

Statutory Document No. 2020/0394



Emergency Powers Act 1936

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

Laid before Tynwald: 21 July 2020
Approved by Tynwald: 21 July 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) (Amendment) Regulations 2020.

2 Commencement

These Regulations come into operation immediately after they are made.

3 Interpretation

In these Regulations —

- (a) “**the principal Regulations**” means the Emergency Powers (Coronavirus) (Continuation) (No. 2) Regulations 2020¹;
- (b) unless otherwise expressly indicated, all references to numbered regulations are references to regulations so numbered in the principal Regulations; and
- (c) references to “the Schedule” are to the Schedule to the principal Regulations.

4 Amendment of regulation 3

- (1) In regulation 3(1), for “the Schedule” substitute “Schedule 1”.

¹ SD 2020/0370

- (2) In regulation 3(3), insert the following immediately after subparagraph (e) —
- ▣(f) the Emergency Powers (Coronavirus) (Entry Restrictions) (No. 2) Regulations 2020 shall be read subject to Schedule 2 to these Regulations. ▣.

5 Amendment to the Schedule

For the heading of the Schedule, substitute ▣ SCHEDULE 1 ▣.

6 Insertion of new Schedule in the principal Regulations

Immediately after the Schedule (as amended by regulation 5 above) insert as Schedule 2 the contents of the Schedule to these Regulations.

MADE 09:35 17TH JULY 2020

W GREENHOW
Chief Secretary

SCHEDULE

NEW SCHEDULE TO BE INSERTED IN THE PRINCIPAL REGULATIONS AS
“SCHEDULE 2”

[Regulation 6]

SCHEDULE 2

**MODIFICATIONS SUBJECT TO WHICH SD 2020/0279 IS CONTINUED IN
OPERATION**

[Regulation 3]

1. Modification of regulation 3

For regulation 3, substitute the following —

3 Interpretation

(1) In these Regulations —

“**authorised person**” means a person engaged, by instrument in writing and for a definite duration specified in the written terms of the engagement, by and to act on behalf of the Chief Secretary to perform any task that is required to be performed to give effect to these Regulations;

“**Chief Secretary**” includes an authorised person acting on behalf of the Chief Secretary;

“**compassionate grounds**” includes —

(a) attending the funeral of any of the following family members —

(i) a person’s parent or remoter forebear;

(ii) a person’s child or remoter descendant; or

(iii) a person’s sibling;

(b) travelling with the remains of a deceased family member upon whom a post mortem is to be or has been carried out in the United Kingdom;

“**consent**” means written permission to enter the Island —

(a) given (and in the same manner revocable where, on reasonable grounds, no longer considered appropriate) by the Chief Secretary to a non-resident —

(i) in any of the circumstances described in regulation 10, 10A, 10B or 10C; and

- (ii) who, for the avoidance of doubt, is required to comply with regulation 6(1)(c) when entering the Island on the basis of the consent; and
 - (b) to which must be attached conditions under regulation 6(1)(b)(iii);
- “**Coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- “**data protection legislation**” has the meaning given in regulation 5(1) of the GDPR and LED Implementing Regulations 2018², but is subject to the Emergency Powers (Coronavirus)(Information Sharing) Regulations 2020³;
- “**Direction Notice**” means a public document that —
- (a) is not legislative in character⁴; and
 - (b) performs any of the functions ascribed to it in these Regulations;
- “**e-landing card**” means the form described in regulations 6(1)(c) and 7(7)(a);
- “**entry certificate**” means a document, described in regulation 6(1)(b), that —
- (a) is issued by the Chief Secretary;
 - (b) may at any time be amended by the Chief Secretary after he has consulted with the Department of Health and Social Care or the Director of Public Health; and
 - (c) has the force of law;
- “**Island’s territorial sea**” has the meaning given to “territorial sea” in the Schedule to the Interpretation Act 2015;
- “**non-resident**” means a person who is not a resident of the Island;
- “**registered resident**” has the meaning given in regulation 7(1);
- “**self-isolation**” —
- (a) means, in so far as the person (P) is reasonably able to achieve this, seclusion or segregation from the populace at large and, where P is to remain at a place (“household”) where one or other persons (whether family members or otherwise) live, those persons; but
 - (b) does not exclude contact with the populace at large or other members of the same household where that is

² SD 2018/0145

³ SD 2020/0245

⁴ See section 15(1) of the Interpretation Act 2015.

facilitated by persons other than P and cannot be reasonably avoided by P.

