

Statutory Document No. 2020/0367

*Emergency Powers Act 1936*

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

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

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

### **1 Title**

These Regulations are the Emergency Powers (Coronavirus) (Continuation) Regulations 2020.

### **2 Commencement**

These Regulations come into operation immediately after they are made<sup>2</sup>.

### **3 Regulations continued and modified**

- (1) In accordance with section 4A of the Emergency Powers Act 1936 (“the Act”), the Regulations specified in the Schedule are continued in operation for a period of 6 months from the last day on which the proclamation in respect of the pandemic of Coronavirus made by the Governor in Council on 15 June 2020 under section 3 of the Act was in operation.
- (2) Any reference to “the Coronavirus Proclamation period” in —
  - (a) the Regulations referred to in paragraph (1) (including as modified by these Regulations); and
  - (b) any certificate, declaration, direction, exemption, permit, protocol, or other document or decision made under such Regulations,

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<sup>1</sup> Under Section 4A of the Emergency Powers Act 1936, the Governor in Council may make regulations (“continuation regulations”) if it appears to the Governor in Council that it is necessary to do so in order to secure the intended effect, after a period of emergency ends, of regulations under section 4 of that Act.

<sup>2</sup> By virtue of section 4A of the Emergency Powers Act 1936, Regulations made under that section are subject to the affirmative procedure and cease to have effect if Tynwald fails to approve them at the sitting in which they were laid.

is, as necessary, to be construed as including the period for which the Regulations are continued.

(3) Pursuant to section 4A of the Act the following Regulations are modified as stated –

(a) the Emergency Powers (Coronavirus) (Protection from Evictions) Regulations 2020<sup>3</sup> shall be read as if—

- (i) references to “tenant” included “licensee”;
- (ii) references to “rent”(howsoever expressed) included a “service charge” within the meaning of the Property Service Charges Act 1989 (or an equivalent charge to be paid by a licensee);
- (iii) regulation 4(1) said—

“(1) These Regulations provide, in specified circumstances, for a moratorium on evictions for a period beginning on the day on which these Regulations commence and ending 6 months from the last day on which the proclamation in respect of the pandemic of Coronavirus made by the Governor in Council on 15 June 2020 under section 3 of the Emergency Powers Act 1936 was in operation.”;

(iv) regulation 5(2) said—

“(2) Any notice of eviction issued by a landlord to the landlord’s tenant in respect of the tenant’s failure to pay rent in full or at all during the prohibition period is null, void and of no legal effect.”;

(v) regulation 5 included the following paragraph—

“(4) For the avoidance of doubt, nothing in these Regulations prevents a landlord from issuing a notice of eviction where that notice does not relate to the tenant’s failure to pay rent in full or at all.”;

(b) the Emergency Powers (Coronavirus) (Births and Deaths Modifications) Regulations 2020<sup>4</sup> shall be read as if—

- (i) the definition of “the 2011 Regulations” in regulation 3; and
- (ii) regulations 6, 7, 9, 10, 11 and 12, were omitted;

(c) the Emergency Powers (Coronavirus) (Control of Employment) Regulations 2020<sup>5</sup> shall be read as if the definition of “the application period” in regulation 3(1) said —

“(1) “the application period” means the period beginning with 28 February 2020 and ending with the last day on which the proclamation in respect of the pandemic of Coronavirus made by the Governor in

<sup>3</sup> SD 2020/0191

<sup>4</sup> SD 2020/0203

<sup>5</sup> SD 2020/0222

Council on 15 June 2020 under section 3 of the Emergency Powers Act 1936 was in operation; <sup>52</sup>;

- (d) the Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020<sup>6</sup> shall be read as if, in the Schedule, the entries for the Emergency Powers (Coronavirus) (Closure of Businesses and Other Premises) (No.2) Regulations 2020 and the Emergency Powers (Coronavirus) (Events and Gatherings: Qualifications) Regulations 2020 were omitted;
- (e) the Emergency Powers (Coronavirus) (Local Government) Regulations 2020<sup>7</sup> shall be read as if regulation 9(2) said —

