

Statutory Document No. 2020/0176



*Emergency Powers Act 1936*

## EMERGENCY POWERS (CORONAVIRUS) (PORT OPERATIONS) REGULATIONS 2020<sup>1</sup>

*Laid before Tynwald: 27 March 2020*

*Approved by Tynwald: 27 March 2020*

*Coming into Operation: in accordance with regulation 2*

The Governor in Council, by Order<sup>1</sup>, makes the following Regulations under section 4 of the Emergency Powers Act 1936.

### 1 Title

These Regulations are the Emergency Powers (Coronavirus) (Port Operations) Regulations 2020.

### 2 Commencement

These Regulations come into operation immediately after they are made<sup>2</sup> and continue to have effect throughout the Coronavirus Proclamation period.

### 3 Interpretation

“**Coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**the Coronavirus Proclamation period**” means the periods for which the following proclamations are in operation —

- (a) the Proclamation of Emergency dated 16 March 2020<sup>3</sup>; and
- (b) any subsequent proclamation which relates to the pandemic of Coronavirus (also known as COVID-19) and specifies that it appears that there is a threat of that disease affecting the Island and

<sup>1</sup> Section 4(1) specifies that “Where a proclamation of emergency has been made, and so long as such proclamation is in force, it shall be lawful for the Governor in Council, by Order, to make regulations ...”.

<sup>2</sup> By virtue of section 4(2) of the Emergency Powers Act 1936, these Regulations made by Order of the Governor in Council must be laid before Tynwald within 7 days of being made and only continue in force beyond 7 days of being so laid if Tynwald passes a resolution to that effect.

<sup>3</sup> SD 2020/0162

causing serious damage to human health on, and the economic well-being of the Island;

“**operator**”, in relation to a port of entry, means a person concerned in the management of the port;

“**relevant port operations**” means any operations or functions carried out by an operator at a port of entry in relation to —

- (a) the arrival or departure of any vessel, aircraft or other conveyance or vehicle;
- (b) the entry into the Island of persons or things; and

“**vessel**” has the same meaning as in the Merchant Shipping Act 1985.

#### 4 General

These Regulations provide for the suspension of port operations.

#### 5 Direction

- (1) During the Coronavirus Proclamation period, the Council of Ministers may, subject to paragraph (2), give a direction in writing to an operator of a port of entry requiring the operator to suspend such relevant port operations as the Council of Ministers may specify in the direction.
- (2) The Council of Ministers may give a direction under paragraph (1) only if —
  - (a) the Council of Ministers considers that there is a risk that, as a direct or indirect result of the incidence or transmission of Coronavirus, there are or will be insufficient immigration officers at the port of entry to maintain adequate border security there; and
  - (b) the Council of Ministers has taken such other measures as are reasonably practicable to mitigate that risk.
- (3) For the purposes of paragraph (2)(b) a measure is not reasonably practicable if it gives rise to a risk to human life or health or to the environment.
- (4) A direction under paragraph (1) must specify —
  - (a) the operator to whom it is given;
  - (b) the relevant port operations which are to be suspended;
  - (c) the time at which the direction takes effect;
  - (d) the period of time for which the direction is to remain in effect (the “suspension period”); and
  - (e) any arrangements that must be made by the operator at the port of entry which are reasonably incidental to the direction.
- (5) The suspension period shall be —

- (a) as specified in the direction; or
  - (b) if a date is not specified in the direction, 7 days after the end of the Coronavirus Proclamation period,
- whichever is the earlier.

## **6 Revocation of direction**

The Council of Ministers may at any time revoke a direction under regulation 5 to any extent, having regard to the risk referred to in regulation 5(2).

## **7 Offences**

A person commits an offence if the person fails without reasonable excuse to comply with a direction under regulation 5.

Maximum penalty — (summary) 3 months custody, a fine not exceeding level 5 on the standard scale or both.

**MADE 11:40 24<sup>TH</sup> MARCH 2020**

## ENDNOTES

### Table of Endnote References

---

<sup>1</sup> 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.