



PUBLIC HEALTH PROTECTION (CORONAVIRUS) REGULATIONS 2020

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Statutory Document No. 2020/0551



Public Health Act 1990

PUBLIC HEALTH PROTECTION (CORONAVIRUS) REGULATIONS 2020

*Approved by Tynwald: 15 December 2020
Coming into operation in accordance with regulation 2*

The Council of Ministers makes the following Regulations under sections 51B, 51C and 51F of the Public Health Act 1990.

In accordance with section 51PA of the Public Health Act 1990 the Council of Ministers has, before making these Regulations, consulted the Department of Health and Social Care.

PART 1 - INTRODUCTORY

1 Title

These Regulations are the Public Health Protection (Coronavirus) Regulations 2020.

2 Commencement

If approved by Tynwald, these Regulations come into operation immediately after the lapse of the Emergency Powers (Coronavirus) (Continuation) (No. 2) Regulations 2020¹.

3 Application: serious and imminent threat declaration

- (1) These Regulations apply where the Council of Ministers publishes a notice (a “declaration notice”) declaring that the incidence or transmission of Coronavirus—
- (a) constitutes a serious and imminent threat to public health; and
 - (b) is at a point that the measures outlined in these Regulations may reasonably be considered as an effective means of preventing the further, significant transmission of Coronavirus,
- and the declaration notice has not been revoked.

¹ SD 2020/0370.

- (2) Before publishing a declaration notice, the Council of Ministers must consult the Department of Health and Social Care and the Director of Public Health.
- (3) The Council of Ministers may revoke a declaration notice by way of the publication of a subsequent notice.
- (4) Before revoking a declaration notice the Council of Ministers must consult the Department of Health and Social Care and the Director of Public Health.
- (5) The revocation of a declaration notice does not affect the validity of any steps taken under these Regulations prior to its revocation.
- (6) A declaration notice is not a public document.

4 Expiry

- (1) These Regulations cease to have effect at the end of the period of 6 months beginning on the day on which they come into operation.
- (2) This regulation does not affect the validity of anything done under these Regulations before they cease to have effect.

5 Interpretation

- (1) In these Regulations—

“**the Act**” means the Public Health Act 1990;

“**appointed person**” means, in the case of an incapacitated person, a person appointed by that incapacitated person, a court or someone with authority to do so, to manage the incapacitated person’s affairs;

“**assessment**” means an assessment of whether a person presents or could present a risk of infecting or contaminating others;

“**biological sample**” includes a sample of respiratory secretions, body fluids, tissue, serum or blood, obtained by appropriate means including by swabbing of the nasopharyngeal cavity, for analysis to ascertain whether a person is infected or contaminated;

“**child**” means, unless otherwise stated, a person under the age of 18 years;

“**compassionate grounds**” in the case of a person means —

- (a) attending the funeral of any of the following family members of the person—
 - (i) a parent or remoter forebear;
 - (ii) a child or remoter descendant;
 - (iii) a sibling;
 - (iv) a spouse or civil partner or a person they were living with as if they were a spouse or civil partner;

- (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;
- (c) the grounds set out in guidance (if any) published by the Council of Ministers;

“**consent**” means written permission to enter the Island given (and in the same manner revocable where, on reasonable grounds, no longer considered appropriate) by the Chief Secretary to a non-resident in any of the circumstances described in paragraphs 9 to 12 of the Schedule;

“**contact tracing**” means the process of tracing a person who may have been in contact with a person whom the Director of Public Health reasonably suspects is or may be infected or contaminated through the use of information provided by a person required under these Regulations to give it;

“**contact tracing information**” means details of people with whom a person has had close, recent contact (such as their names, addresses and telephone numbers) and details of places that a person has recently visited;

“**Coronavirus**” means the virus associated with the clinical syndrome defined by the World Health Organisation as Covid-19;

“**critical national infrastructure**” includes physical and cyber assets that are so vital to the Island that their incapacity or destruction would have a debilitating effect on the Island’s economy, security, public health or safety and includes the critical national infrastructure of the United Kingdom;

“**Director of Public Health**” means the person nominated under section 1 of the Local Government Act 1985;

“**direction notice**” means a public document that is not legislative in character and performs any of the functions ascribed to it in these Regulations;

“**entry certificate**” means a document, described in paragraph 4 of the Schedule;

“**incapacitated person**” means a person who has attained the age of 18 and who, at a material time, is unable to make a decision for themselves about a matter because of an impairment of, or disturbance in, the functioning of the mind or brain;

“**landing card**” means the document described in paragraph 5 of the Schedule;

“**non-resident**” means a person who is not a resident of the Island;

“**notified place**” means —

- (a) the place at which a person (P) who is required to self-isolate is to remain during self-isolation and which is suitable for that purpose; and
- (b) of which P has notified the person requiring P to self-isolate prior to that person giving P a direction notice to do so or, where

regulation 21 applies, prior to the Cabinet Office requiring a Category C person to self-isolate;

“**publish**” means publish in a way as to bring the matter to the attention of those likely to be affected by the thing being published;

“**registered resident**” has the meaning given in paragraph 6 of the Schedule;

“**responsible adult**” means, in the case of a child, a person with parental responsibility for the child within the meaning of the Children and Young Persons Act 2001 or a person who has custody or charge of the child for the time being;

“**self-isolation**” in the case of a person means the separation of that person—

- (a) from any other person who is not also self-isolating (whether under these Regulations or any other enactment or undertaken voluntarily);
 - (b) in a manner as to prevent infection or contamination;
 - (c) at a notified place.
- (2) In these Regulations, a reference to infection or contamination, however expressed, is a reference to infection or contamination with Coronavirus, and cognate expressions are to be construed accordingly.
 - (3) A restriction, a requirement and a direction notice under these Regulations may be written or oral.
 - (4) An oral restriction, requirement or direction notice must be confirmed in writing as soon as reasonably practicable and where the person it applies to—
 - (a) is a child, that confirmation must be given to the child’s responsible adult;
 - (b) is an incapacitated person, that confirmation must be given to that person’s appointed person.
 - (5) A variation of a restriction, a requirement or a direction notice may be written or oral.
 - (6) Where a restriction, a requirement or a direction notice is varied orally the person to whom it applies must be given a written notification of the fact and effect of that variation as soon as reasonably practicable and where that person —
 - (a) is a child, that confirmation must be given to the child’s responsible adult;
 - (b) is an incapacitated person, that confirmation must be given to that person’s appointed person.
 - (7) References to the Director of Public Health, the Council of Ministers, the Chief Secretary, the Cabinet Office or any other Department include a person authorised by that individual or body to act on their behalf.

