

Statutory Document No. 2020/0191



*Emergency Powers Act 1936*

# EMERGENCY POWERS (CORONAVIRUS) (PROTECTION FROM EVICTIONS) REGULATIONS 2020

*Laid before Tynwald: 27 March 2020*  
*Approved by Tynwald: 27 March 2020*  
*Coming into Operation: in accordance with regulation 2*

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The Governor in Council, by Order<sup>1</sup>, makes the following Regulations under section 4 of the Emergency Powers Act 1936.

## 1 Title

These Regulations are the Emergency Powers (Coronavirus) (Protection from Evictions) Regulations 2020.

## 2 Commencement

These Regulations come into operation immediately after they are made<sup>2</sup> and continue to have effect throughout the Coronavirus Proclamation period.

## 3 Interpretation

(1) In these Regulations —

“**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 2020<sup>3</sup>; and

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<sup>1</sup> 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 ...”.

<sup>2</sup> 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.

<sup>3</sup> SD 2020/0162

- (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) Reference in these Regulations to a landlord or a tenant refers to either of them in respect of premises used –
- (a) as private residential accommodation by the tenant or any other person who, through the tenant, is lawfully entitled to reside in the premises;
  - (b) for commercial purposes by the tenant or any other person who, through the tenant, is lawfully entitled to so use the premises; or
  - (c) for social purposes by the tenant or any other person at the tenant’s behest or invitation.
- (3) Premises used for either of the purposes referred to in paragraph (2) are hereafter referred to as “**relevant premises**”.

#### 4 **General**

- (1) These Regulations provide, in specified circumstances, for a moratorium on evictions for a period of 90 days commencing on the day on which these Regulations commence.
- (2) The period referred to in paragraph (1) is hereafter referred to as “**the prohibition period**”.

#### 5 **Moratorium on evictions**

- (1) During the prohibition period, a landlord may not evict the landlord’s tenant for failure to pay rent in full or at all.
- (2) Any notice of eviction issued by a landlord to the landlord’s tenant during the prohibition period is null, void and of no legal effect.
- (3) For the avoidance of doubt, nothing in these Regulations extinguishes the liability of a tenant to pay to the landlord in full any rental payments, or any portion thereof, by which the tenant falls into arrears during the prohibition period.

#### 6 **Arrangements for payment of arrears**

At the end of the prohibition period, the landlord must make arrangements with the tenant for the payment of arrears incurred within the prohibition period. In making such arrangements, the landlord must make reasonable allowances that take into account the financial circumstances of the tenant that are attributable to any income loss experienced by the tenant on account of any of the effects of the pandemic of Coronavirus.

MADE 10:10 26<sup>TH</sup> 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 give affected tenants much needed respite in the event they are unable to meet their financial obligations landlords. For a period of three months, landlords will be prohibited from evicting tenants who are unable to make their rental payments. This is vital, given the anticipated knock-on effect on employed persons of temporary closure of businesses and industries in light of the Coronavirus pandemic. This relief is aimed at affording much needed protection to affected tenants during this time of crisis.

However, the Regulations make clear that the unmet liabilities are not thereby extinguished and that the outstanding payments will have to be made at a future date and in a manner that reasonably accords with the tenants' ability to expeditiously discharge the debt.