



## EMERGENCY POWERS (CORONAVIRUS) (PEOPLE, PLACES AND ACTIVITIES) REGULATIONS 2020

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Statutory Document No. 2020/0324



*Emergency Powers Act 1936*

## **EMERGENCY POWERS (CORONAVIRUS) (PEOPLE, PLACES AND ACTIVITIES) REGULATIONS 2020<sup>1</sup>**

*Laid before Tynwald:*

*Approved by Tynwald:*

*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.

### **PART 1 - INTRODUCTORY**

#### **1 Title**

These Regulations are the Emergency Powers (Coronavirus) (People, Places and Activities) Regulations 2020.

#### **2 Commencement and duration**

These Regulations come into operation immediately after they are made<sup>1</sup> and remain in operation throughout the Coronavirus Proclamation period.

#### **3 Interpretation**

(1) In regulations made under the Emergency Powers Act 1936, a reference to any other regulations made under that Act is a reference to those regulations from time to time.

(2) In these Regulations —

“**asymptomatic**” means not displaying or suffering from any of the symptoms of Coronavirus as specified on <https://covid19.gov.im/about-coronavirus/symptoms/>;

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

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<sup>1</sup> 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.

**“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>2</sup>;
- (b) all subsequent consecutive Proclamations of Emergency that relate to the pandemic of Coronavirus (also known as COVID-19);

**“the Department”** means the Department of Health and Social Care;

**“a direction”** means a direction made under regulation 9;

**“exempt person”** means a person designated in writing by the Chief Secretary for the purposes of regulation 4;

**“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;

**“household”** means —

- (a) any other person with whom a person ordinarily shares his or her home;
- (b) for the purposes of a wedding or civil partnership ceremony, the 2 persons for whom the ceremony is held, regardless of whether they members of the same household before the ceremony began; or
- (c) any person deemed to be a member of a person’s household under a direction;

**“premises”** includes any place and, in particular, includes —

- (a) any vehicle, train, vessel or aircraft,
- (b) any tent or movable structure,
- (c) any offshore installation (within the meaning in the Mineral Workings (Offshore Installations) Act 1988); and
- (d) an open or public space; and

**“responsible person”** means —

- (a) in the case of residential premises, the person who is responsible for the premises including the owner and occupier; and
- (b) in the case of all other premises, the person who is responsible for the premises, for carrying on a business from the premises including, the owner, manager, any other person who is responsible for the premises or business and any other person involved in managing entry to or the location of persons inside the premises or business.

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<sup>2</sup> SD 2020/0162

## PART 2 - PROHIBITIONS

### 4 Prohibition on movement

- (1) A person who is asymptomatic may leave his or her home for any reason to go to any place in the Island, unless prohibited from doing so by a direction.
- (2) An exempt person may leave his or her home despite any prohibitions in a direction.

### 5 Prohibition on events and gatherings

Every event and gathering is prohibited, except in accordance with a direction.

### 6 Prohibition on entering premises or a business

A person must not enter premises (other than the person's home or premises or a business for which the person is the responsible person), except in accordance with a direction.

### 7 Prohibition on opening premises or a business

A person must not open premises or a business in relation to which the person is a responsible person, except in accordance with a direction.

### 8 Prohibition on dangerous activities

A person must not take part in or undertake any activity which is specified as a dangerous activity in a direction.

## PART 3 - DIRECTIONS

### 9 Directions

- (1) The Department may, for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of Coronavirus, issue one or more directions.
- (2) Despite the Interpretation (Public Document) (Exemption) Order 2020<sup>3</sup> a copy of a direction which applies to the community<sup>4</sup> must be laid before Tynwald as soon as practicable after it is made.
- (3) A direction must define the terms used within it.
- (4) Without limiting paragraph (1) a direction may make provision —

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<sup>3</sup> SD 2020/0225

<sup>4</sup> Section 2 of the Emergency Powers Act 1936 defines "community" as "includes a substantial portion of the community".

