



HEALTH PROTECTION (CORONAVIRUS) REGULATIONS 2020

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Statutory Document No. SD 2020/0123



Public Health Act 1990

HEALTH PROTECTION (CORONAVIRUS) REGULATIONS 2020¹

Approved by Tynwald:

Coming into Operation: in accordance with regulation 1

The Department of Environment, Food and Agriculture makes the following Regulations under sections 51B, 51C, 51F and 51Q of the Public Health Act 1990.

In accordance with section 51Q(3) of that Act the Department is of the opinion that, by reason of urgency, it is necessary for these Regulations to come into operation before first being approved by Tynwald.

1 Title

These Regulations are the Health Protection (Coronavirus) Regulations 2020.

2 Commencement

If approved by Tynwald, These Regulations¹ come into operation at 5.30 p.m. on the day on which they are made².

3 Interpretation

(1) In these Regulations—

“**the Act**” means the Public Health Act 1990;

“**appropriate authority**” means the Cabinet Office, any other Department, the Director of Public Health (by whatever name called) and any person authorised in writing by the Director of Public Health or acting under the direction of the Director of Public Health;

¹ Corrected by the Health Protection (Coronavirus) Regulations 2020 Correction Notice [SD 2020/0123A]

² Section 51Q(5) of the Act provides that the Regulations will cease to have effect at the end of the sitting of Tynwald following that before which they are laid, unless before that time Tynwald has approved them. Section 51Q(6) provides that if on any day during that period, on proceedings on a motion that (or to the effect that) the Regulations be so approved, Tynwald comes to a decision rejecting the Regulations, they cease to have effect at the end of that day instead.

“**assessment**” means an assessment, by the appropriate authority of whether a relevant person within the meaning given in regulation 4 presents or could present a risk of infecting or contaminating others;

“**child**” means a person under the age of 18 years;

“**Coronavirus**” means the virus associated with the clinical syndrome defined by the World Health Organisation as Covid-19;

“**incapacitated person**” means a person who has attained the age of 18 and who, at a material time, is unable to make a decision for themselves in relation to a matter because of an impairment of, or disturbance in, the functioning of the mind or brain;

“**infected area**” means any area (including a country) which the Cabinet Office has declared, by notice published on www.gov.im, as an area where there is known or thought to be sustained human-to-human transmission of Coronavirus, or from which there is a high risk of importation of infection or contamination (with Coronavirus) via travel from that area to the Island;

“**isolation**” in relation to a person means the separation of that person from any other person in such a manner as to prevent infection or contamination (with Coronavirus)—

- (a) at a facility designated, by notice published on www.gov.im, for the purposes of these Regulations by the Cabinet Office;
- (b) in that person’s home;
- (c) in a hospital; or
- (d) at another specified place;

“**responsible adult**” means, in relation to a child, a person with parental responsibility for the child (within the meaning of the Children and Young Persons Act 2001) or a person who has custody or charge of the child for the time being;

“**responsible person**” means, in relation to an incapacitated person, a person appointed by that incapacitated person, a court or someone with authority to do so, to manage the incapacitated person’s affairs;

“**screening requirements**” means the requirements set out in regulation 8(1);

“**special restriction or requirement**” means a restriction or requirement that is expressed to be contingent on the incidence or transmission of Coronavirus constituting a serious and imminent threat to public health in accordance with regulation 5.

- (2) The notice referred to in the definition of “infected area” and “isolation” in paragraph (1) must be followed by publication of the notice in one or more of the newspapers published and circulating in the Island as soon as reasonably practicable.

- (3) In these Regulations, a reference to infection or contamination, however expressed, is a reference to infection or contamination with Coronavirus, and related expressions are to be construed accordingly.

4 “Relevant person” and Conditions A and B

- (1) For the purposes of these Regulations, “relevant person” means —
- (a) a person in respect of whom Condition A or Condition B is satisfied; and
 - (b) where a person referred to in sub-paragraph (a) is a member of a group, one or more or all of the other members of that group.
- (2) Condition A is that the appropriate authority —
- (a) has reasonable grounds to believe that a relevant person is, or may be, infected or contaminated with Coronavirus; and
 - (b) considers that there is a risk that a relevant person might infect or contaminate others.
- (3) Condition B is that a relevant person —
- (a) has arrived in the Island on an aircraft or ship; and
 - (b) has left, or the appropriate authority has reasonable grounds to believe a relevant person has left, an infected area within the 14 day period immediately preceding the date of a relevant person’s arrival in the Island.
- (4) For the purposes of paragraph (3) —
- “aircraft” means a machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;
- “ship” has the meaning given in section 7 of the Merchant Shipping Act 1985.

