those who are able to work from home require special leave, as they have the means to continue to work. Further legislation is therefore needed to define the scope of quarantine leave and those people entitled to it.

As things stand, mandatory quarantine is subject to paid special leave. Any absence prior to the 12th of March should not have to be paid by the employer and is not to be deemed as special leave. Regarding those subjected to such quarantine before the 12th of March, L.N. 62 will only apply to those subjected to mandatory quarantine before the 12th of March 2020. Moreover, those who had to subject themselves to quarantine because of family members will also benefit from such Legal Notice.

Furthermore, the health authorities are constantly advising the general public not to depart on any unnecessary travel. Any person who does so would not be entitled to special leave, as they had been warned about the situation and the employee would have travelled to an affected area due to his/her own disregard and negligence.

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23 ‘L.N. 44 Of 2020 COMMISSIONERS FOR JUSTICE ACT (CAP. 291) Service Of Notice Relating To The Enforcement Of Quarantine Regulations, 2020’ (Justice Service 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29967&l=1>> accessed 21 March 2020.

24 ‘Employers Should Not Pay For Quarantine Leave Unless Travel Is Work-Related - MEA’ (Malta Today, 2020) <[https://www.maltatoday.com.mt/news/national/100908/employers\\_should\\_not\\_pay\\_for\\_quarantine\\_leave\\_unless\\_travel\\_is\\_workrelated\\_\\_mea](https://www.maltatoday.com.mt/news/national/100908/employers_should_not_pay_for_quarantine_leave_unless_travel_is_workrelated__mea)> accessed 21 March 2020.

25 ‘How Does Quarantine Leave From Work Impact You?’ (Times of Malta, 2020) <<https://timesofmalta.com/articles/view/how-does-quarantine-leave-from-work-impact-you778979>> accessed 21 March 2020.

## 8. Closure of Public Places

Places open to the public have been forced to close. L.N. 76<sup>26</sup> provides a comprehensive list of such places, which include bars, restaurants, cafeterias, snack bars, cinemas, gymnasiums, museums, exhibitions, clubs, discotheques, night clubs, open-air markets, indoor swimming pools, national swimming pool, gaming premises including controlled gaming premises, bingo halls, casinos, gaming parlours, lotto booths, and betting shops. However, those restaurants, snack bars and kiosks which are equipped to provide delivery and take away services to the community are to continue operating.

Additionally, L.N. 76 goes on to state that hotels are to continue to provide room service to hotel guests and may also continue to provide a delivery service to the community.

Massage parlours and cafeterias were also added to the aforementioned list and were declared as public spaces to be closed on the 18th of March.<sup>27</sup> L.N. 83<sup>28</sup> further provides that these orders, which were issued by Superintendent, are to be adhered to and those who fail to abide by such regulations shall be guilty of an offence and shall, on conviction, be liable to the payment of a penalty of three thousand euro (€3,000) for each and every occasion that the order for closure of places open to the public is breached.

L.N. 92 ordered the closure of all vehicle roadworthiness testing stations in Malta and Gozo,<sup>29</sup> and L.N. 102 of 2020 went on to amend the notice with the following proviso, which states:

*Provided that vehicle roadworthiness testing stations that are authorised to carry out roadworthiness tests on heavy goods motor vehicles and their trailers may remain open and shall only carry out vehicle roadworthiness tests on motor vehicles and their trailers that are covered, or that have a pending application*

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26 'L.N. 76 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Closure Of Places Open To The Public Order, 2020' (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=30003&l=1>> accessed 21 March 2020.

27 'L.N. 82 Of 2020PUBLIC HEALTH ACT (CAP. 465) Closure Of Places Open To The Public (Amendment) Order, 2020' (Justice Service, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=30009&l=1>> accessed 21 March 2020.

28 'L.N. 83 Of 2020PUBLIC HEALTH ACT (CAP. 465) Enforcement Of The Order Relating To Closure Of Places Open To The Public Regulations, 2020' (Justice Service, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=30010&l=1>> accessed 21 March 2020.

