

Statutory Document No. 2020/0178

*Emergency Powers Act 1936*

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

*Laid before Tynwald:* 27 March 2020  
*Approved by Tynwald:* NOT MOVED  
*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) (Schools) 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

In these Regulations —

“**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

<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

appears that there is a threat of that disease affecting the Island and causing serious damage to human health on, and the economic well-being of the Island;

“**premises**”, in relation to an educational institution, means any premises which persons regularly attend in order to receive services provided by the institution;

“**responsible body**” means, in relation to a school or college the governing body or, as the case may be, the proprietor (within the meaning of section 59 of the Education Act 2001);

“**school**” has the same meaning as in the Education Act 2001 (see section 59 of that Act); and

“**specified**” means specified, or falling within a description specified, in a temporary closure direction under regulation 5.

#### 4 **General**

These Regulations contain temporary modifications of legislation relating to the attendance at premises used for the provision of education.

#### 5 **Schools etc**

- (1) During the Coronavirus Proclamation period, the Department of Education, Sport and Culture (“the Department”) may give a temporary closure direction that applies to —
  - (a) one or more named educational institutions in the Island;
  - (b) all educational institutions in the Island (or any part of the Island);
  - (c) educational institutions in the Island (or any part of the Island) of a particular description.
- (2) A temporary closure direction under this regulation is a direction that requires the responsible body of an educational institution to which it applies to take reasonable steps to secure that persons do not, for a specified period, attend premises of the institution for purposes connected with the institution.
- (3) A temporary closure direction under this regulation may —
  - (a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Department considers reasonable;
  - (b) relate to attendance of persons generally, or to attendance by specified persons;
  - (c) relate to premises generally, or to specified premises or parts of premises;
  - (d) relate to attendance for purposes connected with an educational institution generally, or to attendance for specified purposes;

- (e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the Department considers appropriate;
  - (f) include such other provision as the Department considers appropriate in connection with the giving of the direction.
- (4) A failure by a responsible body to comply with a temporary closure direction under this regulation is enforceable, on an application made by the Department, by an injunction.
- (5) An application made under paragraph (4) may be made without notice being given to the responsible body.

## **6 Effect of temporary closure directions on other provisions**

In relation to a period during which a temporary closure direction under regulation 5 has effect in relation to a school –

- (a) there is no breach of the duty under section 24 of the Education Act 2001 (duty of parents to secure education of children of compulsory school age) in respect of a child who is a pupil at the school but who is, as a result of the direction, unable to be in regular attendance at the school;
- (b) any failure of a child to attend the school is to be disregarded for the purposes of section 29 of the Education Act 2001 (offence of failing to secure regular attendance at school of a registered pupil) to the extent that the failure is attributable to the direction.

## **7 Publication, duration and guidance**

- (1) A temporary closure direction under regulation 5 must be published by the Department.
- (2) A temporary closure direction under regulation 5 has effect until the earlier of –
  - (a) the end of the period specified under regulation 5(2); or
  - (b) the revocation of the direction by a further direction given by the Department under that regulation.
- (3) A person to whom a temporary closure direction under regulation 5 applies must have regard to any guidance given by the Department about how to comply with a direction given by the Department under that regulation.

**MADE 19:00 23 MARCH 2020**

## ENDNOTES

### Table of Endnote References

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<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.