

Statutory Document No. 2020/0176



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (PORT OPERATIONS) REGULATIONS 2020

Laid before Tynwald: 27 March 2020

Approved by Tynwald: 27 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) (Port Operations) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made² and continue to have effect throughout the Coronavirus Proclamation period.

3 Interpretation

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

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

- (a) the Proclamation of Emergency dated 16 March 2020³; and
- (b) any subsequent proclamation which relates to the pandemic of Coronavirus (also known as COVID-19) and specifies that it appears that there is a threat of that disease affecting the Island

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

and causing serious damage to human health on, and the economic well-being of the Island;

“**operator**”, in relation to a port of entry, means a person concerned in the management of the port;

“**relevant port operations**” means any operations or functions carried out by an operator at a port of entry in relation to —

- (a) the arrival or departure of any vessel, aircraft or other conveyance or vehicle;
- (b) the entry into the Island of persons or things; and

“**vessel**” has the same meaning as in the Merchant Shipping Act 1985.

4 General

These Regulations provide for the suspension of port operations.

5 Direction

- (1) During the Coronavirus Proclamation period, the Council of Ministers may, subject to paragraph (2), give a direction in writing to an operator of a port of entry requiring the operator to suspend such relevant port operations as the Council of Ministers may specify in the direction.
- (2) The Council of Ministers may give a direction under paragraph (1) only if —
 - (a) the Council of Ministers considers that there is a risk that, as a direct or indirect result of the incidence or transmission of Coronavirus, there are or will be insufficient immigration officers at the port of entry to maintain adequate border security there; and
 - (b) the Council of Ministers has taken such other measures as are reasonably practicable to mitigate that risk.
- (3) For the purposes of paragraph (2)(b) a measure is not reasonably practicable if it gives rise to a risk to human life or health or to the environment.
- (4) A direction under paragraph (1) must specify —
 - (a) the operator to whom it is given;
 - (b) the relevant port operations which are to be suspended;
 - (c) the time at which the direction takes effect;
 - (d) the period of time for which the direction is to remain in effect (the “suspension period”); and
 - (e) any arrangements that must be made by the operator at the port of entry which are reasonably incidental to the direction.
- (5) The suspension period shall be —

- (a) as specified in the direction; or
 - (b) if a date is not specified in the direction, 7 days after the end of the Coronavirus Proclamation period,
- whichever is the earlier.

6 Revocation of direction

The Council of Ministers may at any time revoke a direction under regulation 5 to any extent, having regard to the risk referred to in regulation 5(2).

7 Offences

A person commits an offence if the person fails without reasonable excuse to comply with a direction under regulation 5.

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

MADE 11:40 24TH MARCH 2020

W GREENHOW
Chief Secretary

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations are made by the Governor in Council under section 4 of the Emergency Powers Act 1936 and following a proclamation of a state of emergency under section 3 of that Act.

These Regulations are made for the purpose of securing the essentials of life to the community of the Island and for the protection of the economy of the Island.

These Regulations deal with the suspension of port operations by direction given by the Council of Ministers. A direction may suspend operations for as long as is specified in the direction or until 7 days after the end of the Coronavirus Proclamation period.