



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

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Statutory Document No. 2020/0412



*Emergency Powers Act 1936*

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

*Laid before Tynwald:*

*Approved by Tynwald:*

*Coming into Operation: in accordance with regulation 2*

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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) (No. 2) Regulations 2020.

### **2 Commencement**

These Regulations come into operation immediately after they are made.

### **3 Interpretation**

In these Regulations “**the principal Regulations**” means the Emergency Powers (Coronavirus) (Continuation) (No. 2) Regulations 2020<sup>1</sup>.

### **4 Amendment of Schedule 2**

In Schedule 2 to the principal Regulations (modifications subject to which SD2020/0279 is continued in operation) —

- (a) in paragraph 1 (modification of regulation 3) , in substituted regulation 3 (interpretation) —
  - (i) in regulation 3(1) —
    - (A) omit the definition of “e-landing card;
    - (B) after the definition of “Island’s territorial sea” insert —

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<sup>1</sup> SD 2020/0370

- 63** “**landing card**” means the form described in regulations 6(1)(c) and 7(11)(b); **62**;
- (C) after the definition of “non-resident” insert —
- 63** “**publish**” means publish in such a way as to bring the matter to the attention of the general public; **62**;
- (ii) in regulation 3(2)(b) —
- (A) after “entry certificate,” insert **63**, Direction Notice **62**;
- (B) omit “by means of an online portal accessible via the website www.gov.im”;
- (b) in paragraph 3 (modification of regulation 6) in substituted regulation 6(1)(c) —
- (i) for “later” substitute “earlier”;
- (ii) for “e-landing card” in both places where it appears, substitute **64** landing card **62**;
- (c) In paragraph 4 (modification of regulation 7), for the substituted regulation 7 (exemption: residents of the Island) substitute —

**63 7 Exemption: residents of the Island**

- (1) The prohibition in regulation 5 does not apply to an individual who has been registered by the Chief Secretary as a resident of the Island (a “registered resident”) for the purposes of these Regulations.
- (2) For the purpose of these Regulations, an individual is a resident of the Island if he or she owns, leases or occupies a dwelling on the Island as the individual’s only or principal home.
- (3) The Chief Secretary must register an individual as a resident of the Island for the purposes of these Regulations if —
- (a) the individual has submitted an application for registration to the Chief Secretary in accordance with paragraphs (5) and (6); and
- (b) the Chief Secretary is satisfied that the individual is a resident of the Island.
- (4) The Chief Secretary must publish —
- (a) the form of application for registration as a resident of the Island;
- (b) the manner in which an application must be made;
- (c) the electronic and postal addresses to which an application is to be sent; and

- (d) the criteria that would be used by the Chief Secretary to determine whether an individual is a resident of the Island as required by paragraph (3)(b).
- (5) An individual wishing to be registered as a resident of the Island for the purposes of these Regulations must submit an application (either electronically or in hard copy) in the published form.
- (6) An application for registration under paragraph (5) must be made –
  - (a) in respect of an individual aged 16 years and over, by the individual; or
  - (b) in respect of a child, by a responsible adult.
- (7) For the purpose of enabling the Chief Secretary to consider whether the Chief Secretary is satisfied as to the matter 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.
- (8) Paragraph (7)(a) and (b) also applies in a case where, after registering an individual as a registered resident under paragraph (13), the Chief Secretary considers that further verification is required as to whether the individual is in fact a resident of the Island;
- (9) The Chief Secretary must immediately after registering an individual under paragraph (3) furnish the individual with written confirmation of his or her registration, including any specific reference by which such registration may be identified.
- (10) A registered resident may freely travel to and from the Island, subject only to the requirement to comply with –
  - (a) paragraph (11); and
  - (b) a Direction Notice issued under paragraph (13); and
  - (c) any condition that is –
    - (i) imposed by the Chief Secretary in that Direction Notice; and
    - (ii) intended to give effect to measures designed to mitigate any risks associated with the individual's return to the Island.
- (11) Before a registered resident enters the Island he or she must, no earlier than 48 hours before his or her arrival in the Island submit

