

Statutory Document No. 2020/0198



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (CHILD CARE SERVICES) REGULATIONS 2020

Laid before Tynwald: 31 March 2020
Approved by Tynwald: 31 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) (Child Care Services) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made².

3 Interpretation

In these Regulations —

“**child care services**” means the services provided at a child day care centre or by a childminder;

“**child care services provider**” means the provider of child care services and includes a childminder and a child day care centre;

“**child day care centre**” has the same meaning as in section 20 of the Regulation of Care Act 2013;

“**childminder**” has the same meaning as in section 21 of the Regulation of Care Act 2013;

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.

“**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;

“**premises**” means any premises used for the provision of child care services by a child day care centre;

“**responsible body**” means the childminder or, in the case of a child day care centre, the person or body of persons responsible for the management of a child day care centre including the principal, the governing body or, as the case may be, the proprietor; and

“**specified**” means specified, or falling within a description specified, in a temporary closure direction under regulation 5.

4 General

These Regulations make provision relating to child care services.

5 Temporary closure directions

- (1) During the Coronavirus Proclamation period, the Department of Health and Social Care (“the Department”) may give a temporary closure direction that applies to —
 - (a) one or more named child care services providers in the Island;
 - (b) all child care services providers in the Island (or any part of the Island);
 - (c) child care services provider in the Island (or any part of the Island) of a particular description.
- (2) A temporary closure direction under this regulation is a direction that requires the responsible body of a child care services provider to which it applies to take reasonable steps to secure that persons do not, for a specified period, attend premises for purposes connected with the child care services.
- (3) A temporary closure direction under this regulation may —
 - (a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Department considers reasonable;
 - (b) relate to attendance of persons generally, or to attendance by specified persons;
 - (c) relate to premises generally, or to specified premises or parts of premises;

³ SD 2020/0162

- (d) relate to attendance for purposes connected with child care services generally, or to attendance for specified purposes;
 - (e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the Department considers appropriate;
 - (f) include such other provision as the Department considers appropriate in connection with the giving of the direction.
- (4) A failure by a responsible body to comply with a temporary closure direction under this regulation is enforceable, on an application made by the Department, by an injunction.
- (5) An application made under paragraph (4) may be made without notice being given to the responsible body.

6 Offences

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

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

7 Publication, duration and guidance

- (1) A temporary closure direction under regulation 5 must be published by the Department.
- (2) A temporary closure direction under regulation 5 has effect until the earlier of —
- (a) the end of the period specified under regulation 5(2); or
 - (b) the revocation of the direction by a further direction given by the Department under that regulation.
- (3) A person to whom a temporary closure direction under regulation 5 applies must have regard to any guidance given by the Department about how to comply with a direction given by the Department under that regulation.

MADE 13:00 27TH 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 empower the Department of Health and Social Care (“the Department”), during the Coronavirus Proclamation period (as defined in regulation 3) to give a temporary closure direction that applies to –

- (a) one or more named child care services providers in the Island;
- (b) all child care services providers in the Island (or any part of the Island);
- (c) child care service providers in the Island (or any part of the Island) of a particular description.

Such a direction requires the responsible body of a child care services provider to which it applies to take reasonable steps to secure that persons do not, for a specified period, attend premises for purposes connected with the child care services.

A person who fails without reasonable excuse to comply with a direction under regulation 5, commits an offence and is liable to 3 months custody, a fine not exceeding level 5 on the standard scale or both.

Any person to whom a temporary closure direction applies must have regard to guidance prepared by the Department.