- (8) The Council of Ministers and the Chief Secretary have the function of issuing guidance for the purposes of these Regulations.
- (9) “Writing” includes writing in electronic form (and cognate expressions are to be construed accordingly).

PART 2 – RESTRICTIONS AND REQUIREMENTS

6 Restrictions and requirements: general

- (1) Any person (P) who decides to enable the imposition of a restriction or requirement or do any other thing under these Regulations, may do so only if at the time of taking that decision or doing that thing P considers that the restriction or requirement or act in question is proportionate to what is sought to be achieved by imposing or doing it.
- (2) Before taking a decision referred to in paragraph (1), P may consult any person P considers it is appropriate to consult.
- (3) Where a restriction or requirement referred to in paragraph (1) applies to, or in relation to, a child, the child’s responsible adult must, as far as that adult is reasonably able to do so, secure that the child complies with it.
- (4) Where a restriction or requirement referred to in paragraph (1) applies to, or in relation to, an incapacitated person, the appointed person must as far as the appointed person is reasonably able to do so, secure that the incapacitated person complies with it.

7 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 the Chief Secretary may, upon request, give it permission to travel onward to any other harbour in the Island.
- (2) Paragraph (1) is subject to the right of any vessel to dock in any available port in the Island in adverse weather, if there is a risk or threat to the life of any person on board it or if the vessel is in urgent need of repair.
- (3) “Private vessel” means any ship or boat, or any other vessel used in navigation that is neither owned by the government of any State or territory (or any organ thereof) nor used for commercial purposes.
- (4) “Island’s territorial sea” has the meaning given to “territorial sea” in the Schedule to the Interpretation Act 2015.

8 Restrictions on private aircraft

- (1) A private aircraft seeking to land in the Island must land at Ronaldsway airport.
- (2) In respect of an aircraft referred to in paragraph (1), the Chief Secretary 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, if the pilot so requests and the Chief Secretary is satisfied with respect to the matters referred to in sub-paragraph (a).
- (3) This regulation does not apply to a Category A person referred to in paragraph 7 or 8 of the Schedule.
- (4) “Aircraft” means any manned machine capable of flight (whether or not propelled by mechanical means) including any description of balloon.

9 Contact tracing

- (1) Where the Director of Public Health reasonably suspects that a person is or may be infected or contaminated, the Director may decide that the person should be required to provide the Director with contact tracing information.
- (2) Where the Director of Public Health decides that the person should provide contact tracing information the Director —
 - (a) may request that person to do so; and
 - (b) if that person fails to comply with such a request, may give that person a direction notice requiring that person to do so.

PART 3 – CATEGORY A PERSONS

10 Direction notices

- (1) The Chief Secretary has the function of issuing direction notices under this Part.
- (2) A direction notice may, where the Chief Secretary so decides—
 - (a) direct a Category A person to self-isolate for a specified period beginning with a specified day; and
 - (b) may include additional directions or conditions in connection with self-isolation.

This is subject to paragraphs (3) and (4).

- (3) Despite paragraph (2), the Chief Secretary may, upon the application of a person, by a direction notice exempt that person from a requirement to self-isolate.
- (4) The Chief Secretary –
 - (a) must not give a direction notice under paragraph (3) 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 conditions or measures are put in place as are reasonably practicable to mitigate any risks associated with that exemption or direction.
- (5) A person who enters, and remains until leaving the Island, within an area which is designated in a direction made by the Department of Infrastructure as a secure exempt area for the purpose of transportation, does not become a Category A person.

11 Prohibition of entry

A person may not enter the Island unless that person is a Category A person referred to in the Schedule (which has effect for that purpose) or a person referred to in regulation 10(5).

12 Paragraph 7 of the Schedule Category A persons

- (1) A Category A person referred to in paragraph 7 of the Schedule, who under the terms of a direction notice referred to in paragraph 6 of the Schedule, is required to self-isolate for 14 days, may by arrangement with the Chief Secretary leave the notified place for the purpose of attending, by appointment, a facility the Chief Secretary specifies in order to provide a biological sample.
- (2) A Category A person must immediately after providing a biological sample return to the notified place and must remain at that place for the remainder of the period referred to in the direction notice given to that person, unless that person receives from the Chief Secretary a further direction notice to the contrary.
- (3) Where a Category A person has provided a biological sample, the Chief Secretary must –
 - (a) as soon as reasonably practicable analyse it, or arrange for it to be analysed, to ascertain whether it indicates that the person is infected or contaminated; and
 - (b) notify, or arrange for the person to be notified, of the findings of that analysis within 24 hours of the biological sample having been provided, or, if the findings are not known within that time, as soon as reasonably practicable after they are known.

- (4) If the findings of the analysis are that the Category A person is infected or contaminated, the Chief Secretary may require that person to self-isolate.
- (5) Where the Chief Secretary requires a Category A person to self-isolate, the Chief Secretary must give that person a direction notice specifying the notified place, and the period, of further self-isolation.
- (6) The period referred to in paragraph (5) is a period beginning with the day on which the Category A person is notified of the findings referred to in paragraph (4) and ending at midday on the 14th day thereafter.
- (7) If the findings of the analysis of the biological sample are inconclusive in that they do not confirm whether or not the Category A person is infected or contaminated, the person may provide a further biological sample.
- (8) If the findings of the analysis of the biological sample are that the Category A person is not infected or contaminated, the Chief Secretary must give a new direction notice to the person exempting the person from complying with the terms of the direction notice referred to in paragraph (1).
- (9) Where a Category A person is given a new direction notice under paragraph (8), for the remainder of the 14 day period that would otherwise apply under paragraph (1), the person must not —
 - (a) go to a gym, sports centre, public house, nightclub, restaurant or café (including premises at which eating or drinking outdoors is permitted);
 - (b) attend the premises of a nursery, pre-school or other child care centre, a school, the University College Isle of Man or any other educational premises;
 - (c) enter a shop, other than to buy food, drink or medicine;
 - (d) enter a nursing, care or residential home unless prior to arriving at that home the person has informed the manager of that home that the person is subject to a direction notice under this regulation and the manager has agreed that the person may nevertheless enter that home;
 - (e) other than in an emergency, enter Noble's Hospital or any other health or care facility unless prior to arriving at the hospital or care facility the person has informed the hospital or care facility that the person is subject to a direction notice under this regulation and the hospital or care facility has agreed that the person may nevertheless enter the hospital or care facility;
 - (f) attend a gathering of more than ten people;
 - (g) attend the person's place of employment if the person's employment requires the person to interact face to face with any

- member of the public (other than that person's work colleagues);
or
- (h) use or travel on any bus, tram or train.
- (10) Where a Category A person who is an eligible patient referred to in paragraph 7 of the Schedule, is a child –
- (a) the child may be accompanied by a responsible adult for the purpose of providing a biological sample under paragraph (2);
- (b) the findings of the analysis of that sample must be notified to the responsible adult; and
- (c) the responsible adult must take such steps as are reasonably necessary to ensure that the child complies with the requirements of this regulation and any direction notice given under it.
- (11) Where a Category A person who is an eligible patient referred to in paragraph 7 of the Schedule, is an incapacitated person –
- (a) that incapacitated person may be accompanied by an appointed person for the purpose of providing a biological sample under paragraph (2);
- (b) the findings of the analysis of that sample must be notified to the appointed person; and
- (c) the appointed person must take such steps as are reasonably necessary to ensure that the incapacitated person complies with the requirements of this regulation and any direction notice given under it.
- (12) Nothing in this regulation prevents the Chief Secretary from giving a direction notice under paragraph 6(14) of the Schedule.

