

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. 202

PUBLIC HEALTH

**The Health Protection (Coronavirus, Restrictions) (No. 2)
(Amendment No. 5) Regulations (Northern Ireland) 2020**

<i>Made</i>	- - - -	<i>at 7.40 p.m. on 22nd September 2020</i>
<i>Laid before the Assembly</i>		<i>at 9.00 a.m. on 23rd September 2020</i>
<i>Coming into operation</i>		<i>23rd September 2020</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, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 5) Regulations (Northern Ireland) 2020.

(2) These Regulations come into operation on 23rd September 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, Restrictions) (No. 2) Regulations (Northern Ireland) 2020

2.—(1) The Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020⁽³⁾ are amended in accordance with regulation 3.

3.—(1) In regulation 1(2), after the definition of “private dwelling” insert—

““relevant person” means—

- (a) a constable, or
- (b) a person designated by the Department of Health for the purposes of these regulations other than regulation 9;

“table” includes a counter or other structure which serves the purpose of a table and which is not used wholly or partly as a bar for the service of food or drink.”.

(2) After regulation 4 insert—

“Requirement in relation to venues at which intoxicating liquor may be consumed

4A.—(1) Notwithstanding the provisions of any licence granted under article 3 and schedule 1 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985⁽⁴⁾, a person concerned in the organisation or operation of an indoor venue at which intoxicating liquor may be consumed shall not permit at that venue—

- (a) dancing; or
- (b) the provision of music, whether live or recorded, for dancing; or
- (c) live music.

(2) Paragraphs (1)(a) and 1(b) shall not apply to dancing by—

- (a) a party to a marriage or civil partnership at an event to celebrate that marriage or civil partnership; or
- (b) professional dancers providing entertainment at a venue.

(3) A person responsible for the organisation or operation of an indoor venue at which intoxicating liquor may be consumed must—

- (a) carry out a risk assessment which complies with the requirements of regulation 5(4) (a) and which determines—
 - (i) the maximum number of persons who may be seated in those parts of the venue where alcohol may be consumed; and
 - (ii) the volume at which any background or ambient music will be played so as to enable visitors to conduct conversation at normal loudness of speech;
- (b) retain the risk assessment referred to in subparagraph (a) on the premises and make it available immediately for inspection by visitors to the premises or to a relevant person on request;
- (c) take all reasonable measures to limit the risk of transmission of the coronavirus in accordance with regulation 5(4)(b); and
- (d) display prominently, at each part of the venue where alcohol may be consumed, the maximum number of persons who may be seated in that part of the venue.

(3) S.R. 2020 No. 150 as amended by S.R. 2020 Nos. 170, 187, 195 and 198

(4) S.I. 1985/1208 (N.I. 15)

(4) Where a venue referred to in paragraph (3) or a part of such a venue is booked by a client or clients for a specific event, the person responsible for the organisation or operation of that venue must discharge the requirements set out in paragraph (3) in a manner that is tailored to that event and share the risk assessment with that client or those clients before the commencement of that event.

4B.—(1) A person responsible for the organisation or operation of an indoor venue at which intoxicating liquor may be consumed must ensure that—

- (a) any person visiting the premises to consume food or drink on the premises is provided with a seat at a table immediately on entering the premises;
- (b) orders for food or drink are taken from visitors only at the table at which they are seated in accordance with subparagraph (a);
- (c) visitors move within the premises only to enter the premises, reach the table at which they are to be seated in accordance with paragraph (a), access toilet facilities or leave the premises;
- (d) food and drink are consumed by visitors only at the table at which they are seated in accordance with subparagraph (a); and
- (e) no more than six persons (not including children aged 12 or under) are seated at any one table (unless those seated at a table comprise a single household), and persons from no more than two households are seated at any one table.

(2) Subparagraph (1)(e) is modified in relation to an event to celebrate a marriage or civil partnership as follows—

a person responsible for the organisation or operation of an indoor venue at which intoxicating liquor may be consumed must ensure that no more than ten persons (not including children aged 12 or under) are seated at any one table, not including the table at which the parties to the wedding or civil partnership are seated at which no limit is placed on persons who may be seated.

(3) A person responsible for the organisation or operation of an indoor venue at which intoxicating liquor may be consumed relevant hospitality premises must provide facilities for visitors to sanitise their hands on or before entering the premises.

