



## EMERGENCY POWERS (CORONAVIRUS) (COMPETITION) REGULATIONS 2020

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Statutory Document No. 2020/0216

*Emergency Powers Act 1936*

## **EMERGENCY POWERS (CORONAVIRUS) (COMPETITION) REGULATIONS 2020<sup>1</sup>**

*Laid before Tynwald: 3 April 2020*

*Approved by Tynwald: 3 April 2020*

*Coming into operation in accordance with regulation 2*

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The Governor in Council makes the following Regulations under section 4 of the Emergency Powers Act 1936.<sup>1</sup>

### **1 Title**

These Regulations are the Emergency Powers (Coronavirus) (Competition) Regulations 2020.

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

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

### **3 Interpretation**

In these Regulations—

“**the Act**” means the Fair Trading Act 1996;

“**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>3</sup>; and
- (b) all subsequent consecutive Proclamations of Emergency that relate to the pandemic of Coronavirus (also known as COVID-19);<sup>4</sup>

“**OFT**” means the Isle of Man Office of Fair Trading;

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<sup>1</sup> 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 ...".

<sup>2</sup> 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.

<sup>3</sup> SD 2020/0162

“Part 2” means Part 2 of the Act.

**4 Certain agreements not anti-competitive during the Coronavirus Proclamation period**

- (1) For the purposes of Part 2, any agreement or arrangement entered into between two or more persons in order to secure the supply to persons in the Island of goods or services during the Coronavirus Proclamation period does not constitute an anti-competitive practice, subject to paragraph (2).
- (2) If it appears to OFT that a particular agreement or arrangement of the kind mentioned in paragraph (1) is in fact not in the public interest, it may make a declaration to that effect.
- (3) Where a declaration is made under paragraph (2), the OFT may exercise the powers conferred by Part 2.

**MADE AT 17:50 ON 1<sup>ST</sup> APRIL 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.