

Statutory Document No. 2020/0199



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (ENTRY RESTRICTIONS) REGULATIONS 2020¹

Laid before Tynwald: 31 March 2020
Approved by Tynwald: 31 March 2020
Coming into Operation: in accordance with regulation 2

The Governor in Council, by Order¹, makes the following Regulations under section 4 of the Emergency Powers Act 1936.

1 Title

These Regulations are the Emergency Powers (Coronavirus) (Entry Restrictions) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made² and have effect until —

- (a) until the end of the Coronavirus Proclamation period; or
- (b) 21 days after they are made,

whichever is the earlier.

3 Interpretation

In these Regulations —

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

“**the Coronavirus Proclamation period**” means the period for which the Proclamation of Emergency dated 16 March 2020³ is in operation.

¹ Section 4(1) specifies that “Where a proclamation of emergency has been made, and so long as such proclamation is in force, it shall be lawful for the Governor in Council, by Order, to make regulations ...”.

² By virtue of section 4(2) of the Emergency Powers Act 1936, these Regulations made by Order of the Governor in Council must be laid before Tynwald within 7 days of being made and only continue in force beyond 7 days of being so laid if Tynwald passes a resolution to that effect.

³ SD 2020/0162

4 **General**

These Regulations provide for the restriction of entry to the Island.

5 **Prohibition of entry**

Entry to the Island is prohibited with effect from 0630 on 27 March 2020.

This paragraph is subject to regulation 6 (exemption).

6 **Exemption**

- (1) The prohibition in regulation 5 does not apply to —
- (a) a person who the Department of Infrastructure has certified is vital to the Island’s critical national infrastructure;
 - (b) a person who the Department of Health and Social Care has certified is —
 - (i) a medical expert or professional whose skills are essential to the Island’s medical infrastructure and the health of its community; or
 - (ii) returning to the Island after having undergone essential medical treatment; or
 - (c) a person to whom an exemption notice under paragraph (3) applies.

(1A) For the avoidance of doubt—

- (a) the Department for Infrastructure may certify a person that is a company or other body under paragraph (1)(a); and
- (b) the Council of Ministers may specify a person that is a company or other body under paragraph (1)(c),

and where such person is so certified or specified, the prohibition in regulation 5 does not apply to the entry of an individual acting in the employment or service of that certified or specified person.²

- (2) In paragraph (1), “certified” means certified by the Chief Executive or a person duly authorised for the purpose by the Chief Executive, of the Department of Infrastructure or the Department of Health and Social Care, as the case may be.
- (3) During the Coronavirus Proclamation period, the Council of Ministers may specify in an exemption notice a person to whom the prohibition in regulation 5 does not apply.
- (4) The Department of Infrastructure and the Department of Health and Social Care may certify a person for the purposes of paragraph (1) and the Council of Ministers may make an exemption notice under paragraph (3), only if —

- (a) the Department of Infrastructure, The Department of Health and Social Care or the Council of Ministers (as the case may be) 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; and
 - (b) such measures are put in place as are reasonably practicable to mitigate any risks associated with making an exemption notice.
- (5) For the purposes of paragraph (4)(b) a measure is not reasonably practicable if it gives rise to a risk to human life or health or to the environment.
- (6) An exemption notice under paragraph (3) must specify —
- (a) the person who is exempted from the prohibition in regulation 5 (“an exempted person”);
 - (b) the time at which the exemption notice takes effect;
 - (c) the period of time for which the exemption notice has effect (the “exemption period”);
 - (ca) whether the exemption permits entry by the person on more than one occasion during the exemption period;³
 - (d) any arrangements that must be made by the exempted person or another which are reasonably incidental to the exemption notice in order to minimise the incidence or transmission of Coronavirus; and
 - (e) any other conditions subject to which the exemption notice is made.
- (7) The exemption period shall be —
- (a) as specified in the exemption notice; or
 - (b) if a date is not specified in the exemption notice, 7 days after the end of the Coronavirus Proclamation period,
- whichever is the earlier.

7 Revocation of exemption notice

The Council of Ministers may at any time revoke an exemption notice under regulation 6 to any extent, having regard to the matters referred to in regulation 6(4)(a) and (b).

8 Offences

A person commits an offence —

- (a) if the person fails to comply with regulation 5; or
- (b) if the person fails to comply with the exemption notice under which he or she is permitted to enter the Island.

Maximum penalty — (summary) 3 months custody, a fine not exceeding level 5 on the standard scale or both.

MADE 19:50 26TH MARCH 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 Para (1A) inserted by SD2020/0215 with effect from 30/03/2020 at 12:17.

³ Subpara (ca) inserted by SD2020/0215 with effect from 30/03/2020 at 12:17.