



PUBLIC HEALTH PROTECTION (CORONAVIRUS) (AMENDMENT) (NO.2) REGULATIONS 2021

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Statutory Document No. 2021/0013



Public Health Act 1990

PUBLIC HEALTH PROTECTION (CORONAVIRUS) (AMENDMENT) (NO.2) REGULATIONS 2021

Laid before Tynwald: 20 January 2021
Approved by Tynwald: 20 January 2021
Coming into Operation: in accordance with regulation 2

The Council of Ministers makes the following Regulations under¹ 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.²

¹ See correction notice dated 14/01/2021.

² 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.

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

1 Title

These Regulations are the Public Health Protection (Coronavirus) (Amendment) (No.2) Regulations 2021.

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 2020³ are amended as follows.

4 Regulation 5 (interpretation) amended

In regulation 5 (interpretation) —

(a) in paragraph (1), after the definition of “entry certificate” insert —

▣ “household” means —

(a) any other person with whom a person ordinarily shares his or her home; or

(b) any person deemed to be a member of a person’s household under a direction; ▣;

(b) after paragraph (2), insert —

▣ (2A) In these Regulations a reference to a “vulnerable adult” or a “vulnerable child” is a reference to a person whose ability to protect himself or herself from physical or psychological harm is significantly impaired through physical or mental disability or illness or condition, through intellectual, physiological or psychiatric impairment, through age or otherwise. ▣.

5 Regulation 12 (Category A persons) substituted

For regulation 12 (Category A persons), substitute —

▣ 12 Category A persons

(1) The Chief Secretary must give a Category A person a direction notice specifying the notified place of self-isolation and specifying

(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.”

³ SD 2020/0551 as amended by SD 2020/0599 and SD 2020/0601.

that the person must self-isolate for 21 days after entering the Island.

(2) The notified place for self-isolation —

(a) may be a place which is another Category A person’s notified place of self-isolation, provided that all Category A persons staying at that place must have entered the Island together (and where Category A persons have the same notified place of self-isolation they are to be treated as being in the same household);

(b) must not be a place that is, or is intended to be, a place occupied by a person who is not a Category A person unless —

(i) the Category A person is a vulnerable adult or a vulnerable child and it is necessary for the Category A person to share accommodation with a person who is not a Category A person for the purposes of that other person caring for the Category A person; or

(ii) it is necessary for the Category A person to share accommodation with a person who is not a Category A person but who is a vulnerable adult or a vulnerable child who needs to be cared for by the Category A person.

(3) This regulation is subject to regulations 10(3) and 13A. 22.

6 Regulation 13A (biological samples) amended

(1) Regulation 13A (biological samples) is amended as follows.

(2) In paragraph (1), for “a biological sample” substitute 23 one or more biological samples 22.

(3) In paragraph (2) —

(a) for “a biological sample” substitute 23 one or more biological samples 22; and

(b) after “within 48 hours of entering the Island” insert 23 (such sum being the sum that is payable for between 1 and 3 such samples) 22.

(4) For paragraph (3), substitute —

23(3) The requirement to pay the sum of £150 referred to in paragraph (2) —

(a) does not apply to an eligible patient or an eligible escort; and

- (b) does not apply in the case of a person who left the Island before 00:01 on 7 January 2021, and such person shall instead be required to pay the sum of £50 for up to 3 biological samples. **22**.
- (5) In paragraph (4), omit “or 7th”.
- (6) For paragraph (6), substitute —
- 66**(6) Where this paragraph applies, a Category A person may leave their notified place for the purpose of undertaking one period of exercise for a maximum period of 1 hour per day —
- (a) alone; or
- (b) with any member of A’s household in respect of whom the analysis of a second biological sample has also found that that member is not infected or contaminated. **22**.
- (7) In paragraph (7), for “a first biological sample” substitute **66** first and second biological samples both of which result in an analysis that indicates that the Category A person is not infected or contaminated **22**.
- (8) In paragraph (9) —
- (a) omit subparagraph (b);
- (b) omit “or” at the end of subparagraph (c);
- (c) in subparagraph (d), for “(12)” substitute **66**(13)**22**; and
- (d) after subparagraph (d), omit the full stop and insert —
- 66**; or
- (e) in any other case for the remainder of the 21 day self-isolation period specified in regulation 12. **22**.
- (9) In paragraph (13) —
- (a) for “the biological sample” substitute **66** the first, second and third biological sample **22**; and
- (b) for “21st” substitute **66** 14th **22**.

7 Regulation 14 (Category B persons) amended

In regulation 14, for “regulation 13A(7)(b)” substitute **66** regulation 13A(11)(b) **22**.