13 Other Category A persons

- (1) A Category A person referred to in the Schedule other than in paragraph 7 who, under the terms of an entry certificate or direction notice is required to self-isolate for 14 days (the original period of self-isolation), must do so unless the Chief Secretary gives that person a direction notice to the contrary.
- (2) Where a Category A person referred to in paragraph (1) voluntarily provides a biological sample, if the findings of the analysis of that sample are –
- (a) that the person is not infected or contaminated, paragraph (1) continues to apply and that person must continue to self-isolate for the remainder of the original period of self-isolation;
- (b) that the person is infected or contaminated, the Chief Secretary may require that person to self-isolate and in that case must give that person a direction notice specifying the notified place and the new period for which, the person must self-isolate.

- (3) The “new period” referred to in sub-paragraph (b) of paragraph (2) is a period beginning with the day on which the Category A person is notified of the findings referred to in that sub-paragraph and ending at midday on the 14th day thereafter.

PART 4 - CATEGORY B PERSONS

14 Category B persons

A Category B person is a person not falling within Part 3 and in respect of whom the Director of Public Health —

- (a) as a result of that person having been contact traced or assessed, reasonably suspects is, or may be, infected or contaminated; and
- (b) considers that there is a risk that the person may infect or contaminate others.

15 “Contact traced” Category B person

- (1) Where a Category B person is a contact traced person, the Director of Public Health may—
- (a) decide that the person should undergo assessment; or
 - (b) require the person to self-isolate,
- and if so must give that person a direction notice to do so.
- (2) Where the Director of Public Health requires a person to self-isolate, the direction notice must specify the notified place, and period, of self-isolation.
- (3) That period is a period beginning with the day on which the Category B person is given a direction notice under paragraph (2) and ending at midday on the 14th day thereafter.

16 Assessment

- (1) Where as a result of the assessment of a Category B person (whether following contact tracing or otherwise) the Director of Public Health reasonably suspects that the person is or may be infected or contaminated, the Director of Public Health may require the person to self-isolate.
- (2) Where the Director of Public Health requires a person to self-isolate, the Director of Public Health must give that person a direction notice specifying the notified place, and period, of self-isolation.
- (3) That period is a period beginning with the day on which the Category B person is given a direction notice under paragraph (2) and ending at midday on the 14th day thereafter.

17 Voluntary biological sample provided during self-isolation

- (1) This regulation applies where a Category B person who is self-isolating voluntarily provides a biological sample.
- (2) A Category B person may not leave their notified place for the purpose of providing a biological sample without the written permission of the Director of Public Health.
- (3) If the results of the analysis of that biological sample are that the Category B person is not infected or contaminated, that person must continue to self-isolate for the remainder of the period specified in the direction notice given to that person under regulation 15, or as the case may be, regulation 16.
- (4) If the results of the analysis of that biological sample are that the Category B person is infected or contaminated, the Director of Public Health may require that the person to further self-isolate and must give that person a direction notice specifying the notified place, and further period, of self-isolation.
- (5) The further period of self-isolation is a period of 14 days beginning with the day on which the Category B person is given the direction notice under paragraph (4) and ending at midday on the 14th day thereafter.

PART 5 – CATEGORY C PERSONS**18 Category C persons**

A Category C person is a person who resides with –

- (a) a Category A person who is required to self-isolate under Part 3 at a place which is that Category A person's notified place; or
- (b) a Category B person who is required to self-isolate under Part 4 at a place which is that Category B person's notified place.

19 Restrictions etc: Council of Ministers

- (1) The Council of Ministers may, having taken the advice of the Director of Public Health, decide that a Category C person should be required to comply with any restrictions or requirements the Council of Ministers decides to impose.
- (2) Where the Council of Ministers requires a Category C person to self-isolate, regulation 20 applies to that person as if that person had been required to self-isolate under that regulation.

20 Category C person member of same household as a Category A person

- (1) Where regulation 18(a) applies, the Director of Public Health may require a Category C person to self-isolate.
- (2) Where a Category C person is required to self-isolate, that person must self-isolate at the Category A person's notified place or, where applicable, their notified place for a period of 14 days —
 - (a) beginning with the time of the arrival into the household of the Category A person who is subject to a requirement to self-isolate under Part 3 or, where that person is given a further direction notice under regulation 12(5) or regulation 13(2), the day of which that person is given that further direction notice; and
 - (b) ending at midday on the 14th day thereafter.

This is subject to the following paragraphs.

- (3) If the Category A person is a person mentioned in paragraph 7 of the Schedule to whom any of paragraphs (9) to (11) of regulation 12 apply, those paragraphs apply to the Category C person in question as they apply to that Category A person.
- (4) If the Category C person is permitted or required to attend a place of assessment, that person must comply with any requirement of the Director of Public Health and return to the Category A person's notified place or, where applicable, their notified place immediately after the assessment has been undertaken.
- (5) A Category C person may only leave the Category A person's notified place or, where applicable, their notified place —
 - (a) for the purpose of receiving emergency medical treatment;
 - (b) where directed to do so by the emergency services;
 - (c) if given written permission by the Director of Public Health to do so (whether under paragraph (4) or otherwise); or
 - (d) in accordance with paragraphs (6) to (8).
- (6) During the period in which the Category C person is self-isolating that person may exercise within a garden (or other space) that forms part of the Category A person's notified place or, where applicable, their notified place but must not exercise in a garden (or other space) if any person who is not a member of the same household as the Category C person is present in that garden (or other space).
- (7) A Category C person may leave the Category A person's notified place or, where applicable, their notified place alone or with members of that household for the purpose of undertaking exercise for a maximum period of 1 hour per day.

- (8) At all times during which any person to whom this regulation applies is not at the Category A person's notified place or, where applicable, their notified place that person must—
- (a) wear a face mask or other suitable face covering; and
 - (b) maintain a distance of at least 2 metres from any person who is not a member of that household.

