

Statutory Document No. 2020/0372



Emergency Powers Act 1936

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

Laid before Tynwald: 21 July 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) (Entry Restrictions) (No.2) (Amendment) (No.2) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made¹.

3 Interpretation

In these Regulations —

“**Coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARSCoV-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).

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 only continue in force beyond 7 days of being so laid if Tynwald passes a resolution to that effect.

² SD 2020/0162

4 General

These Regulations apply during the Coronavirus Proclamation period.

5 Amendment of the Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020

- (1) The Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020³ are amended as follows.
- (2) In regulation 5 (prohibition of entry), for “10” substitute **10C**.
- (3) In regulation 6 (exemption: key workers) in paragraph (1), after subparagraph (a)(iv) insert –
 - (v) the Department of Enterprise as a person whose presence on the Island is in the interests of the economy of the Island; or
- (4) After regulation 10B (exemption: planning appeal inquiries), insert –

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 these purposes, 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.
- (5) After regulation 12 (revocation of certificate, exemption notice or consent), insert –

³ SD 2020/0279

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. **22**.

MADE AT 09:54 ON 26 JUNE 2020

W GREENHOW
Chief Secretary

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

These Regulations amend the Emergency Powers (Coronavirus) (Entry Restriction) (No.2) Regulations (SD 2020/0279) (“the principal Regulations”).

Regulation 5 amends the principal Regulations by –

- (a) adding a new provision to the key worker exemption in regulation 6 of the principal Regulations. The new exemption applies in favour of a person whose presence on the Island is certified by the Department of Enterprise as being in the interests of the economy of the Island;
- (b) adding (as regulation 10C) a further exemption to the prohibition on entry established in regulation 5 of the principal Regulations. The new exemption applies in favour of those providing transportation and removal services across the Island’s borders;
- (c) adding a new regulation – regulation 12A – which provides (in appropriate circumstances) for a person to be refused entry to, or the right to remain, on the Island and to be repatriated the person’s last place of embarkation;
- (d) making a consequential amendment to regulation 5 of the principal Regulations in view of these amendments.