(2) In these Regulations –

- (a) a measure or a stipulation is not reasonably practicable if it gives rise to a material risk to human life or health or to the environment;
- (b) every requirement for the Chief Secretary, after due consideration and upon being satisfied that it is appropriate to do so, to issue an entry certificate or consent, or to register a resident of the Island, must be construed as capable of being satisfied by the electronic issuing of an entry certificate or consent or, as the case may be, by electronic registration (whether automated or otherwise, and whether or not by the Chief Secretary or in his stead by an authorised person) by means of an online portal accessible *via* the website www.gov.im; and
- (c) “**entry to the Island**” means entering the land which forms the Island and which is above the mean high water mark,

but, despite subparagraph (c), a person must not be regarded as having left the Island unless the person exits the Island’s territorial sea or the airspace above it. **22**.

2. Modification of regulation 5

For regulation 5, substitute the following –

5 Prohibition of entry

- (1) The prohibition on entry to the Island which has had effect from 0630 on 27 March 2020 continues to apply, but is subject to the succeeding provisions of these Regulations.
- (2) With effect from 0001 on 20 July 2020, a resident of the Island (“the resident”) may, provided he or she has been registered under regulation 7(1), enter the Island without restriction as to the reasons for which the resident was away from the Island. **22**.

3. Modification of regulation 6

For regulation 6, substitute the following –

6 Exemption: non-resident key workers

- (1) The prohibition in regulation 5 does not apply to a non-resident (whether or not any of paragraphs (2), (4) and (5) applies to him or her) –

- (a) whom the Chief Secretary, having received an application from the non-resident and following consultation with –
 - (i) the Department of Infrastructure, exempts as a member of the merchant navy or as vital to critical national infrastructure;
 - (ii) the Department of Health and Social Care, exempts as a supplier of goods or services that are essential for the Island's infrastructure or the health or care of the community;
 - (iii) the Department of Home Affairs, exempts as a person to whom paragraph (2) applies;
 - (iv) the Department of Health and Social Care, exempts as a medical expert or professional whose skills are essential to the medical infrastructure and the health or care of the community; or
 - (v) the Department for Enterprise, exempts as a person whose presence on the Island is in the interests of the economy of the Island;
- (b) who is in receipt of an entry certificate –
 - (i) issued by the Chief Secretary;
 - (ii) specifying the non-resident as an exempted person; and
 - (iii) (without limiting paragraph (9)) specifying such conditions as the Chief Secretary, after having consulted with the Department of Health and Social Care, considers necessary to mitigate any risks associated with the exempt person's entry into the Island, including –
 - (A) details of the period, not exceeding 14 days from the date of the exempt person's arrival in the Island, for which the exempt person is required to self-isolate; and
 - (B) other reasonably practicable stipulations as to the person's required conduct while in the Island,

on pain of prosecution for an offence under regulation 13 in the event any of breach by the non-resident of any such condition; and

(c) who, no later than 48 hours before his or her scheduled arrival in the Island, fully and truthfully answers all questions posed to him or her on the e-landing card available at <https://services.gov.im/> and submits the completed e-landing card in the manner instructed.

