

Statutory Document No. 2020/0277



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (LOCAL GOVERNMENT) REGULATIONS 2020¹

Laid before Tynwald: 19 May 2020

Approved by Tynwald: 19 May 2020¹

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.

Editorial Note: These Regulations are modified in their effect by the Emergency Powers (Coronavirus)(Continuation)(No.2) Regulations 2020 [SD 2020/0370].

The modifications are not shown in the text of these regulations. For details of the modifications please see the Emergency Powers (Coronavirus)(Continuation)(No.2) Regulations 2020.

1 Title

These Regulations are the Emergency Powers (Coronavirus) (Local Government) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made².

3 Interpretation

In these Regulations —

“**the 1985 Act**” means the Local Government Act 1985;

“**the 1986 Act**” means the Local Elections Act 1986;

“**annual meeting**”, in relation to a local authority, means the meeting of the authority held in pursuance of paragraph 1 of Schedule 1 to the 1985 Act;

¹ Approved but with amendments to regulation 7.

² 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.

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

“**joint board**” means a joint board established or deemed to be established by an order under section 7 of the 1985 Act;

“**joint committee**” means a committee appointed by one or more local authorities under section 17 of the 1985 Act or another enactment, but does not include a joint board which is a body corporate;

“**local authority**” means —

- (a) a local authority within the meaning given by the 1985 Act;
- (b) a joint board;
- (c) a joint committee; and
- (d) a committee or sub-committee of anything within paragraphs (a) to (c);

“**local authority meeting**” means a meeting of a local authority;

“**remote access**” is to be construed in accordance with regulation 6;

“**remote attendance**” is to be construed in accordance with regulation 6.

4 General

These Regulations provide for the holding of local authority meetings, access to documents, provision of public notices, appointments and the filling of casual vacancies, during the Coronavirus Proclamation period.

5 Local authority meetings

(1) Throughout the Coronavirus Proclamation period, in respect of a reference in any Manx legislation, any standing orders or a document to a local authority meeting, that authority may, as it determines and without requirement for further notice —

- (a) hold such meetings and at such hour and on such days; and
- (b) alter the frequency, move or cancel such meetings.

(2) Paragraph (1) has effect despite any provision of Manx legislation, any standing orders or a document to the contrary.

³ SD 2020/0162

- (3) Where an appointment would otherwise be made or require to be made at an annual meeting of a local authority and that local authority does not hold an annual meeting, the existing appointment continues until the next annual meeting of that local authority or until such earlier time as that local authority may determine, unless the person earlier vacates office.
- (4) If, by virtue of a provision of Manx legislation —
 - (a) a person vacated office of a joint board on 1 May 2020 and a successor has not been appointed at the date on which these Regulations come into operation, the person who vacated office is deemed to have been re-appointed and shall hold office until 1 May 2021 or until such earlier time as the joint board may determine, unless the person earlier vacates office;
 - (b) a local authority is required to nominate or appoint a person to a joint board to fill a casual vacancy within a fixed number of days during the Coronavirus Proclamation period, that requirement is satisfied if the local authority makes such nomination or appointment as soon as reasonably practicable.
- (5) If, by virtue of any document relating to the constitution of a joint committee —
 - (a) a local authority is required to elect a member of a joint committee during the Coronavirus Proclamation period, the person elected prior to the commencement of these Regulations continues to hold office until the next meeting of the local authority, unless the person earlier vacates office;
 - (b) a local authority is required to elect a member of a joint committee to fill a casual vacancy within a fixed number of days during the Coronavirus Proclamation period, that requirement is satisfied if the local authority fills the casual vacancy as soon as reasonably practicable;
 - (c) an appointment would be made or require to be made at a meeting of a joint committee during the Coronavirus Proclamation period, the existing appointment continues until the next meeting of the joint committee, unless the person earlier vacates office.

6 Remote access and remote attendance

- (1) Throughout the Coronavirus Proclamation period the following provisions apply.
- (2) A reference in any Manx legislation or in any other document to a local authority meeting is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a “place” where a meeting is held, or to be held, is not to be read as limited to a single physical location.

- (3) For the purposes of any such Manx legislation or document, a member of a local authority (a “member in remote attendance”) attends the meeting at any time if all of the conditions in paragraph (4) are satisfied.
- (4) Those conditions are that the member in remote attendance is able at that time —
 - (a) to hear and be so heard by the other members in attendance;
 - (b) to hear and be so heard by any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (c) to be so heard by any other members of the public attending the meeting.
- (5) In this regulation any reference to a member, or a member of the public, attending a meeting includes that person attending by remote access.
- (6) The provision made in this regulation applies notwithstanding any prohibition or other restriction contained in the standing orders, any other rules of the local authority or any other document governing the meeting and any such prohibition or restriction has no effect.
- (7) A local authority may make other standing orders, and any other rules of the authority governing meetings, about remote attendance at meetings of that authority, which may include provision for —
 - (a) voting;
 - (b) member and public access to documents;
 - (c) remote access of public and press to a local authority meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live web casts, and live interactive streaming.
- (8) Any decision taken at a virtual local authority meeting before the date on which these Regulations come into operation may be ratified at a meeting held after the date of these Regulations, and if it is so ratified shall be treated as effective as at the date it is ratified.

