



## EMERGENCY POWERS (CORONAVIRUS) (EVENTS AND GATHERINGS) REGULATIONS 2020

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Statutory Document No. 2020/0185



*Emergency Powers Act 1936*

## EMERGENCY POWERS (CORONAVIRUS) (EVENTS AND GATHERINGS) REGULATIONS 2020<sup>1</sup>

*Laid before Tynwald: 31 March 2020*  
*Approved by Tynwald: 31 March 2020*  
*Coming into operation in accordance with regulation 2*

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

### PART 1 – GENERAL

#### 1 Title

These Regulations are the Emergency Powers (Coronavirus) (Events and Gatherings) Regulations 2020.

#### 2 Commencement<sup>2</sup>

These Regulations come into operation immediately after they are made<sup>1,3</sup>

#### 3 Interpretation

In these Regulations—

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

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

- (a) the Proclamation of Emergency dated 16 March 2020<sup>2</sup>; and
- (b) all subsequent consecutive Proclamations of Emergency that relate to the pandemic of Coronavirus (also known as COVID-19);<sup>4</sup>

<sup>1</sup> By virtue of section 4(2) of the Emergency Powers Act 1936, the Regulations made under this Order 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>2</sup> SD 2020/0162

“**the Department**” means the Department of Health and Social Care;

“**gathering**” means any meeting or assembly of two or more persons who are not members of the same household;<sup>5</sup>

“**premises**” includes any place and, in particular, includes —

- (a) any vehicle, train, vessel or aircraft,
- (b) any tent or movable structure, and
- (c) any offshore installation (within the meaning in the Mineral Workings (Offshore Installations) Act 1988).

## **PART 2 — POWERS TO GIVE DIRECTIONS**

### **4 Power to prohibit or otherwise restrict events or gatherings**

- (1) The Department may, for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of Coronavirus, give a direction imposing requirements or restrictions —
  - (a) in relation to the holding of events or gatherings generally by publishing the direction on [www.gov.im](http://www.gov.im) and in such other manner as the Department considers appropriate; or
  - (b) in relation to the holding an event or gathering by giving notice in such manner as the Department considers appropriate to —
    - (i) the owner or occupier of a venue for an event or gathering;
    - (ii) the organiser of an event or gathering;
    - (iii) any other person involved in holding an event or gathering.
- (2) A direction under paragraph (1) may, amongst other things—
  - (a) prohibit the holding of an event or gathering or any event or gathering;
  - (b) impose requirements about informing persons who may be planning to attend an event or gathering or any events or gatherings of the cancellation of or any restrictions imposed on the holding of it.

### **5 Power to close premises or impose restrictions on persons entering or remaining inside them**

- (1) The Department may, for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of Coronavirus, give a direction imposing requirements or restrictions in relation to the entry into, or location of persons within, premises to—
  - (a) the owner or occupier of premises;

- (b) any other person involved in managing entry to premises or the location of persons inside them.
- (2) A direction under paragraph (1) may only be issued during the Coronavirus Proclamation period.
- (3) A direction under paragraph (1) may, amongst other things, impose requirements for the purpose of—
  - (a) closing the premises or a part of the premises;
  - (b) restricting entry into the premises, whether by reference to the number of people in the premises, a period of time or otherwise;
  - (c) securing restrictions in relation to the location of persons in the premises.

## 6 Procedure

- (1) The Department must consult the Director of Public Health before giving a direction under these Regulations.
- (2) The Department may at any time revoke a direction to any extent.
- (3) A direction must be given in such manner as the Department considers appropriate to bring it to the attention of those persons likely to be affected by it.<sup>6</sup>

## 7 Enforcement

- (1) Compliance with a direction under these Regulations may be enforced by—
  - (a) a constable; or
  - (b) any other person, or description of person, designated for the purpose of this regulation by the Department.
- (2) In exercising the power of enforcement conferred by paragraph (1), a person may—
  - (a) enter any premises; and
  - (b) if necessary, use reasonable force.
- (3) Paragraphs (4), (5) and (6) apply whether or not a direction has been given under regulation 4 or 5.<sup>7</sup>
- (4) A constable may stop a person and ask the person questions to establish whether the person or a member of the person's household has taken part, or is taking part, in a gathering and if so, the purpose of the gathering.<sup>8</sup>
- (5) The person must answer any reasonable question that he or she is asked by a constable under paragraph (4).<sup>9</sup>

- (6) A constable may require a person or the members of the person's household to leave any premises if the constable reasonably believes that —
- (a) the person or members of the person's household are at a high risk of coming within 2 metres of a person who is not a member of the person's household if they remain at those premises; and
  - (b) the contact with such a person is not permitted under a provision of regulations made under the Emergency Powers Act 1936.<sup>10</sup>

## 8 Offences

A person (P) commits an offence if P fails without reasonable excuse —

- (a) to comply with a direction given to the person under these Regulations;
- (b) to answer questions put to the person by a constable under regulation 7(4); or
- (c) to comply with a constable's requirement under regulation 7(6) that the person or the members of the person's household leave premises.

Maximum Penalty (summary) - 3 months' custody and a fine not exceeding level 5 on the standard scale.<sup>11</sup>

## 9 Compensation

The Department may with the concurrence of the Treasury pay compensation to a person adversely affected by or in connection with the giving of a direction under these Regulations.

MADE AT 15:50 ON 26<sup>TH</sup> 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.

<sup>2</sup> Reg 2 heading amended by SD2020/0249 with effect from 14/04/2020 at 14:48.

<sup>3</sup> Reg 2 amended by SD2020/0249 with effect from 14/04/2020 at 14:48.

<sup>4</sup> Definition of “the Coronavirus Proclamation period” substituted by SD2020/0249 with effect from 14/04/2020 at 14:48.

<sup>5</sup> Definition of “gathering” inserted by SD2020/0248 with effect from 15/04/2020 at 08:55.

<sup>6</sup> Para (3) amended by SD2020/0295 with effect from 14/05/2020 at 14:37.

<sup>7</sup> Para (3) inserted by SD2020/0272 with effect from 07/05/2020 at 11:41.

<sup>8</sup> Para (4) inserted by SD2020/0272 with effect from 07/05/2020 at 11:41.

<sup>9</sup> Para (5) inserted by SD2020/0272 with effect from 07/05/2020 at 11:41.

<sup>10</sup> Para (6) inserted by SD2020/0272 with effect from 07/05/2020 at 11:41.

<sup>11</sup> Reg 8 substituted by SD2020/0272 with effect from 07/05/2020 at 11:41.