

Statutory Document No. 2020/0199



*Emergency Powers Act 1936*

## EMERGENCY POWERS (CORONAVIRUS) (ENTRY RESTRICTIONS) REGULATIONS 2020

*Laid before Tynwald: 31 March 2020*  
*Approved by Tynwald: 31 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) (Entry Restrictions) Regulations 2020.

### 2 Commencement

These Regulations come into operation immediately after they are made<sup>2</sup> and have effect until —

- (a) until the end of the Coronavirus Proclamation period; or
- (b) 21 days after they are made,

whichever is the earlier.

### 3 Interpretation

In these Regulations —

“**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 2020<sup>3</sup> is in operation.

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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

#### 4 General

These Regulations provide for the restriction of entry to the Island.

#### 5 Prohibition of entry

Entry to the Island is prohibited with effect from 0630 on 27 March 2020.

This paragraph is subject to regulation 6 (exemption).

#### 6 Exemption

- (1) The prohibition in regulation 5 does not apply to —
  - (a) a person who the Department of Infrastructure has certified is vital to the Island’s critical national infrastructure;
  - (b) a person who the Department of Health and Social Care has certified is —
    - (i) a medical expert or professional whose skills are essential to the Island’s medical infrastructure and the health of its community; or
    - (ii) returning to the Island after having undergone essential medical treatment; or
  - (c) a person to whom an exemption notice under paragraph (3) applies.
- (2) In paragraph (1), “certified” means certified by the Chief Executive or a person duly authorised for the purpose by the Chief Executive, of the Department of Infrastructure or the Department of Health and Social Care, as the case may be.
- (3) During the Coronavirus Proclamation period, the Council of Ministers may specify in an exemption notice a person to whom the prohibition in regulation 5 does not apply.
- (4) The Department of Infrastructure and the Department of Health and Social Care may certify a person for the purposes of paragraph (1) and the Council of Ministers may make an exemption notice under paragraph (3), only if —
  - (a) the Department of Infrastructure, The Department of Health and Social Care or the Council of Ministers (as the case may be) considers that the failure to exempt a person to whom the prohibition in regulation 5 applies, poses a greater risk to public safety and the life of the community, as a direct or indirect result of the incidence or transmission of Coronavirus; and
  - (b) such measures are put in place as are reasonably practicable to mitigate any risks associated with making an exemption notice.

- (5) For the purposes of paragraph (4)(b) a measure is not reasonably practicable if it gives rise to a risk to human life or health or to the environment.
- (6) An exemption notice under paragraph (3) must specify —
  - (a) the person who is exempted from the prohibition in regulation 5 (“an exempted person”);
  - (b) the time at which the exemption notice takes effect;
  - (c) the period of time for which the exemption notice has effect (the “exemption period”);
  - (d) any arrangements that must be made by the exempted person or another which are reasonably incidental to the exemption notice in order to minimise the incidence or transmission of Coronavirus; and
  - (e) any other conditions subject to which the exemption notice is made.
- (7) The exemption period shall be —
  - (a) as specified in the exemption notice; or
  - (b) if a date is not specified in the exemption notice, 7 days after the end of the Coronavirus Proclamation period,whichever is the earlier.

## **7 Revocation of exemption notice**

The Council of Ministers may at any time revoke an exemption notice under regulation 6 to any extent, having regard to the matters referred to in regulation 6(4)(a) and (b).

## **8 Offences**

A person commits an offence —

- (a) if the person fails to comply with regulation 5; or
- (b) if the person fails to comply with the exemption notice under which he or she is permitted to enter the Island.

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

**MADE 19:50 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 prohibit entry to the Island with immediate effect except by —

- (a) a person who is certified by the Department of Infrastructure as being vital to the Island’s critical national infrastructure;
- (b) a person who is certified by the Department of Health and Social Care as a medical professional whose expertise is essential to the Island or as returning to the Island after having undergone essential medical treatment; or
- (c) a person to whom an exemption notice made by the Council of Ministers applies.

An exemption notice may only be made in specified circumstances and must specify any conditions and safeguards to be put in place in connection with the person’s entry into the Island.

A person who enters the Island in breach of the general prohibition in regulation 5 or who fails to comply with the conditions of an exemption notice, commits an offence.