

Statutory Document No. 2020/0179



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (PLANNING AND REGULATORY LEGISLATION) 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) (Planning and Regulatory Legislation) 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

(1) In these Regulations —

“**the Act**” means the Town and Country Planning Act 1999;

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

“**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

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.

- (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 and causing serious damage to human health on, and the economic well-being of the Island.
- (2) In regulation 5, “regulatory legislation” is legislation –
 - (a) to which the premises were subject immediately before the consent was given; and
 - (b) which relates to the registration or licensing of, or applies standards in connection with, the use of the premises or a person who operates the premises for that use.
- (3) Without limiting paragraph (2), regulatory legislation includes –
 - (a) the Licensing Act 1995; and
 - (b) the Tourism Act 1975.

4 General

These Regulations deal with modifications to the Act and to regulatory legislation within the meaning given in regulation 3 (interpretation).

5 Specified activities permitted

- (1) Throughout the Coronavirus Proclamation period –
 - (a) the Council of Ministers may give written consent, with or without conditions (“the consent”), for the use of any premises specified in paragraph (2) (“the premises”), for a purpose or activity specified in the consent (“the specified purpose”);
 - (b) the use of the premises for the specified purpose does not constitute –
 - (i) “development” within the meaning of section 6 of the Act (development);
 - (ii) a breach of planning control for the purposes of section 23 of the Act (breach of planning control);
 - (iii) a breach of condition for the purposes of section 23A (breach of conditions); or
 - (iv) a breach or contravention of any regulatory legislation; and
 - (c) in using the premises for the specified purpose a person does not commit an offence under the provisions specified in subparagraph (b),

subject to compliance with any conditions attached to the consent, where sub paragraph (b) or (c) applies.

³ SD 2020/0162

- (2) The premises referred to in paragraph (1) are premises for which planning approval for a specified use has been granted or which are subject to regulatory legislation.
- (3) A consent given under paragraph (1) expires —
 - (a) on the date specified in the consent; or
 - (b) if a date is not specified in the consent, 7 days after the end of the Coronavirus Proclamation period,whichever is the earlier.

MADE 13:51 24 MARCH 2020

W GREENHOW
Chief Secretary

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

These Regulations are made 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 are intended to modify and disapply certain provisions of the Town and Country Planning Act 1999 and other regulatory legislation (as defined in regulation 5), in order to allow existing premises to be used for adapted purposes throughout the Coronavirus Proclamation period (as defined in regulation 3).

The premises to which regulation 5 applies are those for which planning approval has been granted for a particular use, or which are otherwise subject to regulatory legislation, such as the Licensing Act 1995 or the Tourism Act 1975 and to which adapted use the Council of Ministers has given approval. Any such approval will cease to have effect on the earlier of (i) a date specified in the approval or (ii) 7 days after the end of the Coronavirus Proclamation period.

Examples of adapted uses include the use of premises which ordinarily operate as a restaurant, to supply food and alcohol on a takeaway basis.