21 Category C person member of same household as a Category B person

- (1) Where regulation 18(b) applies the Cabinet Office may require a Category C person to self-isolate under this regulation.
- (2) Where a Category C person is required to self-isolate, that person must self-isolate at the Category B person's notified place or, where applicable, their notified place for the relevant period.
- (3) The "relevant period" is a period beginning with the day on which the Category B person is given a direction notice under Part 4 and ending at midday on the 14th day thereafter.
- (4) A direction notice referred to in paragraph (3) means the latest direction notice given to a Category B person under Part 4.

PART 6 - FURTHER POWERS

22 Powers of Chief Secretary: entry

- (1) Where the Chief Secretary attends any place at which a mode of conveying passengers to the Island arrives, the Chief Secretary may decide that a disembarking passenger should be required to produce proof of their identity and proof of their right or authorisation in accordance with these Regulations to enter the Island.
- (2) Where the Chief Secretary makes that decision, a disembarking passenger must produce to the Chief Secretary that proof, right or authorisation.
- (3) The Chief Secretary has the power to make a decision under regulation 24(2) where—
 - (a) a disembarking passenger fails or refuses to comply with a demand under paragraph (1); or
 - (b) a disembarking passenger does not possess any proof demanded under paragraph (1).

23 Powers of Chief Secretary: self-isolation requirements

- (1) Where, under these Regulations a person is required to self-isolate, for the purpose of ascertaining whether the person is complying with the requirement the Chief Secretary may at a reasonable time –
 - (a) make an unscheduled visit to the place where the individual is required to self-isolate; or
 - (b) make an unscheduled telephone call to the individual.
- (2) An individual present at the place visited under paragraph (1), or who receives a telephone call under that paragraph, must reasonably co-operate with the Chief Secretary.

24 Refusal and repatriation

- (1) In this regulation P means a person who disembarks in the Island despite not being a registered resident and despite not having been given an entry certificate under paragraph 4 of the Schedule.
- (2) P may be refused entry to, or the right to remain in the Island by the Chief Secretary.
- (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) A constable may decide that P should be required—
 - (a) to remain at the place of disembarkation pending repatriation;
 - (b) to self-isolate pending repatriation.
- (5) P may be required to bear the costs of P's repatriation and any accommodation, travel and associated expenses.
- (6) Where P refuses to self-isolate voluntarily, P is to be treated as if P were a Category B person and the Director of Public Health may require that person to self-isolate in accordance with Part 4.
- (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.
- (8) A person may not be refused entry to, or the right to remain in, the Island where that person has taken all reasonable steps and exercised all due diligence to avoid committing an offence under these Regulations in connection with that person's failure to become a registered resident or to be given an entry certificate.

25 Travel Corridors

- (1) The Council of Ministers may, by a direction establish a route along which a person may travel to the Island from a location specified in the direction (a “travel corridor”).
- (2) A direction establishing a travel corridor must be published.
- (3) The Council of Ministers must not establish a travel corridor unless, having consulted the Department of Health and Social Care and the Director of Public Health, it is satisfied that such measures are put in place as are reasonably practicable to mitigate any risks associated with its establishment.
- (4) An individual who proposes to travel to the Island through a travel corridor must comply with all reasonably practicable stipulations made by the Council of Ministers in the direction.
- (5) The Council of Ministers may at any time modify or discontinue a travel corridor.
- (6) Any modification or discontinuance must be published.

26 Powers of constables

- (1) This regulation applies where a person (P) is directed to self-isolate.
- (2) Where paragraph (1) applies a constable may —
 - (a) direct P to go to or return to P’s notified place;
 - (b) remove P to that place.
- (3) This regulation also applies where a constable has reasonable grounds to believe that a person (P) has absconded from self-isolation.
- (4) Where paragraph (3) applies, a constable may —
 - (a) direct P to go to or return to P’s notified place;
 - (b) remove P to that place.
- (5) Where P is a child and has left, or is outside of, the place where P is self-isolating and is accompanied by another person, a constable may direct that other person to take P to that place and that person must, so far as reasonably practicable, ensure that P complies with such a direction.
- (6) Before exercising the powers in this regulation the constable must, so far as reasonably practicable, consult the individual who, or person which, gave P the direction to self-isolate and have due regard to the views of and any information provided by that individual or that person about P.
- (7) A constable may use reasonable force in the exercise of the powers under this regulation.

PART 7 – CLOSURE OF PREMISES ETC

27 Interpretation

In this Part, “premises” means any indoor or outdoor place to which the public have access whether on payment or otherwise and includes any premises used wholly or mainly for business or other commercial purposes and any moveable structure and vehicle.

28 Functions relating to Directions

- (1) A relevant body has the function conferred on it by this Part of issuing directions (“closure directions”).
- (2) A relevant body may only exercise that function in accordance with this Part.

29 Closure directions: general

- (1) Where a relevant body gives a closure direction it must—
 - (a) notify the Council of Ministers as soon as reasonably practicable after the direction is given (except where regulation 30 applies); and
 - (b) at least once every 7 days review whether the conditions in regulation 3(1) continue to be met.
- (2) If on a review of a closure direction under paragraph (1)(b) a relevant body considers that the conditions in regulation 3(1) or the proportionality requirement of regulation 6(1) is no longer met, it must—
 - (a) revoke the direction without replacement; or
 - (b) revoke the direction and replace it with a further closure direction which meets those conditions and that proportionality requirement.
- (3) In determining whether to give or revoke a closure direction, a relevant body must have regard to any advice given to it by the Director of Public Health.

30 Closure directions relating to classes or types of premises

- (1) A relevant body may decide that premises of a particular class or type should close and where it does so it may give a direction requiring those premises to close.
- (2) A relevant body for the purposes of this regulation means the Council of Ministers.

31 Closure directions relating to individual premises

- (1) A relevant body may decide that an individual set of premises should close and where it does so it may give a direction requiring the set of premises to close.
- (2) A relevant body for the purposes of this regulation means the Cabinet Office and the Department of Environment, Food and Agriculture.

