

Statutory Document No. 2020/0370



*Emergency Powers Act 1936*

## **EMERGENCY POWERS (CORONAVIRUS) (CONTINUATION) (NO.2) REGULATIONS 2020<sup>1</sup>**

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

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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 2020<sup>1</sup> under section 3 of the Emergency Powers Act 1936 ceases to have effect<sup>2</sup>.

### **3 Regulations continued and modified**

- (1) In accordance with section 4A of the Emergency Powers Act 1936 (“**the Act**”), the Regulations specified in Schedule 1 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.<sup>2</sup>
- (2) Any reference to “the Coronavirus Proclamation period” in —
  - (a) the Regulations referred to in paragraph (1) (including as modified by these Regulations); and

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<sup>1</sup> SD 2020/0347

<sup>2</sup> 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 2020<sup>3</sup> 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 2020<sup>4</sup> 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 2020<sup>5</sup> shall be read as if the definition of “the application period” in regulation 3(1) said —

<sup>3</sup> SD 2020/0191

<sup>4</sup> SD 2020/0203

<sup>5</sup> 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 2020<sup>6</sup> 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 2020<sup>7</sup> 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”.
- (f) The Emergency Powers (Coronavirus) (Entry Restrictions) (No. 2) Regulations 2020<sup>8</sup> shall be read subject to Schedule 2 to these Regulations.<sup>3</sup>

<sup>6</sup> SD 2020/0258

<sup>7</sup> SD 2020/0277

<sup>8</sup> SD 2020/0279

#### 4 Transitional provision

- (1) This regulation applies where, prior to these Regulations coming into operation –
- (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 2020<sup>9</sup>; 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 2020<sup>10</sup> are revoked.

MADE AT 12:11 ON 25 JUNE 2020

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<sup>9</sup> SD 2020/0277

<sup>10</sup> SD 2020/0367

**SCHEDULE 1<sup>4</sup>**

**REGULATIONS CONTINUED IN OPERATION FOR 6 MONTHS**

[Regulation 3]

Emergency Powers (Coronavirus) (Births and Deaths Modifications) Regulations 2020<sup>11</sup>

Emergency Powers (Coronavirus) (Control of Employment) Regulations 2020<sup>12</sup>

Emergency Powers (Coronavirus) (Courts etc) Regulations 2020<sup>13</sup>

Emergency Powers (Coronavirus) (Educational Institutions) Regulations 2020<sup>14</sup>

Emergency Powers (Coronavirus) (Enterprise Act Amendment) Regulations 2020<sup>15</sup>

Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020<sup>16</sup>

Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020<sup>17</sup>

Emergency Powers (Coronavirus) (Health Service) Regulations 2020<sup>18</sup>

Emergency Powers (Coronavirus) (Information Sharing) Regulations 2020<sup>19</sup>

Emergency Powers (Coronavirus) (Local Government) Regulations 2020<sup>20</sup>

Emergency Powers (Coronavirus) (Protection from Evictions) Regulations 2020<sup>21</sup>

Emergency Powers (Coronavirus) (Sale or Supply of Medicinal Products and Appliances) Regulations 2020<sup>22</sup>

Emergency Powers (Coronavirus) (Special Constables) (No.2) Regulations 2020<sup>23</sup>

Emergency Powers (Coronavirus) (Suspension of Regular Service Licences) Regulations 2020<sup>24</sup>

Emergency Powers (Coronavirus) (Vacation of Departmental Facilities) Regulations 2020<sup>25</sup>

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<sup>11</sup> SD 2020/0203

<sup>12</sup> SD 2020/0222

<sup>13</sup> SD 2020/0261

<sup>14</sup> SD 2020/0197

<sup>15</sup> SD 2020/0186

<sup>16</sup> SD 2020/0279

<sup>17</sup> SD 2020/0258

<sup>18</sup> SD 2020/0183

<sup>19</sup> SD 2020/0245

<sup>20</sup> SD 2020/0277

<sup>21</sup> SD 2020/0191

<sup>22</sup> SD 2020/0184

<sup>23</sup> SD 2020/0224

<sup>24</sup> SD 2020/0223

<sup>25</sup> SD 2020/0242

Emergency Powers (Keys Elections – Casual Vacancies) Regulations 2020<sup>26</sup>

