

Statutory Document No. 2020/0299



*Emergency Powers Act 1936*

## EMERGENCY POWERS (CORONAVIRUS) (CLOSURE OF BUSINESSES AND OTHER PREMISES) (AMENDMENT) (NO.6) REGULATIONS 2020

*Laid before Tynwald: 19 May 2020*  
*Approved by Tynwald: 19 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 (Coronavirus) (Closure of Businesses and Other Premises) (Amendment) (No.6) Regulations 2020.

### 2 Commencement

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

### 3 Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) Regulations 2020 amended

- (1) The Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) Regulations 2020<sup>2</sup> are amended as follows.
- (2) In regulation 3 (interpretation) —
  - (a) after the definition of “Coronavirus Proclamation period”, insert —

“**Department**” means the Department of Education, Sport and Culture;<sup>2</sup> and

<sup>1</sup> 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.

<sup>2</sup> SD 2020/0200 as amended by SD 2020/0217, SD 2020/0249, SD 2020/0269, SD 2020/0273, SD 2020/0278 and SD 2020/0293.

(b) in the definition of “enclosed spaces in parks”, omit “, clearly delineated sports pitches and courts and areas set aside as outdoor gymnasiums”; and

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

“**sporting facility**” means any premises used for or at which sporting activities are played, held or otherwise take place and includes facilities which serve such premises; and

(3) After regulation 5 (continuation of operation of certain businesses), insert —

#### **5A Directions**

(1) During the Coronavirus Proclamation period, the Department may give a direction that applies to —

- (a) one or more sporting facilities;
- (b) sporting facilities in the Island (or any part of the Island) generally; or
- (c) sporting facilities in the Island (or any part of the Island) of a particular description.

(2) A direction under this regulation is a direction by which a person responsible for carrying on a sporting facility —

- (a) may be required to close a sporting facility generally or for specified purposes; or
- (b) may be permitted to open a sporting facility generally or for the purposes of one or more sporting activities, with or without conditions.

(3) A direction under this regulation may —

- (a) require a person responsible for carrying on a sporting facility to take reasonable steps in connection with the opening of a sporting facility in general terms, or require the taking of particular steps that the Department considers reasonable;
- (b) relate to attendance at the sporting facility of persons generally, or to attendance by specified persons;
- (c) relate to sporting facilities generally, or to specified sporting facilities or parts of sporting facilities;
- (d) relate to attendance at a sporting facility for purposes connected with sporting activities generally, or a specified sporting activity;
- (e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the Department considers appropriate; and

- (f) include such other provision as the Department considers appropriate in connection with the giving of the direction.
- (4) If a direction under paragraph (2)(b), permits a sporting facility to open for any reason during the Coronavirus Proclamation period, the person who is responsible for carrying on the sporting facility must ensure that the sporting facility adopts such measures as are reasonably practicable to reduce the risk of a person being infected with Coronavirus as a result of being present at the sporting facility or being in contact with a person from or at that sporting facility, including —
- (a) ensuring so far as it practicable that persons at the sporting facility are able to remain at least 2 metres away from any other person;
  - (b) ensuring that the sporting facility is regularly and frequently cleaned;
  - (c) ensuring that facilities are provided for enabling persons at the sporting facility to clean or otherwise sanitise their hands frequently;
  - (d) requiring the presence only of such employees whose attendance is necessary for the proper performance of his or her office, employment or vocation at the sporting facility or such other premises as the employee would ordinarily be expected to attend in the course of his or her office, employment or vocation; and
  - (e) ensuring that no more persons are present at any one time than is necessary for the effective operation of the sporting facility.
- (5) A direction under this regulation must be published by the Department on [www.gov.im](http://www.gov.im).
- (6) A direction under this regulation has effect until the earlier of —
- (a) the end of the period specified in the direction; or
  - (b) the revocation of the direction by a further direction given by the Department under this regulation. **22**.
- (4) In regulation 6(1) (enforcement), after “these Regulations”, insert **23** or a direction made under regulation 5A **22**.
- (5) In regulation 7 (offences and penalties) —
- (a) in paragraph (1) after “regulations 4 or 5”, insert **23** or a direction made under regulation 5A **22**; and
  - (b) for paragraph (4), substitute —
- 23**(4) If a person is alleged to have contravened regulation 5 or a direction under regulation 5A, regard may be given, when

determining whether the person is guilty of the offence, as to whether the person operated the business or sporting facility in a way that was inconsistent with any guidance published on www.gov.im in relation to the operation of that business or sporting facility and, in particular, to any guidance on any action to be taken by the business or sporting facility for the purpose of reducing the risk of a person being infected with Coronavirus as a result of being present at the premises of that business or sporting facility or transacting business with a person from that business or sporting facility. <sup>22</sup>.

- (6) In Part 1 of the Schedule (businesses and premises that must close) —
- (a) omit paragraphs 15, 16, 19, 20 and 21; and
  - (b) in paragraph 18, omit “, sports courts and pitches”.
- (7) In Part 2 of the Schedule (businesses that may remain in operation) omit the entry relating to indoor leisure centres.
- (8) In Part 3 of the Schedule (businesses that may remain in operation), in paragraph (37), after “this Schedule” insert <sup>23</sup>but, to avoid doubt, excluding a sporting facility for which separate provision is made in regulation 5A or a direction made under that regulation <sup>24</sup>.

#### 4 Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020 amended

In the Schedule to the Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020<sup>3</sup> (fixed penalty notices), for entry 3 (relating to the Emergency Powers (Coronavirus) (Closure of Business and Other Premises) Regulations 2020) substitute —.

<sup>25</sup>

3	2020/0200	Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) Regulations 2020	Regulation 7: (1) contravention without reasonable excuse of regulation 4 or 5 or a direction made under regulation 5A; and (2) obstructing without reasonable excuse a person carrying out a function under the Regulations
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<sup>3</sup> SD 2020/0258

**MADE AT 14:40 ON 14 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) (Closure of Businesses and Other Premises) Regulations 2020<sup>4</sup> (“the principal regulations”) so as to remove reference to sporting facilities from the Schedule to the principal regulations and to insert, as regulation 5A, a power for the Department of Education, Sport and Culture to issue directions in relation to sporting facilities. A direction may require sporting facilities to remain closed or may permit them to open, with or without conditions.

These Regulations provide that the failure to comply with a direction issued by the Department of Education, Sport and Culture is an offence but that in determining a person’s guilt regard may be had as to whether that person complied with advice published on [www.gov.im](http://www.gov.im).

These Regulations also amend the Emergency Powers (Fixed Penalty) Regulations 2020<sup>5</sup> to provide that a fixed penalty may be issued in relation to a contravention of regulation 4 or 5 or of a direction made under regulation 5A.

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<sup>4</sup> SD 2020/0200

<sup>5</sup> SD 2020/0258