

Statutory Document No. 2020/0244



*Emergency Powers Act 1936*

## **EMERGENCY POWERS (CORONAVIRUS) (INFRASTRUCTURE SUPPORT) REGULATIONS 2020**

*Laid before Tynwald: 14 April 2020*  
*Approved by Tynwald: 14 April 2020*  
*Coming into Operation: in accordance with regulation 2*

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) (Infrastructure Support) Regulations 2020.

### **2 Commencement**

These Regulations come into operation immediately after they are made<sup>2</sup>.

### **3 Interpretation**

“**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.

### **4 General**

These Regulations provide for the provision of infrastructure support to a third party by a Department or Statutory Board.

<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 continue in force beyond 7 days of being so laid only if Tynwald passes a resolution to that effect.

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

## 5 Direction

- (1) During the Coronavirus Proclamation period, the Council of Ministers may direct that a Department or Statutory Board may —
  - (a) make its employees, equipment and other resources (“resources”) available for use by a person for a purpose specified in the direction; and
  - (b) carry out any functions of and on behalf of any other Department or Statutory Board.
- (2) A direction may only be made under paragraph (1) where the Council of Ministers considers it necessary to do so 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 in connection with the Coronavirus.
- (3) A direction made under paragraph (1) must specify —
  - (a) in the case of a direction to which paragraph (1)(a) applies —
    - (i) the Department or Statutory Board to which the direction applies;
    - (ii) the resources to be made available by the Department or Statutory Board;
    - (iii) the person to whom the resources are to be made available;
    - (iv) the purpose for the resources referred to in sub-paragraph (ii) may be used; and
    - (v) any other conditions subject to which the resources are to be made available; and
  - (b) in the case of a direction to which paragraph (1)(b) applies —
    - (i) the Departments or Statutory Boards to which the direction applies;
    - (ii) the functions to which the direction applies;
    - (iii) any resources to be made available to the Department or Board carrying out the specified function by the Department or Board on whose behalf it is carried out; and
    - (iv) any other conditions subject to which the resources are to be made available.
- (4) A direction made under paragraph (1) shall expire on the earlier of —
  - (a) the date specified in the direction; or
  - (b) if a date is not specified in the direction, 7 days after the end of the Coronavirus Proclamation period.

## 6 Offence

A person to whom the resources are to be made available in accordance with a direction made under regulation 5(1)(a) and who fails use those resources for

the purpose specified in the direction, commits an offence triable before the High Bailiff and punishable on conviction with a fine not exceeding level 5, 3 months' custody or both.

**MADE AT 15:22 ON 9 APRIL 2020**

*Signed by the authority of the Chief Secretary*

**K HEMSLEY**  
*Interim Director of Change & Reform*

*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 Council of Ministers to direct that (a) the employees equipment and other resources of a Government Department or Statutory Board may be made available for use by a third party and (b) that a Department or Statutory Board may carry out the functions of another Department or Statutory Board. A direction may only be made where the Council of Ministers considers it necessary to do so 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 in connection with the Coronavirus.

By way of an example, a direction may be considered necessary so as to permit the Department of Infrastructure to make its staff and equipment available to a third party for the distribution of food and other supplies to the community.

A person to whom the resources are to be made available in accordance with a direction made under regulation 5(1)(a), who fails to use those resources for the purpose specified in the direction, commits an offence and is liable to a fine of level 5 on the standard scale, 3 months in custody or both.