



EMERGENCY POWERS (PROHIBITIONS ON MOVEMENT) REGULATIONS 2020

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Statutory Document No. 2020/0201

*Emergency Powers Act 1936*

EMERGENCY POWERS (PROHIBITIONS ON MOVEMENT) 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 (Prohibitions on Movement) Regulations 2020.

2 Commencement

These Regulations come into operation at 12.01 a.m. on 27th March 2020².

3 Interpretation

In these Regulations—

“**appropriate social distancing**” means that persons are at least 2 metres apart from each other;

“**asymptomatic**” means not displaying or suffering from any of the symptoms of Coronavirus (and “**symptomatic**” is to be construed accordingly);

“**Coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV2);

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

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, 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.

- (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

“**emergency or necessary voluntary service**” means a service provided by—

- (a) the Isle of Man Constabulary;
- (b) the Isle of Man Fire and Rescue Service;
- (c) the Isle of Man Ambulance Service;
- (d) the St. John Ambulance Brigade;
- (e) the Red Cross;
- (f) the Royal National Lifeboat Institution;
- (g) the Royal Voluntary Service⁴;
- (h) the Isle of Man Coastguard;³
- (i) the Isle of Man Civil Defence Corps;⁴

“**exempt person**” means a person who is so designated by an instrument in writing under the hand of the Chief Secretary;

“**leisure activities**” does not include the participation in a sporting activity with persons who are not in the household of the person or an activity in a vessel, unless the vessel is moored; and⁵

“**home**” means a person’s ordinary place of residence, and in the case of a child whose parents are separated or divorced includes both of their homes.

4 Prohibition on movement

No person, other than an exempt person, may leave his or her ordinary place of residence except in accordance with these Regulations (see, in particular, regulations 5 and 6 and the Schedule).

5 Exceptions from regulation 4: general

- (1) A person may leave his or her ordinary place of residence, if he or she is asymptomatic,—
 - (a) to provide or participate in the provision of an emergency or necessary voluntary service;
 - (b) to undertake shopping, including food and medicine;⁶
 - (ba) in order to take waste or recyclable produce to a civic amenity site;⁷
 - (c) in order to undertake exercise or a leisure activity;⁸
 - (d) in order to address any medical need of the person or a member of his or her household;

³ SD 2020/0162

⁴ Formerly the Women’s Royal Voluntary Service.

- (e) in order to care for a child or an adult who would otherwise suffer avoidable harm;
- (f) in order to accompany a child to the child's parent (or to a person who has parental responsibility for the child) in a case where the child does not live in the same household as his or her parents, or one of them, to enable the parent to continue existing arrangements for access to, and contact between the child and the parent;⁹
- (fa) in order to provide assistance to a member of the person's immediate family, provided that the person must not enter the property of that other family member;¹⁰
- (g) in order to attend the funeral of a person who was a member of his or her immediate family or to visit a grave;¹¹
- (h) as a tradesperson carrying out work in or about the home of another person ("P"), providing that –
 - (i) appropriate social distancing is observed between the person, P and any member of P's household; and
 - (ii) if P or any member of P's household is symptomatic, the works being undertaken are required to be undertaken immediately to preserve life or property;
- (i) for the purposes of his or her office, employment or vocation provided that—
 - (i) his or her place of work is not closed by virtue of the Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) Regulations 2020;¹²
 - (ii) his or her attendance at his place of work is necessary for the proper performance of his or her office, employment or vocation; and
 - (iii) in the case of an employment in a business (including the business of government) no more persons are present at any one time than is necessary for the effective operation of the business;
- (j) in order to perform the duties of his or her office or employment in the provision of an essential service
- (k) to move to a new residence (freehold or leasehold) where that move is reasonably necessary;¹³
- (l) to move to other accommodation on a temporary basis for the purposes of compliance with regulations made under the Emergency Powers Act 1936, social distancing, self-isolation, shielding or any other such measure required, or advised, by a Department or any appropriate professional body in connection with the Coronavirus pandemic.¹⁴