29 'L.N. 91 Of 2020PUBLIC HEALTH ACT (CAP. 465) Closure Of Vehicle Roadworthiness Testing Stations Order, 2020' (Justice Service, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=30020&l=1>> accessed 21 March 2020.

*with the Authority for Transport in Malta to be covered by a Community licence for the carriage of goods in terms of Regulation (EC) No. 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market.*

## **9. Closure of Non-Essential Retail Outlets and Non-Essential Services**

Published on the 23rd of March, L.N. 95<sup>30</sup> deals with the Closure of Non-Essential Retail Outlets and Outlets Providing Non-Essential Services. The notice provides that shops selling:

- *clothing,*
- *sportswear,*
- *jewellery,*
- *handbags and*
- *leather goods,*
- *costume jewellery and accessories,*
- *footwear,*
- *non-prescription eyewear,*
- *perfumeries,*
- *beauty products,*
- *haberdasheries,*
- *soft furnishings, souvenir shops,*
- *discount stores, luggage shops,*
- *toy shops, hobby shops, furniture shops,*
- *florists and,*
- *vaping shops,*

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30 'L.N. 95 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Closure Of Non-Essential Retail Outlets And Outlets Providing Non-Essential Services Order, 2020' (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=30024&l=1>> accessed 23 March 2020.

whether operating in shopping malls and/or elsewhere, were to be shut down indefinitely.

However, they may still provide delivery services to the community. Furthermore, the closure of non-essential services has been extended to hairdressers, barbers, beauticians, spas, nail artists, nail technicians and tattooists.

Persons who fail to abide these regulations shall be guilty of an offence and liable to the payment of three thousand euro for each and every occasion such regulation has been breached<sup>31</sup>.

## 10. Suspension of Organised Events

Additionally, it was stated that organised events were also to be suspended,<sup>32</sup> and anyone who goes against such orders would be liable to pay, for each and every time such breach occurred, the amount of three thousand euro (€3,000). Further to this, L.N. 101 of 2020<sup>33</sup> explains what “suspension of all organised events entails”. Such events are considered to be:

*...all cultural, recreational, entertainment, sporting and religious events and exhibitions in public or private places, and this suspension shall apply also to all events and exhibitions held inside places subject to the Closure of Places Open to the Public Order.*

Consequently, all celebrations of traditional village feasts around Malta and Gozo, any public celebrations related with Easter and Good Friday and holy communion celebrations have been cancelled “unless the Superintendent of Health says otherwise.” It is however ironic that, although the public celebrations were in fact cancelled, due to the large mass of people who attend on a yearly basis, the Curia is still encouraging that “*il-festi /.../ isiru*

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31 ‘L.N. 96 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Enforcement Of The Order Relating To Closure Of Non-Essential Retail Outlets And Outlets Providing Non-Essential Services Regulations, 2020’ (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?ap->

32 ‘L.N. 100 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Enforcement Of The Order Relating To Suspension Of Organised Events Regulations, 2020’ (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?ap->

33 ‘L.N. 101 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Suspension Of Organised Events Order, 2020’ (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?ap->



*biss f'forma ta' pellegrinagg ta' talb, u quddiesa fil-Knisja*"<sup>34</sup>.

These activities, though definitely not as popular, still see a considerable amount of people in attendance. Let us keep in mind that not all churches are of a considerable size, and thus, should they host a substantial amount of people, those people will be in a confined space and will be unable to keep at a safe distance from each other.

If gatherings were still to take place, the Curia should be responsible enough to disallow a large amount of people within churches and, moreover, ensure that gatherers are dispersed properly, and if the celebration takes place indoors, the church should be well ventilated.

## **11. Financial Aid**

The Government has put together a 'mini-budget'<sup>35</sup>, or 'rescue package', to combat the current situation brought on by COVID-19.

The Prime Minister, along with the Minister for Finance and the Minister for the Economy, Investment and Small Businesses, implemented measures so as to aid numerous entities and individuals. The government's rescue package has been divided into three sections.