<sup>63</sup>(2) If during the Coronavirus Proclamation period a local authority has a casual vacancy in the office of member of the local authority, section 17 of the 1986 Act (filling of casual vacancy in case of members) has effect as if —

- (a) in subsection (1)(a), for the reference to “within 42 days from the date of the declaration”, there were substituted <sup>64</sup>as soon as reasonably practicable after the date of the declaration <sup>52</sup>;
- (b) in subsection (1)(b), for the reference to “within 42 days” there were substituted <sup>64</sup>as soon as reasonably practicable <sup>52</sup>;
- (c) after subsection (2) there were inserted —

<sup>63</sup>(2A) Where it has not been reasonably practicable to hold an election to fill a casual vacancy under subsection (1) 6 months before the day on which the member whose office is vacant would have retired on 1 May 2021, an election shall not be held under subsection (1) and the vacancy shall be filled at the next ordinary election. <sup>52</sup>; and

- (d) in subsection (3) after “number of members” there were inserted <sup>64</sup>and it is reasonably practicable for an election to be held. <sup>52</sup>;

(f) the Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020<sup>8</sup> shall be read as if—

- (i) in regulation 5, “10” said “10C”;
- (ii) in regulation 6(1), after sub-paragraph (a)(iv) there were inserted—

<sup>64</sup>(v) the Department of Enterprise as a person whose presence on the Island is in the interests of the economy of the Island; or <sup>52</sup>;

- (iii) after regulation 10B, there were inserted —

<sup>6</sup> SD 2020/0258

<sup>7</sup> SD 2020/0277

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

**10C Exemption: removal and transportation services**

- (1) The prohibition in regulation 5 does not apply to a person (P) —
  - (a) to whom the Chief Secretary has given prior written consent to enter the Island; and
  - (b) who provides removal or transportation of furniture, personal effects and personal property services into and out of the Island.
- (2) A consent given under paragraph (1) must provide that such measures are put in place as are reasonably practicable to mitigate any risks associated with giving consent in respect of P.
- (3) Paragraphs (10) to (15) of regulation 7 apply to this regulation as they apply to an exemption notice under regulation 7 but as if references in those paragraphs to “an exemption notice” were references to a consent given under paragraph (1).
- (4) For the purposes of this regulation, where P is a company or other body, the prohibition in regulation 5 does not apply to the entry of an individual acting in the employment or service of P. **10C**;
  - (iv) After regulation 12, there were inserted —

**12A Refusal and repatriation**

- (1) This regulation applies to a person (P) who disembarks on the Island without a certificate, an exemption notice or a consent required to be issued or granted under these Regulations.
- (2) Where paragraph (1) applies, P may be refused entry to, or the right to remain on, the Island.
- (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) Where necessary, P may be —
  - (a) prevented from leaving the place of disembarkation pending repatriation;
  - (b) escorted on the journey from the Island to the place where P last embarked.
- (5) P may be required to bear the costs of P’s repatriation.
- (6) P may not be refused entry to, or the right to remain on, the Island where P has —
  - (a) taken all reasonable steps to obtain a certificate, an exemption notice or a consent required to be issued or granted under these Regulations; and

- (b) exercised all due diligence to avoid committing an offence under these Regulations in connection with P's failure to obtain such a certificate, notice or consent.
- (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. 

#### 4 Transitional provision

- (1) This regulation applies where, prior to these Regulations coming into operation –
  - (a) a notice in writing of a vacancy occurring in the office of member of a local authority has been given to a clerk of the authority in accordance with subsection (1)(b) of section 17 of the Local Elections Act 1986 (“the 1986 Act”) at a time when that subsection was modified as set out in regulation 9(2)(b) of the Emergency Powers (Coronavirus) (Local Government) Regulations 2020<sup>9</sup>; and
  - (b) an election to fill the vacancy in question has not taken place.
- (2) In the circumstances referred to in paragraph (1), the notice shall be treated as if it had been given on the date on which these Regulations come into operation and, accordingly, an election to fill the vacancy to which the notice refers shall be held in accordance with section 17(1)(b) of the 1986 Act as modified by regulation 3(3)(e).

