

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. 213

PUBLIC HEALTH

**The Health Protection (Coronavirus, Restrictions) (No. 2)
(Amendment No. 8) Regulations (Northern Ireland) 2020**

Made - - - - *at 10.00 p.m. on 5th*
October 2020
at 9.00 a.m. on 6th
Laid before the Assembly *October 2020*
Coming into operation in accordance with
regulation 1(2)

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. 8) Regulations (Northern Ireland) 2020.

(2) These Regulations come into operation at midnight on 5th 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, Restrictions) (No. 2) Regulations (Northern Ireland) 2020

2. The Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020(3) are amended in accordance with regulations 3 and 4.

Amendment in relation to schedule 3

- 3.—(1) In regulation 1(2) after the definition of “table” insert—
- ““guesthouse”, “harbour terminal”, “hotel” and “resident” have the meanings given to them in article 2(2) of the Licensing (Northern Ireland) Order 1996(4).”
- (2) Omit regulation 4D(7)(b).
- (3) After regulation 5(7) insert “(8) Schedule 3 shall have effect.”
- (4) In regulation 7(1), 7(2)(a), 7(3), 7(5) and 8(1) for “or paragraph 2 of schedule 2” substitute “, paragraph 2 of schedule 2 or schedule 3”.
- (5) In regulation 8(1) for “4, 5 or 6” substitute “4 to 6”.

Addition of schedule 3

4. After schedule 2 insert—

“SCHEDULE 3

Regulation 5

Restrictions in the designated district

Interpretation

1. For the purposes of this schedule—
- (1) the “active period” commences at the time and on the date this schedule comes into force and ends in relation to a restriction or requirement imposed by these regulations in accordance with paragraph 2(2); and
- (2) “designated district” means the area of the Derry and Strabane district as designated by the Local Government (Boundaries) Order (Northern Ireland) 2012 [2012 No. 421].

Review of the need for restrictions or requirements in the designated district

- 2.—(1) The Department of Health must review the need for restrictions and requirements imposed by this schedule at least once every 7 days, with the first review being carried out on the fourteenth day after the day on which this schedule comes into operation.
- (2) If the Department of Health considers, either on review under subparagraph (1) or at any other time, that any restriction or requirement imposed by this schedule is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in the designated district with the coronavirus, the Department must without delay revoke that restriction or requirement.

(3) S.R. 2020 No.150 as amended by S.R. 2020 Nos. 170, 187, 195, 198, 202, 204 and 210

(4) S.I. 1996/3158 (N.I. 22)

Restrictions and requirements on indoor gatherings in the designated district

3.—(1) Subject to subparagraphs (2) and (3), a person shall not during the active period, in the designated district, organise, operate or participate in an indoor gathering which consists of persons from more than one household.

(2) Subparagraph (1) shall not apply to—

- (a) a wedding ceremony or an event to celebrate a wedding;
- (b) a funeral or an event associated with a funeral;
- (c) a gathering in a place of worship when used as such;
- (d) a gathering in a workplace, when it is not reasonably practicable for the duties of any person participating in the gathering to be carried out at that person's private dwelling;
- (e) a gathering for the purpose of education or training;
- (f) a gathering for the purpose of childcare provided by a person registered in accordance with the Children (Northern Ireland) Order 1995 or childcare provided free of charge;
- (g) a gathering for the purpose of a youth service provided by a statutory body or a voluntary organisation within the meaning of article 2(2) of the Youth Service (Northern Ireland) Order 1989;
- (h) a gathering for the purpose of providing care or assistance, including social services, to a vulnerable person;
- (i) to move house and to undertake associated activities for that purpose, including viewing properties and making arrangements for removal;
- (j) building or maintenance works; or
- (k) a gathering for the purpose of enabling any person to avoid injury or illness or to escape a risk of harm, or to provide emergency or medical assistance to any person.

(3) For the avoidance of doubt, a gathering referred to in subparagraph (2) remains subject to any requirement or restriction which may apply to it by virtue of regulations 4 to 6 or schedule 2.

Restrictions and requirements on hospitality businesses in the designated district

4.—(1) A person responsible for carrying on a hospitality business in the designated district must not carry on that business or provide that service during the active period, subject to subparagraph (2).

(2) Subparagraph (1) does not prevent the person responsible for carrying on a hospitality business from selling or providing food or drink (including intoxicating liquor) for consumption—

- (a) off the premises, by making deliveries in response to orders received by post, through a website or other on-line communication, or by telephone including by text message;
- (b) off the premises, to a purchaser who collects the food or drink in a vehicle, and to whom the food or drink is passed without the purchaser or any other person leaving the vehicle;
- (c) outdoors at the premises of the hospitality business, subject to any requirement or restriction which may apply to the person responsible for carrying on the hospitality business by virtue of regulations 4 to 6; or
- (d) in a harbour terminal, airport or motorway service area.

(3) For the purposes of this schedule “hospitality business” means a restaurant, a dining room in a members’ club, a café, a bar or a public house, but does not include a hotel or guesthouse.

Restrictions and requirements on hotels and guesthouses in the designated district

5. A person responsible for carrying on the business of a hotel or guesthouse in the designated district must not in the course of that business, during the active period, sell or provide food or drink (including intoxicating liquor) other than to—

(1) residents of the hotel or guesthouse,

(2) visitors attending the hotel or guesthouse for the purpose of a wedding ceremony, an event to celebrate a wedding, or an event associated with a funeral,

subject to any requirement or restriction which may apply to the person responsible for carrying on the business of the hotel or guesthouse by virtue of regulations 4 to 6.

Restrictions and requirements on indoor facilities in the designated district

6. A person responsible for carrying on the business or providing the service of—

(1) a cinema, a museum or a gallery, or

(2) a trampoline park, an inflatable park, an escape room, a bowling alley, or an ice rink,

in the designated district must cease to carry on that business or to provide that service during the active period.

Restrictions and requirements on libraries in the designated district

7.—(1) A person responsible for providing the service of a library in the designated district must cease to carry on that business or to provide that service during the active period, subject to subparagraph (2).

(2) Subparagraph (1) does not prevent the person responsible for providing the service of a library from doing so—

(a) in response to orders or requests received through a website or other on-line communication, or by telephone including by text message,

(b) to visitors who enter the premises of the library only to collect items ordered or requested in accordance with head (a).

Restrictions and requirements on outdoor gatherings in the designated district

8.—(1) A person shall not organise, operate or participate in an outdoor gathering which consists of more than fifteen persons, subject to subparagraphs (2) and (4).

(2) Subparagraph (1) shall not prohibit or prevent a person from organising, operating or participating in a sporting event at which no spectator is in attendance.

(3) In this paragraph “sporting event” means an event held or to be held in a location other than a private dwelling and which is for the purpose of competitive sport or sport training.

(4) Subparagraph (1) shall not prohibit or prevent a person from organising, operating or participating in a gathering for the purpose of enabling any person to avoid injury or illness or to escape a risk of harm, or to provide emergency or medical assistance to any person.”

Sealed with the Official Seal of the Department of Health at 10.00 p.m. on 5th October 2020



Lourda Geoghegan
A senior officer of the Department of Health

Status: *This is the original version (as it was originally made).*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020. They introduce restrictions in a designated district, here defined as the Derry and Strabane district area, for a period referred to as the active period, on indoor gatherings, hospitality businesses, guesthouses and hotels, indoor facilities, libraries and outdoor gatherings, with various exemptions.

Regulation 3(5) corrects an omission in earlier regulations.

No impact assessment has been prepared for these Regulations.