



EMERGENCY POWERS (CORONAVIRUS) (EVENTS AND GATHERINGS) (AMENDMENT NO. 2) REGULATIONS 2020

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Statutory Document No. 2020/0270



Empowering Act 2012

EMERGENCY POWERS (CORONAVIRUS) (EVENTS AND GATHERINGS) (AMENDMENT NO. 2) REGULATIONS 2020

Laid before Tynwald: 28 April 2020
Approved by Tynwald: NOT MOVED
Coming into Operation in accordance with regulation 2

The Governor in Council makes the following Regulations under section 4 of the Empowering Act 2012.

1 Title

These Regulations are the Emergency Powers (Coronavirus) (Events and Gatherings) (Amendment No. 2) Regulations 2020.

2 Commencement

These Regulations come into operation on immediately after they are made¹.

3 Emergency Powers (Coronavirus) (Events and Gatherings) Regulations 2020 amended

- (1) The Emergency Powers (Coronavirus) (Events and Gatherings) Regulations 2020² are amended as follows.
- (2) After regulation 7(2) (enforcement), insert —
 - (3) Paragraphs (4), (5) and (6) apply whether or not a direction has been given under regulation 4 or 5.
 - (4) A constable may stop a person and ask the person questions to establish whether the person or a member of the person's household has taken part, or is taking part, in a gathering and if so, the purpose of the gathering.

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 2020/0185, amended by SD 2020/0249

- (5) The person must answer any reasonable question that he or she is asked by a constable under paragraph (4).
- (6) A constable may require a person or the members of the person's household to leave any premises if the constable reasonably believes that —
 - (a) the person or members of the person's household are at a higher risk of coming within 2 metres of a person who is not a member of the person's household if they remain at those premises; and
 - (b) the contact with such a person is not permitted under a provision of regulations made under the Emergency Powers Act 1936. **22**.

(3) For regulation 8 (offences), substitute —

8 Offences

- (1) A person (P) commits an offence if P fails without reasonable excuse to comply with a direction given to the person under these Regulations.
- (2) P commits an offence if P intentionally takes part in a gathering.
Maximum Penalty for subsection (1) or (2) (summary) - 3 months' custody and a fine not exceeding level 5 on the standard scale.
- (3) It is a defence for a person to prove that at the time of the alleged offence the person was in a gathering —
 - (a) for a purpose permitted under a provision of regulations made under the Emergency Powers Act 1936; or
 - (b) for the purpose of attending court where his or her attendance was required. **22**.

MADE AT 22:14 ON 23 APRIL 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 amend the Emergency Powers (Coronavirus) (Events and Gatherings) Regulations 2020 to enable a constable to require a person or the members of the person's household to leave any premises if the constable reasonably believes that the person or members of the person's household are at a higher risk of coming within 2 metres of a person who is not a member of the person's household if they remain at those premises; and the contact with such a person is not permitted under a provision of regulations made under the Emergency Powers Act 1936.

These Regulations also create a new offence for a person to meet, congregate or otherwise associate in person with another person who is not a member of the person's household. However, it is a defence to the alleged offence if the person can prove that at the time of the offence the person was in a gathering for a purpose permitted under regulations made under the Emergency powers Act 1936, or for the purpose of attending court when required to do so.