

Statutory Document No. 2020/0186



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (ENTERPRISE ACT AMENDMENT) 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) (Enterprise Act Amendment) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made².

3 Interpretation

In these Regulations —

“**the Act**” means the Enterprise Act 2008;

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

“**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 only if Tynwald passes a resolution to that effect.

³ SD 2020/0162

4 General

- (1) These Regulations provide for the Act to be amended for the duration of the Coronavirus Proclamation period as follows.
- (2) In section 2 (provision of assistance) omit paragraph (b)⁴.
- (3) For section 8 (subordinate legislation)⁵ there is substituted—
 - Regulations and orders made under this Act shall be subject to the Tynwald procedure specified in section 32 of the Legislation Act 2015 (“negative”). ■

MADE 13:10 26TH MARCH 2020

W GREENHOW
Chief Secretary

⁴ Section 2(b) of the Act previously empowered the Department to provide assistance to an eligible business where, in its opinion the assistance was likely to encourage sustainable economic growth in the Island.

⁵ Section 5 previously required regulations and orders to be approved by Tynwald (other than an appointed day order).

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 amendments to the Enterprise Act 2008 in order to (i) omit the requirement that assistance to an eligible business must be likely to encourage sustainable economic growth in the Island and (ii) require regulations under that Act to be subject to the negative procedure, rather than require approved by, Tynwald.

The first amendment removes a potential restriction on the Department's powers to support some businesses while the second allows the Department to make Regulations setting out eligibility criteria for businesses seeking financial assistance, more quickly than would otherwise be the case.