

Statutory Document No. 2020/0251



Emergency Powers Act 1936

EMERGENCY POWERS (POTENTIALLY INFECTIOUS PERSONS) (AMENDMENT) (NO. 2) REGULATIONS 2020

Laid before Tynwald: 12 May 2020
Approved by Tynwald: 12 May 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 Title

These Regulations are the Emergency Powers (Potentially Infectious Persons) (Amendment) (No. 2) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made¹.

3 Emergency Powers (Potentially Infectious Persons) Regulations 2020² amended

In the Regulations in the Schedule to the Emergency Powers (Potentially Infectious Persons) Regulations 2020 —

- (a) in paragraph 5 (other general definitions), delete sub-paragraph (e) (the definition of “immigration officer”);
- (b) in the subheading of Part 2 (powers of department, immigration officers and constables) delete “, immigration officers”;
- (c) in paragraph 6(2) (powers relating to isolation and restrictions on activity etc), after “such requirements” insert **or restrictions**;
- (d) in paragraph 7 (requirements) —

¹ By virtue of section 4(2) of the Emergency Powers Act 1936, these Regulations made by 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.

² SD 2020/0171, as amended by SD 2020/0180, SD 2020/0226 and SD2020/0249

- (i) in the heading after “requirements” insert **6A** and restrictions **6B**;
- (ii) in sub-paragraph (1) after “requirements” insert **6A** and restrictions **6B**;
- (ii) at the end of sub-paragraph (f) for the full stop substitute **6A**; and **6B**;
- (iv) after sub-paragraph (f) insert –
 - 6A**(g) comply with any reasonable instruction given by a person authorised by the Department for the purpose of enforcing any requirement or restriction imposed under regulation 6 and this regulation or incidental to such a requirement or restriction. **6B**; and
- (v) in sub-paragraph (2), after “requirement” insert **6A** or restriction **6B**; and
- (vi) delete sub-paragraph (3).
- (e) in paragraph 8(3) after “the requirement” insert **6A** and restriction **6B**;
- (f) in paragraph 9 (appeals) for “regulation 7” substitute **6A** regulation 6, 7 or 10 **6B**;
- (g) in paragraph 10 –
 - (i) in sub-paragraph (4) after “requirements” insert **6A** and restrictions **6B**;
 - (ii) delete sub-paragraph (7);
- (h) in paragraph 13(2) for “the Department” substitute **6A** a person authorised by the Department **6B**;
- (i) in paragraph 14(1) delete **6A** or immigration officer **6B**;
- (j) in paragraph 18 –
 - (i) in sub-paragraph (1)(a) for “or requirement” substitute **6A**, requirement or restriction **6B**;
 - (ii) for sub-paragraph (1)(e) to the end of paragraph (1), substitute –
 - 6A**(e) knowingly or recklessly requires or demands or otherwise unduly pressurises a person (P) who is required to comply with any direction, reasonable instruction, requirement or restriction given to or imposed on P under these Regulations to ignore, contravene or otherwise fail to comply with the direction, instruction, requirement or restriction;
 - (f) knowingly or recklessly exposes a child to a person who is a potentially infectious person (except in a case where the child is a potentially infectious person or is in a household in which there is a potentially infectious person);

(g) obstructs a person specified or authorised by the Department in the exercise of a power conferred by these Regulations.

Maximum Penalty (summary) - 3 months' custody and a fine not exceeding level 5 on the standard scale. **22**.

MADE AT 11:30 ON 5 MAY 2020

W GREENHOW
Chief Secretary

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations amend the Regulations in the Schedule to the Emergency Powers (Potentially Infectious Persons) Regulations 2020 to clarify the enforcement powers in those Regulations and in particular to provide that a person to whom a direction has been given by the Department of Health and Social Care under regulation 6 of those Regulations (powers relating to isolation and restrictions on activity etc) must comply with any reasonable instruction given by a person authorised by the Department for the purpose of enforcing any requirement or restriction imposed on the person, or incidental to such a requirement or restriction. These Regulations also create an additional offence of knowingly or recklessly exposing a child to a person who is a potentially infectious person (except in a case where the child is a potentially infectious person or is in a household in which there is a potentially infectious person).