(4) Where an indoor venue at which intoxicating liquor may be consumed provides food on a buffet basis, subparagraphs 1(b) and 1(c) shall not apply and in such a case a person responsible for that venue must ensure that—

- (a) visitors move within the premises only to enter the premises, reach the table at which they are to be seated in accordance with subparagraph (a), select food from the buffet, access toilet facilities or leave the premises; and
- (b) visitors maintain a distance of two metres between households when selecting food from the buffet.

(5) A person responsible for the organisation or operation of an indoor venue at which intoxicating liquor may be consumed must ensure that all seats provided for the use of visitors to those premises are situated at least two metres from any bar used wholly or partly as a bar for the service of food or drink, unless there is a partition on the bar between visitors and staff of the relevant hospitality premises.

Requirement to collect and share information: restaurants, cafes, bars, public houses etc.

4C.—(1) A person responsible for the organisation or operation of an indoor venue at which intoxicating liquor may be consumed must, in relation to the premises, take measures to—

- (a) (where visitor information is not provided in advance of a visit) obtain visitor information at the time of a visit;
 - (b) record visitor information in a filing system (which may be an electronic system) suitable for recording, storing and retrieving the information; and
 - (c) retain visitor information for a period of 21 days beginning with the date on which the visit occurred.
- (2) A person responsible for the organisation or operation of an indoor venue at which intoxicating liquor may be consumed must provide visitor information to a relevant person as soon as reasonably practicable but in any event within 24 hours of a request, if so requested by that person for the purpose of—
- (a) preventing a threat to public health resulting from the spread of infection or contamination with coronavirus; and
 - (b) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease.
- (3) In this regulation “visitor information” means—
- (a) the name and telephone number of one member of each household visiting the premises;
 - (b) the date of their visit and arrival time; and
 - (c) the number of members of that person’s household visiting the premises at that time.”.
- (3) In regulation 5(1), after “a person shall not” insert “organise, operate or”.
- (4) After regulation 5(4) insert—
- “(4A) A person responsible for organising or operating a gathering referred to in subparagraph (3)(a) or (3)(b) must, if requested to do so by a relevant person, provide to that relevant person a copy of the risk assessment referred to in subparagraph (4)(a) and an account of the measures referred to in subparagraph (4)(b) as soon as reasonably practicable and in any event within twenty-four hours of the request.”.
- (a) (5) (a) In regulation 6(1), after “more than fifteen persons” insert “(not including children aged 12 or under)”.
 - (b) In regulation 6(2)(a), after “more than six persons” insert “(not including children aged 12 or under)”.
 - (c) In regulation 6(5)(b), after “more than ten persons” insert “(not including children aged 12 or under)”.
- (6) In regulation 7(1) and in regulation 7(2), for “4, 5 or 6” substitute “4 to 6” at both places where it occurs.
- (7) In regulation 7(9) omit subparagraph (c).
- (8) In schedule 1 omit paragraph 1.
- (a) (9) (a) In subparagraph 2(1)(b) of Schedule 2, after “six persons” insert “(not including children aged 12 or under)”;
 - (b) In heading 2(2)(b)(i) of schedule 2, after “Children (Northern Ireland) Order 1995” insert “or any childcare provided free of charge”;
 - (c) In heading 2(2)(b)(viii) of Schedule 2, for “a house move” substitute “to move house and to undertake associated activities for that purpose, including viewing properties and making arrangements for removals”.

Sealed with the Official Seal of the Department of Health at 7.40 pm on 22nd September 2020

(L.S.)

Nigel McMahon
A senior officer of the Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020.

A new regulation 4A is inserted which makes requirements regarding music and dancing and the making of a risk assessment at venues where alcohol may be consumed.

A new regulation 4B is inserted which makes requirements regarding seating and consumption of food and drink at such venues.

A new regulation 4C is inserted which makes requirements regarding the collection and sharing of visitor information by such venues.

Regulation 5 is amended to make it an offence for a person to organise or operate a gathering not complying with the conditions in regulation 5 and to require a person who organises or operates a gathering to provide a risk assessment and an account of measures taken to a relevant person.

Certain regulations on gatherings are amended so that the numbers permitted to participate do not include children aged 12 or under.

No impact assessment has been prepared for these Regulations.