



EMERGENCY POWERS (CORONAVIRUS) (ENTRY RESTRICTIONS) (NO.2) REGULATIONS 2020

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Statutory Document No. 2020/0279



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (ENTRY RESTRICTIONS) (NO.2) REGULATIONS 2020¹

Laid before Tynwald: 12 May 2020
Approved by Tynwald: 12 May 2020¹
Coming into Operation: in accordance with regulation 2

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

1 Title

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

2 Commencement

These Regulations come into operation immediately after they are made².

3 Interpretation

(1) In these Regulations —

“**compassionate grounds**” includes —

- (a) attending the funeral of a member of the person’s immediate family (within the meaning of the Emergency Powers (Prohibitions on Movement) Regulations 2020³); and
- (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;

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

¹ Approved but with amendments to regulations 6, 7 and 10.

² 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 only continue in force beyond 7 days of being so laid if Tynwald passes a resolution to that effect.

³ SD 2020/0201

“**the Coronavirus Proclamation period**” means the period for which the following proclamations are in operation —

- (a) the Proclamation of Emergency dated 16 March 2020⁴; and
- (b) all subsequent consecutive Proclamations of Emergency that relate to the pandemic of Coronavirus (also known as COVID-19); and

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

(2) In these Regulations —

- (a) “**entry to the Island**” means entering the land which forms the Island and which is above the mean high water mark; and
- (b) a measure is not reasonably practicable if it gives rise to a risk to human life or health or to the environment.

4 **General**

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

5 **Prohibition of entry**

The prohibition on entry to the Island which has had effect from 0630 on 27 March 2020 continues.

This regulation is subject to regulations 6 to 10.

6 **Exemption: key workers**

- (1) The prohibition in regulation 5 does not apply to a person —
 - (a) certified by —
 - (i) the Department of Infrastructure, as vital to critical national infrastructure;
 - (ii) the Department of Health and Social Care, as 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, as 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, as a medical expert or professional whose skills are essential to the medical infrastructure and the health of the community; or
 - (b) specified in an exemption notice under paragraph (8).
- (2) For the purposes of paragraph (1) —

⁴ SD 2020/0162

- (a) in subparagraph (a)(i) —
 - (i) “critical national infrastructure” includes the national infrastructure of the Island and the United Kingdom; and
 - (ii) a person who may be certified is a person to whom paragraph (3) applies; and
- (b) in subparagraph (a)(iv) —
 - (i) “medical infrastructure and the health of the community” includes medical 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 (4) applies.
- (3) This paragraph applies to a person —
 - (a) who —
 - (i) is resident in the Island (within the meaning of regulation 7); and
 - (i) re-enters the Island from the United Kingdom, after having provided services which are vital to the critical national infrastructure of the United Kingdom; or
 - (b) who —
 - (i) is not resident in the Island; and
 - (ii) enters the Island in order to provide services which are vital to the critical national infrastructure of the Island.
- (4) This paragraph applies to a person —
 - (a) who —
 - (i) is resident in the Island (within the meaning of regulation 7); and
 - (ii) re-enters the Island from the United Kingdom, after having provided services which are essential to the medical infrastructure of the United Kingdom and the health of its community; or
 - (b) who —
 - (i) is not resident in the Island; and
 - (ii) who enters the Island in order to provide services which are essential to the medical infrastructure of the Island and the health of its community.
- (5) For the avoidance of doubt —
 - (a) the Department of 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 (8),
- 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.
- (6) 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.
- (7) For the purposes of paragraph (1)(b), the Chief Secretary may specify in an exemption notice a person to whom the prohibition in regulation 5 is not to apply.
- (8) A person may be specified —
- (a) in an exemption notice made under paragraph (7), 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; and
- (b) in a certificate made under paragraph (1) or in an exemption notice made under paragraph (7), only if the Department of Infrastructure, the Department of Health and Social Care, the Department of Home Affairs or the Chief Secretary considers that such measures are put in place as are reasonably practicable to mitigate any risks associated with making a certificate or an exemption notice.
- (9) For the purpose of enabling the Chief Secretary to consider whether he is satisfied as to the matters in paragraph (8) —
- (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.
- (10) A certificate issued under paragraph (1) and an exemption notice under paragraph (7) must specify —
- (a) the person who is exempted from the prohibition in regulation 5 (“an exempted person”);
- (b) the time at which the certificate or exemption notice takes effect;
- (c) the period of time for which the certificate or exemption notice 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 certificate or exemption notice in order to minimise the incidence or transmission of Coronavirus; and
 - (f) any other conditions the Chief Secretary or the Department issuing a certificate consider reasonably necessary.
- (11) The exemption period shall end on the earlier of –
- (a) the date specified in the certificate or exemption notice; or
 - (b) if a date is not specified in the certificate or exemption notice, 7 days after the end of the Coronavirus Proclamation period.