32 Closure directions: additional

- (1) A closure direction given by a relevant body may impose prohibitions, requirements or restrictions about the entry into, departure from, or location of persons in, the premises specified in the direction.
- (2) A relevant body may not give a closure direction about—
 - (a) any premises which form part of critical national infrastructure;
 - (b) any premises consisting of vehicles, trains, vessels or aircraft used for public transport or the carriage or haulage of goods; or
 - (c) a mode of transport not falling within sub-paragraph (b), where the direction would be likely to have the effect of preventing a change-over of personnel.
- (3) Before issuing a closure direction, a relevant body must have regard to the need to ensure that members of the public have access to essential public services and goods.
- (4) A closure direction may only have the effect of imposing a prohibition, requirement or restriction on—
 - (a) the owner or any occupier of premises to which the direction relates; or
 - (b) any other person involved in managing entry into, or departure from, the premises or the location of persons in them.
- (5) A closure direction may impose a prohibition, requirement or restriction by reference to, among other things—
 - (a) the number of persons in the premises;
 - (b) the purpose for which a person is in the premises;
 - (c) the facilities in the premises.
- (6) A closure direction must state the date and time on which the prohibition, requirement or restriction comes into effect, and the date and time on which it will end.
- (7) Where a relevant body decides to give a closure direction it must take reasonable steps to give advance notice of the direction to a person carrying on a business from the premises to which the direction relates, and if different, any person who owns or occupies the premises.

33 Denial of entry etc

- (1) Where a relevant body or a constable considers that a person is seeking to enter premises in contravention of a closure direction, the relevant body or a constable may deny the person entry to those premises.
- (2) Where a relevant body or a constable considers that a person has entered premises in contravention of a closure direction, the relevant body or a constable may direct that person to leave those premises.
- (3) Where a person does not comply with a direction given to that person by a relevant body or a constable under paragraph (2), a constable may remove that person from the premises.
- (4) A constable exercising the power in paragraph (3) may use reasonable force in the exercise of the power.
- (5) A relevant body for the purposes of this regulation means the Cabinet Office and the Department of Environment, Food and Agriculture.

PART 8 – INFORMATION

34 Use and disclosure of information

- (1) Personal data obtained under these Regulations may be further processed for the following purposes—
 - (a) diagnosing communicable diseases and other risks to public health;
 - (b) recognising trends in diseases and risks;
 - (c) controlling and preventing the spread of diseases and risks; and
 - (d) monitoring and managing—
 - (i) outbreaks of infection or communicable disease;
 - (ii) incidents of exposure to infection or communicable disease including tracing of contacts of persons who may have been exposed, infected or diagnosed with infection or communicable disease;
 - (iii) the delivery, efficacy and safety of immunisation programmes;
 - (iv) adverse reactions to vaccines and medicines;
 - (v) the giving of information to persons about the diagnosis of infection or communicable disease and risks of contracting a disease;
 - (vi) providing a public health response to the incidence, spread or contamination of an infection or disease;
 - (vii) mitigating or eliminating effects of an infection or disease in the Island.

- (2) The processing of personal data for the purposes specified in paragraph (1) may be undertaken by—
 - (a) the Director of Public Health for the purposes of these Regulations; and
 - (b) persons engaged in the provision of a health and social care services on the Island.
- (3) A person who holds personal data 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).
- (4) A person who holds personal data which has at any time been provided under these Regulations may use it if, and only if, the use is for a purpose specified in paragraph (1).
- (5) Personal data may not be used or disclosed under this regulation if the use or disclosure would contravene—
 - (a) these Regulations; or
 - (b) the data protection legislation.
- (6) “Personal data” has the meaning given in the GDPR and LED Implementing Regulations 2018².
- (7) “Data protection legislation” has the meaning given in regulation 5(1) of the GDPR and LED Implementing Regulations 2018.

PART 9 – APPEALS

35 Appeals

- (1) Where any decision taken under these Regulations enables a special restriction or requirement within the meaning of section 51C(6) of the Act to be imposed on, or about, a person or a person’s premises, that person may appeal to the High Bailiff against that decision.
- (2) A person may appeal to a summary court against any other restriction or requirement under these Regulations applying to, or about, that person or that person’s premises.
- (3) Where a special restriction or requirement referred to in paragraph (1) applies to a person who is a child, the person referred to in paragraph (1) includes the responsible adult for that child.
- (4) Where any other restriction or requirement applies to a person who is a child, the person referred to in paragraph (2) includes the responsible adult for that child.

² SD 2018/0145.

- (5) Where a special restriction or requirement referred to in paragraph (1) applies to a person who is an incapacitated person, the person referred to in paragraph (1) includes the appointed person for that incapacitated person.
- (6) Where any other restriction or requirement applies to a person who is an incapacitated person, the person referred to in paragraph (2) includes the appointed person for that incapacitated person.

PART 10 – OFFENCES AND PENALTIES

36 Offences and penalties

- (1) A person (“P”) commits an offence if P fails, without reasonable excuse, to comply with –
 - (a) a restriction, a requirement, a direction or a notice under Part 3, 4, 5, 6 or 7; or
 - (b) a certificate, direction notice, exemption notice or consent given to P or any conditions contained in it, under the Schedule.
- (2) P commits an offence if P –
 - (a) knowingly or recklessly provides false or misleading information to any person carrying out a function under these Regulations; or
 - (b) obstructs, without reasonable excuse, any person carrying out a function under these Regulations.
- (3) A responsible adult commits an offence if that person fails, without reasonable excuse, to comply with regulation 6(3).
- (4) An appointed person commits an offence if that person fails, without reasonable excuse, to comply with regulation 6(4).
- (5) The captain of a private vessel commits an offence under regulation 7 if, without first having docked at the harbour in Douglas, docks at any other harbour in the Island unless permitted to do so under that regulation.
- (6) The pilot of a private aircraft commits an offence under regulation 8 if, without first having landed at Ronaldsway airport, the pilot lands in any other place in the Island.

This does not apply to a pilot of such an aircraft carrying a person (P) referred to in paragraph 8 of the Schedule where P is not required to self-isolate or where the pilot is such a person.
- (7) Section 27 of the Police Powers and Procedures Act 1998 (arrest without warrant: constables) applies to an offence under Part 4 referred to in this regulation as if the reasons in subsection (5) of that section included –
 - (a) to maintain public health; and

- (b) to maintain public order.
- (8) An offence specified in this regulation is punishable on summary conviction by custody for a term not exceeding 3 months or a fine not exceeding 4 times level 5 on the standard scale.

PART 11 – FIXED PENALTY NOTICES

37 Fixed penalty offences

An offence referred to in regulation 36 is a fixed penalty offence for the purposes of this regulation.

38 Giving a fixed penalty notice

Where a constable reasonably believes that –

- (a) a person has committed a fixed penalty offence; and
- (b) the person is aged 18 or over,

a fixed penalty notice in respect of the offence may be served on that person by a constable.

39 Effect of a fixed penalty notice

Where a person is given a fixed penalty notice under regulation 38 –

- (a) proceedings must not be brought against the person for the offence before the end of the period for paying the fixed penalty (“the payment period”); and
- (b) the person cannot be convicted of the fixed penalty offence in respect of which that notice is given if the person pays the fixed penalty before the end of the payment period.