Emergency Powers (Medical Evidence for Cremation) (Coronavirus) Regulations  
2020<sup>27</sup>

Emergency Powers (Potentially Infectious Persons) Regulations 2020<sup>28</sup>

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<sup>26</sup> SD 2020/0174

<sup>27</sup> SD 2020/0221

<sup>28</sup> SD 2020/0171

SCHEDULE 2<sup>5</sup>

MODIFICATIONS SUBJECT TO WHICH SD 2020/0279 IS CONTINUED IN  
OPERATION

[Regulation 3]

1 **Modification of regulation 3**

For regulation 3, substitute the following —

**3 Interpretation**

(1) In these Regulations —

“**authorised person**” means a person engaged, by instrument in writing and for a definite duration specified in the written terms of the engagement, by and to act on behalf of the Chief Secretary to perform any task that is required to be performed to give effect to these Regulations;

“**Chief Secretary**” includes an authorised person acting on behalf of the Chief Secretary;

“**compassionate grounds**” includes —

- (a) attending the funeral of any of the following family members —
  - (i) a person’s parent or remoter forebear;
  - (ii) a person’s child or remoter descendant; or
  - (iii) a person’s sibling;
- (b) travelling with the remains of a deceased family member upon whom a post mortem is to be or has been carried out in the United Kingdom;

“**consent**” means written permission to enter the Island —

- (a) given (and in the same manner revocable where, on reasonable grounds, no longer considered appropriate) by the Chief Secretary to a non-resident —
  - (i) in any of the circumstances described in regulation 10, 10A, 10B or 10C; and
  - (ii) who, for the avoidance of doubt, is required to comply with regulation 6(1)(c) when entering the Island on the basis of the consent; and
- (b) to which must be attached conditions under regulation 6(1)(b)(iii);

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

“**data protection legislation**” has the meaning given in regulation 5(1) of the GDPR and LED Implementing Regulations 2018<sup>29</sup>, but is subject to the Emergency Powers (Coronavirus)(Information Sharing) Regulations 2020<sup>30</sup>;

“**Direction Notice**” means a public document that —

- (a) is not legislative in character<sup>31</sup>; and
- (b) performs any of the functions ascribed to it in these Regulations;

“**e-landing card**” [Revoked]<sup>6</sup>

“**entry certificate**” means a document, described in regulation 6(1)(b), that —

- (a) is issued by the Chief Secretary;
- (b) may at any time be amended by the Chief Secretary after he has consulted with the Department of Health and Social Care or the Director of Public Health; and
- (c) has the force of law;

“**Island’s territorial sea**” has the meaning given to “**territorial sea**” in the Schedule to the Interpretation Act 2015;

“**landing card**” means the form described in regulations 6(1)(c) and 7(11)(b);<sup>7</sup>

“**non-resident**” means a person who is not a resident of the Island;

“**publish**” means publish in such a way as to bring the matter to the attention of the general public;<sup>8</sup>

“**registered resident**” has the meaning given in regulation 7(1);

“**self-isolation**” —

- (a) means, in so far as the person (P) is reasonably able to achieve this, seclusion or segregation from the populace at large and, where P is to remain at a place (“**household**”) where one or other persons (whether family members or otherwise) live, those persons; but
- (b) does not exclude contact with the populace at large or other members of the same household where that is facilitated by persons other than P and cannot be reasonably avoided by P.

(2) In these Regulations —

<sup>29</sup> SD 2018/0145

<sup>30</sup> SD 2020/0245

<sup>31</sup> See section 15(1) of the Interpretation Act 2015.



- (a) a measure or a stipulation is not reasonably practicable if it gives rise to a material risk to human life or health or to the environment;
- (b) every requirement for the Chief Secretary, after due consideration and upon being satisfied that it is appropriate to do so, to issue an entry certificate, Direction Notice or consent, or to register a resident of the Island, must be construed as capable of being satisfied by the electronic issuing of an entry certificate or consent or, as the case may be, by electronic registration (whether automated or otherwise, and whether or not by the Chief Secretary or in his stead by an authorised person); and<sup>9</sup>
- (c) “entry to the Island” means entering the land which forms the Island and which is above the mean high water mark, but, despite subparagraph (c), a person must not be regarded as having left the Island unless the person exits the Island’s territorial sea or the airspace above it. **22**.

