

Statutory Document No. 2020/0367

*Emergency Powers Act 1936*

EMERGENCY POWERS (CORONAVIRUS) (CONTINUATION) REGULATIONS 2020

Laid before Tynwald: 26 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 4A of the Emergency Powers Act 1936¹.

1 Title

These Regulations are the Emergency Powers (Coronavirus) (Continuation) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made².

3 Regulations continued and modified

- (1) In accordance with section 4A of the Emergency Powers Act 1936 (“the Act”), the Regulations specified in the Schedule are continued in operation for a period of 6 months from the last day on which the proclamation in respect of the pandemic of Coronavirus made by the Governor in Council on 15 June 2020 under section 3 of the Act was in operation.
- (2) Any reference to “the Coronavirus Proclamation period” in —
 - (a) the Regulations referred to in paragraph (1) (including as modified by these Regulations); and
 - (b) any certificate, declaration, direction, exemption, permit, protocol, or other document or decision made under such Regulations,

¹ Under Section 4A of the Emergency Powers Act 1936, the Governor in Council may make regulations (“continuation regulations”) if it appears to the Governor in Council that it is necessary to do so in order to secure the intended effect, after a period of emergency ends, of regulations under section 4 of that Act.

² By virtue of section 4A of the Emergency Powers Act 1936, Regulations made under that section are subject to the affirmative procedure and cease to have effect if Tynwald fails to approve them at the sitting in which they were laid.

is, as necessary, to be construed as including the period for which the Regulations are continued.

(3) Pursuant to section 4A of the Act the following Regulations are modified as stated –

(a) the Emergency Powers (Coronavirus) (Protection from Evictions) Regulations 2020³ shall be read as if—

- (i) references to “tenant” included “licensee”;
- (ii) references to “rent”(howsoever expressed) included a “service charge” within the meaning of the Property Service Charges Act 1989 (or an equivalent charge to be paid by a licensee);
- (iii) regulation 4(1) said—

“(1) These Regulations provide, in specified circumstances, for a moratorium on evictions for a period beginning on the day on which these Regulations commence and ending 6 months from the last day on which the proclamation in respect of the pandemic of Coronavirus made by the Governor in Council on 15 June 2020 under section 3 of the Emergency Powers Act 1936 was in operation.”;

(iv) regulation 5(2) said—

“(2) Any notice of eviction issued by a landlord to the landlord’s tenant in respect of the tenant’s failure to pay rent in full or at all during the prohibition period is null, void and of no legal effect.”;

(v) regulation 5 included the following paragraph—

“(4) For the avoidance of doubt, nothing in these Regulations prevents a landlord from issuing a notice of eviction where that notice does not relate to the tenant’s failure to pay rent in full or at all.”;

(b) the Emergency Powers (Coronavirus) (Births and Deaths Modifications) Regulations 2020⁴ shall be read as if—

- (i) the definition of “the 2011 Regulations” in regulation 3; and
- (ii) regulations 6, 7, 9, 10, 11 and 12, were omitted;

(c) the Emergency Powers (Coronavirus) (Control of Employment) Regulations 2020⁵ shall be read as if the definition of “the application period” in regulation 3(1) said —

“the application period” means the period beginning with 28 February 2020 and ending with the last day on which the proclamation in respect of the pandemic of Coronavirus made by the Governor in

³ SD 2020/0191

⁴ SD 2020/0203

⁵ SD 2020/0222

Council on 15 June 2020 under section 3 of the Emergency Powers Act 1936 was in operation; ⁵²;

- (d) the Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020⁶ shall be read as if, in the Schedule, the entries for the Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) (No.2) Regulations 2020 and the Emergency Powers (Coronavirus) (Events and Gatherings: Qualifications) Regulations 2020 were omitted;
- (e) the Emergency Powers (Coronavirus) (Local Government) Regulations 2020⁷ shall be read as if regulation 9(2) said —

⁶³(2) If during the Coronavirus Proclamation period a local authority has a casual vacancy in the office of member of the local authority, section 17 of the 1986 Act (filling of casual vacancy in case of members) has effect as if —

- (a) in subsection (1)(a), for the reference to “within 42 days from the date of the declaration”, there were substituted ⁶³as soon as reasonably practicable after the date of the declaration ⁵²;
- (b) in subsection (1)(b), for the reference to “within 42 days” there were substituted ⁶³as soon as reasonably practicable ⁵²;
- (c) after subsection (2) there were inserted —