- in such manner as the Chief Secretary must publish, in written or electronic form —
- (a) a declaration as to the state of his or her health, setting out information necessary to establish whether he or she has contracted, or is suspected of having contracted, Coronavirus;
  - (b) a landing card having fully and truthfully answered all questions posed to him or her on the landing card.
- (12) Subject to paragraphs (13) and (14), upon an individual entering the Island, the Chief Secretary —
- (a) must issue the registered resident with a Direction Notice that directs the registered resident to self-isolate for 14 days from the date of the registered resident's disembarkation on the Island; and
  - (b) may include in that Direction Notice additional directions or conditions in connection with the self-isolation.
- (13) Despite paragraph (12), the Chief Secretary may, upon the application of an individual, by a Direction Notice exempt an individual from the requirement to self-isolate for 14 days, or direct the individual to self-isolate for less than 14 days.
- (14) The Chief Secretary —
- (a) must not give a Direction Notice under paragraph (13) other than in accordance with advice given by the Department of Health and Social Care or the Director of Public Health; and
  - (b) must, when giving the Direction Notice, ensure that such conditions or measures are put in place as are reasonably practicable to mitigate any risks associated with that exemption or direction.
- (15) Where a Direction Notice cannot be given in writing the Chief Secretary may give the notice orally and must as soon as reasonably practicable thereafter give the individual a notice in written or electronic form.
- (16) In this regulation —
- (a) “child” means a person under the age of 16 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; or
    - (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**;
- (d) in paragraph 9 (insertion of new regulations: regulations 10D and 10E) —
  - (i) in the inserted regulation 10D (exemption: air bridges) —
    - (A) in paragraph (1), for “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” substitute “exempt from the prohibition in regulation 5 individuals (whether or not the individuals are residents of the Island)”;
    - (B) in paragraph (1)(a), for “air carrier” substitute “aircraft”;
    - (C) for paragraph (3) substitute —
      - 23**(3) An individual 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 individual of any such stipulation. **22**;
  - (ii) in the inserted regulation 10E —
    - (A) for regulation 10E(1) substitute —
      - 23**(1) Where, under these Regulations or any other regulations continued in operation pursuant to the Emergency Powers (Coronavirus) (Continuation) (No.2) Regulations 2020<sup>2</sup>, an individual is required to self-isolate, for the purpose of ascertaining whether the individual is complying with the self-isolation requirement an authorised person may at any reasonable time —
        - (a) make an unscheduled visit to the premises at which the individual is required to self-isolate; or
        - (b) make an unscheduled telephone call to the individual. **22**;
      - (B) in regulation 10E(2) after “paragraph (1)” insert **23**, or who receives a telephone call under paragraph (1), **22**;
- (e) in paragraph 11 (modification to regulation 12A) —
  - (i) after subparagraph (1) insert —
    - 23**(1A) in regulation 12A(5) after “repatriation” insert **23** and any accommodation, travel and other costs **22**;
  - (ii) after subparagraph (2) add —
    - 23**(3) After paragraph 12A(6) add —

<sup>2</sup> SD 2020/0370

6A) For the avoidance of doubt, the Department for Health and Social Care may require P to self-isolate under Regulation 10 of the Emergency Powers (Potentially Infectious Persons) Regulations 2020<sup>3</sup>. 22. 22;

(f) in paragraph 12 (insertion of new regulations: regulations 12B, 12C and 12D), after the inserted regulation 12D(2) (restrictions on aircraft), insert

6(3) This regulation does not apply to an individual in respect of whom regulation 8 applies. 22.

(g) after paragraph 12 insert —

### 13. Insertion of new regulation: regulation 12E

#### 12E Use and disclosure of information

(1) A person who holds information which has at any time been provided under these Regulations may use it if, and only if, the use is for the purpose referred to in these Regulations.

(2) A person who holds information which has at any time been provided under these Regulations may disclose it to another person if, and only if the disclosure is for a purpose specified in paragraph (1).

