

Statutory Document No. 2020/0599



*Public Health Act 1990*

## **PUBLIC HEALTH PROTECTION (CORONAVIRUS) (AMENDMENT) REGULATIONS 2020**

*Laid before Tynwald: 30 December 2020*  
*Approved by Tynwald: 30 December 2020<sup>1</sup>*  
*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.

The Council of Ministers is of the opinion that, by reason of urgency, it is necessary for these Regulations to come into operation before they are approved<sup>2</sup>.

<sup>1</sup> With amendments to regulations 7 and 9 – those regulations are marked up to show the amendments that were approved.

<sup>2</sup> Section 51Q of the Public Health Act 1990 states –

**“Tynwald control: regulations and orders**

(1) This section applies to a public document issued by the Council of Ministers under this Part.

(2) A public document to which this section applies must not come into operation unless – (a) it is approved by Tynwald; or (b) subsection (3) applies.

(3) A public document may come into operation without first being approved by Tynwald if it contains a declaration that the person making it is of the opinion that, by reason of urgency, it is necessary for it to come into operation before it is approved.

(4) A public document that comes into operation in accordance with subsection (3) must be laid before Tynwald after it is made.

(5) A public document to which subsection (3) applies ceases to have effect at the end of the period of 14 days beginning with the day on which it is made unless, before that time, Tynwald has approved it with or without amendment.

(5A) If Tynwald is not due to sit during the period referred to in subsection (5) the President of Tynwald must summon Tynwald to meet on a day specified by the President within that period.

(5B) Where it is not reasonably practicable for Tynwald to sit within the period referred to in subsection (5A), the President of Tynwald must summon Tynwald to sit on the earliest day it is capable of sitting thereafter.

**1 Title**

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

**2 Commencement**

These Regulations come into operation immediately after they are made.

**3 Public Health Protection (Coronavirus) Regulations 2020 amended**

The Public Health Protection (Coronavirus) Regulations 2020<sup>3</sup> are amended in accordance with regulations 4 to 17.

**4 Regulation 2 (commencement) amended**

In regulation 2 (commencement), for “If approved by Tynwald, these<sup>4</sup> Regulations come into operation immediately after the lapse of the Emergency Powers (Coronavirus) (Continuation) (No. 2) Regulations 2020.”, substitute **63** These Regulations come into operation at 00:01 on Wednesday 23 December 2020. **62**.

**5 Regulation 5 (interpretation) amended**

In regulation 5 (interpretation) —

- (a) in the definition of “biological sample”, after “contaminated”, add **64** and unless otherwise specified, includes a first biological sample and a second biological sample (as defined in regulation 13A) **62**; and
- (b) omit the definitions for “compassionate grounds” and “consent”.

**6 Regulation 8 (restrictions on private aircraft) amended**

In regulation 8(3) (restrictions on private aircraft), omit “or 8”.

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(5C) Where subsection (5B) applies, a public document shall continue in operation pending its approval (or otherwise) by Tynwald.

(6) But if on any day during that period, on proceedings on a motion that (or to the effect that) the public document be so approved, Tynwald comes to a decision rejecting the public document, it ceases to have effect at the end of that day instead.

(7) Subsections (5) and (6) do not — (a) affect anything done in reliance on the public document before it ceased to have effect; or (b) prevent the making of a further public document to the like effect.”

<sup>3</sup> SD 2020/0551

<sup>4</sup> See correction notice dated 23/12/2020.



## 7 Regulation 10 (direction notices) amended

In regulation 10(3) (direction notices), for “upon the application of a person, by a direction notice exempt that person from a requirement to self-isolate”, substitute **13A** by a direction notice, exempt a Category A person to whom neither paragraph 6 or 7 of the Schedule applies, from a requirement to self-isolate **12**.

In regulation 10 (direction notices) —

- (a) in paragraph (3), for “upon the application of a person, by a direction notice exempt that person from a requirement to self-isolate”, substitute **13A** by a direction notice, exempt a Category A person to whom neither paragraph 6 or 7 of the Schedule applies, from a requirement to self-isolate **12**;
- (b) for paragraph (4)(b) substitute —
  - 13A** (b) must ensure —
    - (i) when giving the direction notice, that conditions or measures are put in place as are reasonably practicable to mitigate any risks associated with that exemption or direction; and
    - (ii) that the terms of the direction notice and any mitigating conditions and measures are proportionate. **12**.<sup>5</sup>

## 8 Regulation 12 (paragraph 7 of the Schedule Category A persons) amended

For regulation 12 (paragraph 7 of the Schedule Category A persons), substitute —

### **13A** 12 Paragraph 6 or 7 of the Schedule Category A persons

The Chief Secretary must give a Category A person referred to in paragraph 6 or 7 of the Schedule, a direction notice specifying the notified place of self-isolation and that the person must self-isolate for 21 days after entering the Island.

This regulation is subject to regulation 13A. **12**.