⁶³(2A) Where it has not been reasonably practicable to hold an election to fill a casual vacancy under subsection (1) 6 months before the day on which the member whose office is vacant would have retired on 1 May 2021, an election shall not be held under subsection (1) and the vacancy shall be filled at the next ordinary election. ⁵²; and

- (d) in subsection (3) after “number of members” there were inserted ⁶³and it is reasonably practicable for an election to be held. ⁵²;

(f) the Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020⁸ shall be read as if—

- (i) in regulation 5, “10” said “10C”;
- (ii) in regulation 6(1), after sub-paragraph (a)(iv) there were inserted—

⁶³(v) the Department of Enterprise as a person whose presence on the Island is in the interests of the economy of the Island; or ⁵²;

- (iii) after regulation 10B, there were inserted —

⁶ SD 2020/0258

⁷ SD 2020/0277


⁸ SD 2020/0279

10C Exemption: removal and transportation services

- (1) The prohibition in regulation 5 does not apply to a person (P) —
 - (a) to whom the Chief Secretary has given prior written consent to enter the Island; and
 - (b) who provides removal or transportation of furniture, personal effects and personal property services into and out of the Island.
- (2) 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 P.
- (3) 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).
- (4) For the purposes of this regulation, where P is a company or other body, the prohibition in regulation 5 does not apply to the entry of an individual acting in the employment or service of P. **10C**;
 - (iv) After regulation 12, there were inserted —

12A Refusal and repatriation

- (1) This regulation applies to a person (P) who disembarks on the Island without a certificate, an exemption notice or a consent required to be issued or granted under these Regulations.
- (2) Where paragraph (1) applies, P may be refused entry to, or the right to remain on, the Island.
- (3) P may, where P does not voluntarily leave the Island at the first available opportunity after disembarkation, be repatriated to the place where P last embarked.
- (4) Where necessary, P may be —
 - (a) prevented from leaving the place of disembarkation pending repatriation;
 - (b) escorted on the journey from the Island to the place where P last embarked.
- (5) P may be required to bear the costs of P’s repatriation.
- (6) P may not be refused entry to, or the right to remain on, the Island where P has —
 - (a) taken all reasonable steps to obtain a certificate, an exemption notice or a consent required to be issued or granted under these Regulations; and

- (b) exercised all due diligence to avoid committing an offence under these Regulations in connection with P's failure to obtain such a certificate, notice or consent.
- (7) Nothing in this Regulation permits any action to be taken in respect of P which is contrary to P's rights under the European Convention on Human Rights and the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and its Protocol. .

4 Transitional provision

- (1) This regulation applies where, prior to these Regulations coming into operation –
 - (a) a notice in writing of a vacancy occurring in the office of member of a local authority has been given to a clerk of the authority in accordance with subsection (1)(b) of section 17 of the Local Elections Act 1986 (“the 1986 Act”) at a time when that subsection was modified as set out in regulation 9(2)(b) of the Emergency Powers (Coronavirus) (Local Government) Regulations 2020⁹; and
 - (b) an election to fill the vacancy in question has not taken place.
- (2) In the circumstances referred to in paragraph (1), the notice shall be treated as if it had been given on the date on which these Regulations come into operation and, accordingly, an election to fill the vacancy to which the notice refers shall be held in accordance with section 17(1)(b) of the 1986 Act as modified by regulation 3(3)(e).

MADE AT 22:55 ON 23 JUNE 2020

W GREENHOW
Chief Secretary

⁹ SD 2020/0277

SCHEDULE**REGULATIONS CONTINUED IN OPERATION FOR 6 MONTHS**

[Regulation 3]

Emergency Powers (Coronavirus) (Births and Deaths Modifications) Regulations 2020¹⁰

Emergency Powers (Coronavirus) (Control of Employment) Regulations 2020¹¹

Emergency Powers (Coronavirus) (Courts etc) Regulations 2020¹²

Emergency Powers (Coronavirus) (Educational Institutions) Regulations 2020¹³

Emergency Powers (Coronavirus) (Enterprise Act Amendment) Regulations 2020¹⁴

Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020¹⁵

Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020¹⁶

Emergency Powers (Coronavirus) (Health Service) Regulations 2020¹⁷

Emergency Powers (Coronavirus) (Information Sharing) Regulations 2020¹⁸

Emergency Powers (Coronavirus) (Local Government) Regulations 2020¹⁹

Emergency Powers (Coronavirus) (Planning and Regulatory Legislation) Regulations 2020²⁰

Emergency Powers (Coronavirus) (Protection from Evictions) Regulations 2020²¹

Emergency Powers (Coronavirus)(Road Vehicles Carrying Dangerous Goods) Regulations 2020²²

