

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. 287

PUBLIC HEALTH

**The Health Protection (Coronavirus, Restrictions) (No. 2)
(Amendment No. 17) Regulations (Northern Ireland) 2020**

Made - - - - at 7.30 p.m. on 26th
November 2020
at 9.00 a.m. on 27th
November 2020
Laid before the Assembly
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. 17) Regulations (Northern Ireland) 2020.

(2) These Regulations come into operation at 23.59 on 26 November 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) Schedule 2 of the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020⁽³⁾ is amended in accordance with this regulation.

(2) In paragraph 1(1)—

- (a) in the definition of “active period”, for “26 November” substitute “10 December”;
- (b) in head (k), for “(a) to (h)” substitute “(a) to (j)”.

(3) In paragraph 3(1), for “are living or where their linked household is living” substitute “normally live or where their linked household normally lives”.

(4) In paragraph 5(2)—

- (a) In the introductory words, after “Sub-paragraph (1)” insert “and paragraph 7”;
- (b) Omit head (b);
- (c) For head (d) substitute “(d) outdoor exercise if the participants are one individual or are members of one household”;

(5) After paragraph 5(2) insert—

“(3) A person must not attend a sporting event as a spectator.”

(6) In paragraph 6, omit sub-paragraph (7).

(7) In paragraph 7(2)—

(a) before head (c) insert—

- “(a) a close contact service;
- (b) driving instruction for the test of competence to drive a vehicle other than a motorcycle established by Article 5 of the Road Traffic (Northern Ireland) Order 1981”;⁽⁴⁾

(b) in head (f) for “(but not cinemas at which visitors remain in a vehicle); and” substitute “;”;

(c) in head (l) after “hotel, bunkhouse, hostel” insert “, guest accommodation, self-catering establishment”;

(d) After head (l) insert—

- “(m) swimming and diving pools;
- (n) indoor sports and exercise facilities, including soft play areas, leisure centres, gyms, equestrian centres, venues relating to motor sport and activity centres;
- (o) outdoor sports and exercise facilities including activity centres, equestrian centres, marinas, and venues relating to motor sport and water sport;
- (p) outdoor visitor attractions, with the exception of play areas, public parks, forest and country parks, and outdoor areas of stately homes, historic homes, castles and properties operated by the National Trust.”;

(e) After sub-paragraph (3) insert—

“(4) Sub-paragraph (2)(a) shall not prohibit or prevent the provision of a close contact service for the purpose of film or television production.

(4A) Sub-paragraph (2) shall not prohibit or prevent a sporting event which complies with the requirements of paragraph 5.”

⁽³⁾ S.R. 2020 No.150 as amended by S.R. 2020 Nos. 170, 187, 195, 198, 202, 204, 210, 213, 224, 225, 232, 239, 250, 255, 256 and 274.

⁽⁴⁾ S.I. 1981 No. 154 (N.I. 1).

(8) For paragraph 7A substitute—

“7A.—(1) A person responsible for carrying on a retail business, which is not wholly or mainly a retail business listed in sub-paragraph (2), of offering goods for sale or for hire or providing a service must, until the end of the active period—

- (a) cease to carry on that business or provide that service except by making deliveries or otherwise providing goods or services by appointment in response to requests received by on-line communication, by telephone, by text message or by post (provided that no person attends within the premises of the business to collect goods or avail of a service);
- (b) close any premises which are not required to carry out its business or provide its services as permitted by head (a); and
- (c) cease to admit any person to its premises who is not required to carry on its business or provide its service as permitted by head (a).

(2) The businesses referred to in sub-paragraph (1) are—

- (a) Food retailers,
- (b) Supermarkets, convenience stores and corner shops,
- (c) Off licences and licensed shops selling alcohol (including breweries),
- (d) Pharmacies (including non-dispensing pharmacies) and chemists,
- (e) Newsagents,
- (f) Homeware stores, building supplies businesses and hardware stores,
- (g) Petrol stations,
- (h) Bicycle shops,
- (i) Pet shops,
- (j) Agricultural supplies shops,
- (k) Storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this sub-paragraph,
- (l) Garden centres and ornamental plant nurseries and Christmas tree sales (but not cafes or restaurants in such premises),
- (m) Livestock markets,
- (n) Motor vehicle repair and MOT services,
- (o) Taxi or vehicle hire businesses,
- (p) Banks, building societies, credit unions, short term loan providers and cash points savings clubs and undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers,
- (q) Post offices,
- (r) Funeral directors,
- (s) Laundrettes and dry cleaners,
- (t) Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health,
- (u) Veterinary surgeons,

- (v) Car parks,
- (w) Public toilets.”

(9) In paragraph 8(1) for “A person responsible for carrying on a business under a licence under the Licensing (Northern Ireland) Order 1996 (including an occasional licence) or a private members’ club registered under the Registration of Clubs (Northern Ireland) Order 1996” substitute “A person responsible for carrying on a business or a members’ club which sells or provides food or drink (including intoxicating liquor) for consumption on the premises”.

(10) Omit paragraph 8(1A).

(11) After paragraph 9 insert—

“9A. Places of worship

(1) A person responsible for premises which are a place of worship must close those premises and cease to admit any person to the premises except as permitted by sub-paragraph (3) to (6) or paragraphs 10 or 11;

(2) A person responsible for premises which are used as a place of worship from time to time must not permit the use of those premises for acts of worship except as permitted by sub-paragraph (3) to (5) or paragraphs 10 or 11;

(3) A person may attend premises mentioned in sub-paragraph (1) or (2) for the purpose of an individual act of worship;

(4) A person may attend premises mentioned in sub-paragraph (1) or (2) for the purpose of recording or live streaming an act of worship provided that no more than 4 persons are in the premises;

(5) A person may attend premises mentioned in subparagraph (1) or (2) for the purposes of an act of worship conducted so that worshippers remain within their vehicles;

(6) A person may attend premises mentioned in subparagraph (1) for the purposes of providing an essential voluntary service, an urgent public support service, support for the vulnerable or homeless, blood donation sessions or support in an emergency.”

(12) Omit paragraph 10(2).

Sealed with the Official Seal of the Department of Health at 7.30 pm on 26th November 2020

(L.S.)

Robin Swann
Minister of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2(2) extends the active period during which the restrictions in schedule 2 apply to 10 December 2020.

Regulations 2(4) and 2(5) amend restrictions on sporting events.

Regulation 2(7) introduces restrictions on close contact services and on leisure venues.

Regulation 2(8) introduces restrictions on non-essential retail businesses.

Regulations 2(9) and 2(10) extend a requirement to close hospitality venues to non-licenced premises as well as licenced premises.

Regulation 2(11) requires places of worship to close with a number of exemptions.

The remaining regulations make technical changes as required.

No regulatory impact assessment has been prepared for these Regulations.