

Statutory Document No. 2020/0336



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (EDUCATIONAL INSTITUTIONS) (AMENDMENT) REGULATIONS 2020

Laid before Tynwald: 5 June 2020
Approved by Tynwald: NOT APPROVED
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) (Educational Institutions) (Amendment) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made¹.

3 Emergency Powers (Coronavirus) (Educational Institutions) Regulations 2020 amended

- (1) The Emergency Powers (Coronavirus) (Educational Institutions) Regulations 2020² are amended as follows.
- (2) In regulation 6 (effect of temporary closure directions on other provisions), for “in relation to a school –”, substitute –
 - in relation to an educational institution –
 - (aa) there is no breach of the duty under section 8 of the Education Act 2001 (curriculum) in respect of any provisions of the curriculum which are not covered by the school as a result of the direction;

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 2020/0197 as amended by SD 2020/0249.

- (ab) there is no breach of the duty under section 12 of the Education Act 2001 (religious education) in respect of a child who is a pupil at the school but who is, as a result of the direction, unable to be given religious education;
 - (ac) there is no breach of the duty under section 13 of the Education Act 2001 (religious worship) in respect of the requirement that arrangements are made for collective worship, if collective worship does not take place as a result of the direction;
 - (ad) there is no breach of the duty under regulations made under section 15 of the Education Act 2001 (selection of school) in respect of the appeal by a parent to a decision taken in relation to the selection of a school being considered other than by an appeal hearing in person;
 - (ae) for the purposes of section 21(2)(a) of the Education Act 2001 behaving in a “disorderly manner” at the school includes coughing or spitting in both cases at a person;²².
- (3) In regulation 7(1) (publication, duration and guidance) after “the Department”, insert ²³on www.gov.im as soon as practicable after it is made²².
- (4) After regulation 7(1), insert —
- ²⁴ (1A) Despite the Interpretation (Public Document) (Exemption) Order 2020³, a copy of a temporary closure direction made under regulation 5, which applies to the community⁴, must be laid before Tynwald as soon as practicable after it is made.²²

MADE AT 11:29 ON 4 JUNE 2020

W GREENHOW
Chief Secretary

³ SD 2020/0225

⁴ Section 2 of the Emergency Powers Act 1936 defines “community” as “includes a substantial portion of the community”.

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) (Educational Institutions) Regulations 2020 [SD 2020/0179]. The amendments specify a number of additional provisions of the Education Act 2001 (“the Act”) in respect of which, there is no breach of duty, where the failure to comply is as a result of a temporary closure direction being in place. The additional provisions of the Act are section 8 – curriculum, section 12 - religious education, section 13 - religious worship and section 15 - selection of school – appeals not in person.

To help protect staff and pupils, section 21(2)(a) of the Act, is amended so that behaving in a disorderly manner includes coughing or spitting at a person.

These Regulations expressly require the Department to publish a temporary closure direction on www.gov.im and to lay a copy of a temporary closure direction of general application, before Tynwald as soon as reasonably practicable.