

Statutory Document No. 2020/0200



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (CLOSURE OF BUSINESSES AND OTHER PREMISES) REGULATIONS 2020¹

<i>Laid before Tynwald:</i>	<i>31 March 2020</i>
<i>Approved by Tynwald:</i>	<i>31 March 2020</i>
<i>Coming into Operation:</i>	<i>27 March 2020</i>

The Governor in Council, by Order¹, makes the following Regulations under section 4 of the Emergency Powers Act 1936².

1 Title

These Regulations are the Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) Regulations 2020.

2 Commencement

These Regulations come into operation at 6.30 a.m. on 27 March 2020.

3 Interpretation

(1) 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 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 continue in force beyond 7 days of being so laid only 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);²

“**immediate family**” in relation to a person (P) means the P’s spouse or civil partner, a person living in an enduring family relationship with P, P’s child, parent or grandparent, grandchild, brother, sister, half-brother or half-sister or a child of P’s family;³

“**enclosed spaces in parks**” means a wholly or partly enclosed space in a public park, pleasure ground, recreation ground, garden, beach or other grounds to which the public are permitted access whether on payment or otherwise and includes a playground or play area, clearly delineated sports pitches and courts and areas set aside as outdoor gymnasiums;⁴

“**places of worship**” means any church, chapel or other building used for public religious worship and includes a burial ground, a Sunday or Sabbath school and any building attached to or used in connection with such a church, chapel or other building; and

“**premises**” includes any place, ship, aircraft, vehicle, stall or movable structure; and

“**vulnerable person**” includes —

- (a) any person who is pregnant;
- (b) any person aged 70 or older; and
- (c) any person under 70 who has an underlying health condition, including but not limited to —
 - (i) chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease, emphysema or bronchitis;
 - (ii) chronic heart disease, such as heart failure;
 - (iii) chronic kidney disease;
 - (iv) chronic liver disease, such as hepatitis;
 - (v) chronic neurological conditions, such as Parkinson’s disease, motor neurone disease, multiple sclerosis;
 - (vi) a learning disability or cerebral palsy;
 - (vii) diabetes;
 - (viii) problems with the spleen, such as sickle cell disease or removal of the spleen;
 - (ix) a weakened immune system as the result of conditions such as HIV and AIDS, or medicines; such as steroid tablets or chemotherapy;
 - (x) being seriously overweight, with a body mass index of 40 or above.

(2) In these Regulations —

- (a) a person who is responsible for carrying on a business includes the owner, proprietor, and manager of that business; and
- (b) a person who is responsible for premises includes the owner, proprietor, and manager of the premises.

4 Requirement to cease operating certain businesses

- (1) A person who is responsible for carrying on a business listed in Part 1 of the Schedule must cease operating the business immediately and for the remainder of the Coronavirus Proclamation period.
- (2) A person who is responsible for the premises of any business listed in Part 1 of the Schedule must immediately and for the remainder of the Coronavirus Proclamation period close the premises.
- (3) If a business listed in Part 1 of the Schedule (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes down business A.

5 Continuation of operation of certain businesses

- (1) A person may during the Coronavirus Proclamation period continue operating a business at premises described in an entry in the first column of the table in Part 2 of the Schedule —
 - (a) only for the purpose described in the corresponding entry in the second column of the table in that Part; and
 - (b) only if the person does so in compliance with the conditions (if any) contained in the corresponding entry in the third column of the table in that Part.
- (2) A person may continue operating a business of a type described in Part 3 of the Schedule.
- (3) If a business continues operating during the Coronavirus Proclamation period, the person who is responsible for carrying on the business must ensure that the business adopts such measures as are reasonably practicable to reduce the risk of a person being infected with Coronavirus as a result of being present at the premises of that business or being in contact with a person from that business, including —
 - (a) ensuring so far as it practicable that persons at the premises are able to remain at least 2 metres away from any other person;
 - (b) ensuring that the premises are regularly and frequently cleaned; and⁵
 - (c) ensuring that facilities are provided for enabling persons at the premises to clean or otherwise sanitise their hands frequently.⁶

- (4) The person responsible for carrying on a business that is not required under these Regulations to close –
 - (a) may only require the presence of such employees whose attendance is necessary for the proper performance of his or her office, employment or vocation at the business premises or such other premises as the employee would ordinarily be expected to attend in the course of his or her office, employment or vocation; and⁷
 - (b) must ensure that no more persons are present at any one time than is necessary for the effective operation of the business.⁸

6 Enforcement

- (1) Compliance with 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 of Health and Social Care or the Department of Home Affairs.
- (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.