(2) This paragraph applies to —

(a) a non-resident who —

- (i) is a member of the armed forces; and
- (ii) the Department of Home Affairs is satisfied enters the Island on active service;

(b) a non-resident —

- (i) who is a police officer or a fire officer employed by the Department of Home Affairs; or
- (ii) to whom an offer of employment as a police officer or a fire officer in that Department has been made;

(c) a non-resident who is a member of the Island's judiciary —

- (i) appointed under section 3 or 3B of the High Court Act 1991; and
- (ii) who the Department of Home Affairs is satisfied enters the Island for a judicial purpose; and

(d) a non-resident —

- (i) to whom a temporary advocate's licence ("a licensed advocate") is issued by the First Deemster under section 15 of the Advocates Act 1995; and
- (ii) who the Department of Home Affairs is satisfied enters the Island to participate in proceedings before any court, tribunal or other person exercising a judicial function pursuant to a Manx enactment.

(3) For the purposes of paragraph (1) —

(a) in subparagraph (a)(i) —

- (i) “critical national infrastructure” includes the national infrastructure of the Island and the United Kingdom;
 - (ii) a person who may be certified is a person to whom paragraph (4) applies; and
 - (b) in subparagraph (a)(iv) –
 - (i) “medical infrastructure and the health of the community” includes medical and care infrastructure and the community in the Island and in the United Kingdom; and
 - (ii) a person who may be certified is a person to whom paragraph (5) applies.
- (4) This paragraph applies to a person who –
 - (a) is not resident in the Island; and
 - (b) enters the Island in order to provide services which are vital to the critical national infrastructure of the Island.
- (5) This paragraph applies to a non-resident who –
 - (a) is not in the Island; and
 - (b) who enters the Island in order to provide services which are essential to the medical and care infrastructure of the Island and the health and care of its community.
- (6) For the avoidance of doubt –
 - (a) the Chief Secretary may exempt a non-resident that is a company or other body; and
 - (b) where such non-resident is so exempted, the prohibition in regulation 5 does not apply to the entry of a non-resident acting in the employment or service of that exempted person.
- (7) A non-resident may be exempted under this regulation, in consultation with the Department of Health and Social Care or the Director of Public Health, only if the Chief Secretary considers that the failure to exempt a person to whom the prohibition in regulation 5 applies, poses a greater risk to public safety and the life of the community, as a direct or indirect result of the incidence or transmission of Coronavirus.

- (8) For the purpose of enabling the Chief Secretary to consider whether he is satisfied as to the matter in paragraph (7) —
- (a) the non-resident, along with his or her application, must supply such information as the Chief Secretary may reasonably require; and
 - (b) the Chief Secretary may make enquiries of such persons as he considers necessary for the purpose of verifying the information supplied under this regulation.
- (9) An entry certificate under this regulation must specify —
- (a) the non-resident who, by means of the issue to him or her of an entry certificate, is exempted from the prohibition in regulation 5 (“an exempted person”);
 - (b) the time at which the exemption takes effect;
 - (c) the period of time for which the exemption has effect (the “exemption period”);
 - (d) whether the exemption permits entry by the person on more than one occasion during the exemption period;
 - (e) any arrangements that must be made by the exempted person or another which are reasonably incidental to the exemption in order to minimise the incidence or transmission of Coronavirus; and
 - (f) any other conditions the Chief Secretary considers reasonably necessary.
- (10) The exemption period expires on the date specified in the entry certificate.
- (11) The Chief Secretary may at any time revoke an entry certificate if no longer satisfied that the exemption on which it is based is appropriate.
- (12) In this regulation, a reference to the United Kingdom is to be construed as a reference to the United Kingdom, the Republic of Ireland and the Channel Islands. **22**.