- (a) for a prohibition on movement under regulation 4;
  - (b) for a prohibition in relation to a dangerous activity under regulation 8; and
  - (c) for an exception to —
    - (i) the prohibition on events and gatherings in regulation 5;
    - (ii) the prohibition on entering premises or a business in regulation 6;
    - (iii) the prohibition on opening premises or a business in regulation 7,(each “an exception”); and
  - (d) for requirements or restrictions to be imposed in relation to any exception provided for under subparagraph (c).
- (5) A direction may apply to —
- (a) one or more prohibitions or exceptions; or
  - (b) the Island (or any part of the Island)
- (6) A direction under this regulation may —
- (a) be general or specific;
  - (b) make different provision for different purposes, or be framed by reference to whatever matters the Department considers appropriate; and
  - (c) include such other provision as the Department considers appropriate in connection with the giving of the direction.

## 10 Procedure

- (1) The Department must consult the Director of Public Health and the Council of Ministers before issuing, amending or revoking a direction.
- (2) Subject to paragraph (1), the Department may at any time revoke a direction to any extent.
- (3) A direction and any guidance provided for or referred to in a direction must be published as soon as reasonably practicable after they are made, on [www.gov.im](http://www.gov.im).

## PART 4 - ENFORCEMENT

### 11 Powers of a constable

- (1) A constable may stop a person and ask the person questions to establish whether the person or a member of the person’s household is in contravention of these Regulations or a direction.

- (2) A person must answer any reasonable question that he or she is asked by a constable under paragraph (1).
- (3) A constable may require a person to whom paragraph (4) applies or the members of the person's household to leave any premises (other than the person's home).
- (4) This paragraph applies to a person whom a constable believes to be —
  - (a) contravening a direction or the Emergency Powers (Potentially Infectious Persons) Regulations 2020<sup>5</sup>; or
  - (b) awaiting the result of a test for Coronavirus.

## 12 Enforcement

- (1) Compliance with these Regulations and a direction may be enforced by —
  - (a) a constable; or
  - (b) any other person, or description of person, designated for the purpose of this regulation by the Department.
- (2) In exercising the power of enforcement conferred by paragraph (1), a constable may—
  - (a) enter any premises; and
  - (b) if necessary, use reasonable force.

## 13 Offences and penalties

- (1) A person (P) commits an offence if P without reasonable excuse —
  - (a) fails to comply with regulation 4, 5, 6, 7 or 8;
  - (b) fails to comply with a direction;
  - (c) fails to answer questions put to the person by a constable under regulation 11(1);
  - (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;
  - (e) obstructs any person carrying out a function under these Regulations or a direction.

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

- (2) If a person is alleged to have opened premises or a business in contravention of regulation 7, regard may be given, when determining whether the person is guilty of the offence, as to whether the person operated the business in a way that was inconsistent with any guidance published on [www.gov.im](http://www.gov.im) in relation to the operation of that business

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<sup>5</sup> SD 2020/ 0171

and, in particular, to any guidance on any action to be taken by the business for the purpose of reducing the risk of a person being infected with Coronavirus as a result of being present at the premises of that business or transacting business with a person from that business.

## PART 5 - GENERAL

### 14 Revocations

- (1) The following regulations are revoked —
- (a) the Emergency Powers (Prohibitions on Movement) Regulations 2020<sup>6</sup>;
  - (b) the Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) Regulations 2020<sup>7</sup>; and
  - (c) the Emergency Powers (Coronavirus) (Events and Gatherings) Regulations 2020<sup>8</sup>.
- (2) To avoid doubt, any direction made under the regulations specified in paragraph (1) is revoked.

### 15 Consequential amendments and modifications

- (1) In the Schedule to the Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020<sup>9</sup>, for entries 2, 3 and 4, substitute —



2	SD 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); (c) fails to answer questions put to the person by a constable under regulation 11(1); (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; (e) obstructs any person carrying out a function under these Regulations or a
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<sup>6</sup> SD 2020/0201

<sup>7</sup> SD 2020/0200

<sup>8</sup> SD 2020/0185

<sup>9</sup> SD 2020/0258



			direction.
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(2) In the Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020<sup>10</sup>, in regulation 3(1) —

- (a) in the definition of “compassionate grounds” omit “(within the meaning of the Emergency Powers (Prohibitions on Movement) Regulations 2020)”; and
- (b) at the end of the definition of “Coronavirus Proclamation period”, for “; and” substitute —

23;

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; and 24.

MADE AT 12.30 30 MAY 2020

<sup>10</sup> SD 2020/0279

## 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.