40 Contents of a fixed penalty notice

A fixed penalty notice must give such particulars of the circumstances alleged to constitute the fixed penalty offence as are necessary for giving reasonable information about that offence and must state –

- (a) the date of the notice;
- (b) the amount of the fixed penalty;
- (c) the payment period;
- (d) that until the expiry of the payment period proceedings will not be brought for the offence;
- (e) the consequences of the fixed penalty not being paid before the expiry of the payment period;

- (f) the person to whom and the address at which the fixed penalty may be paid;
- (g) the preferred, and other permissible, methods of payment;
- (h) that a copy of the relevant fixed penalty notice must be included where payment is sent by any form of post;
- (i) that proof of posting must be obtained and retained where payment is sent by any form of post;
- (j) that a receipt for payment must be requested at the time of payment, if one is required;
- (k) that a stamped, self-addressed envelope must be provided with any payment sent by any form of post for which a receipt is requested;
- (l) the name of the constable serving the fixed penalty notice and the name of the police station to which the constable is attached.

41 Amount of fixed penalty

The amount of the fixed penalty for a fixed penalty offence is —

- (a) if paid within the first 14 days of the payment period, £150;
- (b) otherwise, £250.

42 Payment of a fixed penalty

- (1) Payment of a fixed penalty must be made to the person referred to in the fixed penalty notice.
- (2) Where payment of the amount of the fixed penalty is made by post, payment is regarded as having been made at the time at which the copy of the fixed penalty notice together with the amount of the fixed penalty would be delivered in the ordinary course of post.
- (3) In any proceedings, evidence that a fixed penalty was or was not paid before the end of any period may be given by the production of a certificate which —
 - (a) purports to be signed by or on behalf of the person referred to in paragraph (1); and
 - (b) states that payment of the fixed penalty was or was not received by the date specified in the certificate.
- (4) Sums collected under this Part must be paid into the General Revenue.

PART 12 – REVIEW AND SAVINGS

43 Review

The Council of Ministers must review the need for these Regulations before the end of the period of 3 months beginning with the day on which they come into operation.

44 Savings

Anything permitted, done, to be done or required under the –

- (a) Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020³; and
- (b) Emergency Powers (Potentially Infectious Persons) Regulations 2020⁴,

as continued (with or without modification) under the Emergency Powers (Coronavirus) (Continuation) (No.2) Regulations 2020, shall be treated as permitted, done, to be done or required under the corresponding provision of these Regulations.

MADE 14:45 15TH DECEMBER 2020

W GREENHOW
Chief Secretary

³ SD 2020/0279.

⁴ SD 2020/0171.

SCHEDULE**CATEGORY A PERSONS****1 Non-resident key workers**

- (1) A non-resident of the Island is a Category A person (and a non-resident key worker) where the conditions in paragraphs 2 to 5 are satisfied.
- (2) The Chief Secretary may exempt a non-resident that is a company or other body (“exempt non-resident company or other body”).
- (3) An exemption under sub-paragraph (2) includes a non-resident individual in the employ or service of an exempt non-resident company or other body.

2 Non-resident key workers – first condition

The first condition is that the non-resident makes an application to the Chief Secretary for an exemption from the prohibition in regulation 11.

3 Non-resident key workers – second condition

- (1) The second condition is that one of the following applies –
 - (a) the Chief Secretary is satisfied, following consultation with the Department of Infrastructure, that the non-resident is a member of the merchant navy;
 - (b) the Chief Secretary is satisfied, following consultation with the Department of Infrastructure, that the non-resident is a person who is vital to critical national infrastructure of the Island and who enters the Island to provide services for that infrastructure;
 - (c) the Chief Secretary is satisfied, following consultation with the Department of Health and Social Care, that the non-resident is a supplier of goods or services that are essential for the Island’s health infrastructure or for the health or care of the community;
 - (d) the Chief Secretary is satisfied, following consultation with the Department of Home Affairs, that the non-resident is a member of the armed forces who enters the Island for the protection of life or property;
 - (e) the Chief Secretary is satisfied, following consultation with the Department of Home Affairs, that the non-resident is a police officer or a fire officer employed by that Department;
 - (f) the Chief Secretary is satisfied, following consultation with the Department of Home Affairs, that the non-resident is a person to whom an offer of employment as a police officer or a fire officer in that Department has been made by it;

- (g) the Chief Secretary is satisfied, following consultation with the Chief Registrar, that the non-resident is a member of the Island's judiciary appointed under section 3 or 3B of the *High Court Act 1991* and who the Chief Registrar is satisfied enters the Island for a judicial purpose;
 - (h) the Chief Secretary is satisfied, following consultation with the Chief Registrar, that the non-resident is the holder of a temporary advocate's licence issued by the First Deemster under section 15 of the *Advocates Act 1995* and who the Chief Registrar is satisfied enters the Island to participate in proceedings before any court, tribunal or other person exercising a judicial function under a Manx enactment;
 - (i) the Chief Secretary is satisfied, following consultation with the Chief Registrar, that the non-resident is a person who the Chief Registrar is satisfied enters the Island to participate in proceedings before any court, tribunal or other person exercising a judicial function under a Manx enactment, whether as a witness or a party to the proceedings;
 - (j) the Chief Secretary is satisfied, following consultation with the Chief Registrar, that the non-resident is a person who the Chief Registrar is satisfied enters the Island as a chaperone to a person referred to in paragraph (i);
 - (k) the Chief Secretary is satisfied, following consultation with the Department for Enterprise, that the non-resident is a person whose presence in the Island is in the interests of the economy of the Island;
 - (l) the Chief Secretary is satisfied that the non-resident is a person whose presence in the Island is necessary for compliance with international obligations that apply to the Island or for the provision of diplomatic, consular or related services;
 - (m) the Chief Secretary is satisfied, following consultation with the Department of Health and Social Care or the Director of Public Health that the failure to exempt a non-resident from the prohibition in regulation 11 poses a greater risk to public safety and the life of the community than the risk of exempting that person;
 - (n) the Chief Secretary is satisfied that the non-resident is a person whose presence in the Island is in the public interest as specified in guidance published by the Chief Secretary following its approval of the Council of Ministers.
- (2) The person referred to in sub-paragraph (1)(l), is a person who is –
- (a) a member of a diplomatic mission within the meaning of Article 1(b) of the Vienna Convention on Diplomatic Relations signed in 1961;

- (b) a member of a consular post within the meaning of Article 1(l) of the Vienna Convention on Consular Relations signed in 1963;
 - (c) an officer or servant of an international organisation whose members are any of the following –
 - (i) countries or territories;
 - (ii) governments of countries or territories;
 - (iii) a mixture of the above;
 - (d) an official or expert on mission of an international organisation.
- (3) For the purpose of enabling the Chief Secretary to consider whether the Chief Secretary is satisfied as to the matter in sub-paragraph (1)(m) –
- (a) the non-resident must supply such information as the Chief Secretary may reasonably require; and
 - (b) the Chief Secretary may make enquiries of any person for the purpose of verifying the information supplied under this sub-paragraph.

