

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

### **EXCEPTION NOTICE ON MOVEMENT ETC**

#### **Exception Notice by the Council of Ministers under regulation 26C (exceptions from regulation 26B: general) relating to the circumstances in which a person may leave his or her home**

##### **Part 1 – Exception Notice**

1. The Council of Ministers, having considered the need to ensure that members of the public have access to essential public services and goods, makes this Exception Notice in accordance with regulation 26C of the Public Health Protection (Coronavirus) Regulations 2020 (“the Regulations”).
2. This Exception Notice comes into operation at 00:01 on 21<sup>st</sup> January 2021 and will remain in force until 00:01 on 28<sup>th</sup> January 2021.

##### **Part 2 – Exceptions to the prohibitions on movement**

3. (1) Subject to subparagraph (4), a person may leave his or her home, provided that he or she is not a Category A, B or C person (for the avoidance of doubt, the Conditions of any Direction Notice applicable to a person at any given time take precedence) as defined in the Regulations, for one or more of the following purposes:
  - (a) in order to take waste or recyclable produce to a civic amenity site or other facilities for the collection of recyclable products;
  - (b) in order to take a vehicle to a garage for repair or maintenance;
  - (c) in order to provide assistance to a member of the person’s immediate family, or if there are no immediate family available to provide the assistance required provided that the person must not enter the property (not including the garden or curtilage) of that other person;
  - (d) to move from and return to other accommodation on a temporary basis for the purposes of compliance with the Regulations, social distancing, self-isolation, shielding or any other such measure required, or advised, by a Department or any appropriate professional body in connection with the Coronavirus pandemic;
  - (e) in the case of a person in need of care (“assisted person”), to move on a temporary basis in order to be cared for by a person with whom the assisted person has an established relationship and who has agreed to provide that care (“care giver”) at the care giver’s home and, in the case of a care giver, to move on a temporary basis in

order to provide care to an assisted person at the assisted person's home (and the temporary move may include one or more overnight stays), provided that –

- (i) that the temporary move is necessary as a result of the assisted person's need for care;
- (ii) the care giver and (where appropriate) the assisted person reasonably believe that the move is in the assisted person's best interests;
- (iii) where an assisted person is subject to any restriction or requirement under the Regulations or a Direction Notice made under them or in guidance published on [www.gov.im](http://www.gov.im), the care giver and every member of the care giver's household become subject to and must, as far as is reasonably practicable, also comply with the restriction or requirement; and
- (iv) where an assisted person moves into the home of a Category A person (as defined in the Regulations), the assisted person becomes a Category C person and must comply with the Regulations as they apply to a Category C person.

Note - This paragraph does not apply to Category A persons as defined in the Regulations, for whom separate provision is made in and under those Regulations. This paragraph is in addition to paragraph(s) which deals with care visits.

(f) to move to other accommodation, where –

- (i) the person reasonably believes himself or herself to be at risk of domestic abuse;
- (ii) the person is not entitled to remain at his or her home or is required to leave his or her home by a person by whom the home is owned or is otherwise in a position to determine who may or may not reside at those premises;
- (iii) the person reasonably believes that, as a result of a medical condition, the person's home is no longer suitable for that person to live at safely; or
- (iv) the situation is an emergency and it is necessary for the person to move,

provided that in the circumstances described in subparagraphs (f)(i) to (iv), where the person is subject to a self-isolation requirement and the accommodation to which the person moves is shared with others as a household, the householders become subject to and must also comply with that requirement.

(g) in order to appear at a hearing at court which the person is required to attend, whether as a party or a witness;

(h) in order to comply with a requirement of the person's bail;

(i) in order to attend a police station;

(j) in order to enable the person –

- (i) to attend premises from which the person is produced at court (via live link), in accordance with the Criminal Justice, Police and Courts Act 2007; or

- (ii) to take a juvenile to premises from which the juvenile is so produced;