4. Modification of regulation 7

For regulation 7, substitute the following —

7 Exemption: residents of the Island

- (1) The prohibition in regulation 5 does not apply to a resident of the Island who has been registered by the Chief Secretary as a resident of the Island (a “registered resident”), having satisfied

- the Chief Secretary (in accordance with paragraph (3)) that he or she is indeed a resident of the Island.
- (2) A registered resident may freely travel to and from the Island, subject only to the requirement to comply with any condition that is –
- (a) imposed by the Chief Secretary in a Direction Notice; and
 - (b) intended to give effect to measures designed to mitigate any risks associated with the individual's return to the Island.
- (3) An individual is to be regarded as being a resident of the Island only if –
- (a) by submitting an application for registration via the website www.gov.im or by hard copy (by such means as the Chief Secretary must make available and publish details of in way most likely to bring them to the attention of members of the public), the person furnishes a National Insurance number or taxpayer registration number in respect of himself or herself, the accuracy of which may be verified by reference to personal data which is –
 - (i) in the possession of any Department or Statutory Board; and
 - (ii) as is hereby authorised and declared to be consistent with the data protection legislation, disclosed to an authorised person for the purposes of this subparagraph; or
 - (b) the person, in the event of the person's failure or inability to meet the requirements of subparagraph (a), satisfies the Chief Secretary or an authorised person that he or she is a resident of the Island.
- (4) An application for registration as a resident of the Island must be made –
- (a) in respect of an individual aged 18 years and over, by the individual; or
 - (b) in respect of a child, by a responsible adult.
- (5) For the purpose of enabling the Chief Secretary to consider whether he is satisfied as to the matters in paragraph (3)(b) –
- (a) the applicant must supply such information as the Chief Secretary may reasonably require; and
 - (b) the Chief Secretary may make enquiries of such persons as he considers necessary for the purpose of verifying the information supplied under this regulation.

- (6) The Chief Secretary must –
- (a) register an applicant who has met the requirements specified in paragraph (3); and
 - (b) immediately thereafter furnish the applicant with written confirmation of his or her registration, including any specific reference by which such registration may be identified.

- (7) A registered resident –
- (a) must submit, electronically via www.gov.im, a declaration as to the state of his or her health, setting out information necessary to establish whether the exempt individual has contracted, or is suspected of having contracted, Coronavirus;
 - (b) must, no later than 48 hours before his or her scheduled arrival in the Island, fully and truthfully answer all questions posed to him or her on the e-landing card available at <https://services.gov.im/> and submit the completed e-landing card in the manner instructed; and
 - (c) is to be issued by the Chief Secretary with a Direction Notice that specifies –
 - (i) the period, not exceeding 14 days from the date of the registered resident's disembarkation, for which the registered person is required to self-isolate; and
 - (ii) any condition, described in paragraph (2)(b), that the Chief Secretary reasonably considers appropriate to the particular circumstances of the registered resident,on each of which matters the Chief Secretary must consult, and be guided by the advice given by, the Department of Health and Social Care or the Director of Public Health before he or she makes a decision.

- (8) In arriving at a decision in respect of the matters referred to in paragraph (7)(c), the Chief Secretary must be guided by relevant considerations including, as may be applicable in each case, –
- (a) the nature of the registered resident's employment and any associated requirement to travel frequently in and out of the Island;
 - (b) the impact that the period of self-isolation imposed on the registered resident each time he or she enters the Island will have on the registered resident's ability to perform the tasks attendant on his or her employment;

- (c) the extent to which any condition that may be imposed under regulation (7)(c)(ii) is capable of counteracting the risk to the public that may be posed by the imposition of a period of isolation that is less than 14 days in duration; and
- (d) any costs that may be attendant on the requirement to self-isolate, the ability of the registered resident to meet them in full or at all, and the feasibility of any or all of those costs to be paid at public expense.

(9) In this regulation —

- (a) “child” means a person under the age of 18 years;
- (b) “responsible adult”, in relation to a child, means —
 - (i) a person who has custody or charge of the child for the time being;
 - (ii) a person with parental responsibility for the child;
- (c) the reference in subparagraph (b)(ii) to a person with parental responsibility for a child has the same meaning as in the Children and Young Persons Act 2001. **22**.

