

Statutory Document No. 2020/0466



Emergency Powers Act 1936

EMERGENCY POWERS (CORONAVIRUS) (CONTINUATION) (NO.2) (AMENDMENT) (NO.5) REGULATIONS 2020

Laid before Tynwald: 21 October 2020
Approved by Tynwald: 21 October 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) (No.5) Regulations 2020.

2 Commencement

These Regulations come into operation at 00:01 on 12 October 2020¹.

3 Interpretation

“**the Continuation Regulations**” means the Emergency Powers (Coronavirus) (Continuation) (No.2) Regulations 2020²;

“**Coronavirus**” has the meaning given in regulation 3 of the modified Entry Restriction Regulations (interpretation);

“**the modified Entry Restrictions Regulations**” means the Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020³, as continued in operation by the Continuation Regulations but subject to the modifications specified in Schedule 2 to the Continuation Regulations, as at the date on which these Regulations come into operation;

¹ Section 4A(3) of the Emergency Powers Act 1936 provides that “Section 31 of the Legislation Act 2015 (Tynwald procedure – affirmative) applies to continuation regulations, but as if in subsection (3) the words “or the next following sitting” were omitted.

² SD 2020/0370

³ SD 2020/0279

“**the negative Coronavirus test exemption**” means regulation 7A of the modified Entry Restrictions Regulations (residents of the Island: Exemption after negative Coronavirus test result), as inserted by paragraph 4A of Schedule 2 to the Continuation Regulations (modifications subject to which SD 2020/0279 is continued in operation - insertion of new regulation: Regulation 7A)⁴;

“**resident of the Island**” has the meaning given in paragraph 7(2) of the modified Entry Restrictions Regulations; and

“**test sample**” has the meaning given in regulation 7A(2) of the modified Entry Restriction Regulations.

4 **Amendment of Schedule 2 to the Continuation Regulations**

In Schedule 2 to the Continuation Regulations (modifications subject to which SD 2020/0279 is continued in operation), omit paragraph 4A (Insertion of new regulation: Regulation 7A).

5 **Savings provisions**

- (1) Despite regulation 4, a person who can prove, to the satisfaction of the Chief Secretary, that paragraph (2) applies —
- (a) may continue to rely on the negative Coronavirus test exemption; and
 - (b) does not commit an offence under the modified Entry Restriction Regulations.

This paragraph is subject to paragraph (3).

- (2) This paragraph applies to a resident of the Island who —
- (a) before the date on which these Regulations come into operation, has entered the Island in compliance with regulation 7 of the modified Entry Restriction Regulations and has —
 - (i) provided a test sample; or
 - (ii) made arrangements to provide a test sample, the findings of the analysis of which will be received before 19 October;
 - (b) has received or before 19 October 2020 receives the findings of the analysis of the test sample which confirm that the resident is not infected or contaminated with Coronavirus;
 - (c) has received or receives a Direction Notice from the Chief Secretary by which the resident is exempted from the requirement to self-isolate,

provided that the resident complies with the Direction Notice and the conditions in paragraph (7) of the negative Coronavirus test exemption.

⁴ SD 2020/0425

- (3) To avoid doubt, —
- (a) where a resident of the Island provides a test sample in accordance with this regulation, after the date on which these Regulations come into operation, paragraphs (2) and (3) of the negative Coronavirus test exemption apply; and
 - (b) where the findings of the analysis of a test sample provided by a resident of the Island to whom paragraph (2) applies, are inconclusive or confirm that the resident is infected or contaminated with Coronavirus, paragraph (4) or (5) (as the case may be) of the negative Coronavirus test exemption applies.
- (4) A resident of the Island who has not entered the Island by the date on which these Regulations come into operation but who has paid the sum specified in paragraph (2) of the negative Coronavirus test exemption may, upon production of proof of payment, request a refund from the Cabinet Office.

MADE AT 17:13 ON 9 OCTOBER 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 a further modification to the Emergency Powers (Coronavirus) (Entry Restrictions) (No. 2) Regulations 2020 (“the Entry Restrictions Regulations”) that continued in operation under the principal Regulations so as to remove inserted regulation 7A (residents of the Island: Exemption after negative Coronavirus test result).

These Regulations include savings provisions in the case of a resident of the Island who, (1) before the date on which these Regulations come into operation, has already had a test and awaits the results or (2) has made arrangements for a test, the results of which will be received before 19 October.

A person who enters the Island after these Regulations come into operation, and who has paid for a test may request a refund from the Cabinet Office.