



EMERGENCY POWERS (CORONAVIRUS) (COMPETITION) REGULATIONS 2020

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Statutory Document No. 2020/0216

*Emergency Powers Act 1936*

EMERGENCY POWERS (CORONAVIRUS) (COMPETITION) REGULATIONS 2020

Laid before Tynwald: 3 April 2020
Approved by Tynwald: 3 April 2020
Coming into operation in accordance with regulation 2

The Governor in Council makes the following Regulations under section 4 of the Emergency Powers Act 1936.¹

1 Title

These Regulations are the Emergency Powers (Coronavirus) (Competition) Regulations 2020.

2 Commencement and expiry

These Regulations come into operation immediately after they are made and cease to have effect at the end of the Coronavirus Proclamation period.²

3 Interpretation

In these Regulations—

“**the Act**” means the Fair Trading Act 1996;

“**the Coronavirus Proclamation period**” means the period for which the Proclamation of Emergency dated 16 March 2020 is in operation;

“**OFT**” means the Isle of Man Office of Fair Trading;

“**Part 2**” means Part 2 of the Act.

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.

4 Certain agreements not anti-competitive during the Coronavirus Proclamation period

- (1) For the purposes of Part 2, any agreement or arrangement entered into between two or more persons in order to secure the supply to persons in the Island of goods or services during the Coronavirus Proclamation period does not constitute an anti-competitive practice, subject to paragraph (2).
- (2) If it appears to OFT that a particular agreement or arrangement of the kind mentioned in paragraph (1) is in fact not in the public interest, it may make a declaration to that effect.
- (3) Where a declaration is made under paragraph (2), the OFT may exercise the powers conferred by Part 2.

MADE AT 17:50 ON 1ST APRIL 2020

W GREENHOW
Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made by Order of the Governor in Council treat certain agreements as not being anti-competitive during the Coronavirus Proclamation period for the purposes of Part 2 of the Fair Trading Act 1996 unless it appears to the Isle of Man Office of Fair Trading that they are not in fact in the public interest.