

Statutory Document No. 2020/0184



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (SALE OR SUPPLY OF MEDICINAL PRODUCTS AND APPLIANCES) 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) (Sale or Supply of Medicinal Products and Appliances) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made².

3 Interpretation

In these Regulations —

“**appliance**” means an appliance which is a prescribed appliance within the meaning of section 8(1) of the National Health Service Act 2001;

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

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

³ SD 2020/0162

“**medicinal product**” has the meaning given in the Medicines Act 2003;

“**medicines legislation**” means the Misuse of Drugs Act 1976, the National Health Service Act 2001 and the Medicines Act 2003 and any legislation made under those Acts; and

“**Protocol**” means the Protocol issued, from time to time, under Regulation 5(1).

4 **General**

These Regulations provide for the sale or supply of medicinal products and appliances during the Coronavirus Proclamation period.

5 **Protocol for sale or supply of medicinal products**

(1) During the Coronavirus Proclamation period, the Department of Health and Social Care may, from time to time, issue a written Protocol detailing the circumstances in which medicinal products and appliances may be sold or supplied by a person otherwise than in accordance with the provisions of the medicines legislation.

Tynwald procedure – laying only.

(2) The sale or supply by a person of any medicinal product or appliance in accordance with the terms of the Protocol will not –

- (a) breach any provision of the medicines legislation; or
- (b) constitute an offence under the medicines legislation.

MADE 13:40 26TH 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 sale or supply of medicinal products and appliances during the Coronavirus Proclamation period. The Regulations give the Department of Health and Social Care the power to issue a Protocol detailing the circumstances in which a person may sell or supply medicinal products or appliances otherwise than in accordance with the medicines legislation.