## 9 Regulation 13 (other Category A persons) amended

In regulation 13 (other Category A persons) —

- (a) in paragraph (1) —
  - (i) for “paragraph 7”, substitute **13A** paragraph 6 or 7 **12**;

<sup>5</sup> Struck through text was omitted and text shown in *bold italics* was inserted in accordance with the amendments to this regulation that was approved by Tynwald. NOTE: this amendment has been corrected to reflect the intention of the mover’s amendment from the text that appeared on the amendment paper.

- (ii) for “14”, substitute ~~21~~; and
  - (iii) below the final line, add —
- ~~21~~ This regulation is subject to regulation 13A. ~~22~~; and
- (b) in paragraph (2), after “Where”, insert ~~23~~, in accordance with the conditions specified in the entry certificate issued to ~~24~~; *and*
  - (c) *after “referred to in paragraph (1),”, insert ~~25~~ the person ~~26~~.*<sup>6</sup>

## 10 Regulation 13A (biological samples) inserted

After regulation 13 (other Category A persons), insert —

### ~~21~~ 13A Biological samples

- (1) This regulation applies to a Category A person to whom regulation 12 or 13 applies.
- (2) Upon payment of the sum of £50 to the Cabinet Office, within 48 hours of entering the Island —
  - (a) a Category A person referred to in paragraph 6 or 7 of the Schedule, may; and
  - (b) a Category A person referred to in the Schedule other than in paragraph 6 or 7, in order to comply with the conditions of the entry certificate issued to the person, shall,

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 (“first biological sample”).
- (3) The requirement to pay the sum of £50 referred to in paragraph (2) does not apply to an eligible patient or the responsible adult or appointed person for the eligible patient.
- (4) A Category A person who provides a first biological sample may, on or after the 13<sup>th</sup> day after entering the Island, 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 further biological sample (“second biological sample”).
- (5) A Category A person must immediately after providing a biological sample return to the notified place and must remain at that place —
  - (a) in the case of a person referred to in regulation 10(3), to the extent required to do so under the direction notice given

<sup>6</sup> Struck through text was omitted and text shown in *bold italics* was inserted in accordance with the amendment to this regulation that was approved by Tynwald.

- under that paragraph or the entry certificate issued to that person;
  - (b) for the remainder of the 21 day self-isolation period specified in regulation 12 or 13 (as the case may be);
  - (c) where paragraph (7) applies, for such further period of self-isolation as is specified in the new direction notice; or
  - (d) where paragraph (10) applies, until the person is given a new direction notice.
- (6) 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.
- (7) If the findings of the analysis are that the Category A person is infected or contaminated —
  - (a) that person must self-isolate for a period of further self-isolation; and
  - (b) the person is a Category B person for the purposes of regulation 14.
- (8) The period referred to in paragraph (7)(a) is a period beginning with the day on which the person is notified of the findings referred to in paragraph (6) and ending at midday on the 14<sup>th</sup> day thereafter.
- (9) If the findings of the analysis of the biological sample are inconclusive in that they do not confirm whether or not the person is infected or contaminated, the person may provide a further biological sample.
- (10) If the findings of the analysis of the biological sample are that the person is not infected or contaminated, the person is exempt from complying with the terms of the direction notice referred to in regulation 12 or 13 (as the case may be) from midday on the 14<sup>th</sup> day after entering the Island.
- (11) Where 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) and (4);

- (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.
- (12) 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) and (4);
  - (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. **22**.

#### 11 Regulation 14 (Category B persons) amended

In regulation 14 (Category B persons), below paragraph (b), insert –

- 23** This paragraph is subject to regulation 13A(7)(b). **22**.

#### 12 Regulation 15 (“Contact traced” Category B person) amended

In regulation 15 (“Contact traced” Category B person), omit paragraph (3).

#### 13 Regulation 16 (assessment)

In regulation 16 (assessment), omit paragraph (3).

#### 14 Regulation 19 (restrictions etc: Council of Ministers)

In regulation 19 (restrictions etc: Council of Ministers) –

- (a) in paragraph (1), for “decide that a Category C person”, substitute **24** by direction notice, state that a class or group of Category C person **22**; and
- (b) after paragraph (2), add –
  - 23**(3) A direction notice made under paragraph (1) must be published on [www.gov.im](http://www.gov.im) or in a manner that the Council of Ministers considers will bring it to the attention of those likely to be affected by it. **22**.

**15 Regulation 20 (Category C person member of same household as a Category A person) amended**

In regulation 20 (Category C person member of same household as a Category A person) —

- (a) in paragraph (2) —
  - (i) for “14”, substitute **“21”**;
  - (ii) in sub-paragraph (a), for “12(5) or regulation 13(2)”, substitute **“13A(8)”**; and
  - (iii) in sub-paragraph (b), for “14th”, substitute **“21st”**;
- (b) omit paragraph (3);
- (c) in paragraph (5)(d) for “paragraphs (6) to (8)”, substitute **“paragraph (8)”**;
- (d) omit paragraph (6); and
- (e) omit paragraph (7).

