

Statutory Document No. 2020/0310



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (BIRTHS AND DEATHS MODIFICATIONS) (AMENDMENT) REGULATIONS 2020

Laid before Tynwald: 26 May 2020
Approved by Tynwald: 26 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) (Births and Deaths Modifications) (Amendment) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made¹.

3 Amendment

- (1) The Emergency Powers (Coronavirus) (Births and Deaths Modifications) Regulations 2020² are amended as follows.
- (2) For regulation 8 (death certificates), substitute —

8 Death certificates

- (1) This regulation applies during the Coronavirus Proclamation period.
- (2) For the purposes of section 24(1) of the Act, a person (“D”) has been attended during D’s last illness by a registered medical practitioner if that practitioner attended D—

¹ By virtue of section 4(2) of the Emergency Powers Act 1936, these Regulations, which are made by the Governor in Council, must be laid before Tynwald within 7 days of being made and only continue in force beyond 7 days of being so laid if Tynwald passes a resolution to that effect.

² SD 2020/0203.

- (a) in person at any time during the 28 days before D's death, or
- (b) where attendance in person within the 28 day period referred to in sub-paragraph (a) was not reasonably practicable, via a live audio-visual link at any time within 14 days before D's death provided that link enabled an effective consultation with D, or assessment of D's condition, to take place. **22**.

23 8A Directions

- (1) During the Coronavirus Proclamation period, the Department of Health and Social Care may, for the purpose of preventing, protecting against, controlling or providing a response to the incidence or spread of Coronavirus, give a direction imposing requirements on a registered medical practitioner signing a certificate for the purposes of section 24(1) of the Act (including a registered medical practitioner signing a certificate in reliance on regulation 8(1)) and any other registered medical practitioner who is aware or becomes aware of the death of any person.
- (2) Those requirements may include a requirement to provide the Department of Health and Social Care, within a specified time, with particular information relating to a person's ("D") death including information –
 - (a) about the cause of D's death;
 - (b) as to whether Coronavirus was the immediate or underlying or a contributory cause of D's death;
 - (c) as to whether D was infected with Coronavirus at the date of D's death but it was not the immediate or underlying or a contributory cause of D's death;
 - (d) as to whether D had previously contracted Coronavirus but was not infected with it at the date of D's death and it was not the immediate or underlying or a contributory cause of D's death.
- (3) A person commits an offence if the person fails without reasonable excuse to comply with a direction given under this regulation.

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

- (3) In regulation 10 (further modifications of the 2011 Regulations) –
 - (a) for paragraph (9) substitute –
 - 23** (9) Regulation 40 (registration within 12 months from date of death where no report to coroner) has effect as if –

- (a) in paragraph (1)—
 - (i) in sub-paragraph (c) “personally” were omitted, and
 - (ii) in the words after sub-paragraph (c) “in the presence of the informant” were omitted;
 - (b) in paragraph (6) “in the presence of the informant,” were omitted. **22**;
- (b) after paragraph (12), add—
- 23**(13) Regulation 55(4) (correction of clerical error after completion) has effect as if “available to witness” were read as “available or able to witness”. **22**.

MADE AT 11:40 ON 19 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) (Births and Deaths Modifications) Regulations 2020 (“the principal Regulations”) make further temporary modifications to the legislation relating to births and deaths.

Regulation 3 of these Regulations –

- substitutes regulation 8 of the principal Regulations (which deals with death certificates) to –
 - o clarify when a certificate under section 24(1) of the Civil Registration Act 1984 can be signed by a medical practitioner and to provide a definition of “attending” (see paragraph (2));
 - o make provision for the Department of Health and Social Care to issue directions requiring medical practitioners to provide it with certain specified information concerning the death of a person (see paragraph (3));
- amends regulation 10 of the principal Regulations to make further consequential amendments to the Registration of Births and Deaths Regulations 2011 (see paragraph (4)).