

Statutory Document No. 2020/0199



*Emergency Powers Act 1936*

## EMERGENCY POWERS (CORONAVIRUS) (ENTRY RESTRICTIONS) REGULATIONS 2020<sup>1</sup>

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

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The Governor in Council, by Order<sup>1</sup>, 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 made.<sup>2</sup>

### 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 following proclamations are in operation —

- (a) the Proclamation of Emergency dated 16 March 2020<sup>3</sup>; and
- (b) all subsequent consecutive Proclamations of Emergency that relate to the pandemic of Coronavirus (also known as COVID-19).<sup>3</sup>

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<sup>1</sup> 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 ...”.

<sup>2</sup> 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.

<sup>3</sup> 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) and 6A (exemption: residents).<sup>4</sup>

#### 6 Exemption

- (1) The prohibition in regulation 5 does not apply to a person —
- (a) who —
    - (i) the Department of Infrastructure has certified is vital to the Island's critical national infrastructure;
    - (ii) the Department of Health and Social Care has certified is a supplier of goods or services that are essential for the Island's infrastructure or the health of its community;
    - (iii) the Department of Home Affairs has certified is a police officer or a fire officer employed by that Department or in respect of whom an offer of employment as a police officer or a fire officer in that Department has been made; or
    - (iv) the Department of Health and Social Care has certified is a medical expert or professional whose skills are essential to the Island's medical infrastructure and the health of its community; and
  - (b) in respect of whom an exemption notice under paragraph (3) applies.<sup>5</sup>

(1A) For the avoidance of doubt—

- (a) the Department for Infrastructure and the Department of Health and Social Care may certify a person that is a company or other body under paragraph (1)(a)(i) or (ii); and
- (b) the Chief Secretary may specify a person that is a company or other body under paragraph (3),

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.<sup>6</sup>

- (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, the Department of Health and Social Care or the Department of Home Affairs, as the case may be.<sup>7</sup>

- (3) During the Coronavirus Proclamation period, the Chief Secretary may specify in an exemption notice a person to whom the prohibition in regulation 5 does not apply.<sup>8</sup>
- (4) The Department of Infrastructure, the Department of Health and Social Care and the Department of Home Affairs may certify a person for the purposes of paragraph (1) and the Chief Secretary may make an exemption notice under paragraph (3), only if —
  - (a) the Department of Infrastructure, The Department of Health and Social Care, the Department of Home Affairs or the Chief Secretary (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<sup>9</sup>
  - (b) such measures are put in place as are reasonably practicable to mitigate any risks associated with making an exemption notice.<sup>10</sup>
- (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;<sup>11</sup>
  - (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.

## **6A Exemption: residents of the Island**

- (1) The prohibition in regulation 5 does not apply to an individual —

- (a) in respect of whom the Department of Health and Social Care has certified is returning to the Island after having undergone essential medical treatment; or
  - (b) in respect of whom the Chief Secretary has issued an exemption notice under paragraph (3).
- (2) The Department of Health and Social Care may certify an individual for the purposes of paragraph (1)(a) only if it is satisfied that such measures are put in place as are reasonably practicable to mitigate any risks associated with the individual's return to the Island.
- (3) The Chief Secretary may issue an exemption notice to an individual for the purposes of paragraph (1)(b) only if he is satisfied that —
  - (a) the individual is a resident of the Island;
  - (b) the individual did not leave the Island on or after 6 a.m. on 27th March 2020;
  - ~~(c) the individual has not stayed on or after 27th March 2020 anywhere in the world in a dwelling in respect which the individual or a close family member of the individual is the owner;<sup>4</sup> and~~
  - (d) such measures are put in place as are reasonably practicable to mitigate any risks associated with making an exemption notice in respect of that individual.
- (4) For the purposes of paragraph (2) and (3)(d) a measure is not reasonably practicable if it gives rise to a risk to human life or health.
- (5) An individual is to be regarded as being a resident in the Island if —
  - (a) the individual is the owner of a dwelling in the Island and at any time in the period of 6 months before the date on which he or she intends to enter the Isle of Man has resided at that dwelling;
  - (b) the individual has a contract of tenancy (within the meaning of the Landlord and Tenant Act 1954) for a term of at least 6 months in relation to a dwelling and the individual has resided at that dwelling at any time in the period of 6 months ending immediately before the date on which he or she intends to enter the Isle of Man;
  - (c) the individual has otherwise established his or her permanent home in a dwelling in the Island at any time in the period of 6 months ending immediately before the date on which he or she intends to enter the Isle of Man and continues to maintain his or her permanent home there;
  - (d) the individual is a student or has been a student in the period of 9 months ending immediately before the date on which he or she intends to enter the Isle of Man and has available to him or her a

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<sup>4</sup> The text of inserted 6A(3)(c) was omitted by virtue of an amendment that was moved successfully when the regulations were moved to continue in Tynwald on 14/04/2020.

dwelling in which he or she may take up occupation upon his or her return to the Island.