### 14. Modification of regulation 13

In regulation 13 (offences) —

(a) in paragraph (a)(i), after “5” insert 6 or 12E 22;

(b) in paragraph (a)(ii), after “certificate,” insert 6 Direction Notice, 22.

### 15. Insertion of new regulation: regulation 16

After regulation 15 insert —

#### 16 Saving

Any certificate, exemption notice or consent issued before the coming into force of the Emergency Powers (Coronavirus) (Continuation) (No. 2) (Amendment) (No. 2) Regulations 2020<sup>4</sup> shall not be affected by the coming into operation of those Regulations. 22.

<sup>3</sup> SD 2020/0171

<sup>4</sup> SD2020/ 0412

**MADE 10:35 10 AUGUST 2020**

**W GREENHOW**  
*Chief Secretary*

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

These Regulations further amend the Emergency Powers (Coronavirus) (Continuation) (No. 2) Regulations 2020 (“the principal Regulations”) to make further modifications to the Emergency Powers (Coronavirus) (Entry Restrictions) (No. 2) Regulations 2020<sup>5</sup> (“the Entry Restrictions Regulations”) that continued in operation under the principal Regulations.

The principal modification is the substitution of a new Regulation 7 into the Entry Restrictions Regulations, which exempts Manx residents from the prohibition (contained in Regulation 5 of those Regulations) from entering the Island. Individuals need to apply to be registered as a resident of the Island. The Chief Secretary must not register an individual as a resident of the Island unless the individual has submitted an application for registration to the Chief Secretary and the Chief Secretary is satisfied that the person is a resident of the Island. Regulation 7 provides that the Chief Secretary publish the criteria that would be sufficient for the purpose of satisfying the Chief Secretary that an individual is a resident of the Island. Applications may be made electronically or in hard copy. The form of application must be published.

These Regulations insert additional definitions into the Entry Restrictions Regulations. In particular, “publish” means to publish in a way as to bring the matter to the attention of the general public.

Before entering the Island a registered resident must complete a landing card and make a health declaration.

On entry to the Island the individual must be served with a Direction Notice requiring the individual to self-isolate and comply with such conditions as may be attached to the Direction Notice. The Chief Secretary may, upon the application of an individual, by a Direction Notice, exempt an individual from the requirement to self-isolate for 14 days, or direct a person to self-isolate for less than 14 days provided that such measures are put in place as are reasonably practicable to mitigate any risks associated with that exemption or direction.

The Entry Restrictions Regulations now permit a Direction Notice to be given orally to an individual, but it must as soon as reasonably practicable thereafter be given in written or electronic form.

The Entry Restrictions Regulations now require individuals aged 16 and 17, as well as adults, to make their own applications.

Regulation 10D of the Entry Restrictions Regulations is amended so that individuals (whether or not they are residents of the Island), are subject to the same rules when they are entering the Island through an “air bridge” as described in Regulation 10D.

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<sup>5</sup> SD 2020/0279

Regulation 10E is amended so as to enable an authorised person to make unscheduled telephone calls to an individual who is required to self-isolate, to check that they are doing so.

Regulation 12A is amended to clarify that when a person is refused entry or the right to remain on the Island he or she may be required to self isolate before being removed from the Island and may be required to pay the repatriation costs and accommodation, travel and other costs.

Regulation 12D of the Entry Restrictions Regulations is amended to make it clear that the rules in relation to persons entering the Island on an aircraft do not apply in relation to individuals who are employed or engaged in emergency services.

The Entry Restrictions Regulations are amended to introduce a requirement that a person who holds information which has at any time been provided under the Entry Restrictions Regulations may use it if, and only if, the use is for the purpose referred to in those Regulations. A person who holds information which has at any time been provided under those Regulations may disclose it to another person if, and only if the disclosure is for a purpose specified in paragraph (1). It is an offence to contravene these requirements.

Finally, the Entry Restrictions Regulations are amended to provide that any certificate, exemption notice or consent issued before the coming into force of the Emergency Powers (Coronavirus) (Continuation) (No. 2) (Amendment) (No. 2) Regulations 2020 shall not be affected by the coming into operation of these Regulations.