

Statutory Document No. 2020/0198



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (CHILD CARE SERVICES) REGULATIONS 2020¹

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

1 Title

These Regulations are the Emergency Powers (Coronavirus) (Child Care Services) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made².

3 Interpretation

In these Regulations —

“**child care services**” means the services provided at a child day care centre or by a childminder;

“**child care services provider**” means the provider of child care services and includes a childminder and a child day care centre;

“**child day care centre**” has the same meaning as in section 20 of the Regulation of Care Act 2013;

“**childminder**” has the same meaning as in section 21 of the Regulation of Care Act 2013;

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.

“**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 2020³; and
- (b) all subsequent consecutive Proclamations of Emergency that relate to the pandemic of Coronavirus (also known as COVID-19);²

“**premises**” means any premises used for the provision of child care services;³

“**responsible body**” means the childminder or, in the case of a child day care centre, the person or body of persons responsible for the management of a child day care centre including the principal, the governing body or, as the case may be, the proprietor; and

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

4 General

These Regulations make provision relating to child care services.

5 Temporary closure directions

- (1) During the Coronavirus Proclamation period, the Department of Health and Social Care (“the Department”) may give a temporary closure direction that applies to —
 - (a) one or more named child care services providers in the Island;
 - (b) all child care services providers in the Island (or any part of the Island);
 - (c) child care services provider 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 a child care services provider to which it applies to take reasonable steps to secure that persons do not, for a specified period, attend premises for purposes connected with the child care services.
- (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;

³ SD 2020/0162

- (c) relate to premises generally, or to specified premises or parts of premises;
 - (d) relate to attendance for purposes connected with child care services 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 Offences

A person who fails without reasonable excuse to comply with a temporary closure direction under regulation 5 commits an offence.

Maximum Penalty (summary) - 3 months' custody and a fine not exceeding level 5 on the standard scale.⁴

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 13:00 27TH MARCH 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.

² Definition of “the Coronavirus Proclamation period” substituted by SD2020/0249 with effect from 14/04/2020 at 14:48.

³ Definition of “premises” amended by SD2020/0218 with effect from 02/04/2020 at 18:45.

⁴ Reg 6 substituted by SD2020/0249 with effect from 14/04/2020 at 14:48.