



EMERGENCY POWERS (CORONAVIRUS) (CLOSURE OF BUSINESSES AND OTHER PREMISES) (NO.2) REGULATIONS 2020

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Statutory Document No. 2020/0338



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (CLOSURE OF BUSINESSES AND OTHER PREMISES) (NO.2) REGULATIONS 2020

Laid before Tynwald: 17 June 2020
Approved by Tynwald: NOT MOVED
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) (No.2) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made¹.

3 Interpretation

(1) In these Regulations —

“**Coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**the Coronavirus Proclamation period**” means the period for which the following proclamations are in operation —

- (a) the Proclamation of Emergency dated 16 March 2020²; and
- (b) all subsequent consecutive Proclamations of Emergency that relate to the pandemic of Coronavirus (also known as COVID-19);

“**premises**” means any place and includes —

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 2020/0162

- (a) any premises used wholly or mainly for business or other commercial purposes;
 - (b) any moveable structure and vehicle.
- (2) In these Regulations a person who is responsible for carrying on a business or responsible for premises means —
- (a) in the case of premises used wholly or mainly for business or other commercial purposes, the person carrying on that business or commercial purpose from the premises, including the owner, manager and any other person involved in managing entry to or the location of persons inside the premises;
 - (b) in the case of all other premises, the owner, manager, any other person who is involved in managing entry to or the location of persons inside the premises.

4 Requirement to cease operating certain businesses

- (1) A person responsible for a business (including the premises of those businesses) referred to in paragraph (2) must —
- (a) if it is open, close it; and
 - (b) if it is closed, keep it closed,
- until the earlier of —
- (i) the end of the Coronavirus Proclamation period, and
 - (ii) the date specified in an announcement made by the Chief Minister.
- (2) Those businesses are —
- (a) nightclubs;
 - (b) swimming pools;
 - (c) cinemas and theatres.
- (3) Paragraph (1) notwithstanding, the person responsible for the business or premises referred to in paragraph (2) may open, re-open or operate that business or those premises only to the extent necessary to allow preparations to be made in readiness for them to open, re-open or operate in accordance with an announcement made by the Chief Minister.
- (4) A full transcript of any announcement made by the Chief Minister under paragraph (1) must be published without undue delay on www.gov.im.
- (5) If a business referred to in paragraph (2) (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if that person closes down, or keeps closed, business A.

5 Continuation of operation of certain businesses

A person may open, re-open or operate any business or premises not referred in regulation 4 to the extent, and subject to the conditions, referred to in any guidance issued and published by a relevant Department at www.gov.im.

6 Measures in respect of re-opened businesses

- (1) Where, in accordance with these Regulations, a business re-opens during the Coronavirus Proclamation period, the person who is responsible for carrying on the business must ensure that the business 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 premises of that business, being in contact with a person from that business or being in contact with any other person at those premises.
- (2) The measures referred to in paragraph (1) include complying with any guidance issued and published for the purpose of this paragraph by the Department for Enterprise.
- (3) Paragraph (2) applies to an event or gathering within the meaning of the Emergency Powers (Coronavirus) (Events and Gatherings: Qualifications) Regulations 2020³ taking place at a business referred to in paragraph (1).

7 Enforcement

- (1) Compliance with these Regulations may be enforced by —
 - (a) a constable; or
 - (b) any other person, or description of person, designated for the purpose of this regulation by the Department of Health and Social Care or the Department of Home Affairs.
- (2) In exercising the power of enforcement conferred by paragraph (1), a constable may —
 - (a) enter any premises;
 - (b) require any person to leave a business or premises; and
 - (c) if necessary, use reasonable force.

8 Offences and penalties

- (1) A person who, without reasonable excuse, contravenes regulation 4, 5 or 6 commits an offence.
- (2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

³ SD 2020/0339

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

9 Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020 amended

In the Schedule to the Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020⁴ (fixed penalty notices), for entry 2 (relating to the Emergency Powers (Coronavirus) (People, Places and Activities) Regulations 2020) substitute —.

“

2	2020/ 0338	Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) (No.2) Regulations 2020	Regulation 8: (1) contravention without reasonable excuse of regulation 4, 5 or 6 and (2) obstructing without reasonable excuse a person carrying out a function under the Regulations
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10 Revocation

These Regulations revoke the Emergency Powers (Coronavirus) (People, Places and Activities) Regulations 2020⁵.

MADE AT 18:58 ON 12 JUNE 2020

W GREENHOW
Chief Secretary

⁴ SD 2020/0258

⁵ SD 2020/0324

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 —

- (a) specify the businesses and premises which must close and or remain closed (regulation 4)
- (b) provide for certain businesses and premises to open, re-open and operate and any conditions for doing so (regulation 5)
- (c) specify the type of measures to be taken by a business or premises that have opened, re-opened or recommenced operating (regulation 7)
- (d) provide for enforcement by a constable or a designated person (and their associated powers) (regulation 8)
- (e) specify the penalty for failure to comply with various provisions of the Regulations (regulation 9)
- (f) make a consequential amendment to the Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020 (SD 2020/0258) (regulation 10)
- (g) revoke the Emergency Powers (Coronavirus) (People, Places and Activities) Regulations 2020 (SD 2020/0324) (regulation 11).