- (2) A minister of religion (ordained or lay) may leave his or her residence to attend a public place of religious worship –
- (a) for the purposes of recording, streaming or otherwise broadcasting a service of religious worship; or
 - (b) in order to conduct a funeral.
- (3) For the purposes of paragraph (1)(c) –
- (a) the exercise or leisure activity must only be undertaken alone or with one or more members of the person’s household; and
 - (b) every person undertaking the exercise or leisure activity must ensure, as far is reasonably practicable, that a distance of at least 2 metres is maintained between the person and a member of his or her household and any other person who is not a member of that household.¹⁵
- (4) For the purposes of paragraph (1)(g) a person’s (P’s) “immediate family” comprises P’s spouse or civil partner or a person living in an enduring family relationship with P, and P’s child, parent or grandparent, grandchild, brother, sister, half-brother, half-sister and a child of P’s family.¹⁶
- (5) For the purposes of paragraph (1)(j) an “essential service” means –
- (a) a service or business described in the Schedule; or
 - (b) a service provided at or from –
 - (i) business premises;
 - (ii) the premises of a registered charity; or
 - (iii) premises of a local authority, joint board, joint committee or Department;where those premises are not required to close by the Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) Regulations 2020.¹⁷
- (5A) For the purposes of paragraph (1)(k) –
- (a) a move is reasonably necessary if it is for one or more of the following reasons –
 - (i) the person’s health;
 - (ii) the person’s finances (including, but not limited to, a financial need to comply with a contractual obligation or a term of a mortgage offer entered into prior to the commencement of the Coronavirus Proclamation period);
 - (iii) the health of a member of the person’s household;
 - (b) the move may be to temporary accommodation pending completion of all necessary formalities in respect of a move into a new long-term residence;

- (c) “household” means a group of people who, in respect of the new residence, will –
 - (i) live together as a family or other unit (regardless of whether or not they are related);
 - (ii) occupy that residence as their principal residence; and
 - (iii) share its living accommodation and cooking facilities.¹⁸
- (5B) Where paragraph (1)(l) applies the accommodation referred to in that paragraph qualifies, in addition to any other home that person may have, as the person’s home for the purposes of these Regulations for the duration of the person’s residence at that accommodation.¹⁹
- (6) In paragraph (5)(b)(iii) expressions which are defined in the Local Government Act 1985 have the same meaning as they have in that Act.
- (7) A person using private transport (including a taxi) may only share that private transport with members of his or her household, and in the case of a taxi, with members of his or her household and the driver.²⁰

6 Hotels, hostels etc

- (1) Despite regulation 4 a person who is temporarily resident in an hotel, hostel or boarding house, or on a caravan park or a campsite may continue to reside there if—
 - (a) the person is unable to return to his or her home because of travel or restrictions on his or her movement (other than those contained in these Regulations);
 - (b) the person is unable to move into a new home;
 - (c) the person is a vulnerable adult who cannot safely stay in his or her home.
- (2) Regulation 5 applies to a person falling within paragraph (1) as if the place where he or she is temporarily resident were his or her ordinary place of residence.

7 Offences

A person who leaves or is absent from his ordinary place of residence, or in a case falling within regulation 6 his place of temporary residence, otherwise than in accordance with these Regulations, commits an offence.

Maximum Penalty (summary) - 3 months’ custody and a fine not exceeding level 5 on the standard scale.²¹

8 Enforcement

These Regulations may be enforced by a constable.

9 Revocation

In regulation 10 of the Emergency Provisions (Coronavirus) (Potentially Infectious Persons) Regulations 2020, omit paragraph (4A).

MADE 10:30PM 26TH MARCH 2020

SCHEDULE**ESSENTIAL SERVICES**[Regulation 5(5)(a)]²²**1 Health and social care**

- (1) Persons employed in, or for the purposes of, the health service provided under the National Health Service Act 2001 including, but not limited to doctors, nurses, midwives and paramedical personnel.
- (2) Social workers, care workers and other frontline health and social care staff and support staff necessary to maintain the Island's health and social care systems.
- (3) Persons employed or working in the supply chains associated with the Island's health and social care system, including producers and distributors of medicines and medical and personal protective equipment.

2 Education and childcare

Persons providing childcare, and essential educational support, teachers and educational social workers and other associated professionals whose work is essential in order to support children who need it during the Coronavirus Proclamation period.

3 Key public services

- (1) Persons involved in the operation of the justice system including –
 - (a) the judiciary;
 - (b) advocates, trainee advocates and paralegal staff employed by advocates –
 - (i) engaged in proceedings before any court, tribunal or other person exercising a judicial function pursuant to a Manx enactment;
 - (ii) attending at the Isle of Man Prison or any police station in respect of proceedings referred to in (i);
 - (iii) engaged in the preparation and completion (including execution) of testamentary documentation and enduring powers of attorney; or
 - (iv) engaged in the preparation and completion of documentation relating to a conveyance, transfer, grant, assignment or other disposition of real property;²³
 - (c) court staff and prisoner escorts (within the meaning of the Prisoner Escorts Act 2008 .