Emergency Powers (Coronavirus) (Sale or Supply of Medicinal Products and Appliances) Regulations 2020²³

Emergency Powers (Coronavirus) (Special Constables) (No.2) Regulations 2020²⁴

¹⁰ SD 2020/0203

¹¹ SD 2020/0222

¹² SD 2020/0261

¹³ SD 2020/0197

¹⁴ SD 2020/0186

¹⁵ SD 2020/0279

¹⁶ SD 2020/0258

¹⁷ SD 2020/0183

¹⁸ SD 2020/0245

¹⁹ SD 2020/0277

²⁰ SD 2020/0179

²¹ SD 2020/0191

²² SD 2020/0219

²³ SD 2020/0184

²⁴ SD 2020/0224

Emergency Powers (Coronavirus) (Suspension of Regular Service Licences) Regulations 2020²⁵

Emergency Powers (Coronavirus)(Suspension of the Road Traffic Licensing Committee) Regulations 2020²⁶

Emergency Powers (Coronavirus) (Vacation of Departmental Facilities) Regulations 2020²⁷

Emergency Powers (Keys Elections – Casual Vacancies) Regulations 2020²⁸

Emergency Powers (Medical Evidence for Cremation) (Coronavirus) Regulations 2020²⁹

Emergency Powers (Potentially Infectious Persons) Regulations 2020³⁰

Emergency Powers (Road Transport) (No.2) Regulations 2020³¹

²⁵ SD 2020/0223

²⁶ SD 2020/0228

²⁷ SD 2020/0242

²⁸ SD 2020/0174

²⁹ SD 2020/0221

³⁰ SD 2020/0171

³¹ SD 2020/0214

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations are made under section 4A of the Emergency Powers Act 1936 (“the Act”). Section 4A of the Act enables the Governor in Council to make Regulations to continue the effect of Regulations made under section 4 of the Act (“section 4 Regulations”) where it is necessary to do so in order to secure the intended effect of the section 4 Regulations after the period of the emergency ends.

In accordance with section 4A(4) of the Act, regulation 3 provides –

- (a) in paragraph (1), that the Regulations listed in the Schedule are to continue in operation for a period of 6 months from the last day on which the proclamation in respect of the pandemic of Coronavirus made by the Governor in Council on 15 June 2020 under section 3 of the Act was in operation (6 months is the maximum continuation period allowed under section 4A);
- (b) in paragraph (2), that any reference in the “continued” Regulations (and associated documentation) to the “Coronavirus Proclamation period” is to be read as if that period included the period for which the Regulations are continued;
- (c) in paragraph (3), for modifications to certain “continued” Regulations in respect of their application during the period for which they are continued.

Regulation 4 makes transitional provision in respect of casual vacancies and the Local Elections Act 1986.

Regulations automatically ceasing to be operative

As a result of the limited coverage of these Regulations and the operation of the Act whereby section 4 Regulations remain in operation (unless continued by Regulations made under section 4A of the Act) only for so long as a proclamation made under section 3 of the Act is in operation.

Accordingly, on the last day on which the proclamation in respect of the pandemic of Coronavirus made by the Governor in Council on 15 June 2020 under section 3 of the Act was in operation, the following section 4 Regulations automatically cease to be operative—

- Emergency Powers (Coronavirus) (Child Care Services) Regulations 2020
- Emergency Powers (Coronavirus) (Competition) Regulations 2020
- Emergency Powers (Coronavirus) (Electronic Transmission of Information – Enterprise) Regulations 2020

- Emergency Powers (Coronavirus) (Emergency Assistance by a Member of the Keys) Regulations 2020
- Emergency Powers (Coronavirus) (Infrastructure Support) Regulations 2020
- Emergency Powers (Coronavirus) (Mental Health Modifications) Regulations 2020
- Emergency Powers (Coronavirus) (Planning Committee) Regulations 2020
- Emergency Powers (Coronavirus) (Provision of Temporary Accommodation) Regulations 2020
- Emergency Powers (Food and Fuel) Regulations 2020

Regulations previously revoked

The following table sets out the section 4 Regulations that have already been revoked.