- (k) in order to take and collect the person's child to and from —
  - (i) the premises of a person providing education or childcare to whom paragraph 2 of the Schedule applies; or
  - (ii) the residence of a family member who will care for the child or other household where the household member would normally look after the child, in order to enable the person to attend a work place not closed by any direction made under the Regulations to perform the duties of his or her office or employment and which childcare, where provided by a grandparent in respect of a grandchild whose parent is a person who provides essential services, may be overnight;
- (l) in the case of a student, to attend the premise of a person providing education to whom paragraph 2 of the Schedule applies;
- (m) in the case of a general aviation pilot or crew member, in respect of whom an exemption notice is issued under the Schedule to the Regulations in order to travel to and from an airport or landing strip in the Island;
- (n) to attend a retail business or premises which is not required to close by virtue of Part 7 (closure of premises) of the Regulations provided that a person who does so complies with —
  - (i) any closure direction given by a relevant body under Part 7 (closure of premises) of the Regulations; and
  - (ii) any direction made under Part 7A (events and gatherings) of the Regulations;
- (o) as a tradesperson carrying out work in or about the home of another person ("P"), providing that —
  - (i) the works being undertaken are essential to ensuring the safety of the property (such as weatherproofing or structural damage) or the immediate health and wellbeing of P's household (such as basic sanitary, heating, cooking and washing facilities) provided that appropriate social distancing and other mitigations such as face masks and gloves is observed between the person, P and any member of P's household; and
  - (ii) if P or any member of P's household is symptomatic, the works being undertaken are required to be undertaken immediately to preserve life or property;
- (p) in the case of a minister of religion (ordained or lay), to attend a public place of religious worship for the purposes of recording, streaming or otherwise broadcasting a service of religious worship;
- (q) to attend or work at premises which are not closed by virtue of any Closure Direction under Regulation 30 of the Regulations;

- (r) in urgent or exceptional circumstances, in order to take and collect a child or other vulnerable person to and from another household for the provision of urgent or critical care or care without which the child or vulnerable person could be at risk of harm; and if the care giver reasonably believes it to be necessary –
- (i) where the care is provided at the care giver’s home, the child or vulnerable person;  
or
  - (ii) where the care is provided at the child or vulnerable person’s home, the care giver,  
may stay at those premises overnight;
- (s) to provide care visits to a vulnerable person (including care provided by a relative or third sector volunteer or other public or private care provider) provided that:
- (i) such entry to the household is for the purposes of the provision of care (emergency or otherwise) which is considered to be important for the health and well-being of the person (for example delivery of food, medicines, or other essential goods or response to a physical accident or emergency including preservation of the person’s property);
  - (ii) entry to the household cannot be avoided by reason of the assisted person being a vulnerable person; and
  - (iii) where reasonably practicable, appropriate social distancing is observed and face coverings are worn by the person entering another person’s household.
- (t) to attend premises for the provision of veterinary services including farrier services, emergency animal rescue services, or other critical animal welfare services;
- (u) in the case of a Member of Tynwald, to undertake essential constituency duties which cannot be undertaken otherwise than by the Member leaving his or her home to do so; and
- (v) in order to visit a person, at that person’s home or at other premises where the person is receiving end of life care in relation to a terminal illness or condition that is or has become advanced, progressive and/or incurable and is likely to result in imminent death, provided that all or any conditions or measures to mitigate any risks associated with the visit, as specified in guidance published on [www.gov.im](http://www.gov.im) or by a person responsible for the management of the premises must be complied with.
- (2) In subparagraph (1)(e), (r) and (s), “care” means personal care, practical assistance or personal support and examples of the circumstances in which a person may be in need of care include before or after an operation or medical procedure or child birth.

(3) For the purposes of subparagraph (1)(r) and (s), 'vulnerable' has the meaning given in the definitions of vulnerable adult and vulnerable child in regulation 5(2A) of the Regulations<sup>1</sup>.

(4) Where a person leaves his or her home under and in compliance with an exception specified in the Regulations or in subparagraph (1) they must continue to comply with the Regulations and any applicable direction or notice made under them or in guidance published on [www.gov.im](http://www.gov.im) and to mitigate any risks associated with leaving the person's home.

### **Part 3 – Essential Services**

4. For the purposes of regulation 26C of the Regulations an "essential service" means –
- (a) a service or business described in the Schedule; or
  - (b) a service provided at or from –
    - i. business premises;
    - ii. the premises of a registered charity; or
    - iii. premises of a local authority, joint board, joint committee or Department;where those premises are not required to close under Part 7 (closure of premises etc) of the Regulations.
5. In paragraph 4(b)(iii) above expressions which are defined in the Local Government Act 1985 have the same meaning as they have in that Act.
6. For the avoidance of doubt, Regulation 36(1) of the Regulations provides that it is an offence to fail to comply with a Direction given under the Regulations, without reasonable excuse.

