

Statutory Document No. 2020/0312



*Emergency Powers Act 1936*

## **EMERGENCY POWERS (CORONAVIRUS) (ENTRY RESTRICTIONS) (NO.2) (AMENDMENT) REGULATIONS 2020**

*Laid before Tynwald: 26 May 2020*  
*Approved by Tynwald: 26 May 2020<sup>1</sup>*  
*Coming into Operation: in accordance with regulation 2*

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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) (Entry Restrictions) (No.2) (Amendment) Regulations 2020.

### **2 Commencement**

These Regulations come into operation immediately after they are made<sup>2</sup>.

### **3 Emergency Powers (Entry Restrictions) (No.2) Regulations 2020 amended**

- (1) The Emergency Powers (Entry Restrictions) (No.2) Regulations 2020<sup>3</sup> are amended as follows.
- (2) In regulation 6 (exemption: key workers) —
  - (a) in paragraph (1)(a)(i), after “Department of Infrastructure, as”, insert **“a member of the merchant navy or** ~~“~~;
  - (b) in paragraph (1)(a)(iii) for “as a police officer or a fire officer employed by that Department or in respect of whom an offer of employment as a police officer or a fire officer in that Department

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<sup>1</sup> With amendment to regulation 3(6), insertion of new regulation 10B.

<sup>2</sup> 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.

<sup>3</sup> SD 2020/0279

has been made”, substitute **22** as a person to whom paragraph (1A) applies **22**;

(c) after paragraph (1), insert —

**22**(1A) This paragraph applies to —

(a) a person who is a member of the armed forces and either —

(i) is a resident of the Island (within the meaning of regulation 7); or

(ii) is not a resident of the Island, but who the Department of Home Affairs is satisfied enters the Island on active service;

(b) a police officer or a fire officer employed by the Department of Home Affairs or in respect of whom an offer of employment as a police officer or a fire officer in that Department has been made;

(c) a member of the Island’s judiciary appointed under section 3 or 3B of the High Court Act 1991 and either —

(i) is a resident of the Island (within the meaning of regulation 7); or

(ii) is not a resident of the Island, but who the Department of Home Affairs is satisfied enters the Island for a judicial purpose; and

(d) a person to whom an advocate’s commission (“an advocate”) or a temporary advocate’s licence (“a licensed advocate”) is issued by the First Deemster under section 15 of the Advocates Act 1995 and —

(i) in the case of an advocate, is a resident of the Island (within the meaning of regulation 7); or

(ii) in the case of a licensed advocate, is not a resident of the Island, but who the Department of Home Affairs is satisfied enters the Island to participate in proceedings before any court, tribunal or other person exercising a judicial function pursuant to a Manx enactment. **22**;

(d) in paragraph (2)(a)(ii), after “(3)”, insert **22** or (3A) **22**;

(e) in paragraph (3), immediately before subparagraph (a), insert —

**22**(za) who —

(i) is resident in the Island (within the meaning of regulation 7); and

(ii) re-enters the Island, in order to provide services which are vital to the critical national infrastructure of the Island; **22**;

- (f) after paragraph (3), insert —
- 33(3A) This paragraph applies to a person who —
    - (a) is resident in the Island (within the meaning of regulation 7); and
    - (b) the Department of Infrastructure is satisfied works in the commercial sector of the maritime industry. 32;
- (g) in paragraph (4), immediately before subparagraph (a), insert —
- 33(za) who —
    - (i) is resident in the Island (within the meaning of regulation 7); and
    - (ii) re-enters the Island, in order to provide services which are essential to the medical infrastructure of the Island and the health of its community; 32; and
- (h) after paragraph (11), insert —
- 33(12) In this regulation, a reference to the United Kingdom is to be construed as a reference to the United Kingdom, the Republic of Ireland and the Channel Islands. 32.
- (3) In regulation 7 (exemption: residents of the Island) —
- (a) for the references to “6 months” and “9 months” in paragraph (9)(a), (c) and (d), substitute 33 12 months 32;
  - (b) in paragraph (9)(b) —
    - (i) omit “for a term of at least 6 months”; and
    - (ii) for 6 months” substitute 33 12 months 32;
  - (c) after paragraph (9), insert —
    - 33(9A) Where a person does not fall within paragraph (9)(a), (b), (c) or (d) on account of the period of time specified, the Chief Secretary may grant an exemption notice in respect of the person provided he is satisfied that the Island is the person’s main place of residence. 32;
  - (d) in paragraph (11), for “(3) to (6) and (9)(f)”, substitute 33 (3) to (6), (9)(f) and (9A) 32; and
  - (e) in paragraph (14), after “(4)” insert 33 or (6) 32.
- (4) In regulation 8 (exemption: emergency services), after subparagraph (b), insert —
- 33(c) as an air accident inspector with the United Kingdom Air Accidents Investigation Branch, 32.
- (5) In regulation (10) (exemption: compassionate grounds) —
- (a) for paragraph (2), substitute —

☞(2) In the case of an individual to whom consent may be given under paragraph (1) who is resident in the Island the Chief Secretary may request such information as is necessary to satisfy himself that the Island is the person’s main place of residence. ☞; and

(b) for paragraph (4), substitute –

☞(4) Regulation 7(10) to (15) and (16)(a), (c) and (d) apply to this regulation as they apply to an exemption notice under regulation 7 but as if references in those paragraphs to “an exemption notice” were references to a consent given under paragraph (1). ☞.