The first category deals with economic measures, employment measures and other social measures which relate to families and persons with disabilities. However, many are of the opinion this package is not enough and is not practical enough in consideration of the circumstances at hand. The main concern in this regard is that, if businesses or entities are not aided during a financial crisis, the wheels will not turn and this would not only lead to unemployment, but also bankruptcy. Numerous businesses are currently not operating due to the outbreak.

This 'mini-budget' was introduced in an attempt to preserve employment and aid struggling businesses. The last economic crisis, which took place in 2008, taught the lesson that the best way to tackle an economic crisis is to ensure that the relevant rescue measures target a large number of people<sup>36</sup>.

34 'Another 3 People Caught Breaching Mandatory Quarantine' (Times of Malta, 2020) <<https://timesofmalta.com/articles/view/another3-people-caught-breaching-mandatory-quarantine780182>> accessed 23 March 2020

35 'Covid-19 Announcement – Malta Mini Budget' (GCSMalta, 2020) <<https://gcsmalta.com/covid-19-announcement-malta-mini-budget/>> accessed 21 March 2020.

36 'Mini-Budget: Is It Enough?' (Times of Malta, 2020) <<https://timesofmalta.com/articles/view/>

It was also highlighted that employers are to aid individuals in distress immediately so as to control economic fallout but unfortunately, this budget does not focus on this. There are huge risks which the economy is facing, and many are of the opinion that other measures ought to be drawn up in accompaniment to this article in order to better address the current situation.

On the 25th of March, Prime Minister Robert Abela announced a third package of financial aid.<sup>37</sup> This aid was intended to help individuals employed with businesses operating in the private sector, including self-employed persons and part-time employees. Said financial assistance has been divided into list A and list B, purporting to different industries. The list was further sub-divided with regards to the location of the business, due to the ‘double insularity effect’ being suffered by businesses in Gozo<sup>38</sup>. Those who would benefit from Annex A are mostly those involved with:

- (a) *certain wholesale activities;*
- (b) *certain retail activities;*
- (c) *transport;*
- (d) *accommodation;*
- (e) *food and beverage service activities;*
- (f) *renting and leasing of motor vehicles; employment activities;*
- (g) *travel agencies, tour operators, and other reservation services;*
- (h) *security and investigation services; services to buildings; creative arts and entertainment services; and*
- (i) *personal services.*

Those falling within the remit of of Annex B include those involved in manufacturing; other wholesale activities; other retail activities; warehousing; and information services. The exact list has been provided on Malta Enterprise’s website. Here, one is able to fill out an application to benefit from such a scheme.<sup>39</sup>

mini-budget-is-it-enough779456> accessed 21 March 2020.

37 ‘3RD FINANCIAL AID PACKAGE ANNOUNCED’ (Mazars, 2020) <<https://www.mazars.com.mt/Home/News/Covid-19-Newsroom/Covid-19-Government-measures/3rd-financial-aid-package-announced>> accessed 26 March 2020.

38 “Business on Gozo has been delivered a mortal blow” (Newsbook, 2020) <<https://newsbook.com.mt/en/business-on-gozo-has-been-delivered-a-mortal-blow/>> accessed March 27 March 2020

39 ‘Covid Wage Supplement’ (maltaenterprise, 2020) <<https://covid19.maltaenterprise.com/employe-wage-support/>> accessed 26 March 2020.

## 12. Mandatory quarantine for those infected

Although health authorities have continuously reiterated that those under mandatory quarantine must not exit their places of residence, some still went against such order. This has happened on numerous occasions and due to this breach, the penalty has again been increased. By the 22nd of March, three others had breached mandatory quarantine<sup>40</sup>. Because of this, the need was felt for a new Legal Notice to be imposed in order to further control the spread and to discourage people from breaching these rules.