5 Serious and imminent threat declaration

- (1) These Regulations apply where the Cabinet Office declares, by notice published on www.gov.im (a “declaration notice”), that the incidence or transmission of Coronavirus —
- (a) constitutes a serious and imminent threat to public health; and
 - (b) is at such a point that the measures outlined in these Regulations may reasonably be considered as an effective means of preventing the further, significant transmission of Coronavirus.
- (2) The Cabinet Office may revoke a declaration notice by way of a subsequent notice published on www.gov.im (“a revocation notice”).

- (3) Before declaring that the incidence or transmission of Coronavirus constitutes a serious and imminent threat to public health and publishing a declaration notice to that effect, the Cabinet Office must take advice from the Director of Public Health or a person acting under the direction of the Director of Public Health and have due regard to that advice.
- (4) Before revoking a declaration notice the Cabinet Office must have due regard to any advice from the Department of Health and Social Care and such other persons whom it considers suitably qualified to give such advice by reasons of that person's scientific or medical experience and expertise.
- (5) The revocation of a declaration notice does not affect the validity of any steps taken pursuant to these Regulations prior to its revocation.
- (6) The publication of a declaration notice and a revocation notice must be followed as soon as reasonably practicable by its publication in one or more of the newspapers published and circulating in the Island.

6 Detention of persons by the appropriate authority

- (1) The appropriate authority may impose on a relevant person a detention requirement for the purposes of screening, assessment and the imposition of any restrictions or requirements under regulation 7.
- (2) A detention requirement is a requirement that the relevant person be detained until the later of—
 - (a) the end of the period of 48 hours beginning with the commencement of the relevant person's detention under this regulation; and
 - (b) such time as any screening requirements imposed on, or in relation to, the relevant person under regulation 7 have been complied with and the assessment referred to in that regulation carried out in relation to the relevant person.

7 Imposition of restrictions and requirements

- (1) The appropriate authority may—
 - (a) impose on, or in relation to, a relevant person one or more screening requirements to inform an assessment;
 - (b) carry out such an assessment in relation to a relevant person; and
 - (c) following such an assessment, impose on, or in relation to a relevant person, any other restriction or requirement (including a special one) which the appropriate authority considers necessary for the purposes of removing or reducing the risk of contaminating others.

- (2) A decision to impose a restriction or requirement under paragraph (1) may only be taken if at the time of taking that decision the appropriate authority considers that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.
- (3) Where the appropriate authority has imposed a restriction or requirement under paragraph (1), it may be varied by it.
- (4) Where a restriction or requirement under paragraph (1)(c) is imposed on, or in relation to, a child, a person who is a responsible adult in relation to the child must secure that the child complies with the restriction or requirement, in so far as that person is reasonably able to do so.
- (5) Where a restriction or requirement under paragraph (1)(c) is imposed on, or in relation to, an incapacitated person, a person who is a responsible person in relation to the incapacitated person must secure that the incapacitated person complies with the restriction or requirement, in so far as that responsible person is reasonably able to do so.
- (6) A restriction or requirement under this regulation may be imposed and varied orally or in writing.
- (7) Where a restriction or requirement is imposed orally, the appropriate authority must provide (as applicable)—
 - (a) the relevant person;
 - (b) the responsible adult in relation to a relevant person who is a child;
 - (c) the responsible person where the relevant person is an incapacitated person, with a written notification of that restriction or requirement as soon as reasonably practicable.
- (8) Where a restriction or requirement is varied orally, the appropriate authority must provide the person (or, in the case of a child, a person who is a responsible adult in relation to the child) with a written notification of the fact and effect of that variation as soon as reasonably practicable.
- (9) Paragraph (1) does not affect the exercise of any powers by virtue of regulation 10.