MADE AT 22:55 ON 23 JUNE 2020

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<sup>9</sup> SD 2020/0277



**SCHEDULE****REGULATIONS CONTINUED IN OPERATION FOR 6 MONTHS**

[Regulation 3]

Emergency Powers (Coronavirus) (Births and Deaths Modifications) Regulations 2020<sup>10</sup>

Emergency Powers (Coronavirus) (Control of Employment) Regulations 2020<sup>11</sup>

Emergency Powers (Coronavirus) (Courts etc) Regulations 2020<sup>12</sup>

Emergency Powers (Coronavirus) (Educational Institutions) Regulations 2020<sup>13</sup>

Emergency Powers (Coronavirus) (Enterprise Act Amendment) Regulations 2020<sup>14</sup>

Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020<sup>15</sup>

Emergency Powers (Coronavirus) (Fixed Penalty) Regulations 2020<sup>16</sup>

Emergency Powers (Coronavirus) (Health Service) Regulations 2020<sup>17</sup>

Emergency Powers (Coronavirus) (Information Sharing) Regulations 2020<sup>18</sup>

Emergency Powers (Coronavirus) (Local Government) Regulations 2020<sup>19</sup>

Emergency Powers (Coronavirus) (Planning and Regulatory Legislation) Regulations 2020<sup>20</sup>

Emergency Powers (Coronavirus) (Protection from Evictions) Regulations 2020<sup>21</sup>

Emergency Powers (Coronavirus)(Road Vehicles Carrying Dangerous Goods) Regulations 2020<sup>22</sup>

Emergency Powers (Coronavirus) (Sale or Supply of Medicinal Products and Appliances) Regulations 2020<sup>23</sup>

Emergency Powers (Coronavirus) (Special Constables) (No.2) Regulations 2020<sup>24</sup>

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<sup>10</sup> SD 2020/0203

<sup>11</sup> SD 2020/0222

<sup>12</sup> SD 2020/0261

<sup>13</sup> SD 2020/0197

<sup>14</sup> SD 2020/0186

<sup>15</sup> SD 2020/0279

<sup>16</sup> SD 2020/0258

<sup>17</sup> SD 2020/0183

<sup>18</sup> SD 2020/0245

<sup>19</sup> SD 2020/0277

<sup>20</sup> SD 2020/0179

<sup>21</sup> SD 2020/0191

<sup>22</sup> SD 2020/0219

<sup>23</sup> SD 2020/0184

<sup>24</sup> SD 2020/0224

Emergency Powers (Coronavirus) (Suspension of Regular Service Licences) Regulations 2020<sup>25</sup>

Emergency Powers (Coronavirus)(Suspension of the Road Traffic Licensing Committee) Regulations 2020<sup>26</sup>

Emergency Powers (Coronavirus) (Vacation of Departmental Facilities) Regulations 2020<sup>27</sup>

Emergency Powers (Keys Elections – Casual Vacancies) Regulations 2020<sup>28</sup>

Emergency Powers (Medical Evidence for Cremation) (Coronavirus) Regulations 2020<sup>29</sup>

Emergency Powers (Potentially Infectious Persons) Regulations 2020<sup>30</sup>

Emergency Powers (Road Transport) (No.2) Regulations 2020<sup>31</sup>

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<sup>25</sup> SD 2020/0223

<sup>26</sup> SD 2020/0228

<sup>27</sup> SD 2020/0242

<sup>28</sup> SD 2020/0174

<sup>29</sup> SD 2020/0221

<sup>30</sup> SD 2020/0171

<sup>31</sup> SD 2020/0214

## 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.