Furthermore, L.N. 98 of 2020<sup>41</sup> contains provisions which specifically relate to those who have been diagnosed with the virus and are to mandatorily remain inside their places of residence at all times. It states that:

*Any person who fails to abide by the provisions of these regulations shall be guilty of an offence and shall, on conviction, be liable to the payment of a penalty of ten thousand euro (€10,000) for each and every occasion in which that person breaches the Self-Isolation of Diagnosed Persons Order.*

Furthermore, L.N. 99 of 2020<sup>42</sup> states that:

*Any person who is diagnosed as suffering from COVID-19 infectious disease shall, immediately upon receiving an oral or written order, as the case may be, from the Superintendent of Public Health, submit himself to self-isolation and shall remain in self-isolation until the Superintendent of Public Health revokes the oral or written order.*

This also applies to those people living in such person's place of residence.

## 13. Present Day

Two new hubs for swab testing, in Gozo and Pembroke respectively, have been opened to relieve pressure off the one in Hal Farruġ. However, these hubs will only receive people with an appointment: anyone who may suffer

40 'Another 3 People Caught Breaching Mandatory Quarantine' (Times of Malta, 2020) <<https://timesofmalta.com/articles/view/another3-people-caught-breaching-mandatory-quarantine780182>> accessed 23 March 2020.

41 'L.N. 98 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Enforcement Of The Order Relating To Self-Isolation Of Diagnosed Persons Regulations, 2020' (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=30027&l=1>> accessed 23 March 2020.

42 'L.N. 99 Of 2020 PUBLIC HEALTH ACT (CAP. 465) Self-Isolation Of Diagnosed Persons Order, 2020' (Justice Services, 2020) <<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=30028&l=1>> accessed 23 March 2020.

from symptoms related to Covid-19 must still call the emergency hotline first, and would afterwards be provided with a date and time for his/her swab to be taken.<sup>43</sup>

Malta has requested over two million pieces of personal protective equipment as part of the EU's joint procurement procedures. On the 26th of March, a plenary session was held, where the MEP's voted in favour of a €37 billion aid package to combat COVID-19.<sup>44</sup> Malta is said to be entitled to around €48 million of these EU funds<sup>45</sup>.

Sadly, veterinary clinics are also facing problems. They not only face shortages but other difficulties and complications, such as the unavailability of supplies such as a particular anesthetic<sup>46</sup>.

Moreover, the Malta Union of Midwives and Nurses (MUMN) has also raised a very important point in regards the hazard allowance that had been promised to nurses caring for COVID-19 patients. They gave the government a time limit to reconsider the changes being proposed by the latter, changes which they deemed to be unacceptable<sup>47</sup>.

Finally, around twenty church-related entities have also expressed their worries in regards those in poverty and have no means to protect themselves from such sickness.<sup>48</sup> The measures the relevant authorities will prescribe in response to the above concerns are yet to be seen.

## 14. Partial Lockdown

On the 26th of March, a lockdown was imposed by the government on people who are the most susceptible to contracting the novel coronavirus.

43 'COVID-19 Testing Hubs Open In Gozo And Luxol Grounds' (Times of Malta, 2020) <<https://timesofmalta.com/articles/view/covid-19-testing-hubs-open-in-gozo-and-luxol-grounds780893>> accessed 26 March 2020.

44 'Approvat bil-kbr il-pakkett ta' €37 biljun ta' għajnuna mill-UE' (inewsmalta.com, 2020) <<http://www.inewsmalta.com/article.php?ID1=92666>> accessed 27 March 2020

45 'Coronavirus: Malta Requests Over 2 Million Pieces Of Protective Equipment' (Times of Malta, 2020) <<https://timesofmalta.com/articles/view/coronavirus-malta-requests-over-2-million-pieces-of-protective781010>> accessed 26 March 2020.

46 'COVID-19: Veterinary Clinics Facing Supply Shortages' (Times of Malta, 2020) <<https://timesofmalta.com/articles/view/covid-19-veterinary-clinics-facing-supply-shortages780977>> accessed 26 March 2020.