- (6) An application for an exemption issued by the Chief Secretary under paragraph (1)(b) must be made —
  - (a) in respect of an individual aged 18 years and over, by the individual; and
  - (b) in respect of a child, by a responsible adult.
- (7) For the purpose of enabling the Chief Secretary to consider whether he is satisfied as to the matters in paragraph (3)(a), (b), (c) and (d) —
  - (a) the applicant must supply such information to the Chief Secretary or a person acting on behalf of the Chief Secretary as may be reasonably required; and
  - (b) the Chief Secretary or a person acting on behalf of the Chief Secretary may make enquiries to such person as he or she considers necessary for the purpose of verifying the information supplied to him or her under this regulation.
- (8) An exemption notice under paragraph (1) must specify —
  - (a) the individual who is exempt from the prohibition in regulation 5 (“an exempt individual”);
  - (b) the time at which the exemption notice takes effect;
  - (c) the date on which, or the dates within which, the individual is permitted to enter the Island;
  - (d) the method of travel by which the exempt individual may travel to the Island;
  - (e) the conditions on which the exempt individual is permitted to travel to the Island and the circumstances when he or she must not travel, despite the issuance of the exemption notice;
  - (f) any arrangements that must be made by the exempt individual or another which are reasonably incidental to the exemption notice in order to minimise the incidence or transmission of Coronavirus; and
  - (g) any other conditions subject to which the exemption notice is made.
- (9) The conditions under paragraph (8)(e) and (g) must include the condition that the exempt individual (or, in the case of a child, the responsible adult for that child) is liable to pay all the costs incurred and associated with his or her re-entry into the Island including (but not limited to) the costs for —
  - (a) accommodation or transport outside the Island;
  - (b) any medical assessment outside the island;
  - (c) travel to the Island and any food or accommodation provided during the voyage to the Island; and

- (d) any food and accommodation costs during a period of quarantine in the Island.
- (10) The arrangements under paragraph (8)(f) must include provision for a person, before the exempt individual commences his or her voyage to the Island, to conduct such health checks upon the exempt individual and ask such questions about the health of the exempt individual as are considered to be necessary to establish whether the exempt individual has contracted, or is suspected of having contracted Coronavirus.
- (11) In this regulation —
- (a) “child” means a person under the age of 18 years;
  - (b) “close family member” in relation to an individual means the spouse or civil partner of the individual or a person living with the individual in a relationship similar to that of spouses or civil partners, or the parent or child of the individual;
  - (c) “owner” in relation to a dwelling means an owner of an estate in fee simple in land or the owner of a leasehold estate (within the meaning of the Land Registration Act 1982) or, in relation to a dwelling in another jurisdiction, an owner with a similar right in land under the law of that jurisdiction;
  - (d) “residential accommodation” means any dwelling, or any part of a dwelling used for the purposes of human habitation;
  - (e) “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;
  - (f) the reference to a person with parental responsibility for a child has the same meaning as in Children and Young Persons Act 2001.<sup>12</sup>

## 7 Revocation of exemption notice

- (1) The Chief Secretary may at any time —
- (a) revoke an exemption notice under regulation 6 if he is no longer satisfied that the exemption is appropriate, having regard to regulation 6(4)(a) and (b); and
  - (b) revoke an exemption notice under regulation 6A if he is no longer satisfied that the exemption is appropriate, having regard to regulation 6A(2) and (3)(d).<sup>13</sup>

## 8 Offences

A person who —

- (a) fails to comply with regulation 5;

- (b) fails to comply with an exemption notice issued to the person or any conditions contained in it; or
- (c) knowingly provides false or misleading information in an application or in response to a requirement to provide information under these Regulations or otherwise in connection with the exercise of any power under these Regulations,

commits an offence.

Maximum Penalty (summary) - 3 months' custody and a fine not exceeding level 5 on the standard scale.<sup>14</sup>

**MADE 19:50 26<sup>TH</sup> MARCH 2020**

## 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> Reg 2 amended by SD2020/0226 with effect from 09/04/2020 at 15:19.

<sup>3</sup> Definition of “the Coronavirus Proclamation period” substituted by SD2020/0249 with effect from 14/04/2020 at 14:48.

<sup>4</sup> Reg 5 amended by SD2020/0226 with effect from 09/04/2020 at 15:19.

<sup>5</sup> Para (1) substituted by SD2020/0226 with effect from 09/04/2020 at 15:19.

<sup>6</sup> Para (1A) inserted by SD2020/0215 with effect from 30/03/2020 at 12:17 and substituted by SD2020/0226 with effect from 09/04/2020 at 15:19.

<sup>7</sup> Para (2) amended by SD2020/0226 with effect from 09/04/2020 at 15:19.

<sup>8</sup> Para (3) amended by SD2020/0226 with effect from 09/04/2020 at 15:19.

<sup>9</sup> Subpara (a) amended by SD2020/0226 with effect from 09/04/2020 at 15:19.

<sup>10</sup> Para (4) amended by SD2020/0226 with effect from 09/04/2020 at 15:19.

<sup>11</sup> Subpara (ca) inserted by SD2020/0215 with effect from 30/03/2020 at 12:17.

<sup>12</sup> Reg 6A inserted by SD2020/0226 with effect from 09/04/2020 at 15:19.

<sup>13</sup> Reg 7 substituted by SD2020/0226 with effect from 09/04/2020 at 15:19.

<sup>14</sup> Reg 8 substituted by SD2020/0249 with effect from 14/04/2020 at 14:48.