

Statutory Document No. 2020/0370



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (CONTINUATION) (NO.2) REGULATIONS 2020

Laid before Tynwald: 26 June 2020
Approved by Tynwald: 26 June 2020
Coming into Operation: in accordance with regulation 2

The Governor in Council makes the following Regulations under section 4A of the Emergency Powers Act 1936.

1 Title

These Regulations are the Emergency Powers (Coronavirus) (Continuation) (No.2) Regulations 2020.

2 Commencement

These Regulations come into operation immediately before the proclamation in respect of the pandemic of Coronavirus made by the Governor in Council on 15 June 2020¹ under section 3 of the Emergency Powers Act 1936 ceases to have effect².

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

¹ SD 2020/0347

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.

- (b) any certificate, declaration, direction, exemption, permit, protocol, or other document or decision made under such Regulations,

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) after paragraph (3) of regulation 5, there were 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;

³ SD 2020/0191

⁴ SD 2020/0203

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

- (d) the Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020⁶ shall be read as if the entries in the Schedule for –

(i) the Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) (No.2) Regulations 2020; and

(ii) 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 –

(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 “as soon as reasonably practicable after the date of the declaration”;

(b) in subsection (1)(b), for the reference to “within 42 days” there were substituted “as soon as reasonably practicable”;

(c) after subsection (2) there were inserted –

(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; and

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

⁵ SD 2020/0222

⁶ SD 2020/0258

⁷ SD 2020/0277

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 2020⁸; 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).

5 Revocation

The Emergency Powers (Coronavirus) (Continuation) Regulations 2020⁹ are revoked.

MADE AT 12:11 ON 25 JUNE 2020

W GREENHOW
Chief Secretary

⁸ SD 2020/0277

⁹ SD 2020/0367



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) (Protection from Evictions) Regulations 2020²⁰

Emergency Powers (Coronavirus) (Sale or Supply of Medicinal Products and
Appliances) Regulations 2020²¹

Emergency Powers (Coronavirus) (Special Constables) (No.2) Regulations 2020²²

Emergency Powers (Coronavirus) (Suspension of Regular Service Licences)
Regulations 2020²³

Emergency Powers (Coronavirus) (Vacation of Departmental Facilities)
Regulations 2020²⁴

Emergency Powers (Keys Elections – Casual Vacancies) Regulations 2020²⁵

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 2020/0191

²¹ SD 2020/0184

²² SD 2020/0224

²³ SD 2020/0223

²⁴ SD 2020/0242

Emergency Powers (Medical Evidence for Cremation) (Coronavirus)
Regulations 2020²⁶

Emergency Powers (Potentially Infectious Persons) Regulations 2020²⁷

²⁵ SD 2020/0174

²⁶ SD 2020/0221

²⁷ SD 2020/0171

EXPLANATORY NOTE

(This note is not part of the Regulations)

[The version of the Explanatory Note appended to these Regulations as made and laid before Tynwald contained a number of errors. A version of the Explanatory Note showing the errors and revisions was subsequently circulated to Tynwald Members and the text below reproduces that version. Omitted text is shown in red ~~striketrough~~ and inserted/substituted text is shown in red **bold**.]

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.

Regulation 5 revokes the Emergency Powers (Coronavirus) (Continuation) Regulations 2020 (SD 2020/0367).

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) (Food and Fuel) Regulations 2020
- Emergency Powers (Coronavirus) (Infrastructure Support) Regulations 2020
- Emergency Powers (Coronavirus) (Mental Health Modifications) Regulations 2020
- Emergency Powers (Coronavirus) (Planning and Regulatory Legislation) Regulations 2020
- Emergency Powers (Coronavirus) (Planning Committee) Regulations 2020
- Emergency Powers (Coronavirus) (Provision of Temporary Accommodation) Regulations 2020
- Emergency Powers (Coronavirus) (Road Vehicles Carrying Dangerous Goods) Regulations 2020
- Emergency Powers (Coronavirus) (Suspension of the Road Traffic Licensing Committee) Regulations 2020
- Emergency Powers (Road Transport) (No.2) 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)	12 May 2020 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) (Home Affairs Staff) Regulations 2020 (SD 2020/0182)	Emergency Powers (Coronavirus) (Public Sector Employees) (travel Restrictions) Regulations 2020 (SD 2020/0227)	7 April 2020 3 April 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)	21 April 2020 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)	14 April 2020 9 April 2020
Emergency Powers (Coronavirus) (Schools) Regulations 2020 (SD 2020/0178)	Emergency Powers (Coronavirus) (Educational Institutions) Regulations 2020 (SD 2020/0197)	31 March 2020 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)	7 April 2020 2 April 2020

Emergency Powers (Coronavirus) (Speed Limits) Regulations 2020 (SD 2020/0204)	Emergency Powers (Coronavirus) (Speed Limits) (No.2) Regulations 2020 (SD 2020/0220)	3 April 2020 1 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 (Local Elections) Regulations 2020 (SD 2020/0173)	Emergency Powers (Amendment) Act 2020 (Appointed Day) Order 2020 (SD 2020/0249)	21 April 2020 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)	7 April 2020 2 April 2020

Regulations that have lapsed

Regulations under section 4 of the Act lapse if they (i) are not laid **before Tynwald** within 7 days of being made. **In addition, such regulations shall not continue in force after the expiration of seven days from the time when they are laid before Tynwald if they (ii) (i) are not moved for approval or (iii) (ii) are not approved by Tynwald.**

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	22 May 2020 3 June 2020
Emergency Powers (Coronavirus) (Volunteers) Regulations 2020 (SD 2020/0212)	Not moved	10 April 2020 11 April 2020