### **Part 4 – Revocation of previous Exemption Notice**

7. This Exemption Notice revokes previous Exemption Notice [GC No. 2021/0010] from the date and time when it comes into operation.

**Signed:** \_\_\_\_\_

**Chief Secretary on behalf of the Council of Ministers**

**Date: 20 January 2021**

**Time: 17:17**

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<sup>1</sup> "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."

## **SCHEDULE**

### **ESSENTIAL SERVICES**

#### **[Paragraph 4(a)]**

##### **1 Health and social care**

- 1) Persons employed in, or for the purposes of, the health service provided under the National Health Service Act 2001 including, but not limited to doctors, nurses, midwives and paramedical personnel.
- 2) Social workers, care workers and other frontline health and social care staff and support staff necessary to maintain the Island's health and social care systems.
- 3) Persons employed or working in the supply chains associated with the Island's health and social care system, including producers and distributors of medicines and medical and personal protective equipment.

##### **2 Education and childcare**

Persons providing childcare, and essential educational support, teachers and educational social workers and other associated professionals whose work is essential in order to support children who need it during the period that this Exception Notice remains in force.

##### **3 Key public services**

- 1) Persons involved in the operation of the justice system including—
  - (a) the judiciary;
  - (b) advocates, trainee advocates and paralegal staff employed by advocates—
    - (i) engaged in proceedings before any court, tribunal or other person exercising a judicial function pursuant to a Manx enactment;
    - (ii) attending at the Isle of Man Prison or any police station in respect of proceedings referred to in (i);
    - (iii) engaged in the preparation and completion (including execution) of testamentary documentation and enduring powers of attorney; or
    - (iv) engaged in the preparation and completion of documentation relating to a conveyance, transfer, grant, assignment or other disposition of real property;
  - (c) court staff and prisoner escorts (within the meaning of the Prisoner Escorts Act 2008).

- 2) Persons serving as Members of Tynwald and the Clerk of Tynwald and his staff.
- 3) The staff of HM Attorney General's Chambers.
- 4) Public sector employees (within the meaning of the Public Services Commission Act 2015) serving in any Department or Statutory Board, and those employed directly by a Department or Statutory Board who are involved in performing functions which are essential to the delivery of an effective response to Coronavirus. Example: those involved in the payment of social security benefits.
- 5) Persons involved in providing policy advice and technical support to Ministers (including the Chief Minister).

#### **4 Local government**

- 1) Persons serving on a local authority, joint committee or joint board or who are employed by such an authority committee or board, but only insofar as they have functions—
  - (a) which are imposed upon them by statute; or
  - (b) which are essential in dealing with the Coronavirus outbreak.
- 2) Expressions used in this paragraph and which are defined in the Local Government Act 1985 have the same meaning here.

#### **5 Food production etc.**

- 1) Those involved in the production, harvesting, processing, distribution and sale of food, and the raising and harvesting of food sources.
- 2) Those involved in the manufacturing and distribution of other key essentials of life such as medicine and cleaning materials.
- 3) Expressions used in this paragraph which are defined in the Food Act 1996 have the same meaning here.

#### **6 Public safety and security**

- 1) Those providing support and ancillary services to the Isle of Man Constabulary, the Isle of Man Fire and Rescue Service or the Isle of Man Ambulance Service.
- 2) The Isle of Man Prison and Probation Service and those providing ancillary services in connection with the operation of the Isle of Man Prison and the Probation Hostel.
- 3) Border security staff.

## **7 Transport**

Those involved in the conduct of air, road, and water transport including in each case the transport of freight and the operation of systems which facilitate the movement of freight, and those involved in the operation of a taxi service.

## **8 Utilities and information technology**

Those involved in —

- (a) the supply of oil, gas, electricity and water (including sewerage and drainage);
- (b) the provision of essential telecommunications, information technology and data infrastructure;
- (c) the supply of primary materials for the industries mentioned in subparagraph (b) for the purpose of providing a response to Coronavirus;
- (d) postal services and other document and parcel delivery services;
- (e) waste disposal and commercial cleaning services.

## **9 Financial services**

Those involved in the conduct of any regulated activity within the meaning of the Financial Services Act 2008.

## **10 Public Communications and Media**

Those persons involved in broadcasting or communication of public news, alerts or journalistic purposes.