4 Non-resident key workers – third condition

- (1) The third condition is that the non-resident person has been given a certificate (“an entry certificate”) by the Chief Secretary which states that the person is an “exempted person” (that is, exempt from the prohibition in regulation 11) and specifies the conditions the Chief Secretary, following consultation with the Director of Public Health, considers necessary to mitigate any risks associated with the exempt person’s entry into the Island.
- (2) Those conditions may include, where the Chief Secretary has decided to give an entry certificate –
- (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 conduct while in the Island.
- (3) An entry certificate under this paragraph must specify all of the following –
- (a) the name of the exempted person to whom it is given;
 - (b) the date on 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 infection or contamination;

- (f) any other conditions the Chief Secretary considers reasonably necessary.
- (4) The exemption period expires on the date specified in the entry certificate.
- (5) The Chief Secretary may, at any time after consultation with the Director of Public Health, amend an entry certificate or revoke it if no longer satisfied that the exemption on which it is based is appropriate.

5 Non-resident key workers – fourth condition

The fourth condition is that the non-resident has, no earlier than 48 hours before the non-resident's scheduled arrival in the Island, fully and truthfully answered all questions posed to the non-resident on the published landing card and has submitted that card in the manner instructed.

6 Residents of the Island

- (1) A person who has been registered by the Chief Secretary as a resident of the Island (a "registered resident") is a Category A person and may enter and leave the Island in accordance with this paragraph.
- (2) For the purpose of this paragraph, a person is a resident of the Island if that person owns, leases or occupies a dwelling in the Island as the person's only or principal home.
- (3) The Chief Secretary must register a person as a resident of the Island for the purposes of this paragraph if both of the following are satisfied—
 - (a) the person has submitted an application for registration to the Chief Secretary in accordance with sub-paragraphs (5) and (6);
 - (b) the Chief Secretary is satisfied that the person is a resident of the Island.
- (4) The Chief Secretary must publish all of the following—
 - (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;
 - (d) the criteria that would be used by the Chief Secretary to determine whether a person is a resident of the Island as required by sub-paragraph (3)(b).
- (5) A person wishing to be registered as a resident of the Island for the purposes of this paragraph must submit an application (either electronically or in hard copy) in the published form.

- (6) An application for registration under sub-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 matter in sub-paragraph (3)(b) is satisfied —
 - (a) the applicant must supply such information as the Chief Secretary may reasonably require; and
 - (b) the Chief Secretary may make enquiries of any person the Chief Secretary considers necessary for the purpose of verifying the information supplied under this sub-paragraph.
- (8) Sub-paragraph (7)(a) and (b) also applies in a case where, after registering a person as a registered resident under sub-paragraph (3), 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 a person under sub-paragraph (3) give the person written confirmation of the person's registration, including any specific reference by which the registration may be identified.
- (10) A registered resident may freely travel to and from the Island, subject to the requirement to comply with all of the following —
 - (a) sub-paragraph (11);
 - (b) a direction notice given under sub-paragraph (13);
 - (c) any condition that the Chief Secretary specifies in such a direction notice and which is 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 that resident must, no earlier than 48 hours before the registered resident's arrival in the Island submit (in a manner the Chief Secretary must publish) —
 - (a) a written declaration as to the state of the registered resident's health, setting out information necessary to establish whether the resident has contracted, or are suspected of having contracted, Coronavirus;
 - (b) a fully and truthfully completed landing card.
- (12) The Chief Secretary may require that a registered resident should self-isolate following entry to the Island.
- (13) Where the Chief Secretary requires a registered resident to self-isolate, prior to that resident entering the Island or as soon as reasonably practicable, the Chief Secretary —

- (a) must give the registered resident a direction notice requiring 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.

This is subject to sub-paragraphs (14) and (15).

- (14) Despite sub-paragraph (13), 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.
- (15) The Chief Secretary —
 - (a) must not give a direction notice under sub-paragraph (14) 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 conditions or measures are put in place as are reasonably practicable to mitigate any risks associated with that exemption or direction.
- (16) 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 written notice.
- (17) In this regulation "child" means a person under the age of 16 years.

7 Residents who leave and return

- (1) A person who satisfies the following conditions is a Category A person.
- (2) The first condition is that the person is a person who, having been registered as a resident under paragraph 6, is also one of the following —
 - (a) a member of the armed forces who travelled off the Island for the purposes of the resident's employment in the armed forces;
 - (b) an individual who the Chief Secretary considers to be vital to the Island's critical national infrastructure who travelled off the Island for the purposes of the resident's work relating to that infrastructure;
 - (c) an individual who is a supplier of goods or services that the Chief Secretary considers to be essential to the Island's critical national infrastructure who travelled off the Island for the purposes of the resident's work in supplying those goods or services;
 - (d) an individual who is a medical expert or professional whose skills the Chief Secretary considers to be essential to the Island's critical national infrastructure who travelled off the Island for the purposes of the resident's employment;

- (e) a police officer or a fire officer employed by the Department of Home Affairs who travelled off the Island for the purposes of the resident's employment as a police officer or fire officer;
 - (f) a member of the Island's judiciary appointed under section 3 or 3B of the *High Court Act 1991*;
 - (g) an eligible patient; and
 - (h) an eligible escort.
- (3) The second condition is that the registered resident mentioned in subparagraph (2) is a person who —
- (a) having travelled off the Island as mentioned in that subparagraph has re-entered the Island in compliance with paragraph 6;
 - (b) has self-isolated in accordance with a direction notice given under paragraph 6(13) for at least 7 days and continues to self-isolate under that direction notice; and
 - (c) is not subject to any other requirement to self-isolate under these Regulations or any other enactment
- (4) "Eligible patient" means an individual who requires medical treatment at a place outside the Island and —
- (a) the Department of Health and Social Care —
 - (i) arranges the appointments for the individual's treatment and arranges or approves the travel arrangements for the individual to attend the appointments or undergo treatment; or
 - (ii) is satisfied, in the case of an individual receiving treatment otherwise than through the Department, that the individual has made travel arrangements for the purpose of attending medical appointments in connection with that treatment or for undergoing that treatment; and
 - (b) the individual is likely to need to leave the Island to attend a medical appointment or undergo treatment and thereafter return to the Island at such times, and within such a period, after the end of that treatment as the Council of Ministers may having consulted the Director of Public Health and the Department of Health and Social Care notify to that individual.
- (5) "Eligible escort" means an individual who accompanies an eligible patient and whose travel arrangements for that purpose are made by or validated or, in the case of an individual receiving medical treatment otherwise than through the Department of Health and Social Care, approved by it.

