



EMERGENCY POWERS (CORONAVIRUS) (FIXED PENALTY) REGULATIONS 2020

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Statutory Document No. 2020/0258



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (FIXED PENALTY) REGULATIONS 2020¹

Laid before Tynwald:

Coming into Operation: in accordance with regulation 2

The Governor in Council makes the following Regulations under section 4 of the Emergency Powers Act 1936.

1 Title

These Regulations are the Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made¹.

3 Interpretation

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 2020²; and
- (b) all subsequent consecutive Proclamations of Emergency that relate to the pandemic of Coronavirus (also known as COVID-19);

“**fixed penalty**” means the amount specified in regulation 9;

“**fixed penalty notice**” means a notice offering the person to whom it is given the opportunity of discharging any liability to conviction for the offence to

¹ By virtue of section 4(2) of the Emergency Powers Act 1936, these Regulations made by 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.

² SD 2020/0162

which the notice relates by payment of a fixed penalty in accordance with these Regulations;

“**fixed penalty offence**” means an offence as described in regulation 5;

“**payment period**” means the period of 21 days beginning with the day immediately following the date of the fixed penalty notice.

4 General

These Regulations apply during the Coronavirus Proclamation period.

5 Fixed penalty offences

For the purposes of these Regulations, a fixed penalty offence is an offence —

- (a) committed on or after the date these Regulations come into operation; and
- (b) which is specified in the table in the Schedule.

6 Giving a fixed penalty notice

Where a constable reasonably believes that —

- (a) a person has committed a fixed penalty offence; and
- (b) the person is aged 18 or over,

a fixed penalty notice in respect of the offence may be served on that person by a constable.

7 Effect of a fixed penalty notice

Where a person is given a fixed penalty notice under regulation 6 —

- (a) proceedings must not be brought against the person for the offence before the end of the payment period; and
- (b) the person cannot be convicted of the fixed penalty offence in respect of which that notice is given if the person pays the fixed penalty before the end of that period.

8 Contents of a fixed penalty notice

A fixed penalty notice must give such particulars of the circumstances alleged to constitute the fixed penalty offence as are necessary for giving reasonable information about that offence and must state—

- (a) the date of the notice;
- (b) the amount of the fixed penalty ;
- (c) the period for paying the fixed penalty;
- (d) that until the expiry of that period proceedings will not be brought for the offence;

- (e) the consequences of the fixed penalty not being paid before the expiry of that period;
- (f) the person to whom and the address at which the fixed penalty may be paid;
- (g) the preferred, and other permissible, methods of payment;
- (h) that a copy of the relevant fixed penalty notice must be included where payment is sent by any form of post;
- (i) that proof of posting must be obtained and retained where payment is sent by any form of post;
- (j) that a receipt for payment must be requested at the time of payment if one is required;
- (k) that a stamped, self-addressed envelope must be provided with any payment sent by any form of post for which a receipt is requested.

9 Amount of fixed penalty

The amount of the fixed penalty for a fixed penalty offence is —

- (a) if paid within the first 14 days of the payment period, £150;
- (b) otherwise, £250.

10 Payment of a fixed penalty

- (1) Payment of a fixed penalty under these Regulations must be made to the person referred to in the fixed penalty notice.
- (2) Where payment of the amount of the fixed penalty is made by post, payment is regarded as having been made at the time at which the copy of the fixed penalty notice together with the amount of the fixed penalty would be delivered in the ordinary course of post.
- (3) In any proceedings, evidence that a fixed penalty was or was not made before the end of any period may be given by the production of a certificate which —
 - (a) purports to be signed by or on behalf of the person referred to in paragraph (1); and
 - (b) states that payment of the fixed penalty was or was not received by the date specified in the certificate.
- (4) Sums collected under these Regulations must be paid into the General Revenue.

MADE AT 16:05 ON 17 APRIL 2020

SCHEDULE

FIXED PENALTY OFFENCES

[Regulation 5]

| Entry No. | SD number | Regulations | Offence |
|----------------|-----------|---|--|
| 1(a) | 2020/0171 | Emergency Powers (Potentially Infectious Persons) Regulations 2020 | Schedule, paragraph 18(a): failure without reasonable excuse to comply with a direction, requirement or reasonable instruction given or imposed under the Regulations; |
| 1(b) | | | Schedule, paragraph 18(b): failure without reasonable excuse to comply with a duty under regulation 12(2) or 12(3) (duties of responsible adults) |
| 1(c) | | | Schedule, paragraph 18(c): absconding or attempting to abscond while being removed to or kept at a place under the Regulations |
| 1(d) | | | Schedule, paragraph 18(d): knowingly providing false or misleading information in response to a requirement to provide information under the Regulations or otherwise in connection with the exercise of any power under the Regulations |
| 1(e) | | | Schedule, paragraph 18(e): knowingly or recklessly requiring or demanding or otherwise unduly pressurising a person who is required to comply with any direction, reasonable instruction or requirement given to or imposed on the person under the regulations to ignore, contravene or otherwise fail to comply with the direction, instruction or requirement under the Regulations |
| 1(f) | | | Schedule, paragraph 18(f): obstructing the Department of Health and Social Care or a constable in the exercise of a power under the Regulations |
| 2 ² | 2020/0324 | Emergency Powers (Coronavirus) (People, Places and Activities) Regulations 2020 | Regulation 13: if P without reasonable excuse — (a) fails to comply with regulation 4, 5, 6, 7 or 8; (b) fails to comply with a direction (see regulation 9); |

| | | | |
|----------------|--|--|---|
| | | | <p>(c) fails to answer questions put to the person by a constable under regulation 11(1);</p> <p>(d) fails to comply with a constable's requirement under regulation 11(3) that the person or a member of the person's household leaves premises;</p> <p>(e) obstructs any person carrying out a function under these Regulations or a direction.</p> |
| 3 ³ | | | |
| 4 ⁴ | | | |

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 Entry substituted by SD2020/0324 with effect from 30/05/2020 at 12:30.

³ Entry revoked by SD2020/0324 with effect from 30/05/2020 at 12:30.

⁴ Entry revoked by SD2020/0324 with effect from 30/05/2020 at 12:30.