7 Exemption: residents of the Island

- (1) The prohibition in regulation 5 does not apply to a resident of the Island who –
- (a) the Department of Health and Social Care has certified is returning to the Island after having undergone essential medical treatment; or
 - (b) the Chief Secretary has specified in an exemption notice under paragraph (3).
- (2) For the purposes of paragraph (1)(a), the Department of Health and Social Care may certify an individual 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) For the purposes of paragraph (1)(b), the Chief Secretary may specify in an exemption notice a person to whom the prohibition in regulation 5 does not apply only if satisfied that –
- (a) in cases, other than a case to which subparagraph (b) applies –
 - (i) the individual did not leave the Island on or after 0630 on 27 March 2020; and
 - (ii) 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;
 - (b) in the case of an individual to whom paragraph (4), (5) or (6) applies, only if satisfied that 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, provided that in the case of a person to whom paragraph (5) applies an exemption notice may be issued on only once occasion.
- (4) This paragraph applies where the Chief Secretary is satisfied that –
- (a) the individual who re-enters the Island does so –

- (i) after having left the Island but having remained within the Island's territorial sea, for a business or leisure activity; or
 - (ii) after having left the Island and the Island's territorial sea, for a business activity;
 - (b) the business or leisure activity referred to in sub-paragraph (a) is one which is specified for the purpose of this regulation on www.gov.im;
 - (c) undertaking the business or leisure activity does not breach any regulations made under the Emergency Powers Act 1936; and
 - (d) in a case to which paragraph (4)(a)(ii) applies, between leaving and re-entering the Island, the individual will not enter any other country or territory.
- (5) This paragraph applies in the case of an individual who enters the Island after having travelled to the United Kingdom or the Republic of Ireland on compassionate grounds and where —
- (a) the individual left the Island between 0630 on 27th March 2020 and the date on which these Regulations come into operation; and
 - (b) 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.
- (6) This paragraph applies where the Chief Secretary is satisfied that —
- (a) the individual who re-enters the Island does so after having left the Island but having remained within the airspace above the Island's territorial sea; and
 - (b) the purpose for which the individual leaves the Island is as part of the crew of a general aviation aircraft and the flight —
 - (i) will remain within the airspace above the territorial sea;
 - (ii) is necessary in order to comply with the requirements or guidelines of the manufacturer of the aircraft's engine or the flight crew licensing requirements or conditions of any national state of licence issue as those requirements, conditions or guidelines relate to engine health or crew currency;
 - (iii) is completed within Isle of Man Airport opening hours as published on www.gov.im; and
 - (iv) is recorded by the owner or operator of the aircraft in accordance with paragraph (7).
- (7) The record referred to in paragraph (6)(b)(iv) must include —
- (a) the purpose of the flight;
 - (b) the aircraft registration mark;
 - (c) the name and licence number of the pilot; and

- (d) the date, time and duration of the flight,
and must be provided to any Department upon request.
- (8) In paragraph (4)(d) “any other country or territory” does not include the territorial sea adjacent to any other country or territory.
- (9) An individual is to be regarded as being a resident in the Island if but only if –
 - (a) the individual is the owner of a dwelling in the Island and 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 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 in the Island 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 dwelling in which he or she may take up occupation upon his or her return to the Island;
 - (e) immediately before leaving the Island, the individual’s permanent home was with a person to whom subparagraph (a) or (b) applies and with whom the individual will again reside upon his or her return to the Island; or
 - (f) in the case of an individual who works elsewhere than in the Island, the individual is otherwise able to satisfy the Chief Secretary that the Island is his or her main place of residence.
- (10) 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.
- (11) For the purpose of enabling the Chief Secretary to consider whether he is satisfied as to the matters in paragraphs (3) to (6) and (9)(f) –
 - (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.
- (12) A certificate under paragraph (1)(a) and an exemption notice under paragraph (1)(b) must specify –
- (a) the individual who is exempt from the prohibition in regulation 5 (“an exempt individual”);
 - (b) the time at which the certificate or 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 certificate or exemption notice;
 - (f) any arrangements that must be made by the exempt individual or another which are reasonably incidental to the certificate or exemption notice in order to minimise the incidence or transmission of Coronavirus; and
 - (g) any other conditions the Chief Secretary or the Department issuing a certificate consider reasonably necessary.
- (13) The conditions under paragraph (12)(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.
- (14) The arrangements under paragraph (12)(f) must include provision for a person (other than a person to whom paragraph (4) applies), 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.
- (15) The exemption period shall end on the earlier of –
- (a) the date specified in the certificate or exemption notice; or