- (2) Persons serving as Members of Tynwald and the Clerk of Tynwald and his staff.
- (3) The professional staff of HM Attorney General's Chambers.
- (4) Public sector employees (within the meaning of the Public Services Commission Act 2015) serving in any Department, and those employed directly by a Department who are involved in performing functions which are essential to the delivery of an effective response to Coronavirus.

Example: those involved in the payment of social security benefits

- (5) Persons involved in providing policy advice and technical support to Ministers (including the Chief Minister).²⁴

4 Local government

- (1) Persons serving on a local authority, joint committee or joint board or who are employed by such an authority committee or board, but only insofar as they have functions —
 - (a) which are imposed upon them by statute; or
 - (b) which are essential in dealing with the Coronavirus outbreak.
- (2) Expressions used in this paragraph and which are defined in the *Local Government Act 1985* have the same meaning here.

5 Food production etc

- (1) Those involved in the production, harvesting, processing, distribution and sale of food, and the raising and harvesting of food sources.
- (2) Those involved in the manufacturing and distribution of other key essentials of life such as medicine and cleaning materials.
- (3) Expressions used in this paragraph which are defined in the *Food Act 1996* have the same meaning here.

6 Public safety and security

- (1) Those providing support and ancillary services to the Isle of Man Constabulary, the Isle of Man Fire and Rescue Service or the Isle of Man Ambulance Service.
- (2) The Isle of Man Prison and Probation Service and those providing ancillary services in connection with the operation of the Isle of Man Prison and the Probation Hostel.
- (3) Border security staff.

7 Transport

Those involved in the conduct of air, road, and water transport including in each case the transport of freight and the operation of systems which facilitate the movement of freight, and those involved in the operation of a taxi service.²⁵

8 Utilities and information technology

Those involved in —

- (a) the supply of oil, gas, electricity and water (including sewerage and drainage);
- (b) the provision of essential telecommunications, information technology and data infrastructure necessary for providing a response to Coronavirus (including but not limited to key personnel in those sectors);
- (c) the supply of primary materials for the industries mentioned in subparagraph (b) for the purpose of providing a response to Coronavirus;
- (d) postal services and other document and parcel delivery services;
- (e) waste disposal and commercial cleaning services;

9 Financial services

Those involved in the conduct of any regulated activity within the meaning of the Financial Services Act 2008.

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 Para (h) inserted by SD2020/0213 with effect from 30/03/2020 at 11:12.

⁴ Para (i) inserted by SD2020/0213 with effect from 30/03/2020 at 11:12.

⁵ Definition of “leisure activities” inserted by SD2020/0274 with effect from 23/04/2020 at 20:26.

⁶ Subpara (b) amended by SD2020/0274 with effect from 23/04/2020 at 20:26.

⁷ Subpara (ba) inserted by SD2020/0274 with effect from 23/04/2020 at 20:26.

⁸ Subpara (c) amended by SD2020/0274 with effect from 23/04/2020 at 20:26.

⁹ Subpara (f) substituted by SD2020/0217 with effect from 31/03/2020 at 12:30.

¹⁰ Subpara (fa) inserted by SD2020/0274 with effect from 23/04/2020 at 20:26.

¹¹ Subpara (g) amended by SD2020/0274 with effect from 23/04/2020 at 20:26.

¹² Head (i) amended by SD2020/0217 with effect from 31/03/2020 at 12:30.

¹³ Subpara (k) inserted by SD2020/0260 with effect from 21/04/2020 at 13:45.

¹⁴ Subpara (l) inserted by SD2020/0260 with effect from 21/04/2020 at 13:45.

¹⁵ Para (3) substituted by SD2020/0274 with effect from 23/04/2020 at 20:26.

¹⁶ Para (4) amended by SD2020/0217 with effect from 31/03/2020 at 12:30.

¹⁷ Para (5) amended by SD2020/0217 with effect from 31/03/2020 at 12:30.

¹⁸ Para (5A) inserted by SD2020/0260 with effect from 21/04/2020 at 13:45.

¹⁹ Para (5B) inserted by SD2020/0260 with effect from 21/04/2020 at 13:45.

²⁰ Para (7) inserted by SD2020/0274 with effect from 23/04/2020 at 20:26.

²¹ Reg 7 substituted by SD2020/0249 with effect from 14/04/2020 at 14:48.

²² Sub-sub-heading substituted by SD2020/0217 with effect from 31/03/2020 at 12:30.

²³ Para (b) substituted by SD2020/0260 with effect from 21/04/2020 at 13:45.

²⁴ Subpara (5) amended by SD2020/0217 with effect from 31/03/2020 at 12:30.

²⁵ Para 7 amended by Sd2020/0274 with effect from 23/04/2020 at 20:26.