## 2 Modification of regulation 5

For regulation 5, substitute the following —

### **5 Prohibition of entry**

- (1) The prohibition on entry to the Island which has had effect from 0630 on 27 March 2020 continues to apply, but is subject to the succeeding provisions of these Regulations.
- (2) With effect from 0001 on 20 July 2020, a resident of the Island (“the resident”) may, provided he or she has been registered under regulation 7(1), enter the Island without restriction as to the reasons for which the resident was away from the Island. **22**.

## 3 Modification of regulation 6

For regulation 6, substitute the following —

### **6 Exemption: non-resident key workers**

- (1) The prohibition in regulation 5 does not apply to a non-resident (whether or not any of paragraphs (2), (4) and (5) applies to him or her) —
  - (a) whom the Chief Secretary, having received an application from the non-resident and following consultation with —

- (i) the Department of Infrastructure, exempts as a member of the merchant navy or as vital to critical national infrastructure;
- (ii) the Department of Health and Social Care, exempts as a supplier of goods or services that are essential for the Island's infrastructure or the health or care of the community;
- (iii) the Department of Home Affairs, exempts as a person to whom paragraph (2) applies;
- (iv) the Department of Health and Social Care, exempts as a medical expert or professional whose skills are essential to the medical infrastructure and the health or care of the community; or
- (v) the Department for Enterprise, exempts as a person whose presence on the Island is in the interests of the economy of the Island;

(b) who is in receipt of an entry certificate –

- (i) issued by the Chief Secretary;
- (ii) specifying the non-resident as an exempted person; and
- (iii) (without limiting paragraph (9)) specifying such conditions as the Chief Secretary, after having consulted with the Department of Health and Social Care, considers necessary to mitigate any risks associated with the exempt person's entry into the Island, including –

- (A) details of the period, not exceeding 14 days from the date of the exempt person's arrival in the Island, for which the exempt person is required to self-isolate; and
- (B) other reasonably practicable stipulations as to the person's required conduct while in the Island,

on pain of prosecution for an offence under regulation 13 in the event any of breach by the non-resident of any such condition; and

(c) who, no earlier than 48 hours before his or her scheduled arrival in the Island, fully and truthfully answers all questions posed to him or her on the landing card available at <https://services.gov.im/> and submits the completed landing card in the manner instructed.<sup>10</sup>

(2) This paragraph applies to –

- (a) a non-resident who –
  - (i) is a member of the armed forces; and
  - (ii) the Department of Home Affairs is satisfied enters the Island on active service;
- (b) a non-resident –
  - (i) who is a police officer or a fire officer employed by the Department of Home Affairs; or
  - (ii) to whom an offer of employment as a police officer or a fire officer in that Department has been made;
- (c) a non-resident who is a member of the Island’s judiciary –
  - (i) appointed under section 3 or 3B of the High Court Act 1991; and
  - (ii) who the Department of Home Affairs is satisfied enters the Island for a judicial purpose; and
- (d) a non-resident –
  - (i) to whom a temporary advocate’s licence (“a licensed advocate”) is issued by the First Deemster under section 15 of the Advocates Act 1995; and
  - (ii) who the Department of Home Affairs is satisfied enters the Island to participate in proceedings before any court, tribunal or other person exercising a judicial function pursuant to a Manx enactment.
- (3) For the purposes of paragraph (1) –
  - (a) in subparagraph (a)(i) –
    - (i) “critical national infrastructure” includes the national infrastructure of the Island and the United Kingdom;
    - (ii) a person who may be certified is a person to whom paragraph (4) applies; and
  - (b) in subparagraph (a)(iv) –
    - (i) “medical infrastructure and the health of the community” includes medical and care infrastructure and the community in the Island and in the United Kingdom; and
    - (ii) a person who may be certified is a person to whom paragraph (5) applies.
- (4) This paragraph applies to a person who –
  - (a) is not resident in the Island; and
  - (b) enters the Island in order to provide services which are vital to the critical national infrastructure of the Island.

