



EMERGENCY POWERS (CORONAVIRUS) (FIXED PENALTY) REGULATIONS 2020

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Statutory Document No. 2020/0258



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (FIXED PENALTY) REGULATIONS 2020

Laid before Tynwald: 21 April 2020
Approved by Tynwald: 21 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 Title

These Regulations are the Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made¹.

3 Interpretation

In these Regulations —

“**Coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**the Coronavirus Proclamation period**” means the period for which the following proclamations are in operation —

- (a) the Proclamation of Emergency dated 16 March 2020²; and
- (b) all subsequent consecutive Proclamations of Emergency that relate to the pandemic of Coronavirus (also known as COVID-19);

“**fixed penalty**” means the amount specified in regulation 9;

“**fixed penalty notice**” means a notice offering the person to whom it is given the opportunity of discharging any liability to conviction for the offence

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 2020/0162

to which the notice relates by payment of a fixed penalty in accordance with these Regulations;

“**fixed penalty offence**” means an offence as described in regulation 5;

“**payment period**” means the period of 21 days beginning with the day immediately following the date of the fixed penalty notice.

4 General

These Regulations apply during the Coronavirus Proclamation period.

5 Fixed penalty offences

For the purposes of these Regulations, a fixed penalty offence is an offence —

- (a) committed on or after the date these Regulations come into operation; and
- (b) which is specified in the table in the Schedule.

6 Giving a fixed penalty notice

Where a constable reasonably believes that —

- (a) a person has committed a fixed penalty offence; and
- (b) the person is aged 18 or over,

a fixed penalty notice in respect of the offence may be served on that person by a constable.

7 Effect of a fixed penalty notice

Where a person is given a fixed penalty notice under regulation 6 —

- (a) proceedings must not be brought against the person for the offence before the end of the payment period; and
- (b) the person cannot be convicted of the fixed penalty offence in respect of which that notice is given if the person pays the fixed penalty before the end of that period.

8 Contents of a fixed penalty notice

A fixed penalty notice must give such particulars of the circumstances alleged to constitute the fixed penalty offence as are necessary for giving reasonable information about that offence and must state—

- (a) the date of the notice;
- (b) the amount of the fixed penalty ;
- (c) the period for paying the fixed penalty;
- (d) that until the expiry of that period proceedings will not be brought for the offence;

- (e) the consequences of the fixed penalty not being paid before the expiry of that period;
- (f) the person to whom and the address at which the fixed penalty may be paid;
- (g) the preferred, and other permissible, methods of payment;
- (h) that a copy of the relevant fixed penalty notice must be included where payment is sent by any form of post;
- (i) that proof of posting must be obtained and retained where payment is sent by any form of post;
- (j) that a receipt for payment must be requested at the time of payment if one is required;
- (k) that a stamped, self-addressed envelope must be provided with any payment sent by any form of post for which a receipt is requested.

9 Amount of fixed penalty

The amount of the fixed penalty for a fixed penalty offence is —

- (a) if paid within the first 14 days of the payment period, £150;
- (b) otherwise, £250.

10 Payment of a fixed penalty

- (1) Payment of a fixed penalty under these Regulations must be made to the person referred to in the fixed penalty notice.
- (2) Where payment of the amount of the fixed penalty is made by post, payment is regarded as having been made at the time at which the copy of the fixed penalty notice together with the amount of the fixed penalty would be delivered in the ordinary course of post.
- (3) In any proceedings, evidence that a fixed penalty was or was not made before the end of any period may be given by the production of a certificate which —
 - (a) purports to be signed by or on behalf of the person referred to in paragraph (1); and
 - (b) states that payment of the fixed penalty was or was not received by the date specified in the certificate.
- (4) Sums collected under these Regulations must be paid into the General Revenue.

MADE AT 16:05 ON 17 APRIL 2020

Signed by the authority of the Chief Secretary

K HEMSLEY

Interim Director of Change & Reform

SCHEDULE

FIXED PENALTY OFFENCES

[Regulation 5]

Entry No.	SD number	Regulations	Offence
1(a)	2020/0171	Emergency Powers (Potentially Infectious Persons) Regulations 2020	Schedule, paragraph 18(a): failure without reasonable excuse to comply with a direction, requirement or reasonable instruction given or imposed under the Regulations;
1(b)			Schedule, paragraph 18(b): failure without reasonable excuse to comply with a duty under regulation 12(2) or 12(3) (duties of responsible adults)
1(c)			Schedule, paragraph 18(c): absconding or attempting to abscond while being removed to or kept at a place under the Regulations
1(d)			Schedule, paragraph 18(d): knowingly providing false or misleading information in response to a requirement to provide information under the Regulations or otherwise in connection with the exercise of any power under the Regulations
1(e)			Schedule, paragraph 18(e): knowingly or recklessly requiring or demanding or otherwise unduly pressurising a person who is required to comply with any direction, reasonable instruction or requirement given to or imposed on the person under the regulations to ignore, contravene or otherwise fail to comply with the direction, instruction or requirement under the Regulations
1(f)			Schedule, paragraph 18(f): obstructing the Department of Health and Social Care or a constable in the exercise of a power under the Regulations
2	2020/0185	Emergency Powers (Coronavirus) (Events and Gatherings) Regulations 2020	Regulation 8: failure without reasonable excuse to comply with a direction given under the Regulations

3	2020/0200	Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) Regulations	Regulation 7(2): obstructing without reasonable excuse a person carrying out a function under the Regulations
4	2020/0201	Emergency Powers (Coronavirus) Prohibitions on Movement) Regulations 2020	Regulation 7: leaving or being absent from ordinary place of residence or temporary place of residence in contravention of the Regulations

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 provide that certain specified offences under or specified in regulations made under the Emergency Powers Act 1936 in response to the state of emergency may be offences for which a fixed penalty notice may be given. A fixed penalty notice offers the person alleged to have committed the offence an opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty.

The amount of the fixed penalty in relation to the fixed penalty offences specified in these Regulations is £150 if paid within 14 days of the date of the notice, otherwise £250.