5. **Modification of regulation 10**

For regulation 10 substitute the following —

10 Exemption: compassionate grounds

- (1) The prohibition in regulation 5 does not apply to a non-resident to whom the Chief Secretary has given prior written consent to enter the Island on compassionate grounds.
- (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 that non-resident.
- (3) The Council of Ministers may publish guidance specifying compassionate grounds for the purposes of this regulation. **22**.

6. **Modification of regulation 10A**

For regulation 10A, substitute the following —

10A Exemption: contractual obligation

- (1) The prohibition in regulation 5 does not apply to a non-resident to whom the Chief Secretary has given prior written consent to enter the Island.
- (2) A non-resident to whom consent may be given under paragraph (1) is a person whom the Chief Secretary is

satisfied intends to make the Island his or her main place of residence and who has entered into a legally binding contract in relation to —

- (a) a permanent office or employed position; or
 - (b) the purchase or lease of premises,
- in the Island.

(3) 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 that non-resident.

(4) In this regulation, references to a non-resident include —

- (a) the non-resident’s spouse or partner;
- (b) any children for whom the non-resident has parental or guardianship responsibilities; and
- (c) any other relative for the grant of consent to whom the non-resident makes a compelling case to the Chief Secretary. **22**.

7. Modification of regulation 10B

In regulation 10B, omit paragraph (4).

8. Modification of regulation 10C

In regulation 10C, omit paragraph (3).

9. Insertion of new regulations: regulations 10D and 10E

Immediately after regulation 10C, insert the following —

10D Exemption: Air Bridges

(1) The Chief Secretary may, by a direction published on www.gov.im and in any other manner that he considers likely to bring it to the attention of affected persons, exempt from the prohibition in regulation 5 a group of non-residents who —

- (a) travel to the Island, on an air carrier and from a location specified in the direction, for the purposes of tourism; and
- (b) meet other criteria, relating (inter alia) to the period for which they are required to have been continuously present in the specified location immediately before travelling to the Island, that may be specified in the direction.

Such an arrangement specified in a direction may be referred to as an “air bridge”.

- (2) The Chief Secretary must not make an air bridge unless he is, after having consulted with the Department of Health and Social Care or the Director of Public Health, satisfied that such measures are put in place as are reasonably practicable to mitigate any risks associated with the air bridge.
- (3) A non-resident who proposes to travel to the Island pursuant to an air bridge must comply with all reasonably practicable stipulations made by the Chief Secretary in the direction, on pain of prosecution for an offence under regulation 13 in the event any of breach by the non-resident of any such stipulation.
- (4) The Chief Secretary —
 - (a) may at any time modify or discontinue an air bridge; and
 - (b) must forthwith publish any modification or discontinuance in a manner suitable for bringing it to the attention of persons likely to be affected by it.

10E**Compliance with self-isolation requirement**

- (1) An authorised person may at any time make an unscheduled visit to the premises at which, under to these Regulations or any other regulations continued in operation pursuant to the Emergency Powers (Coronavirus) (Continuation) (No.2) Regulations 2020⁵, a person is required to self-isolate; such visit to be for the purpose of ascertaining whether the person is complying with the self-isolation requirement.
- (2) A person present at the premises visited under paragraph (1) must give the authorised person his or her reasonable co-operation. **22**.

10. Modification to regulation 12

Omit regulation 12.

11. Modification to regulation 12A

- (1) For paragraph (1) of regulation 12A, substitute the following —

⁵ SD 2020/0370

- █ (1) This regulation applies to a person (P) —
 - █ (a) who disembarks on the Island despite —
 - █ (i) not being a registered resident; and
 - █ (ii) not having been issued with an entry certificate under regulation 6; and
 - █ (b) verification of whose identity has not been achieved by comparing personal data lawfully in the possession of any Department or Statutory Board with personal data submitted by P, in whatever form, to an authorised person at the port of disembarkation. █.