8 Screening requirements

- (1) For the purposes of these Regulations, the screening requirements require a relevant person to do all or any of the things referred to in paragraph (2).
- (2) The relevant person must—
 - (a) answer questions about the relevant person's health or other material circumstances including travel history and information about other individuals with whom the relevant person may have had contact;

- (b) produce any documents which may assist the appropriate authority in assessing the relevant person's health;
 - (c) at such time as the appropriate authority may specify, allow a suitably qualified person to take a biological sample from a relevant person, including a sample of respiratory secretions or blood, by appropriate means including by swabbing of the nasopharyngeal cavity;
 - (d) at such time as the appropriate authority may specify, provide a biological sample referred to in sub-paragraph (c);
 - (e) provide sufficient information to enable the relevant person to be contacted immediately by the appropriate authority during such period as the appropriate authority may specify, where the appropriate authority considers the provision of such information is necessary in order to reduce or remove the risk of the relevant person infecting or contaminating others.
- (3) Where the relevant person is a child and is accompanied by a responsible adult, that adult must, insofar as that adult can—
- (a) secure that child answers the questions referred to in paragraph (2)(a);
 - (b) answer those questions if that child is unable to do so or cannot reliably do so;
 - (c) produce any documents, required under paragraph (2)(b), on that child's behalf;
 - (d) allow a suitably qualified person to take a biological sample from that child, including a sample of respiratory secretions or blood, by appropriate means including by swabbing of the nasopharyngeal cavity;
 - (e) provide a biological sample referred to in sub-paragraph (d); and
 - (f) provide information (if any) required by the appropriate authority under paragraph (2)(e).
- (4) Where the relevant person is an incapacitated person and is accompanied by a responsible person, that person must, in so far as that person can—
- (a) answer the questions referred to in paragraph (2)(a) if that incapacitated person is unable to do so or cannot reliably do so;
 - (b) produce any documents, required under paragraph (2)(b), on that incapacitated person's behalf;
 - (c) allow a suitably qualified person to take a biological sample from that incapacitated person, including a sample of respiratory secretions or blood, by appropriate means including by swabbing of the nasopharyngeal cavity;

- (d) provide a biological sample referred to in sub-paragraph (c); and
- (e) provide information (if any) required by the appropriate authority under paragraph (2)(e).

9 Imposition of further restrictions and requirements

- (1) In the circumstances referred to in paragraph (2), the appropriate authority may impose on a relevant person any one or more of the requirements specified in paragraph (3) where that authority considers that it is necessary and proportionate to do so in order to reduce or remove the risk of the relevant persons infecting or contaminating others.
- (2) Those circumstances are where the relevant person has been—
 - (a) assessed under regulation 7(1), or
 - (b) released from detention under regulation 6, or from isolation under regulation 10.
- (3) The requirements referred to in paragraph (1) are that the relevant person—
 - (a) provide the relevant person’s contact details to the appropriate authority;
 - (b) supply information to the appropriate authority which may assist in assessing the relevant person’s health;
 - (c) at such time as the appropriate authority may specify, allow a suitably qualified person to take a biological sample from the relevant person, including a sample of respiratory secretions or blood, by appropriate means including by swabbing of the nasopharyngeal cavity;
 - (d) at such time as the appropriate authority may specify, provide a biological sample referred to in sub-paragraph (c);
 - (e) comply with any other specified condition or to take any other specified measure.
- (4) The conditions or measures which may be specified under paragraph (3)(e) include—
 - (a) a restriction on the relevant person’s travel;
 - (b) a restriction on the relevant person’s activities;
 - (c) a restriction on the relevant person’s contact with specified persons.
- (5) A restriction referred to in paragraph (4) may not be imposed for more than a period of 14 days beginning with the day of its imposition.
- (6) The appropriate authority may—
 - (a) vary any requirement imposed under this regulation; and

- (b) impose on the relevant person any additional requirements specified in paragraph (3).
- (7) A requirement under this regulation may be imposed and varied orally or in writing.
- (8) Before imposing or varying a requirement under this regulation, the appropriate authority must—
 - (a) inform (as applicable)—
 - (i) the relevant person;
 - (ii) the responsible adult where the relevant person is a child;
 - (iii) the responsible person where the relevant person is an incapacitated person,of the requirement or variation that the appropriate authority is minded to impose or make; and
 - (b) have regard to any relevant representations by, as the case may be, the relevant person, a responsible adult or a responsible person, as to its suitability.
- (9) Where a requirement under this regulation is imposed on or in relation to a child or incapacitated person, or varied in relation to a child or incapacitated person, a person who is a responsible adult in relation to the child must secure that the child, or as the case may be, incapacitated person complies with the requirement, in so far as that responsible adult or responsible person is reasonably able to do so.
- (10) Where a requirement is imposed orally, the appropriate authority must provide (as applicable)—
 - (a) the relevant person;
 - (b) the responsible adult where the relevant person is a child;
 - (c) the responsible person where the relevant person is an incapacitated person, with a written notification of that requirement as soon as reasonably practicable.
- (11) Where a requirement is varied orally, the appropriate authority must provide (as applicable)—
 - (a) the relevant person;
 - (b) the responsible adult where the relevant person is a child;
 - (c) the responsible person where the relevant person is an incapacitated person,with a written notification of the fact and effect of that variation as soon as reasonably practicable.
- (12) Paragraph (1) does not affect the exercise of any powers by virtue of regulation 7(1)(c).