- (5) This paragraph applies to a non-resident who —
- (a) is not in the Island; and
  - (b) who enters the Island in order to provide services which are essential to the medical and care infrastructure of the Island and the health and care of its community.
- (6) For the avoidance of doubt —
- (a) the Chief Secretary may exempt a non-resident that is a company or other body; and
  - (b) where such non-resident is so exempted, the prohibition in regulation 5 does not apply to the entry of a non-resident acting in the employment or service of that exempted person.
- (7) A non-resident may be exempted under this regulation, in consultation with the Department of Health and Social Care or the Director of Public Health, only if the Chief Secretary considers that the failure to exempt a person to whom the prohibition in regulation 5 applies, poses a greater risk to public safety and the life of the community, as a direct or indirect result of the incidence or transmission of Coronavirus.
- (8) For the purpose of enabling the Chief Secretary to consider whether he is satisfied as to the matter in paragraph (7) —
- (a) the non-resident, along with his or her application, must supply such information as the Chief Secretary may reasonably require; and
  - (b) the Chief Secretary may make enquiries of such persons as he considers necessary for the purpose of verifying the information supplied under this regulation.
- (9) An entry certificate under this regulation must specify —
- (a) the non-resident who, by means of the issue to him or her of an entry certificate, is exempted from the prohibition in regulation 5 (“an exempted person”);
  - (b) the time at which the exemption takes effect;
  - (c) the period of time for which the exemption has effect (the “exemption period”);
  - (d) whether the exemption permits entry by the person on more than one occasion during the exemption period;
  - (e) any arrangements that must be made by the exempted person or another which are reasonably incidental to the exemption in order to minimise the incidence or transmission of Coronavirus; and

- (f) any other conditions the Chief Secretary considers reasonably necessary.
- (10) The exemption period expires on the date specified in the entry certificate.
- (11) The Chief Secretary may at any time revoke an entry certificate if no longer satisfied that the exemption on which it is based is appropriate.
- (12) In this regulation, a reference to the United Kingdom is to be construed as a reference to the United Kingdom, the Republic of Ireland and the Channel Islands. **22**.

#### 4 Modification of regulation 7

For regulation 7, substitute the following —

##### **7 Exemption: residents of the Island**

- (1) The prohibition in regulation 5 does not apply to an individual who has been registered by the Chief Secretary as a resident of the Island (a “registered resident”) for the purposes of these Regulations.
- (2) For the purpose of these Regulations, an individual is a resident of the Island if he or she owns, leases or occupies a dwelling on the Island as the individual’s only or principal home.
- (3) The Chief Secretary must register an individual as a resident of the Island for the purposes of these Regulations if —
  - (a) the individual has submitted an application for registration to the Chief Secretary in accordance with paragraphs (5) and (6); and
  - (b) the Chief Secretary is satisfied that the individual is a resident of the Island.
- (4) The Chief Secretary must publish —
  - (a) the form of application for registration as a resident of the Island;
  - (b) the manner in which an application must be made;
  - (c) the electronic and postal addresses to which an application is to be sent; and
  - (d) the criteria that would be used by the Chief Secretary to determine whether an individual is a resident of the Island as required by paragraph (3)(b).
- (5) An individual wishing to be registered as a resident of the Island for the purposes of these Regulations must submit an application (either electronically or in hard copy) in the published form.

- (6) An application for registration under paragraph (5) must be made —
- (a) in respect of an individual aged 16 years and over, by the individual; or
  - (b) in respect of a child, by a responsible adult.
- (7) For the purpose of enabling the Chief Secretary to consider whether the Chief Secretary is satisfied as to the matter in paragraph (3)(b) —
- (a) the applicant must supply such information as the Chief Secretary may reasonably require; and
  - (b) the Chief Secretary may make enquiries of such persons as he considers necessary for the purpose of verifying the information supplied under this regulation.
- (8) Paragraph (7)(a) and (b) also applies in a case where, after registering an individual as a registered resident under paragraph (13), the Chief Secretary considers that further verification is required as to whether the individual is in fact a resident of the Island;
- (9) The Chief Secretary must immediately after registering an individual under paragraph (3) furnish the individual with written confirmation of his or her registration, including any specific reference by which such registration may be identified.
- (10) A registered resident may freely travel to and from the Island, subject only to the requirement to comply with —
- (a) paragraph (11); and
  - (b) a Direction Notice issued under paragraph (13); and
  - (c) any condition that is —
    - (i) imposed by the Chief Secretary in that Direction Notice; and
    - (ii) intended to give effect to measures designed to mitigate any risks associated with the individual's return to the Island.
- (11) Before a registered resident enters the Island he or she must, no earlier than 48 hours before his or her arrival in the Island submit in such manner as the Chief Secretary must publish, in written or electronic form —
- (a) a declaration as to the state of his or her health, setting out information necessary to establish whether he or she has contracted, or is suspected of having contracted, Coronavirus;

