

Statutory Document No. 2020/0179



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (PLANNING AND REGULATORY LEGISLATION) REGULATIONS 2020¹

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 Order¹, makes the following Regulations under section 4 of the Emergency Powers Act 1936.

1 Title

These Regulations are the Emergency Powers (Coronavirus) (Planning and Regulatory Legislation) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made².

3 Interpretation

(1) In these Regulations —

“**the Act**” means the Town and Country Planning Act 1999;

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

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

(a) the Proclamation of Emergency dated 16 March 2020³; and

¹ 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 ...”.

² 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.

³ SD 2020/0162

- (b) all subsequent consecutive Proclamations of Emergency that relate to the pandemic of Coronavirus (also known as COVID-19).³
- (2) In regulation 5, “regulatory legislation” is legislation —
 - (a) to which the premises were subject immediately before the consent was given; and
 - (b) which relates to the registration or licensing of, or applies standards in connection with, the use of the premises or a person who operates the premises for that use.
- (3) Without limiting paragraph (2), regulatory legislation includes —
 - (a) the Licensing Act 1995; and
 - (b) the Tourism Act 1975.

4 General

These Regulations deal with modifications to the Act and to regulatory legislation within the meaning given in regulation 3 (interpretation).

5 Specified activities permitted

- (1) Throughout the Coronavirus Proclamation period —
 - (a) the Council of Ministers may give written consent, with or without conditions (“the consent”), for the use of any premises specified in paragraph (2) (“the premises”), for a purpose or activity specified in the consent (“the specified purpose”);
 - (b) the use of the premises for the specified purpose does not constitute —
 - (i) “development” within the meaning of section 6 of the Act (development);
 - (ii) a breach of planning control for the purposes of section 23 of the Act (breach of planning control);
 - (iii) a breach of condition for the purposes of section 23A (breach of conditions); or
 - (iv) a breach or contravention of any regulatory legislation; and
 - (c) in using the premises for the specified purpose a person does not commit an offence under the provisions specified in subparagraph (b),

subject to compliance with any conditions attached to the consent, where sub paragraph (b) or (c) applies.

- (2) The premises referred to in paragraph (1) are premises for which planning approval for a specified use has been granted or which are subject to regulatory legislation.
- (3) A consent given under paragraph (1) expires —

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

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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.

² Regulation 2 amended by SD2020/0249 with effect from 14/04/2020 at 14:48.

³ Definition of “the Coronavirus Proclamation period” substituted by SD2020/0249 with effect from 14/04/2020 at 14:48.