**16 Regulation 36 (offences and penalties) amended**

In regulation 36(1) (offences and penalties), for paragraph (1), substitute —

- “(1) A person (“P”) commits an offence if P fails, without reasonable excuse, to comply with —**
  - (a) these Regulations; or
  - (b) a restriction, a requirement, a direction, a notice, a certificate, a direction notice, an exemption notice or consent given or otherwise applying to P or any conditions contained or given under these Regulations. **”**

**17 Schedule (Category A persons) amended**

In the Schedule (Category A persons) —

- (a) in paragraph 3(1) (non-resident key workers – second condition), omit sub-paragraphs (a) and (d) to (m); and
- (b) in paragraph 3, omit sub-paragraphs (2) and (3);
- (c) in paragraph 4(2)(a) (non-resident key workers – third condition), for “14”, substitute **“21”**;
- (d) in paragraph 6(13)(a) (residents of the Island), for “14”, substitute **“21”**;
- (e) in paragraph 6(14), for “may, upon the application of an individual, by a direction notice exempt an individual from the requirement to self-isolate for 14 days”, substitute **“may, by a direction notice exempt an individual from the requirement to self-isolate for 21 days”**;

- (f) for paragraph 7(3)(b) (residents who leave and return), substitute –
- ▮(b) self-isolates in accordance with a direction notice given under regulation 12; and ▮; and
- (g) omit paragraphs 8 to 12.

## 18 Revocation and savings

- (1) The following provisions in the Emergency Powers (Coronavirus) (Continuation) (No.2) Regulations 2020<sup>7</sup>, are revoked –
- (a) paragraphs (f) and (g) of regulation 3(3);
  - (b) in Schedule 1, the entries relating to –
    - (i) the Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020<sup>8</sup>; and
    - (ii) the Emergency Powers (Potentially Infectious Persons) Regulations 2020<sup>9</sup>; and
  - (c) Schedules 2 and 3.
- (2) Despite paragraph (1) –
- (a) anything permitted, done, to be done or required under the Regulations specified in paragraph (1) is unaffected by these Regulations; and
  - (b) a person to whom an exemption, consent, entry certificate or direction notice (“permission”) issued under the Regulations specified in paragraph (1) applies, may continue to rely on the permission and in respect of any act done in compliance with the permission, the person does not commit an offence under these Regulations.

**MADE AT 22:44 ON 22 DECEMBER 2020**

**W GREENHOW**  
*Chief Secretary*

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<sup>7</sup> SD 2020/0370

<sup>8</sup> SD 2020/0279

<sup>9</sup> SD 2020/0171



*EXPLANATORY NOTE*

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

These Regulations amend the Public Health Protection (Coronavirus) Regulations 2020 [SD2020/0551] (“the principal regulations”).

The amendments made by these Regulations –

1. provide for the principal regulations to come into operation from 00:01 on Wednesday 23 December 2020;
2. revoke the provisions in the Emergency Powers (Coronavirus) (Continuation) (No.2) Regulations 2020<sup>1</sup>, by which the Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020<sup>10</sup> and the Emergency Powers (Potentially Infectious Persons) Regulations 2020<sup>11</sup> continued in operation;
3. provide that, despite the revocation referred to in paragraph 2, a person who has been given an entry certificate, direction notice, consent or exemption under those regulations prior to these Regulations coming into operation, may continue to rely on it and does not commit an offence under these Regulations;
4. extend the period a person is required to isolate after entering the Island from 14 days to 21 days, but provide that a person who provides a biological sample within 48 hours of entering the Island and again on the 13<sup>th</sup> day after entering the Island, the findings of which are negative, may be exempt from the continuing requirement to isolate from the date of the finding;
5. provide that a person who provides biological samples shall pay a charge of £50 other than in the case of an eligible patient and their appointed person or responsible person; and
6. makes other consequential amendments.

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<sup>10</sup> SD 2020/0279

<sup>11</sup> SD 2020/0171

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PUBLIC HEALTH PROTECTION (CORONAVIRUS)  
(AMENDMENT) REGULATIONS 2020

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**CORRECTION NOTICE**

**TO: THE PRESIDENT OF TYNWALD**

In accordance with section 37 of the *Legislation Act 2015*, I ask that you note the following correction subject to which the Public Health Protection (Coronavirus) (Amendment) Regulations 2020<sup>1</sup> are to be read:

**Regulation 4**

Page 2, in regulation 4 (Regulation 2 (commencement) amended), in the first line, for “These”, substitute “If approved by Tynwald, these”<sup>2</sup>.

DATED this 23rd day of December 2020

W GREENHOW

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<sup>1</sup> SD 2020/0599

<sup>2</sup> Regulation 4 is to be read as follows –

**4 Regulation 2 (commencement) amended**

*In regulation 2 (commencement), for “If approved by Tynwald, these Regulations come into operation immediately after the lapse of the Emergency Powers (Coronavirus) (Continuation) (No. 2) Regulations 2020.”, substitute “**These Regulations come into operation at 00:01 on Wednesday 23 December 2020.**”*