7 Offences and penalties

- (1) A person who, without reasonable excuse, contravenes regulation 4 or 5 commits an offence.
- (2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.
- (3) Maximum Penalty (summary) - 3 months' custody and a fine not exceeding level 5 on the standard scale.
- (4) If a person is alleged to have contravened regulation 5, regard may be given, when determining whether the person is guilty of the offence, as to whether the person operated the business in a way that was inconsistent with any guidance published on www.gov.im in relation to the operation of that business and, in particular, to any guidance on any action to be taken by the business for the purpose of reducing the risk of a person being infected with Coronavirus as a result of being present at the premises of that business or transacting business with a person from that business.^{9 10}

8 Revocation

The Emergency Powers (Closure of Premises) Regulations 2020⁴ are revoked.

MADE 20:45 26TH MARCH 2020

⁴ SD 2020/0177

SCHEDULE¹¹

PART 1

BUSINESSES AND PREMISES THAT MUST CLOSE

[Regulation 4(1)]

- (1) Libraries
- (2) Nightclubs
- (3) Bars, including bars in hotels or members' clubs
- (4) Bingo halls
- (5) Museums and galleries
- (6) Casinos
- (7) Betting shops
- (8) Auction houses
- (9) Car show rooms
- (10) Spas
- (11) Beauty and nail salons
- (12) Massage parlours
- (13) Hairdressers, barbers
- (14) Piercing and tattoo parlours
- (15) Indoor skating rinks
- (16) Indoor fitness studios, gyms, swimming pools
- (17) Arcades, bowling alleys, soft play centres and similar amusement centres
- (18) Enclosed spaces in parks, including playgrounds, sports courts and pitches
- (19) Outdoor gyms or areas with fitness apparatus
- (20) Any clubhouse which serves a golf course provided that in any case where a clubhouse includes the shop, office or other facilities to which a member must report prior to playing golf, that part of the clubhouse may remain open for that purpose only¹²
- (21) Any premises that provide recreational fishing activities if —
 - (a) the premises are —
 - (i) a vessel (within the meaning of section 83(1) of the Harbours Act 2010), unless the vessel is moored, berthed or otherwise

- fastened within a harbour or at the place at which the vessel is ordinarily kept within the Island; or
- (ii) operated on a commercial basis or owned by a person other than a Department or Statutory Board and a payment (other than a licence fee payable to a Department) is charged in order to take part in the recreational fishing activities; or
 - (b) the recreational fishing activities are competitive¹³
- (22) Any cleaning business (except a window cleaning business) where that business is concerned only with the cleaning of domestic premises¹⁴
 - (23) Opticians, dental surgeries, private physiotherapy clinics, private chiropody and podiatry clinics unless specifically commissioned by the Department of Health and Social Care
 - (24) Any other private healthcare clinics and other professional vocational medical services unless specifically commissioned by the Department of Health and Social Care
 - (25) Any shopping centre, except for the purpose of enabling a business described in Part 2 or 3 to operate
 - (26) Any other retail business that is not permitted to continue in operation under Part 2 or 3.

PART 2

BUSINESSES AND PREMISES THAT MAY REMAIN OPEN FOR RESTRICTED PURPOSES

[Regulation 5(1)]

Premises	Purpose	Conditions
Restaurants and public houses, wine bars or other drinking establishments	For the supply of hot or cold food and drink that has been prepared on the premises for consumption off the premises	Food or drink must not be supplied to any person for consumption on the premises. A person must not consume any food or drink on the premises, or in an area adjacent to the premises (An area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business)