8 Emergency services

- (1) A person who is employed or engaged in the provision of emergency services and who enters the Island to perform those services is a Category A person.
- (2) “Emergency services” means —
 - (a) emergency search and rescue services;
 - (b) air ambulance services; and
 - (c) services as an air accident inspector with the United Kingdom Air Accidents Investigation Branch.
- (3) Such measures as are reasonably practicable to mitigate any risks associated with the entry into the Island of a person referred to in sub-paragraph (1) must be put in place by the Chief Secretary.

9 Compassionate grounds

- (1) A non-resident to whom the Chief Secretary has given prior written consent to enter the Island on compassionate grounds is a Category A person.
- (2) The Chief Secretary may not give a consent unless satisfied that reasonably practicable measures are in place to mitigate any risks associated with the entry into the Island of the non-resident.

10 Contractual obligation

- (1) A non-resident to whom the Chief Secretary has given prior written consent to enter the Island on the grounds referred to in sub-paragraph (2) is a Category A person.
- (2) Those grounds are that the Chief Secretary is satisfied that the non-resident —
 - (a) intends to make the Island the non-resident’s main place of residence; and
 - (b) either —
 - (i) has entered into a legally binding contract for a permanent office or employed position, or for the purchase or lease of premises, in the Island; or
 - (ii) is the holder of a permanent office or employment or the owner or lessee of premises, in the Island.
- (3) A consent given under sub-paragraph (1) must provide that measures are put in place as are reasonably practicable to mitigate any risks associated with the entry into the Island of that non-resident.
- (4) In this paragraph, references to a non-resident include —

- (a) the non-resident's spouse or civil partner or a person they were living with as if they were a spouse or civil partner;
 - (b) any child for whom a person specified in paragraph (a) has parental or guardianship responsibilities; and
 - (c) any other relative of the non-resident in respect of whom the Chief Secretary is satisfied there is a compelling case for inclusion in the consent.
- (5) The Council of Ministers may publish guidance for the purposes of this paragraph.

11 Planning appeal inquiries

- (1) A person to whom the Chief Secretary has given prior written consent to enter the Island on the grounds referred to in sub-paragraph (2) is a Category A person.
- (2) Those grounds are that the Chief Secretary is satisfied that the individual is –
 - (a) a planning inspector, as defined in the Town and Country Planning (Development Procedure) Order 2019⁵; or
 - (b) an expert or professional with appropriate and essential expertise, whose attendance at a planning appeal inquiry is necessary.
- (3) The Chief Secretary may not give a consent unless satisfied that reasonably practicable measures are in place to mitigate any risks associated with the entry into the Island of the person.

12 Removal and transportation services

- (1) A person to whom the Chief Secretary has given prior written consent to enter the Island and who provides removal or transportation of furniture, personal effects and personal property services into, and out of, the Island, is a Category A person.
- (2) The Chief Secretary may not give a consent unless satisfied that reasonably practicable measures are in place to mitigate any risks associated with the entry into the Island of the person.

⁵ SD 2020/0423.

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

These Regulations are made under the Public Health Act 1990 in response to the infection of Coronavirus.

Part 1 (regulations 1 to 5) deals with general matters. In particular regulation 3 provides that the Regulations apply where the Council of Ministers has published a declaration notice declaring that the incidence or transmission of Coronavirus is a serious and imminent threat to public health and that the Regulations are considered an effective means of preventing its further significant transmission. Regulation 4 provides that the Regulations cease to have effect 6 months after they are made.

Part 2 (regulations 6 to 9) deals with general matters relating to restrictions or requirements imposed under the Regulations. Regulation 6 provides that a restriction or requirement that is imposed, or any other thing done under the Regulations, must be proportionate to what is sought to be achieved by imposing or doing it. Regulations 7 and 8 deal with restrictions on private vessels and aircraft respectively. Regulation 9 enables the Director of Public Health to require a person to provide contact tracing information.

Part 3 (regulations 10 to 13) deals with Category A persons and direction notices in respect of them. A Category A person is a person referred to in the Schedule – they are essentially persons who enter the Island. Regulation 11 (with a minor exception) provides that no person may enter the Island unless they are a Category A person. Regulation 10 enables the Chief Secretary to give a direction notice in respect of a Category A person. A direction notice may include a requirement that the person self-isolate and (regulations 10). Special provision is made for Category A persons who go off Island for medical treatment (regulation 12).

Part 4 (regulations 14 to 17) deals with Category B persons (persons who are not Category A or Category C persons). A Category B person may be required, by direction notice, to provide contact tracing information or to undergo an assessment and to self-isolate (regulations 15 -16).

Part 5 (regulations 18 to 21) deals with Category C persons. Category C persons are members of the same household as a Category A person or a Category B person. A Category C person is required to comply with any restrictions or requirements imposed by a direction notice (regulation 14). A Category C person is, by virtue of regulations 20 and 21, required to self-isolate where they are part of the same household as a Category A or Category B person who is required to self-isolate under Part 3 or Part 4 as appropriate.

Part 6 (regulations 22 to 26) deals with further powers in relation to Parts 3 to 5. Regulations 22 and 23 enable the Chief Secretary to take steps to ensure that there is compliance with those Parts. Regulation 24 provides for the repatriation of a person

who has not complied with the Regulations. Regulation 25 enables the Council of Ministers to establish travel corridors and regulation 26 sets out the powers of a constable under the Regulations.

Part 7 (regulations 27 to 33) deals with the closure of premises. It covers the closure of types of premises and individual premises via closure directions. It also provides a mechanism to prevent people from entering premises which are subject to a closure direction.

Part 8 (regulation 34) provides for the disclosure and use of personal data collected or held under the Regulations.

Part 9 (regulation 35) provides for an appeal to the High Bailiff and the justices in respect of certain restrictions or requirements imposed under the Regulations.

Part 10 (regulation 36) deals with offences and penalties for breaches of restrictions and requirements under the Regulations. The penalty is a fine not exceeding 4 times level 5 on the standard scale.

Part 11 (regulations 37 to 42) deals with Fixed Penalty Notices. It sets out the contents of such a notice, the procedures to be followed and the effect of such a notice.

Part 12 (regulations 43 and 44) deals with review and savings. Regulation 43 requires the Council of Ministers to review the operation of the Regulations after 3 months. Regulation 44 provides that anything permitted, done or to be done under certain Emergency Powers Act 1936 Regulations are to be treated as permitted, done or to be done under the corresponding provisions of the Regulations.