10 Isolation of persons suspected to be infected with Coronavirus

- (1) Where the appropriate authority has reasonable grounds to believe that a relevant person is, or may be, infected or contaminated with Coronavirus, it may detain that relevant person pending a decision under paragraph (2).
- (2) The appropriate authority may require the relevant person to be kept in isolation, if that authority—
 - (a) has reasonable grounds to believe that the relevant person is, or may be, infected or contaminated with Coronavirus; and
 - (b) considers that it is necessary and proportionate to do so in order to reduce or remove the risk of the relevant person infecting or contaminating others.
- (3) Where paragraph (2) applies, the appropriate authority may impose on, or in relation to, the relevant person one or more restrictions or screening requirements.
- (4) A restriction or requirement imposed under this regulation may include a special restriction or requirement.
- (5) Paragraph (1) does not affect the exercise of any powers by virtue of regulation 7(1)(c).

11 Detention or isolation: additional provisions

- (1) Where the relevant person is detained or kept in isolation under these Regulations, the appropriate authority must have due regard to the relevant person's well-being.
- (2) Where the relevant person is detained or kept in isolation under these Regulations, for a period exceeding 14 days, the appropriate authority must review the continuation and conditions of the relevant person's detention, or as the case may be, isolation —
 - (a) as soon as reasonably practicable; and
 - (b) following the review referred to in paragraph (a), every 24 hours.
- (3) Where the relevant person is detained or kept in isolation under these Regulations, the appropriate authority may require the relevant person to comply with screening requirements if that authority considers that it is necessary and proportionate to do so in order to reduce or remove the risk of the relevant person infecting or contaminating others.
- (4) Where the relevant person is detained under regulation 6, the appropriate authority may require the relevant person to move to a specified place.
- (5) The appropriate authority must notify the—
 - (a) relevant person;
 - (b) the responsible adult in relation to a relevant person who is a child;

- (c) the responsible person where the relevant person is an incapacitated person,

as soon as the relevant person's detention under regulation 6 starts, or as soon as it is decided to keep the relevant person in isolation under regulation 10, of the matters referred to in paragraph (6).

- (6) Those matters are—
 - (a) the fact of the relevant person's detention or isolation;
 - (b) the powers under which the relevant person is detained or kept in isolation;
 - (c) the reason for the relevant person's detention or isolation;
 - (d) the next steps that may be taken and by whom;
 - (e) the obligation to keep the need for the relevant person's detention or isolation under review; and
 - (f) the penalty for—
 - (i) absconding, or attempting to abscond, from detention or isolation under regulation 16(1)(b);
 - (ii) providing false or misleading information intentionally or recklessly under regulation 16(2);
 - (iii) obstructing a person carrying out a function under these Regulations under regulation 16(3);
 - (g) the right to appeal to a summary Court under regulation 13, where applicable.

12 Power of a justice to make a Part 2A order

- (1) The power in paragraph (2) is in addition to the power of a justice to make a Part 2A order on the application of an authorised officer under section 51M(1) of the Act.
- (2) The power of a justice to make a Part 2A order is exercisable on the application of the appropriate authority whether or not it is an application—
 - (a) for an order imposing one or more of the restrictions or requirements mentioned in section 51G(2)(a) to (d) of the Act; or
 - (b) for an order imposing any other restriction or requirement under section 51G, including by virtue of section 51K(2).
- (3) In this regulation, "**Part 2A order**" means an order made by a justice under Part 2A of the Act.

13 Appeals

- (1) A person in relation to whom a restriction or requirement is imposed under these Regulations may appeal to a summary Court against that decision.
- (2) A responsible adult for a child in relation to whom a restriction or requirement is imposed under these Regulations may appeal to a summary Court against that decision.
- (3) A responsible person for an incapacitated relevant person in relation to whom a restriction or requirement is imposed under these Regulations may appeal to a summary Court against that decision.