7 Access to documents and public notices

- (1) Throughout the Coronavirus Proclamation period the following provisions apply.
- (2) Despite any provision of the 1985 Act or the 1986 Act to the contrary —
 - (a) any requirement for a local authority to make a document available for inspection or copying by a member of the public under the 1985 Act or the 1986 Act is satisfied if the document is —
 - (i) published on the local authority’s website or in some other electronic form (including social media);

- (ii) posted in a conspicuous place outside the principal office of the authority or, in the case of the local authority for a parish district, at a place in the parish where public notices are normally exhibited; or
 - (iii) published in such other manner as the local authority considers appropriate.²
- (b) any requirement for a local authority to make documents available for inspection or copying by a person under the 1985 Act or the 1986 Act is satisfied if the document is made available to that person electronically;³
 - (c) any requirement for a local authority to give a public notice under the 1985 Act or the 1986 Act is satisfied if the notice is published on the local authority's website or in some other electronic form (including social media).^{4 5}

8 Temporary modification of the Local Government Act 1985

- (1) During the Coronavirus Proclamation period, the 1985 Act is further modified as follows.
- (2) Schedule 1 to the 1985 Act (meetings and proceedings of local authorities) applies as follows —
 - (a) any reference to being “present” at a meeting includes being present through remote attendance;
 - (b) any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers;
 - (c) paragraph 1 (annual meeting) is disapplied;
 - (d) paragraph 2(1) is to be read as if for “, in addition to the annual meeting, a meeting in each quarter in which the annual meeting is not held and may hold such other”, there were substituted “such”;
 - (e) paragraph 6(2) is to be read as if —
 - (i) for “Where more than one-third of the members of a local authority become disqualified at the same time,” there were substituted “Where more than one-third of the members of a local authority become disqualified at the same time or where there is a casual vacancy in more than one-third of the members of a local authority,”; and
 - (ii) for “by reference to the number of members of the authority remaining qualified” there were substituted “by reference to the number of members of the authority remaining qualified or in office”
- (3) Section 32 of the 1985 Act (public notices) is to be read as if —

- (a) for paragraph (a), there were substituted —
- (a) by posting the notice in a conspicuous place outside the principal office of the authority or, in the case of the local authority for a parish district, at a place in the parish where public notices are normally exhibited; or (b); and
- (b) after paragraph (a) there was inserted —
- (aa) by publishing the notice on the local authority’s website or in some other electronic form (including social media); or (b).

9 Modification of the Local Elections Act 1986

- (1) During the Coronavirus Proclamation period, section 12 of the 1986 Act (vacation of office by failure to attend meetings) is disapplied.
- (2) If during the Coronavirus Proclamation period a local authority has casual vacancies in the office of member of the local authority, section 17 of the 1986 Act (filling of casual vacancy in case of members) has effect as if —
- (a) in subsection (1)(a), for the reference to “within 42 days from the date of the declaration”, there were substituted (a) within 42 days from the last day of the Coronavirus Proclamation period (b); and
- (b) for subsection (1)(b), there were substituted —
- (b) in any other case, within 42 days from the last day of the Coronavirus Proclamation period if notice in writing of the vacancy has been given to the clerk of the authority by 2 local government electors for the district of the authority during the Coronavirus Proclamation period. (b).
- (3) During the Coronavirus Proclamation period, section 21 of the 1986 Act (election of chairman, etc) is to be read subject to regulation 5 (local authority meetings).
- (4) During the Coronavirus Proclamation period, section 22 of the 1986 Act (mayor and deputy mayor) is to be read subject to regulation 5 (local authority meetings).

10 Modification of statutory documents

In the statutory documents listed in column 1 of the table, the provisions listed in column 2 are to be read subject to regulation 5.

Name of statutory document	Provision
Peel and Western District Housing Order 1969	Article 5 (appointment of housing committee and period of office) and article 6 (casual vacancies)

Ramsey and Northern Districts Housing Order 1976 ⁴	Article 5 (appointment of housing committee and period of office) and article 6 (casual vacancies)
Western Swimming Pool Board Order 1999 ⁵	Article 2(4) (constitution of board) and article 3(2)(d) (chairman of board)
Southern Civic Amenity Board Order 2000 ⁶	Article 2(5) (constitution of board) and article 3(2)(d) (chairman of board)
Southern Swimming Pool Board Order 2000 ⁷	Article 2(4) (constitution of board) and article 3(2)(d) (chairman of board)
Northern Swimming Pool Board Order 2000 ⁸	Article 2(4) (constitution of board) and article 3(2)(d) (chairman of board)
Northern Parishes Refuse Collection Board Order 2003 ⁹	Article 2(4) (constitution of board) and article 3(2)(d) (chairman of board)
Western Civic Amenity Board Order 2013 ¹⁰	Article 5(2)(d)(chair of board)
Southern Sheltered Housing Joint Board Order 2020 ¹¹	Paragraph 2(3)(d) (chairman and vice-chairman) of Schedule 1

11 Saving

To avoid doubt, the end of the Coronavirus Proclamation period does not affect any continuing appointment or the continuation in office of any person in accordance with regulation 5(3), (4) or (5).

⁴ GC 141/76

⁵ SD 574/99

⁶ SD 58/00

⁷ SD 609/00

⁸ SD 610/00

⁹ SD 127/03

¹⁰ SD 0183/13

¹¹ SD 2020/0062

MADE AT 9:04 ON 16 MAY 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 Subpara (a) amended by amendment approved by Tynwald on 19/05/2020.

³ Subpara (b) amended by amendment approved by Tynwald on 19/05/2020.

⁴ Subpara (c) amended by amendment approved by Tynwald on 19/05/2020.

⁵ Para (2) amended by amendment approved by Tynwald on 19/05/2020.