- (b) if a date is not specified in the certificate or exemption notice, 7 days after the end of the Coronavirus Proclamation period.
- (16) In this regulation —
- (a) “child” means a person under the age of 18 years;
 - (b) “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;
 - (c) “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;
 - (d) the reference to a person with parental responsibility for a child has the same meaning as in Children and Young Persons Act 2001.

8 Exemption: emergency services

The prohibition in regulation 5 does not apply to an individual who is employed or engaged in —

- (a) emergency search and rescue services;
- (b) air ambulance services,

at times when that individual is providing such emergency services provided that such measures are put in place as are reasonably practicable to mitigate any risks associated with the entry into the Island of the individual.

9 Exemption: secure transportation area

The prohibition in regulation 5 does not apply to a person who enters an exempt area that is secured for the purpose of transportation in accordance with a direction made by the Department of Infrastructure and remains within the area until the person leaves the Island, provided that such measures are put in place as are reasonably practicable to mitigate any risks associated with the entry into the Island of the individual.

10 Exemption: compassionate grounds

- (1) The prohibition in regulation 5 does not apply to an individual to whom the Chief Secretary has given prior written consent to enter the Island on compassionate grounds.
- (2) An individual to whom consent may be given under paragraph (1) means a resident of the Island (within the meaning of regulation 7) re-entering the Island after having travelled to the United Kingdom or the Republic of Ireland for the purpose for which consent is given under paragraph (1).

- (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 individual.
- (4) Paragraphs (6) to (16) of regulation 7 apply to this regulation as they apply to regulation 7 but as if references in those paragraphs to “an exemption notice” were references to a consent given under paragraph (1).

11 Emergency Powers (Potentially Infectious Persons) Regulations 2020 not affected

The issue of a certificate, exemption notice or consent and the application of an exemption to a person under these Regulations does not affect the application of the Emergency Powers (Potentially Infectious Persons) Regulations 2020⁵ to the person.

12 Revocation of certificate, exemption notice or consent

- (1) The Chief Secretary may at any time revoke an exemption notice or consent under these Regulations if no longer satisfied that the exemption or consent is appropriate.
- (2) The Department of Health and Social Care, the Department of Infrastructure or the Department of Home Affairs may at any time revoke a certificate under these Regulations if the Department is no longer satisfied that the certificate is appropriate.

13 Offences

A person commits an offence if —

- (a) without reasonable excuse, the person —
 - (i) fails to comply with regulation 5; or
 - (ii) fails to comply with a certificate, an exemption notice or a consent issued to the person or any conditions contained in it; or
- (b) 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.

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

⁵ SD 2020/0171

14 Emergency Powers (Prohibitions on Movement) Regulations amended

- (1) The Emergency Powers (Prohibitions on Movement) Regulations 2020⁶ are amended as follows.
- (2) In regulation 5(1) (exceptions from regulation 4: general), after subparagraph (s), insert —
 - (t) in the case of a general aviation pilot or crew member, in respect of whom an exemption notice is issued under regulation 7(6) of the Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020⁷ in order to travel to and from an airport or landing strip in the Island.⁸

15 Revocation

- (1) The Emergency Powers (Coronavirus) (Entry Restrictions) Regulations 2020⁸ (“the first regulations”) are revoked.
- (2) Despite paragraph (1), any certificate or exemption notice made under the first regulations continues to have effect as if the document had been made under these Regulations.

MADE AT 11:05 8 MAY 2020

⁶ SD 2020/0201

⁷ SD 2020/0279

⁸ SD 2020/0199

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.