- (b) a landing card having fully and truthfully answered all questions posed to him or her on the landing card.
- (12) Subject to paragraphs (13) and (14), upon an individual entering the Island, the Chief Secretary –
  - (a) must issue the registered resident with a Direction Notice that directs the registered resident to self-isolate for 14 days from the date of the registered resident’s disembarkation on the Island; and
  - (b) may include in that Direction Notice additional directions or conditions in connection with the self-isolation.
- (13) Despite paragraph (12), the Chief Secretary may, upon the application of an individual, by a Direction Notice exempt an individual from the requirement to self-isolate for 14 days, or direct the individual to self-isolate for less than 14 days.
- (14) The Chief Secretary –
  - (a) must not give a Direction Notice under paragraph (13) other than in accordance with advice given by the Department of Health and Social Care or the Director of Public Health; and
  - (b) must, when giving the Direction Notice, ensure that such conditions or measures are put in place as are reasonably practicable to mitigate any risks associated with that exemption or direction.
- (15) Where a Direction Notice cannot be given in writing the Chief Secretary may give the notice orally and must as soon as reasonably practicable thereafter give the individual a notice in written or electronic form.
- (16) In this regulation –
  - (a) “child” means a person under the age of 16 years;
  - (b) “responsible adult”, in relation to a child, means –
    - (i) a person who has custody or charge of the child for the time being; or
    - (ii) a person with parental responsibility for the child;
  - (c) the reference in subparagraph (b)(ii) to a person with parental responsibility for a child has the same meaning as in the Children and Young Persons Act 2001. <sup>11</sup>

**4A Insertion of new regulation: Regulation 7A**

**7A Residents of the Island: Exemption after negative Coronavirus test result**

- (1) This regulation applies where a resident of the Island –

- (a) has entered the Island in compliance with regulation 7;
  - (b) has self-isolated in accordance with a Direction Notice given under regulation 7(12) for at least 7 days and continues to self-isolate under that Direction Notice; and
  - (c) is not subject to any other requirement to self-isolate under this or any other enactment.
- (2) A resident to whom this regulation applies, by arrangement with and upon payment of the sum of £50 to the Cabinet Office –
- (a) may leave the address at which the resident is self-isolating for the purpose of attending by appointment such facility as the Chief Secretary must specify in order to have taken from the resident a sample for testing (“test sample”) to ascertain whether he or she is infected or contaminated with coronavirus;
  - (b) must immediately after providing the test sample return to the address at which the resident is self-isolating; and
  - (c) must remain at that address unless the resident receives from the Chief Secretary a Direction Notice under paragraph (6).
- (3) If a resident has provided a test sample under paragraph (2) the Chief Secretary must –
- (a) as soon as reasonably practicable analyse or arrange to be analysed, the test sample to ascertain whether it indicates that the resident is infected or contaminated with coronavirus; and
  - (b) notify the resident, or arrange for the resident to be notified, of the findings of the analysis of the test sample within 24 hours of the test sample having been taken, or, if the findings are not known within that time, as soon as reasonably practical after they are known.
- (4) If the findings of the analysis are that the resident is infected or contaminated with coronavirus the Emergency Powers (Potentially Infectious Persons) Regulations 2020<sup>32</sup> shall apply in relation to the resident and the resident must accordingly comply with any requirement or restriction imposed upon the resident under regulation 6 of those regulations.
- (5) If the findings of the analysis are inconclusive in that they do not confirm whether or not the resident is infected or contaminated with Coronavirus, the resident –
- (a) is to be treated as having not provided a test sample; and

