

Statutory Document No. 2020/0370



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (CONTINUATION) (NO.2) REGULATIONS 2020¹

Laid before Tynwald: 26 June 2020
Approved by Tynwald: 26 June 2020
Coming into Operation: in accordance with regulation 2

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

1 Title

These Regulations are the Emergency Powers (Coronavirus) (Continuation) (No.2) Regulations 2020.

2 Commencement

These Regulations come into operation immediately before the proclamation in respect of the pandemic of Coronavirus made by the Governor in Council on 15 June 2020¹ under section 3 of the Emergency Powers Act 1936 ceases to have effect².

3 Regulations continued and modified

- (1) In accordance with section 4A of the Emergency Powers Act 1936 (“**the Act**”), the Regulations specified in the Schedule are continued in operation for a period of 6 months from the last day on which the proclamation in respect of the pandemic of Coronavirus made by the Governor in Council on 15 June 2020 under section 3 of the Act was in operation.
- (2) Any reference to “the Coronavirus Proclamation period” in —
 - (a) the Regulations referred to in paragraph (1) (including as modified by these Regulations); and

¹ SD 2020/0347

² By virtue of section 4A of the Emergency Powers Act 1936, Regulations made under that section are subject to the affirmative procedure and cease to have effect if Tynwald fails to approve them at the sitting in which they were laid.

- (b) any certificate, declaration, direction, exemption, permit, protocol, or other document or decision made under such Regulations,

is, as necessary, to be construed as including the period for which the Regulations are continued.

- (3) Pursuant to section 4A of the Act the following Regulations are modified as stated —

- (a) the Emergency Powers (Coronavirus) (Protection from Evictions) Regulations 2020³ shall be read as if—

- (i) references to “tenant” included “licensee”;
- (ii) references to “rent” (howsoever expressed) included a “service charge” within the meaning of the Property Service Charges Act 1989 (or an equivalent charge to be paid by a licensee);
- (iii) regulation 4(1) said—

“(1) These Regulations provide, in specified circumstances, for a moratorium on evictions for a period beginning on the day on which these Regulations commence and ending 6 months from the last day on which the proclamation in respect of the pandemic of Coronavirus made by the Governor in Council on 15 June 2020 under section 3 of the Emergency Powers Act 1936 was in operation.”;

- (iv) regulation 5(2) said—

“(2) Any notice of eviction issued by a landlord to the landlord’s tenant in respect of the tenant’s failure to pay rent in full or at all during the prohibition period is null, void and of no legal effect.”;

- (v) after paragraph (3) of regulation 5, there were included the following paragraph—

“(4) For the avoidance of doubt, nothing in these Regulations prevents a landlord from issuing a notice of eviction where that notice does not relate to the tenant’s failure to pay rent in full or at all.”;

- (b) the Emergency Powers (Coronavirus) (Births and Deaths Modifications) Regulations 2020⁴ shall be read as if—

- (i) the definition of “the 2011 Regulations” in regulation 3; and
- (ii) regulations 6, 7, 9, 10, 11 and 12, were omitted;

- (c) the Emergency Powers (Coronavirus) (Control of Employment) Regulations 2020⁵ shall be read as if the definition of “the application period” in regulation 3(1) said —

³ SD 2020/0191

⁴ SD 2020/0203

⁵ SD 2020/0222

“the application period” means the period beginning with 28 February 2020 and ending with the last day on which the proclamation in respect of the pandemic of Coronavirus made by the Governor in Council on 15 June 2020 under section 3 of the Emergency Powers Act 1936 was in operation;

- (d) the Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020⁶ shall be read as if the entries in the Schedule for—
- (i) the Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) (No.2) Regulations 2020; and
 - (ii) the Emergency Powers (Coronavirus) (Events and Gatherings: Qualifications) Regulations 2020,
- were omitted;
- (e) the Emergency Powers (Coronavirus) (Local Government) Regulations 2020⁷ shall be read as if regulation 9(2) said —

(2) If during the Coronavirus Proclamation period a local authority has a casual vacancy 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 “as soon as reasonably practicable after the date of the declaration”;
- (b) in subsection (1)(b), for the reference to “within 42 days” there were substituted “as soon as reasonably practicable”;
- (c) after subsection (2) there were inserted —

(2A) Where it has not been reasonably practicable to hold an election to fill a casual vacancy under subsection (1) 6 months before the day on which the member whose office is vacant would have retired on 1 May 2021, an election shall not be held under subsection (1) and the vacancy shall be filled at the next ordinary election; and

- (d) in subsection (3) after “number of members” there were inserted “and it is reasonably practicable for an election to be held”.

