

Statutory Document No. 2020/0244



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (INFRASTRUCTURE SUPPORT) REGULATIONS 2020¹

Laid before Tynwald: 14 April 2020
Approved by Tynwald: 14 April 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) (Infrastructure Support) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made².

3 Interpretation

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

“**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

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

4 General

These Regulations provide for the provision of infrastructure support to a third party by a Department or Statutory Board.

5 Direction

- (1) During the Coronavirus Proclamation period, the Council of Ministers may direct that a Department or Statutory Board may –
 - (a) make its employees, equipment and other resources (“resources”) available for use by a person for a purpose specified in the direction; and
 - (b) carry out any functions of and on behalf of any other Department or Statutory Board.
- (2) A direction may only be made under paragraph (1) where the Council of Ministers considers it necessary to do so for the purpose of securing the essentials of life to the community of the Island and for the protection of the economy of the Island in connection with the Coronavirus.
- (3) A direction made under paragraph (1) must specify –
 - (a) in the case of a direction to which paragraph (1)(a) applies –
 - (i) the Department or Statutory Board to which the direction applies;
 - (ii) the resources to be made available by the Department or Statutory Board;
 - (iii) the person to whom the resources are to be made available;
 - (iv) the purpose for the resources referred to in sub-paragraph (ii) may be used; and
 - (v) any other conditions subject to which the resources are to be made available; and
 - (b) in the case of a direction to which paragraph (1)(b) applies –
 - (i) the Departments or Statutory Boards to which the direction applies;
 - (ii) the functions to which the direction applies;
 - (iii) any resources to be made available to the Department or Board carrying out the specified function by the Department or Board on whose behalf it is carried out; and
 - (iv) any other conditions subject to which the resources are to be made available.
- (4) A direction made under paragraph (1) shall expire on the earlier of –
 - (a) the date specified in the direction; or
 - (b) if a date is not specified in the direction, 7 days after the end of the Coronavirus Proclamation period.

6 Offence

A person to whom the resources are to be made available in accordance with a direction made under regulation 5(1)(a) and who fails [to] use those resources for the purpose specified in the direction, commits an offence.

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

MADE AT 15:22 ON 9 APRIL 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 Reg 6 substituted by SD2020/0249 with effect from 14/04/2020 at 14:48.