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<sup>32</sup> SD 2020/0171



- (b) accordingly paragraph (2) applies except that the resident shall not be required to make a further payment of £50 before arranging for a test sample to be taken.
- (6) If the findings of the analysis are that the resident is not infected or contaminated with coronavirus the Chief Secretary must give a Direction Notice to the resident exempting the resident from the requirement to self-isolate, provided that the resident must comply with the conditions in paragraph (7).
- (7) The conditions with which the resident must comply are that, for the remainder of the period of 14 days that applied —
- (a) the resident must not go to a gym, sports centre, public house, nightclub, restaurant or café (including any such premises at which eating or drinking outdoors is permitted);
  - (b) the resident must not attend the premises of a nursery, pre-school or other childcare centre, a school, the University College, Isle of Man or any other educational premises;
  - (c) the resident must not enter a shop, other than to buy food, drink or medicine;
  - (d) the resident must not enter a nursing, care or residential home unless prior to arriving at that home the resident has informed the manager of that home that the resident is subject to a direction under this regulation and the manager has agreed that the resident may nevertheless enter that home;
  - (e) the resident must not, other than in an emergency, enter Nobles Hospital or any other health or care facility unless prior to arriving at the hospital or care facility, as the case may be, the resident has informed the hospital or care facility that the resident is subject to a direction under this regulation and the hospital or care facility has agreed that the resident may nevertheless enter the hospital or care facility;
  - (f) the resident must not attend a gathering of more than ten people;
  - (g) the resident must not attend his or her place of work if the resident's employment requires the resident to interact face to face with any member of the public (other than his or her work colleagues);
  - (h) the resident must not use or travel on any bus, tram or train.
- (8) If the resident referred to in paragraph (2) is a child —
- (a) the child may be accompanied by a responsible adult for the purpose of providing a sample under paragraph (2);

- (b) the findings shall be notified to the responsible adult;
  - (c) the responsible adult must take such steps as are reasonably necessary to ensure that the child complies with the requirements of this regulation and any Direction Notice given under it.
- (9) Nothing in this regulation affects the power of the Chief Secretary to give a Direction Notice under regulation 7(13).<sup>12</sup>

## 5 Modification of regulation 10

For regulation 10 substitute the following –

### **10 Exemption: compassionate grounds**

- (1) The prohibition in regulation 5 does not apply to a non-resident to whom the Chief Secretary has given prior written consent to enter the Island on compassionate grounds.
- (2) A consent given under paragraph (1) must provide that such measures are put in place as are reasonably practicable to mitigate any risks associated with giving consent in respect of that non-resident.
- (3) The Council of Ministers may publish guidance specifying compassionate grounds for the purposes of this regulation.

## 6 Modification of regulation 10A

For regulation 10A, substitute the following –

### **10A Exemption: contractual obligation**

- (1) The prohibition in regulation 5 does not apply to a non-resident to whom the Chief Secretary has given prior written consent to enter the Island.
- (2) A non-resident to whom consent may be given under paragraph (1) is a person whom the Chief Secretary is satisfied intends to make the Island his or her main place of residence and who has entered into a legally binding contract in relation to –
  - (a) a permanent office or employed position; or
  - (b) the purchase or lease of premises,in the Island.
- (3) A consent given under paragraph (1) must provide that such measures are put in place as are reasonably practicable to mitigate any risks associated with giving consent in respect of that non-resident.

- (4) In this regulation, references to a non-resident include —
  - (a) the non-resident’s spouse or partner;
  - (b) any children for whom the non-resident has parental or guardianship responsibilities; and
  - (c) any other relative for the grant of consent to whom the non-resident makes a compelling case to the Chief Secretary. <sup>12</sup>.

**7 Modification of regulation 10B**

In regulation 10B, omit paragraph (4).

**8 Modification of regulation 10C**

In regulation 10C, omit paragraph (3).

**9 Insertion of new regulations: regulations 10D and 10E**

Immediately after regulation 10C, insert the following —

**<sup>13</sup> 10D Exemption: Air Bridges**

- (1) The Chief Secretary may, by a direction published exempt from the prohibition in regulation 5 individuals (whether or not the individuals are residents of the Island) who —
  - (a) travel to the Island, on an aircraft and from a location specified in the direction, for the purposes of tourism; and<sup>13</sup>
  - (b) meet other criteria, relating (inter alia) to the period for which they are required to have been continuously present in the specified location immediately before travelling to the Island, that may be specified in the direction.