█ (2) For paragraph (6), substitute the following —

- █ (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; and
 - █ (b) exercised all due diligence to avoid committing an offence under these Regulations in connection with P's failure to, become a registered resident, or to be issued with an entry certificate under regulation 6. █.

█ 12. **Insertion of new regulations: regulations 12B, 12C and 12D**


█ █ 12B **Powers of authorised person**

- █ (1) An authorised person may attend any place at which a mode of conveying passengers to the Island arrives in the Island and there demand of disembarking passengers proof of their identity and of their right or authorisation, in accordance with these regulations, to enter the Island.
- █ (2) Where —
 - █ (a) a disembarking passenger fails or refuses to comply with a demand under paragraph (1);
 - █ (b) a disembarking passenger does not possess any proof demanded under paragraph (1); or
 - █ (c) the identity of a disembarking passenger is not verified as a result of a comparison under regulation 12A(1)(b),an authorised person has the power to make a decision under regulation 12A(2).

█ 12C **Restrictions on private vessels**

- (1) A private vessel that enters the Island’s territorial sea and seeks to dock must do so at the harbour in Douglas, from whence an authorised person may, upon request, give it permission to travel onward to any other harbour in the Island. This is subject to the right of any vessel to shelter in any available port in adverse weather or if the vessel is in urgent need of repair.
- (2) If a private vessel, without first having docked at the harbour in Douglas, docks at any other harbour in the Island in circumstances other than adverse weather or being in urgent need of repair, the captain of the private vessel commits an offence and is liable on summary conviction to the penalty specified in regulation 13.
- (3) In this regulation, “private vessel” means any ship or boat, or any other vessel used in navigation, that –
 - (a) is not owned by the government of any State or territory (or any organ thereof); and
 - (b) is not used for commercial purposes.

12D Restrictions on aircraft

- (1) An aircraft seeking to land in the Island must land at Ronaldsway airport, from whence an authorised person must –
 - (a) ascertain whether all persons on board the aircraft have met the requirements of these Regulations in order to be permitted to disembark; and
 - (b) grant permission to the pilot to proceed to another place in the Island, but if –
 - (i) the pilot so requests; and
 - (ii) the authorised person is satisfied with respect to the matters referred to in paragraph subparagraph (a).
- (2) If an aircraft, without first having landed at Ronaldsway airport, land in any other place in the Island, the pilot commits an offence and is liable on summary conviction to the penalty specified in regulation 13. .

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Emergency Powers (Coronavirus) (Continuation) (No. 2) Regulations 2020⁶ (“the principal Regulations”) to include in them modifications subject to which the Emergency Powers (Coronavirus) (Entry Restrictions) (No. 2) Regulations 2020⁷ (“the Entry Restrictions Regulations”) are continued in operation.

The modifications to the Entry Restrictions Regulations made by these Regulations (“the modifications”) effectuate a relaxation of the restrictions on entry to the Island that have been in effect since 27 March 2020. Their effect will be to permit residents of the Island to travel freely to and from the Island, subject only to the requirement for a period of mandatory self-isolation upon returning. This will mark the end of the current policy of requiring residents to obtain a certificate or an exemption, from specified governmental actors and on any of prescribed bases, in order to be permitted to return to the Island. The modifications will also make it easier for Island residents to prove the fact of their residency, thereby subsequently facilitating overseas travel without need to again provide proof of residency.

Non-residents, however, will continue to be required to establish that they have sufficiently good reason (a list of which is prescribed) for wishing to enter the Island. Once granted permission to enter (by means of an entry certificate or, where the non-resident proposes to enter the Island in order to take up residence here, a written consent) they will, on pain of criminal penalty, be required to abide by specified conditions.

Further, the modifications will allow for checks of arriving passengers’ authorisation to enter the Island to be made at ports of entry, and will authorise the attendant processing of personal data. The modifications also stipulate specific places at which arriving aircraft and arriving private vessels will be required to land or dock, as the case may be.

⁶ SD 2020/0370

⁷ SD 2020/0279