Cafes and canteen premises at institutions such as hospitals, care homes, prisons, military premises or in the work place	For the supply of food or drink	The food or drink must only be supplied if it is not reasonably practicable to make alternative arrangements for the supply of food or drink to the users of the canteen or café
Cafes and canteen premises at institutions such as hospitals, care homes, prisons, military premises or in the work place	For the supply of food and drink and other services to homeless or vulnerable persons	
Cafés and canteen premises except those at institutions such as hospitals, care homes, prisons, military premises or in the work place	For the supply of hot or cold food and drink that has been prepared on the premises for consumption off the premises	The food or drink must not be supplied to any person for consumption on the premises. A person must not consume any food or drink on the premises or in an area adjacent to the premises (An area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business)
Mobile catering premises	For the supply of hot or cold food and drink that has been prepared on the premises for consumption off the premises	A person must not consume any food or drink on the premises or in an area adjacent to the premises (An area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business)
Indoor leisure centres	Facilitating blood donation sessions	
Community centres, youth centres and similar venues	Hosting essential voluntary or public services, such as operating food banks or services to homeless or vulnerable persons	
	Facilitating blood donation sessions	

SCHEDULE

Places of worship ¹⁵	Conducting of funeral services, including the broadcasting of the funeral to persons outside the place of worship	The operator of the premises must take all reasonable steps to ensure that the funeral is not attended by any person except the Minister of Religion, members of the deceased's immediate family and any carer of a member of the deceased's immediate family; or, in the case of a deceased with no immediate family attending, by a friend of the deceased
	Installing and maintaining equipment used for the purpose of enabling the broadcasting of services of religious worship and other community information	
	Recording, streaming or otherwise broadcasting a service of religious worship; to persons outside the place of worship	
	Hosting essential voluntary or public services, such as operating food banks or services to homeless or vulnerable persons	
	facilitating blood donation sessions	
Crematoriums	For the purposes of the conduct of a funeral or cremation	
Any graveyard or cemetery ¹⁶	Any purpose	
Any civic amenity site or other facilities for the collection of recyclable products ¹⁷	For the purpose of depositing domestic or commercial waste, garden waste or recyclable products	The site may not be used for the depositing or collecting of reusable items
Cinemas, theatres and concert halls	Facilitating blood donation sessions	

Hotels, hostels, Bed and breakfast accommodation, boarding houses, campsites and caravan parks, where such premises are operated as a business	For providing accommodation, and food and drink by way of room service to --	
	(a)	a person who is unable to reside in his or her primary residence;
	(b)	a key worker;
	(c)	a person who is permanently resident at the premises;
	(d)	a person attending a funeral;
	(e)	a person who is not a permanent resident of the Isle of Man and who is unable to travel to his or her country of residence during the Coronavirus Proclamation period;
	(f)	a person who is unable to move into a new home during the Coronavirus Proclamation period;
	(g)	a person who is a temporary resident within the meaning of the Emergency Powers (Coronavirus) (Provision of Temporary Accommodation) Regulations 2020 ⁵ ;
	Facilitating blood donation sessions	
Schools and nurseries	For educating or caring for vulnerable children or the children of persons providing an essential service within the meaning of regulation 5(5) of and the	

⁵ SD 2020/0247

SCHEDULE

	Schedule to the Emergency Powers (Prohibitions on Movement) Regulations 2020 ⁶	
Any construction business ¹⁸	Any purpose	
Any business of a tradesperson, including plumbers, electricians, carpenters, heating, gas or air condition engineers; roofers and general builders ¹⁹	Any purpose except that, where the work is at the home of a person at which there is a potentially infected person (within the meaning of the Emergency Powers (Potentially Infectious Persons) Regulations 2020), only works that are urgent and necessary for the preservation of life or property are permitted	
Any business of landscaping, gardening or related activity ²⁰	Any purpose	
Any cleaning business	The cleaning of commercial premises	
Any window cleaning business ²¹		
Garden retail shops ²²	Any purpose	Where the garden retail shop incorporates a café, the food or drink must not be supplied to any person for consumption on the premises. A person must not consume any food or drink on the premises or in an area adjacent to the premises (An area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business)
Any business of keeping livestock ²³	Any purpose	

⁶ SD 2020/0201



PART 3

BUSINESSES THAT MAY REMAIN IN OPERATION

[Regulation 5(2)]