Such an arrangement specified in a direction may be referred to as an “air bridge”.<sup>14</sup>

- (2) The Chief Secretary must not make an air bridge unless he is, after having consulted with the Department of Health and Social Care or the Director of Public Health, satisfied that such measures are put in place as are reasonably practicable to mitigate any risks associated with the air bridge.
- (3) An individual who proposes to travel to the Island pursuant to an air bridge must comply with all reasonably practicable stipulations made by the Chief Secretary in the direction, on pain of prosecution for an offence under regulation 13 in the event any of breach by the individual of any such stipulation.<sup>15</sup>
- (4) The Chief Secretary —
  - (a) may at any time modify or discontinue an air bridge; and

- (b) must forthwith publish any modification or discontinuance in a manner suitable for bringing it to the attention of persons likely to be affected by it.

### 10E Compliance with self-isolation requirement

- (1) Where, under these Regulations or any other regulations continued in operation pursuant to the Emergency Powers (Coronavirus) (Continuation) (No.2) Regulations 2020<sup>33</sup>, an individual is required to self-isolate, for the purpose of ascertaining whether the individual is complying with the self-isolation requirement an authorised person may at any reasonable time —
  - (a) make an unscheduled visit to the premises at which the individual is required to self-isolate; or
  - (b) make an unscheduled telephone call to the individual.<sup>16</sup>
- (2) A person present at the premises visited under paragraph (1), or who receives a telephone call under paragraph (1), must give the authorised person his or her reasonable co-operation.<sup>17</sup> **22**.

### 10 Modification to regulation 12

Omit regulation 12.

### 11 Modification to regulation 12A

- (1) For paragraph (1) of regulation 12A, substitute the following —
  - 66**(1) This regulation applies to a person (P) —
    - (a) who disembarks on the Island despite —
      - (i) not being a registered resident; and
      - (ii) not having been issued with an entry certificate under regulation 6; and
    - (b) verification of whose identity has not been achieved by comparing personal data lawfully in the possession of any Department or Statutory Board with personal data submitted by P, in whatever form, to an authorised person at the port of disembarkation. **22**.
- (1A) in regulation 12A(5) after “repatriation” insert **66** and any accommodation, travel and other costs **22**<sup>18</sup>
- (2) For paragraph (6), substitute the following —
  - 66**(6) P may not be refused entry to, or the right to remain on, the Island where P has —

<sup>33</sup> SD 2020/0370

- (a) taken all reasonable steps to; and
  - (b) exercised all due diligence to avoid committing an offence under these Regulations in connection with P's failure to, become a registered resident, or to be issued with an entry certificate under regulation 6. <sup>22</sup>.
- (3) After paragraph 12A(6) add —
- <sup>23</sup>(6A) For the avoidance of doubt, the Department for Health and Social Care may require P to self-isolate under Regulation 10 of the Emergency Powers (Potentially Infectious Persons) Regulations 2020<sup>34</sup>. <sup>21</sup><sup>19</sup>

## 12 Insertion of new regulations: regulations 12B, 12C and 12D

### <sup>24</sup> 12B Powers of authorised person

- (1) An authorised person may attend any place at which a mode of conveying passengers to the Island arrives in the Island and there demand of disembarking passengers proof of their identity and of their right or authorisation, in accordance with these regulations, to enter the Island.
- (2) Where —
  - (a) a disembarking passenger fails or refuses to comply with a demand under paragraph (1);
  - (b) a disembarking passenger does not possess any proof demanded under paragraph (1); or
  - (c) the identity of a disembarking passenger is not verified as a result of a comparison under regulation 12A(1)(b),an authorised person has the power to make a decision under regulation 12A(2).

### 12C Restrictions on private vessels

- (1) A private vessel that enters the Island's territorial sea and seeks to dock must do so at the harbour in Douglas, from whence an authorised person may, upon request, give it permission to travel onward to any other harbour in the Island. This is subject to the right of any vessel to shelter in any available port in adverse weather or if the vessel is in urgent need of repair.
- (2) If a private vessel, without first having docked at the harbour in Douglas, docks at any other harbour in the Island in circumstances other than adverse weather or being in urgent need of repair, the

<sup>34</sup> SD 2020/0171

- captain of the private vessel commits an offence and is liable on summary conviction to the penalty specified in regulation 13.
- (3) In this regulation, “private vessel” means any ship or boat, or any other vessel used in navigation, that —
- (a) is not owned by the government of any State or territory (or any organ thereof); and
  - (b) is not used for commercial purposes.