47 'COVID-19: Nurses Slam Government 'U-Turn' On Hazard Money' (Times of Malta, 2020) <<https://timesofmalta.com/articles/view/covid-19-nurses-union-slams-government-u-turn-on-hazard-money780830>> accessed 26 March 2020.

48 'Wanted: Concrete Government Measures For The Poor' (Times of Malta, 2020) <<https://timesofmalta.com/articles/view/wanted-concrete-government-measures-for-the-poor781022>> accessed 26 March 2020.

These people include those who are older than sixty-five, pregnant women and people with chronic illnesses. People with chronic illnesses include those with heart failure, respiratory conditions, those on chemotherapy, those immunosuppressed, those on renal dialysis and people with insular dependent diabetics. Anyone who falls within this category will receive a letter at home within the coming days to inform them that they fall within this category.

They will only be allowed to leave home if they have medical appointments or on special disposition given by the Superintendent of Public Health. The Minister of Public Health stated that this special disposition could also be granted to healthcare workers older than sixty-five. However, the government will not force them to work if they feel uncomfortable doing so. These measures will come into effect on Saturday 28th March 2020.

Those people with a job who cannot work from home will be entitled to special quarantine leave. Most importantly, as from the 26th of March, at no point in time can a group of more than five people be assembled in a public area for whatever reason, and the police will be authorised to disperse them<sup>49</sup>. The request of two-meter distance is to still be kept. It is estimated that around one hundred and eighteen thousand people (118,000) people will be affected by this partial lockdown.

Deputy Prime Minister Chris Fearne correctly stated that the partial lockdown was imposed to further safeguard people's health. No fines were associated with these measures yet. However, it is imperative that these instructions are obeyed by all those who fall under the categories listed by the government.

## **15. Conclusion**

One is to adhere to what is being instructed by health officials, especially with regards to hygiene. Furthermore, as a nation, we must respect one another and those who are not under mandatory quarantine ought to stay at home as much as possible. The Superintendent of Public Health, constantly advises that those people living in Malta who have not travelled in the past fourteen days, or have not been in contact with COVID-19 patients, should avoid being in contact with other people, even though they are not obliged

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<sup>49</sup> <https://www.independent.com.mt/articles/2020-03-26/local-news/live-government-set-to-announce-new-measures-to-combat-spread-of-coronavirus-6736221320> (independent, 2020) <<https://newsbook.com.mt/dalwaqt-fearne-jindirizza-konferenza-tal-ahbarijiet/?fbclid=IwAR3wVKslqQ2P-7GQQs3ssixN2T5PZ29Geq5XFtHiAbJrXfwEIZFe9PRGFmII>> accessed 26 March 2020.

to follow mandatory quarantine.

Additionally, those living in Malta who have not travelled in the past fourteen days, or have not been in contact with COVID-19 patients who are over sixty-five years old, are pregnant or have chronic illnesses, such as asthma, have been implored to remain indoors and observe a mandatory lockdown. Should any person be in need of services, which would require the need to enter the premises where such a lockdown is being observed, from public servants or officers, government departments, private individuals or other related entities, such a person is to first inform such individuals or entities that they are quarantined<sup>50</sup>.

One must not only to express gratitude to the legislators who are doing their utmost to control the situation by implementing Legal Notices, but also the first responders of medical departments, police forces, AFM and many others, including those who are comforting quarantined or elderly individuals by phoning them, or by using other means, to remain in non-physical contact with them.

Others worth praising are those who are providing food to the medical staff or other entities who are first-hand responders, and those delivering and providing food to those under mandatory quarantine. There are also those who are constantly answering the helpline numbers which have been created by the Government to aid those individuals asking for help regarding their health. Although some still think that this virus is not a cause for alarm and still leave their places of residence and engage in social gatherings, one must keep in mind that what is occurring in other countries, such as Italy and Spain, can easily happen to Malta. As a nation, we are to follow to the letter what is being expressed to us by the authorities in order to combat this pandemic.

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50 Ibid.