(6) After regulation 10, insert –

**☞10A Exemption: contractual obligation**

(1) The prohibition in regulation 5 does not apply to an individual to whom the Chief Secretary has given prior written consent to enter the Island.

(2) An individual to whom consent may be given under paragraph (1) is a person whom the Chief Secretary is satisfied intends to make the Island his or her main place of residence and who has entered into a legally binding contract in relation to –

- (a) a permanent office or employed position; or
- (b) the purchase or lease of premises,

in the Island.

(3) A consent given under paragraph (1) must provide that such measures are put in place as are reasonably practicable to mitigate any risks associated with giving consent in respect of that individual.

(4) Regulation 7(10) to (15) and (16)(a), (c) and (d) apply to this regulation as they apply to an exemption notice under regulation 7 but as if references in those paragraphs to “an exemption notice” were references to a consent given under paragraph (1).

**[10B Exemption: planning appeal inquiries**

(1) The prohibition in regulation 5 does not apply to an individual to whom the Chief Secretary has given prior written consent to enter the Island.

(2) An individual to whom consent may be given under paragraph (1) is a person whom the Chief Secretary is satisfied is –

- (a) a planning inspector, as defined in the Town and Country Planning (Development Procedure) Order 2019; or
- (b) an expert or professional with appropriate and essential expertise,

whose attendance is necessary at a planning appeal inquiry.

- (3) A consent given under paragraph (1) must provide that such measures are put in place as are reasonably practicable to mitigate any risks associated with giving consent in respect of that individual.
- (4) Paragraphs (10) to (15) of regulation 7 apply to this regulation as they apply to an exemption notice under regulation 7 but as if references in those paragraphs to “an exemption notice” were references to a consent given under paragraph (1).<sup>4</sup>

#### **4 Emergency Powers (Prohibitions on Movement) Regulations 2020 amended**

- (1) The Emergency Powers (Prohibitions on Movement) Regulations 2020<sup>5</sup> are amended as follows.
- (2) In regulation 5(1) (exceptions from regulation 4: general) –
  - (a) in subparagraph (g) for “the funeral of a person who was a member of his or her immediate family”, substitute **“a funeral**; and
  - (b) for the full stop at the end of subparagraph (aa), substitute –
    - “; and**
    - (ab) in the case of a person who is not a resident of the Island within the meaning of the Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020<sup>6</sup>, to whom regulation 5 of those regulations does not apply, for any reason in connection with the purpose for which the person is permitted to enter the Island.
- (3) In regulation 5(4) for “(1)(g)”, substitute **“(1)(fa)**.

MADE AT 08:27 ON 22 MAY 2020

**W GREENHOW**  
*Chief Secretary*

<sup>4</sup> Text within the square brackets (new regulation 10B) inserted by an amendment approved by Tynwald before the regulations as amended were approved to continue in operation.

<sup>5</sup> SD 2020/0201

<sup>6</sup> SD 2020/0279

*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) (Entry Restrictions) (No.2) Regulations 2020 (“the principal regulations”). These Regulations amend the following provisions of the principal regulations –

**Regulation 6 (exemption: key workers)** so as to add members of the merchant navy, armed forces and judiciary, licensed advocates and Island residents returning from elsewhere but who are vital to the critical national infrastructure of the Island or are essential to the medical infrastructure of the Island and the health of its community. For the purpose of regulation 6, an amendment in these Regulations clarifies that a reference to the United Kingdom is to be construed as a reference to the United Kingdom, the Republic of Ireland and the Channel Islands.

**Regulation 7 (exemption: residents of the Island)** in which the references to periods of 6 and 9 months in paragraph (9) are changed to 12 months and the minimum term of a tenancy is removed in paragraph (9)(b). The Chief Secretary is empowered to grant an exemption notice where a person does not qualify for the exemption in regulation 7 purely because of the time limits in paragraph (9) but only “provided he is satisfied that the Island is the person’s main place of residence.”.

**Regulation 8 (exemption: emergency services)**, is amended so as to add reference to an air accident inspector with the United Kingdom Air Accidents Investigation Branch.

**Regulation 10 (exemption: compassionate grounds)** is amended so that a person who is not a resident of the Island may also apply for a consent under the regulation, provided that where the person is a Manx resident the Chief Secretary may make enquiries to satisfy himself that the Island is the person’s main place of residence.

**A new regulation 10A is inserted (exemption: contractual obligation)** by which applies to a person who satisfies the Chief Secretary that he or she intends to make the Island his or her main place of residence and that the person has entered into a legally binding contract in relation to a job or premises in the Island.

These regulations also amend regulation 5(1) of the **Emergency Powers (Prohibitions on Movement) Regulations 2020** so as to provide that a person who is not a resident of the Island, who is permitted to enter the Island under the principal regulations may move around the Island in connection with the purpose for which they were permitted entry. The current restriction in relation to funerals whereby a person may only leave

his or residence in order to attend the funeral of an immediate family member is removed.

These Regulations also make consequential amendments where necessary.