



## EMERGENCY POWERS (CORONAVIRUS) (HEALTH SERVICE) REGULATIONS 2020

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Statutory Document No. 2020/0183



*Emergency Powers Act 1936*

## **EMERGENCY POWERS (CORONAVIRUS) (HEALTH SERVICE) REGULATIONS 2020<sup>1</sup>**

*Laid before Tynwald: 27 March 2020*  
*Approved by Tynwald: 27 March 2020*  
*Coming into Operation in accordance with regulation 2*

The Governor in Council by Order makes the following Regulations under section 4 of the Emergency Powers Act 1936<sup>1</sup>.

### **1 Title**

These Regulations are the Emergency Powers (Coronavirus) (Health Service) Regulations 2020.

### **2 Commencement**

These Regulations come into operation immediately after they are made.

### **3 Interpretation**

In these Regulations—

“**authorised person**” means a person authorised by the Department;

“**Coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**the Department**” means the Department of Health and Social Care; and

“**the health service**” means the health service continued under section 1(1) of the National Health Service Act 2001.

### **4 Indemnity for Coronavirus-related health service activity**

(1) The Department may—

<sup>1</sup> By virtue of section 4(2) of the Emergency Powers Act 1936, the Regulations made under this Order must be laid before Tynwald within 7 days of being made and only continue in force beyond 7 days of being so laid if Tynwald passes a resolution to that effect.

- (a) indemnify a person or a class of persons in respect of a qualifying liability, or
  - (b) make arrangements for an authorised person to provide an indemnity to a person or a class of persons, in respect of a qualifying liability incurred by that person or class of persons.
- (2) References in this regulation to a qualifying liability are to a liability in tort, in respect of or consequent on death, personal injury or loss, arising out of or in connection with a breach of a duty of care owed in connection with the provision of a relevant Coronavirus service.
- (3) “**Relevant Coronavirus service**” means a service, provided a person as part of the health service and which—
  - (a) relates to—
    - (i) caring for or treating a person who has, or is suspected of having, Coronavirus, whether or not in respect of that disease;
    - (ii) caring for or treating a person (other than a person who falls within subparagraph (i)) who has been, or is suspected of being infected or contaminated, in respect of that infection or contamination or suspected infection or contamination; or
    - (iii) diagnosing or determining whether a person has been infected or contaminated;
  - (b) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service (other than one within paragraph (a)) as part of the health service being unable to do so in consequence of providing a service within paragraph (a); or
  - (c) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service as part of the health service being unable to do so because of a reason relating to Coronavirus.
- (4) In a case within paragraph (1)(a), any question relating to—
  - (a) whether a person has incurred a qualifying liability, or
  - (b) the amount of any payment by virtue of paragraph (1),is to be determined by the Department.
- (5) In a case within paragraph (1)(b)—
  - (a) any question relating to whether a person has incurred a qualifying liability is to be determined by the authorised person;
  - (b) any question relating to the amount of any payment by virtue of paragraph (1) is to be determined by the authorised person in accordance with the arrangements.

- (6) Paragraph (1) does not apply where arrangements are already in place (whether under an insurance policy or otherwise) for the person or class of persons to be indemnified in respect of the liability.

**MADE AT 13:00 ON 25<sup>TH</sup> MARCH 2020**

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.