4 Transitional provision

- (1) This regulation applies where, prior to these Regulations coming into operation —

⁶ SD 2020/0258

⁷ SD 2020/0277

- (a) a notice in writing of a vacancy occurring in the office of member of a local authority has been given to a clerk of the authority in accordance with subsection (1)(b) of section 17 of the Local Elections Act 1986 (“the 1986 Act”) at a time when that subsection was modified as set out in regulation 9(2)(b) of the Emergency Powers (Coronavirus) (Local Government) Regulations 2020⁸; and
- (b) an election to fill the vacancy in question has not taken place.
- (2) In the circumstances referred to in paragraph (1), the notice shall be treated as if it had been given on the date on which these Regulations come into operation and, accordingly, an election to fill the vacancy to which the notice refers shall be held in accordance with section 17(1)(b) of the 1986 Act as modified by regulation 3(3)(e).

5 Revocation

The Emergency Powers (Coronavirus) (Continuation) Regulations 2020⁹ are revoked.

MADE AT 12:11 ON 25 JUNE 2020

⁸ SD 2020/0277

⁹ SD 2020/0367

SCHEDULE

REGULATIONS CONTINUED IN OPERATION FOR 6 MONTHS

[Regulation 3]

Emergency Powers (Coronavirus) (Births and Deaths Modifications) Regulations 2020¹⁰

Emergency Powers (Coronavirus) (Control of Employment) Regulations 2020¹¹

Emergency Powers (Coronavirus) (Courts etc) Regulations 2020¹²

Emergency Powers (Coronavirus) (Educational Institutions) Regulations 2020¹³

Emergency Powers (Coronavirus) (Enterprise Act Amendment) Regulations 2020¹⁴

Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020¹⁵

Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020¹⁶

Emergency Powers (Coronavirus) (Health Service) Regulations 2020¹⁷

Emergency Powers (Coronavirus) (Information Sharing) Regulations 2020¹⁸

Emergency Powers (Coronavirus) (Local Government) Regulations 2020¹⁹

Emergency Powers (Coronavirus) (Protection from Evictions) Regulations 2020²⁰

Emergency Powers (Coronavirus) (Sale or Supply of Medicinal Products and Appliances) Regulations 2020²¹

Emergency Powers (Coronavirus) (Special Constables) (No.2) Regulations 2020²²

Emergency Powers (Coronavirus) (Suspension of Regular Service Licences) Regulations 2020²³

Emergency Powers (Coronavirus) (Vacation of Departmental Facilities) Regulations 2020²⁴

¹⁰ SD 2020/0203

¹¹ SD 2020/0222

¹² SD 2020/0261

¹³ SD 2020/0197

¹⁴ SD 2020/0186

¹⁵ SD 2020/0279

¹⁶ SD 2020/0258

¹⁷ SD 2020/0183

¹⁸ SD 2020/0245

¹⁹ SD 2020/0277

²⁰ SD 2020/0191

²¹ SD 2020/0184

²² SD 2020/0224

²³ SD 2020/0223

²⁴ SD 2020/0242

Emergency Powers (Keys Elections – Casual Vacancies) Regulations 2020²⁵

Emergency Powers (Medical Evidence for Cremation) (Coronavirus) Regulations
2020²⁶

Emergency Powers (Potentially Infectious Persons) Regulations 2020²⁷

²⁵ SD 2020/0174

²⁶ SD 2020/0221

²⁷ SD 2020/0171

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.