14 Enforcement

- (1) Where a requirement is imposed on a relevant person to be detained or kept in isolation under regulation 6, 7 or 10, a constable may do any of the following—
 - (a) take that person to a place specified by the appropriate authority;
 - (b) keep that person in detention or isolation.
- (2) Where a relevant person absconds from detention or isolation imposed under these Regulations, a constable may take the person into custody and—
 - (a) return that person to the place of detention or isolation; or
 - (b) take that person to another place specified by the appropriate authority.
- (3) A constable may use reasonable force in the exercise of a power under this regulation.

15 Initial detention of persons to enable screening and assessment

- (1) This regulation applies if a constable has reasonable grounds to suspect that—
 - (a) a person (“P”) is, or may be, infected or contaminated with Coronavirus;
 - (b) there is a risk that P might infect or contaminate others; and
 - (c) it is necessary to direct, remove or detain P in the interests of P, for the protection of other persons or the maintenance of public safety.
- (2) A constable may—
 - (a) direct P to go immediately to a hospital or other place specified in the direction for the purposes of screening, assessment and the imposition of any restrictions or requirements under regulation 7;

- (b) remove P to a hospital or other place for the purposes of the imposition of any restrictions or requirements under regulation 7;
or
 - (c) if P is already at a hospital or other place referred to in this paragraph, keep P at that place or remove P to another hospital or suitable place for the purposes of the imposition of any restrictions or requirements under regulation 7.
- (3) The power in paragraph (2) may be exercised where P is at any place.
- (4) For the purpose of exercising the power in paragraph (2), a constable may enter any place.
- (5) Before exercising the power in paragraph (2) the constable must—
- (a) so far as reasonably practicable, consult the appropriate authority and have due regard to the views of and any information provided by, the appropriate authority in relation to P;
 - (b) have due regard to any relevant guidance issued by the Department of Health and Social Care, the Directorate of Public Health (by whatever name called) or any other Department.
- (6) A person removed to or kept in a hospital or other suitable place under this regulation may be detained there for a period not exceeding the permitted period of detention.
- (7) A constable or the appropriate authority or a person authorised by either of them for the purposes of this paragraph, may, before the end of the permitted period of detention, take a person detained in a hospital or other place to one or more other hospitals or other places.
- (8) A person taken to a hospital or other place under paragraph (7) may be detained there for a period ending no later than the permitted period of detention.
- (9) A constable may use reasonable force in the exercise of a power under this regulation.
- (10) A constable or the appropriate authority may, at any time before the expiry of the initial period, authorise the detention of a person for a further period not exceeding 24 hours (beginning immediately at the end of the initial period).
- (11) An authorisation under paragraph (10) may be given only if the person giving it considers that the extension is necessary because it is not reasonably practicable for the imposition of any restrictions or requirements under regulation 7 to be completed before the end of the initial period.
- (12) In this regulation—
“**the initial period**” means the period of 24 hours beginning with—

- (a) in a case where the person is removed to a hospital or other place, the time when the person arrives at that hospital or other place; or
- (b) in a case where the person is kept at a hospital or other place, the time when the constable decides to keep the person at that hospital or other place;

“the permitted period of detention” means the total of the initial period of detention and any authorised extended period.

16 Offences

- (1) A person (“P”) commits an offence if P—
 - (a) fails, without reasonable excuse, to comply with a restriction or requirement imposed under regulation 6, 7, 9 or 11;
 - (b) absconds, or attempts to abscond, from detention or isolation under regulation 6, 7 or 10.
- (2) P commits an offence if P intentionally or recklessly provides false or misleading information to any person carrying out a function under these Regulations.
- (3) P commits an offence if P obstructs, without reasonable excuse, any person carrying out a function under these Regulations.
- (4) A responsible adult commits an offence if that adult fails, without reasonable excuse, to comply with regulation 7, 8 or 9.
- (5) A responsible person commits an offence if that adult fails, without reasonable excuse, to comply with regulation 7, 8 or 9.
- (6) An offence specified in this regulation is punishable on summary conviction by a fine not exceeding level 3 on the standard scale.

17 Expiry

- (1) These Regulations cease to have effect at the end of the period of two years beginning on the day on which they come into operation.
- (2) This regulation does not affect the validity of anything done pursuant to these Regulations before they cease to have effect.

MADE AT 3.00PM ON 26 FEBRUARY 2020

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.