

Statutory Document No. 2020/0276



*Emergency Powers Act 1936*

## EMERGENCY POWERS (PROHIBITIONS ON MOVEMENT) (AMENDMENT) (NO.4) 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 (Prohibitions on Movement) (Amendment) (No.4) Regulations 2020.

### 2 Commencement

These Regulations come into operation immediately after they are made<sup>1</sup>.

### 3 Emergency Powers (Prohibitions on Movement) Regulations 2020 amended

(1) The Emergency Powers (Prohibitions on Movement) Regulations 2020<sup>2</sup> are amended as follows.

(2) In regulation 3 (interpretation) —

(a) before the definition of “emergency or necessary voluntary service” insert —

“**court**” means any court in the Island of competent jurisdiction;”

(b) for the definition of “leisure activities”, substitute —

<sup>1</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>2</sup> SD 2020/0201 as amended by SD 2020/0213, SD 2020/0217, SD 2020/0249, SD 2020/0260 and SD 2020/0274.

13 “leisure activities” does not include —

- (a) the participation in a sporting activity with persons who are not in the household of the person; or
- (b) an activity in a vessel (within the meaning of section 83(1) of the Harbours Act 2010), unless the vessel is moored, berthed or otherwise fastened within a harbour or at the place at which the vessel is ordinarily kept within the Island; 14; and

(c) after the definition of “home”, insert —

15 “taxi” includes a passenger vehicle used for carrying passengers for hire or reward within the meaning of the Road Transport Act 2001. 16.

(3) In regulation 5(1) (exceptions from regulation 4: general) —

(a) in subparagraph (ba), after “civic amenity site”, insert 17 or other facilities for the collection of recyclable products 18; and

(b) after subparagraph (l), insert —

19 (m) in order to appear at a hearing at court which the person is required to attend, whether as a party or a witness;

(n) in order to comply with a requirement of the person’s bail;

(o) in order attend a police station;

(p) in order to enable the person —

(i) to attend premises from which the person is produced at court (via live link, in accordance with the Emergency Powers (Coronavirus) (Courts etc) Regulations 2020<sup>3</sup>); or

(ii) to take a juvenile to premises from which the juvenile is so produced;

(q) in order to take and collect the person’s pet dog to and from dog day care or grooming facilities;

(r) in order to take and collect the person’s child to and from —

(i) the premises of a person providing education or childcare to whom paragraph 2 of the Schedule applies; or

(ii) the residence of a family member who will care for the child,

in order enable the person to perform the duties of his or her office or employment;

<sup>3</sup> 2020/0261

- (s) in the case of a student, to attend the premises of a person providing education to whom paragraph 2 of the Schedule applies. **22**.
- (4) For regulation 5(3), substitute —
- 23**(3) For the purposes of paragraph (1)(c) —
    - (a) the exercise or leisure activity must only be undertaken —
      - (i) in every case, alone or with one or more members of the person’s household; and
      - (ii) in the case of a person with a disability who reasonably requires assistance to undertake the exercise or leisure activity, with one assistant; and
    - (b) every person undertaking the exercise or leisure activity alone or with one or more members of their household must ensure, as far as reasonably practicable, —
      - (i) where the person exercises alone, the person; or
      - (ii) where the person exercises with a member of his or her household, the person and the member of their household,maintains a distance of at least 2 metres between the members of the household and any other person who is not a member of that household; and
    - (c) every person undertaking the exercise or leisure activity with an assistant must ensure, as far as is reasonably practicable —
      - (i) that there is as little physical contact as possible with the assistant and that reasonable steps are taken to minimise the risk of the spread of Coronavirus between the person and the assistant; and
      - (ii) that a distance of at least 2 metres is maintained between the person and any other person who is not a member of that person’s household.
  - (3A) In paragraph (3) —
    - (a) “disability” means a disability within the meaning of section 7 of the Equality Act 2017; and
    - (b) “assistant” means a person who is not a member of the disabled person’s household, whose assistance is necessary to enable the disabled person to take exercise or undertake a leisure activity. **22**.
- (5) In regulation 5(5A)(a)(i) and (iii), after “health”, insert **23** or welfare **22**.
- (6) After regulation 5(5B), insert —

5C For the purposes of paragraph (1)(r) —

- (a) the Council of Ministers may make guidance in relation to the exception, with which a person relying on the exception must comply;
- (b) the guidance referred to in subparagraph (a) must be published on [www.gov.im](http://www.gov.im);
- (c) in subparagraph (ii) —
  - (i) the person may take his or her child to the residence of a family member in order to care for the child, only if the family member and every member of the person's household is asymptomatic; and
  - (ii) the person must not enter the family member's residence. 22.

(7) For regulation 7 (offences), substitute —

#### 7 Offences

A person commits an offence if, without reasonable excuse or as expressly permitted by these Regulations, he or she leaves or is absent from his or her ordinary place of residence, or in a case falling within regulation 6 his or her place of temporary residence.

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

MADE AT 14:01 ON 5 MAY 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) (Prohibitions on Movement) Regulations 2020.

These Regulations amend the meaning of “leisure activities” by listing certain activities which are not permitted and insert a definition of “taxi”. These Regulations permit a person to leave his or her ordinary place of residence to attend a court hearing or to comply with a requirement of bail, to attend a police station, to attend premises or take a juvenile to premises for the purpose of production at court (via live link), to take a pet dog to doggy day care or grooming facilities and expand the existing ability to go to recycling facilities. These Regulations permit a student to attend school and a person to take his or her child to premises at which education or (professional) childcare are provided and to the residence of a family member, to be looked after, subject to specified conditions and to a requirement to comply with guidance made by the Council of Ministers in relation to the exception.

These Regulations also make provision for a person with a disability to be accompanied by an assistant where such assistance is necessary in order to take exercise or to undertake a leisure activity.

These Regulations amend the offence provision so as to refer to a person having a reasonable excuse for leaving or being absent from his or her place of residence.