8 Regulation 17 (voluntary biological sample provided during self-isolation) amended

- (1) Regulation 17 (voluntary biological sample provided during self-isolation) is amended as follows.
- (2) In paragraph (5), after “paragraph (6) insert **66** or (7) **22**>
- (3) For paragraph (6)(a), substitute —

- █(a) a reference in that regulation to —
 - (i) a Category A person is to be construed as a reference to the Category B person;
 - (ii) entering the Island is to be construed as a reference to the date on which the Category B person received the results referred to in paragraph (4); and
 - (iii) accordingly, a reference to a direction notice under Regulation 12 is to be construed as a reference to a direction notice given to that person under regulation 15, or as the case may be, regulation 16; and █.
- (4) After paragraph (6), insert —
 - █(7) This paragraph applies where, having received the results referred to in paragraph (4), the Category B person voluntarily provides further biological samples otherwise as required under regulation 13A, but in accordance with the advice of the Director of Public Health, and the Director of Public Health is satisfied that it is necessary or desirable to substitute the period referred to in paragraph (5) for a different period. █.

9 Regulation 26A (Part 6A interpretation) amended

- (1) Regulation 26A (Part 6A interpretation) is amended as follows.
- (2) In the definition of “emergency or necessary voluntary service” —
 - (a) omit “or” at the end of paragraph (g); and
 - (b) after paragraph (g) insert —
 - █(ga) Isle of Man Civil Defence Corps;
 - (gb) Isle of Man Coastguard;
 - (gc) Isle of Man Search and Rescue Dog Association; or █.

10 Regulation 26C (exceptions from regulation 26B: general) amended

- (1) Regulation 26C (exceptions from regulation 26B: general) is amended as follows.
- (2) In paragraph (1) —
 - (a) for “, if he or she is asymptomatic, only to” substitute █ only █;
 - (b) for subparagraph (a), substitute —
 - █(a) to go to any premises (within the meaning of regulation 27), or leave their home for a purpose, upon reliance of and in accordance with a direction notice given by the Council of Ministers (an “exception notice”); █;
 - (c) in subparagraph (c), omit “in order”;

- (d) in subparagraph (d) before “undertake” insert “to”;
- (e) in subparagraph (e), for “exercise” substitute “one period of exercise per day (of unlimited duration)”;
- (f) for subparagraph (g)(i), substitute —
 “(i) a vulnerable child or a vulnerable adult; or”;
- (g) after paragraph (g), insert —
 “(ga) if the person is a vulnerable child or vulnerable adult, in order to go to a place to be cared for;”;
- (h) after paragraph (h), insert —
 “(ha) if the person is a child, in order for that child to go, to the home of a parent or to his or her guardian;”;
- (i) at the end of subparagraph (j)(iii), omit “or”;
- (j) after subparagraph (k), omit the full stop and insert —
 “(l) in order to attend premises required to close under Part 7 in an emergency; or
 (m) upon the Council of Ministers issuing a notice permitting premises to be entered for the purpose of preparing the premises for re-opening, in order to enter premises for that purpose.”.
- (3) After paragraph (1), insert —
 “(1A) A person who leaves his or her home under paragraph (1)(b), (c) or (j) may take his or her child to a place where the child can be looked after to enable the person to undertake his or her work.”.

11 Regulation 33A (Interpretation of Part 7A) amended

In regulation 33A (Interpretation of Part 7A) omit the definition of “household”.

MADE AT 17:15 ON 9 JANUARY 2021

W GREENHOW
Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Health Protection (Coronavirus) Regulation 2020 (the principal Regulations) to –

- (a) provide, in regulation 12 of the principal Regulations, that a Category A person’s “notified place of self-isolation” (defined in regulation 5) may only be a place where the Category A person is occupying the place alone or with another Category A person with whom they travelled to the Island except in the circumstances where –
 - (i) the Category A person is a vulnerable adult or a vulnerable child and it is necessary for the Category A person to share accommodation with a person who is not a Category A person for the purposes of that other person to care for the Category A person; or
 - (ii) it is necessary for the Category A person to share accommodation with a person who is not a Category A person but who is a vulnerable adult or a vulnerable child. (“Vulnerable adult” and “vulnerable child” are defined in regulation 5(2A).);
- (b) clarify the procedures described in regulation 13A of the principal regulation in relation to the option to provide biological samples for analysis and clarify the fees payable and the circumstances when they are payable;
- (c) clarify the process that applies under regulation 17 when a Category B person voluntarily provides biological samples;
- (d) amend the definition of “emergency or necessary voluntary service” in regulation 26A and clarify that the definition of “household” is applicable throughout the Regulations; and
- (e) amend regulation 26C of the principal Regulations to clarify the circumstances when a person may leave his or her home.

PUBLIC HEALTH PROTECTION (CORONAVIRUS)
(AMENDMENT) (NO.2) REGULATIONS 2021

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) (No.2) Regulations 2021⁴ are to be read:

Opening provisions

Page 3, in the opening provisions, in the reference to the enabling powers under which the Regulations are made, after “makes the following Regulations”, insert “under”.

DATED this 14th day of January 2021

W GREENHOW

CHIEF SECRETARY

⁴ SD 2021/0013