- (1) Supermarkets and other shops selling food
- (2) Health food shops concerned solely or principally with the sale or supply of health and nutritional and related products
- (3) Shops operating primarily as newsagents, tobacconists or confectioners
- (4) Premises granted an off-licence under Part 2 of the Licensing Act 1995
- (5) Pet shops
- (6) Builders merchants
- (7) Hardware shops concerned solely or principally with the sale of household products and domestic (as opposed to industrial or commercial) hardware
- (8) Agricultural merchants
- (9) General Practitioner surgeries and practices
- (10) Pharmacies and chemists
- (12) Any medical service which has been commissioned by the Department for Health and Social Care for the purpose of providing additional support
- (13) Veterinary surgeries
- (14) Petrol filling stations
- (15) Car rental businesses
- (16) Any taxi business
- (17) Bicycle shops concerned solely or principally with the sale or hire of bicycles and related products
- (18) Garages and workshops for the repair of vehicles
- (19) Laundrettes and dry cleaners
- (20) Any post office within the meaning of the Post Office Act 1993
- (21) Any bank, building society, short-term loan provider, credit union or cash dispensing points
- (22) Any other financial service or insurance business
- (23) Any business principally concerned with information and communication technology
- (24) Legal and accounting businesses
- (25) Any business providing corporate services

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- (26) Any car park, if its use is for the purpose of —
- (a) facilitating a business permitted to operate under these Regulations;
 - (b) facilitating the user of a hospital or any medical service, or facilitating any employee or user of a hospital or any medical service; or
 - (c) facilitating the operation of any other essential service within the meaning of regulation 5(5)(a) of, and the Schedule to, the Emergency Powers (Prohibitions on Movement) Regulations 2020
- (27) Public toilets
- (28) Storage and distribution facilities, including delivery drop off areas
- (29) Outdoor and indoor markets, for the purpose of enabling the sale of any goods or services by a business described in this Part
- (30) Shopping centres, for the purpose of enabling any business described in this Part to operate
- (31) Funeral homes and parlours
- (32) Any business that is an essential service within the meaning of regulation 5(5)(a) of, and the Schedule to, the Emergency Powers (Prohibitions on Movement) Regulations 2020, in so far as it is not listed in this Schedule
- (33) Logistics and supply businesses including but not limited to those providing food, fuel and essential goods
- (34) Transport businesses including but not limited to those providing on Island and off Island transportation services for goods and people
- (35) Manufacturing and engineering businesses including but not limited to those providing and sourcing goods and materials for the response to the Coronavirus pandemic
- (36) Businesses predominantly working remotely that are regulated by the Financial Services Authority and the Gambling Supervision Commission
- (37) Any other business that is not listed in this Schedule

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 “immediate family member” substituted by definition of “immediate family” by SD2020/0217 with effect from 31/03/2020 at 12:30.

⁴ Definition of “enclosed spaces in parks” amended by SD2020/0217 with effect from 31/03/2020 at 12:30.

⁵ Subpara (b) amended by SD2020/0273 with effect from 29/04/2020 at 13:03.

⁶ Para (3) substituted by SD2020/0269 with effect from 23/04/2020 at 21:28.

⁷ Subpara (a) substituted by SD2020/0273 with effect from 29/04/2020 at 13:03.

⁸ Para (4) inserted by SD2020/0217 and substituted by SD2020/0269.

⁹ Para (4) inserted by SD2020/0269 with effect from 23/04/2020 at 21:28.

¹⁰ Para (3) substituted by SD2020/0249 with effect from 14/04/2020 at 14:48.

¹¹ Schedule substituted by SD2020/0217 with effect from 31/03/2020 at 12:30.

¹² Entry substituted by SD2020/0278 with effect from 04/05/2020.

¹³ Entry substituted by SD2020/0278 with effect from 02/05/2020.

¹⁴ Entry amended by SD2020/0269 with effect from 23/04/2020 at 21:28.

¹⁵ Entry amended by SD2020/0269 with effect from 23/04/2020 at 21:28.

¹⁶ Entry inserted by SD2020/0269 with effect from 23/04/2020 at 21:28.

¹⁷ Entry inserted by SD2020/0269 with effect from 23/04/2020 at 21:28, amended by SD2020/0273 with effect from 29/04/2020 at 13:03 and amended by SD2020/0278 with effect from 01/05/2020 at 18:27.

¹⁸ Entry substituted by SD2020/0269 with effect from 23/04/2020 at 21:28.

¹⁹ Entry inserted by SD2020/0269 with effect from 23/04/2020 at 21:28.

²⁰ Entry inserted by SD2020/0269 with effect from 23/04/2020 at 21:28.

²¹ Entry inserted by SD2020/0269 with effect from 23/04/2020 at 21:28.

²² Entry substituted by SD2020/0293 with effect from 11/05/2020.

²³ Entry amended by SD2020/0269 with effect from 23/04/2020 at 21:28.