Name of revoked Regulations	Name of revoking Regulations	Date of revocation
Emergency Powers (Coronavirus) (Closure of Premises) Regulations 2020 (SD 2020/0177)	Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) Regulations 2020 (SD 2020/0200)	27 March 2020
Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) Regulations 2020 (SD 2020/0200)	Emergency Powers (Coronavirus) (People, Places and Activities) Regulations 2020 (SD 2020/0324)	30 May 2020
Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) (No.2) Regulations 2020 (SD 2020/0338)	Emergency Powers (Miscellaneous Revocations) Regulations 2020 (SD 2020/0354)	18 June 2020
Emergency Powers (Coronavirus) (Entry Restrictions) Regulations 2020 (SD 2020/0199)	Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020 (SD202/0279)	8 May 2020
Emergency Powers (Coronavirus) (Events and Gatherings) Regulations 2020 (SD 2020/0185)	Emergency Powers (Coronavirus) (People, Places and Activities) Regulations 2020 (SD 2020/0324)	30 May 2020
Emergency Powers (Coronavirus) (Events and Gatherings: Qualifications) Regulations 2020 (SD 2020/0339)	Emergency Powers (Miscellaneous Revocations) Regulations 2020 (SD 2020/0354)	15 June 2020

Emergency Powers (Coronavirus) (People, Places and Activities) Regulations 2020 (SD 2020/0324)	Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) (No.2) Regulations 2020 (SD 2020/0338)	12 June 2020
Emergency Powers (Coronavirus) (Port Operations) Regulations 2020 (SD 2020/0176)	Emergency Powers (Amendment) Act 2020 (Appointed Day) Order 2020 (SD 2020/0249)	14 April 2020
Emergency Powers (Coronavirus) (Public Sector Employees) (Travel Restrictions) Regulations 2020 (SD 2020/0227)	Emergency Powers (Coronavirus) (Public Sector Employees) (Travel Restrictions) (Revocation) Regulations (SD 2020/0243)	9 April 2020
Emergency Powers (Coronavirus) (Schools) Regulations 2020 (SD 2020/0178)	Emergency Powers (Coronavirus) (Educational Institutions) Regulations 2020 (SD 2020/0197)	27 March 2020
Emergency Powers (Coronavirus) (Special Constables) Regulations 2020 (SD 2020/0202)	Emergency Powers (Coronavirus) (Special Constables) (No.2) Regulations 2020 (SD 2020/0224)	2 April 2020
Emergency Powers (Coronavirus) (Speed Limits) (No.2) Regulations 2020 (SD 2020/0220)	Emergency Powers (Coronavirus) (Speed Limits) (No.3) Regulations 2020 (SD 2020/0348)	15 June 2020
Emergency Powers (Coronavirus) (Speed Limits) (No.3) Regulations 2020 (SD 2020/0348)	Emergency Powers (Miscellaneous Revocations) Regulations 2020 (SD 2020/0354)	22 June 2020
Emergency Powers Home Affairs Staff) Regulations 2020 (SD 2020/0182)	Emergency Powers (Coronavirus) (Public Sector Employees) (Travel Restrictions) Regulations 2020 (SD 2020/0227)	3 April 2020
Emergency Powers (Local Elections) Regulations 2020 (SD 2020/0173)	Emergency Powers (Amendment) Act 2020 (Appointed Day) Order 2020 (SD 2020/0249)	14 April 2020
Emergency Powers (Prohibitions on Movement) Regulations 2020 (SD 2020/0201)	Emergency Powers (Coronavirus) (People, Places and Activities) Regulations 2020 (SD 2020/0324)	30 May 2020
Emergency Powers (Road Transport) Regulations 2020 (SD 2020/0187)	Emergency Powers (Road Transport) (No.2) Regulations 2020 (SD 2020/0214)	2 April 2020
Emergency Powers (Speed Limits) Regulations 2020 (SD 2020/0204)	Emergency Powers (Coronavirus) (Speed Limits) (No.2) Regulations 2020 (SD 2020/0220)	1 April 2020

Health Protection (Coronavirus) Regulations 2020 (SD 2020/0123)	Emergency Powers (Potentially Infectious Persons) Regulations 2020 (SD 2020/0171)	19 March 2020
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Regulations that have lapsed under Act

Regulations under section 4 of the Act lapse if they (i) are not laid within 7 days of being made (ii) are not moved for approval or (iii) are not approved by Tynwald.

The following table sets out the section 4 Regulations that have already lapsed under the Act. The table does not include Regulations that have lapsed by virtue of the Legislation Act 2015.

Name of lapsed Regulations	Reason for lapse	Date of lapse
Emergency Powers (Coronavirus) (Town and Country Planning Procedures) Regulations 2020 (SD 2020/0314)	Not approved	2 June 2020
Emergency Powers (Coronavirus) (Volunteers) Regulations 2020 (SD 2020/0212)	Not moved	10 April 2020