### **12D Restrictions on aircraft**

- (1) An aircraft seeking to land in the Island must land at Ronaldsway airport, from whence an authorised person must —
- (a) ascertain whether all persons on board the aircraft have met the requirements of these Regulations in order to be permitted to disembark; and
  - (b) grant permission to the pilot to proceed to another place in the Island, but if —
    - (i) the pilot so requests; and
    - (ii) the authorised person is satisfied with respect to the matters referred to in paragraph subparagraph (a).
- (2) If an aircraft, without first having landed at Ronaldsway airport, land in any other place in the Island, the pilot commits an offence and is liable on summary conviction to the penalty specified in regulation 13.
- (3) This regulation does not apply to an individual in respect of whom regulation 8 applies.<sup>20</sup> **22**.

## **13 Insertion of new regulation: regulation 12E**

### **12E Use and disclosure of information**

- (1) A person who holds information which has at any time been provided under these Regulations may use it if, and only if, the use is for the purpose referred to in these Regulations.
- (2) A person who holds information which has at any time been provided under these Regulations may disclose it to another person if, and only if the disclosure is for a purpose specified in paragraph (1).<sup>21</sup>

## **14 Modification of regulation 13**

In regulation 13 (offences) —

- (a) in paragraph (a)(i), after “5” insert **13** or 12E **22**;

(b) in paragraph (a)(ii), after “certificate,” insert **66** Direction Notice, **62**.<sup>22</sup>

**15 Insertion of new regulation: regulation 16**

After regulation 15 insert —

**66 16 Saving**

Any certificate, exemption notice or consent issued before the coming into force of the Emergency Powers (Coronavirus) (Continuation) (No. 2) (Amendment) (No. 2) Regulations 2020<sup>35</sup> shall not be affected by the coming into operation of those Regulations. **62**<sup>23</sup>

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<sup>35</sup> SD 2020/0412

## 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.
- <sup>2</sup> Para (1) amended by SD2020/0394 with effect from 17/07/2020 at 09:35.
- <sup>3</sup> Subpara (f) inserted by SD2020/0394 with effect from 17/07/2020 at 09:35.
- <sup>4</sup> Schedule heading amended by SD2020/0394 with effect from 17/07/2020 at 09:35.
- <sup>5</sup> Schedule 2 inserted by SD2020/0394 with effect from 17/07/2020 at 09:35.
- <sup>6</sup> Substituted regulation 3 amended by revocation of definition of “e-landing card” by SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>7</sup> Substituted regulation 3 amended by insertion of definition of “landing card” SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>8</sup> Substituted regulation 3 amended by insertion of definition of “publish” by SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>9</sup> Substituted regulation 3 amended by amendment of subpara (b) by SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>10</sup> Substituted regulation 6 amended by amendment of subpara (c) by SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>11</sup> Substituted regulation 7 substituted by SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>12</sup> Reg 4A inserted by SD2020/0245 with effect from 06/09/2020 at 13:42.
- <sup>13</sup> Inserted regulation 10D amended by amendment of subpara (a) by SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>14</sup> Inserted regulation 10D amended by amendment of para (1) by SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>15</sup> Inserted regulation 10D amended by substitution of para (3) by SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>16</sup> Inserted regulation 10E amended by substitution of para (1) by SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>17</sup> Inserted regulation 10E amended by amendment of para (2) by SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>18</sup> Subpara (1A) inserted by SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>19</sup> Subpara (3) inserted by SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>20</sup> Inserted regulation 12D amended by the insertion of para (3) by SD2020/0412 with effect from 10/0/2020 at 10:36.
- <sup>21</sup> Reg 13 inserted by SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>22</sup> Reg 14 inserted by SD2020/0412 with effect from 10/08/2020 at 10:36.
- <sup>23</sup> Reg 15 inserted by SD2020/0412 with effect from 10/08/2020 at 10:36.