

Regulations made by the Department of Health and laid before the Assembly under section 25Q (Emergency procedure) of the Public Health Act (Northern Ireland) 1967, for approval of the Assembly before the expiration of 28 days beginning with the day on which they are made.

STATUTORY RULES OF NORTHERN IRELAND

2020 No. 220

PUBLIC HEALTH

**The Health Protection (Coronavirus,
Wearing of Face Coverings) (Amendment
No. 2) Regulations (Northern Ireland) 2020**

<i>Made</i>	- - - -	<i>at 9.00 p.m. on 13th October 2020</i>
<i>Laid before the Assembly at 9.00 a.m. on 14th October 2020</i>	- - - -	<i>at 9.00 a.m. on 14th October 2020</i>
<i>Coming into operation in accordance with regulation 1</i>		

The Department of Health⁽¹⁾, makes the following Regulations in exercise of the powers conferred by sections 25C(1), (3)(c), (4)(d) and 25F(2) of the Public Health Act (Northern Ireland) 1967⁽²⁾.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Northern Ireland.

The Department of Health considers that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 25Q of that Act the Department of Health is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft having been laid before, and approved by a resolution of, the Assembly.

Citation and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No. 2) Regulations (Northern Ireland) 2020 and shall come into operation at midnight on 13th October 2020.

(1) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), s. 1(5)

(2) 1967 c. 36 (N.I.). Part 1A was inserted by section 48 of, and Schedule 18 to, the Coronavirus Act 2020 (c. 7)

Amendment of the Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020

2.—(1) The Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020⁽³⁾ are amended as follows.

(2) In regulation 2 (interpretation),

(a) at the appropriate place, insert—

““Bus” means a motor vehicle which is constructed or adapted to carry more than eight seated passengers in addition to the driver;”;

““Coach” means a large bus with a maximum gross weight of more than 7.5 tonnes and with a maximum speed exceeding 60 mph;”;

““Taxi” means a motor vehicle constructed or adapted to carry not more than 8 passengers in addition to the driver—

(a) which is used in standing or plying for hire or reward; or

(b) which is provided with the services of a driver and is used to carry passengers for hire or reward in the course of business of carrying passengers, but does not include any vehicle in respect of which a certificate of exemption in the prescribed form has been issued by the Department for Infrastructure or any vehicle to which Article 66A of the Road Traffic (Car-Sharing Arrangements) (Northern Ireland) Order 1981⁽⁴⁾ applies;”;

““Test of competence to drive” means the test established by Article 5 of the Road Traffic (Northern Ireland) Order 1981⁽⁵⁾.”.

(b) in the definition of “passenger transport service”, after (c) insert—

“(d) a service provided for the carriage of passengers by air;”.

(c) in the definition of “passenger transport service premises” after “allowing passengers on and off” insert “, and an airport”.

(d) at the end of the regulation insert—

“For the purpose of these regulations, a relevant place includes any indoor or outdoor area where seating or tables are made available for the consumption of food or drink by customers of the business carried on in the relevant place.”

(3) In regulation 4 (Requirement to wear a face covering)—

(a) in paragraph (1) for “use a passenger transport service or a passenger transport service premises” substitute “enter or remain within a passenger transport service, a passenger transport service premises, a bus, a coach or a taxi”;

(b) in paragraph 2(e) for “or an employee of that person, where there is a partition between the person or employee and members of the public” substitute “an employee of that person, or the driver of a bus, coach or taxi, where there is a partition between the person, or employee or driver and members of the public”;

(c) after paragraph (3) insert—

“(4) A person shall temporarily remove a face covering when requested to do so for identification purposes by a person operating an airport or a person providing a service for the carriage of passengers by air or an employee or agent of either such person.”

(4) In regulation 4A—

⁽³⁾ S.R. 2020 No. 151 as amended by S.R. 2020 No. 164

⁽⁴⁾ 1981 No. 1117 (N.I. 24)

⁽⁵⁾ 1981 No. 154 (N.I. 1)

- (a) in sub-paragraph (2)(b) after “in the course of their employment” insert “where there is a partition between the person or employee and members of the public”;
 - (b) in sub-paragraph (2)(c) after “responsible for a relevant place” insert “where there is a partition between the person providing services and members of the public”;
 - (c) after sub-paragraph (2)(c) insert—
 - “(ca) by a person mentioned in paragraph (b) or (c) in a part of the relevant place that is not accessible to members of the public and where a distance of at least two metres can be maintained between persons in that part of the relevant place;”
 - (d) after sub-paragraph (2) (e) insert—
 - “(f) by a person who is a visitor to, and seated in, a premises prescribed at paragraph 3 of the Schedule.”.
- (5) After regulation 4A insert—

“Requirement to wear a face covering in a motor vehicle in use for instruction or examination for a test of competence to drive.

4B.—(1) A person shall not, without reasonable excuse, enter or remain within a motor vehicle in use for instruction or examination for a test of competence to drive without wearing a face covering.

(2) Paragraph (1) does not require the wearing of a face covering by persons who are members of the same household.”

(6) In regulation 5 and in regulation 6(1) for “regulation 4(1) or 4A(1)” substitute “regulation 4(1), 4A(1) or 4B(1)”.

(7) In regulation 7(1) for “regulation 4 or 4A” substitute “regulation 4, 4A or 4B”.

(8) In the schedule—

- (a) in sub-paragraph 1(1) omit heads (a), (b), (c), (d) and (g);
- (b) omit sub-paragraph 1(2);
- (c) in sub-paragraph 2(1) omit “,excluding any area in that building which is open to the public and where seating or tables are made available for the consumption of food and drink”;
- (d) after paragraph 2 insert—

“**3.**—(1) Restaurants, including restaurants and dining rooms in hotels or members’ clubs,

(2) cafes, including workplace canteens,

(3) bars, including bars in hotels or members’ clubs, and

(4) public houses.

4. Banks, building societies, credit unions, short-term loan providers, savings clubs and undertakings which by way of business operate a currency exchange office, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers.

5. Those parts of a building used by a Northern Ireland Department which members of the public are permitted to enter to access services.”

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Sealed with the Official Seal of the Department of Health at 8.00 pm on 13 October 2020

(L.S.)

Robin Swann
Minister of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020. They extend the requirement to wear a face covering to a bus, coach, taxi, vehicle being used to train for or take a driving test, an aeroplane, an airport, a restaurant, café, bar or public house, a bank, and public areas of government buildings.

No regulatory impact assessment has been prepared for these Regulations.