

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. 323

PUBLIC HEALTH

**The Health Protection (Coronavirus, Restrictions) (No. 2)
(Amendment No. 19) Regulations (Northern Ireland) 2020**

Made - - - - at 8.00 p.m. on 10th
December 2020
at 9.00 a.m. on 11th
Laid before the Assembly December 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. 19) Regulations (Northern Ireland) 2020.

(2) These Regulations come into operation at 00:01 on 11th December 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 this regulation.

(2) In regulation 4B(3) omit “relevant hospitality premises”.

(3) After regulation 4B insert—

“**4BA.** A person responsible for the organisation or operation of a venue at which food and drink (other than intoxicating liquor) may be consumed must ensure that 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.”

(4) In regulation 4C(1), for “venue at which intoxicating liquor may be consumed” substitute “venue at which food and drink (including intoxicating liquor) may be consumed, or a gathering referred to in paragraph 5(2)(e) of schedule 2,”.

(5) In regulation 4C(2), for “A person responsible for the organisation or operation of a venue at which intoxicating liquor may be consumed” substitute “A person referred to in sub-paragraph (1)”.

(6) In regulation 4C(3)(a), for “the name and telephone number of one member of each household visiting the premises” substitute “the name and telephone number of each person aged 16 years or above visiting the premises or, in relation to a gathering referred to in paragraph 5(2)(e) of schedule 2, who participates in the gathering”.

(7) In regulation 4C(3)(c), for “that person’s household visiting the premises” substitute “each household visiting the premises, or who participates in the gathering,”.

(8) In regulation 5(1), for “paragraphs (2) to (7)” substitute “paragraphs (2) to (8)”.

(9) In regulation 5(4)(a), omit the final word “and” and after that sub-paragraph insert—

“(aa)(in respect of a venue at which a sporting event occurs) includes in the risk assessment undertaken in accordance with sub-paragraph (a) a consideration of risks relating to those outside the venue who are entering or leaving the venue; and”.

(10) After regulation 5(7) insert—

“(8) A person shall not organise, operate or participate in an outdoor gathering which consists of more than 500 persons.”

(11) After regulation 7 insert—

“Appeals against notices

7A (1) A person to whom a premises improvement notice or a prohibition notice (in this regulation a “notice”) is issued may appeal to a court of summary jurisdiction against the notice if it contains a restriction or requirement to which this regulation applies and to which a person would not be subject but for the notice.

(2) This regulation applies to a restriction or requirement in a notice that a person—

- (a) wear protective clothing;
- (b) provide information or answer questions about the person’s health or other circumstances;
- (c) abstain from working or trading;
- (d) close premises or a part of premises;
- (e) disinfect or decontaminate premises or a part of premises or a thing; or
- (f) attend training or advice sessions on how to reduce the risk of infecting or contaminating others.

(3) An appeal must be made—

(a) to a court of summary jurisdiction in accordance with Article 76 of the Magistrates' Courts (Northern Ireland) Order 1981⁽⁴⁾, and

(b) within 7 days after the day the notice is issued.

(4) A court of summary jurisdiction may allow an appeal to be made after the expiry of the period mentioned in sub-paragraph (3)(b) if satisfied that there is a good reason for the failure to appeal before the expiry of that period and for any delay in applying for permission to appeal out of time.

(5) A court of summary jurisdiction may suspend the effect of a notice pending the determination of an appeal.

(6) On an appeal against a notice, a court of summary jurisdiction may-

(a) confirm the decision to issue the notice;

(b) direct that the notice is to cease to have effect;

(c) modify the notice; or

(d) make such other order as the court considers appropriate.

(7) An appeal by either party against the decision of a court of summary jurisdiction under this regulation may be made under Article 143(3)(c) of the Magistrates' Courts (Northern Ireland) Order 1981.

(8) On an appeal in accordance with paragraph (7), the county court may confirm, vary or reverse the decision of the court of summary jurisdiction."

(12) In paragraph 1(1) of schedule 2, omit "'active period' means the period ending at 23:59 on Thursday 10 December 2020;"

(13) Omit paragraph 1(2) of schedule 2.

(14) In paragraph 3(1) of schedule 2, after "normally lives" insert ", except where the overnight stay is in a bed and breakfast establishment, hotel, bunkhouse, hostel, guest accommodation, self-catering establishment or guest house".

(15) In paragraph 3(4)(b)(ii) of schedule 2, omit "(but not a close contact service)".

(16) In paragraph 5(1) of schedule 2, for "indoor or outdoor sporting event" substitute "outdoor sporting event in which the participants are competitors representing more than one school".

(17) For paragraph 5(2) of schedule 2 substitute-

"(2) A person may organise, operate or participate in an indoor sporting event only if all participants are—

(a) elite athletes;

(b) an individual and that individual's coach or trainer;

(c) an individual and that individual's carer or carers;

(d) taking part in physical education delivered by or for schools, pre-schools and other education providers provided that participants do not include competitors representing more than one school ; or

(e) taking part in non-contact, non-aerobic activity in a gathering of 15 persons or less."

(18) For paragraph 5(3) of schedule 2 substitute-

"A person shall not organise, operate or participate in a sporting event which is attended by, or is expected to be attended by, more than 500 spectators."

(4) 1981 No.1675 (N.I. 26)

(19) In paragraph 6(1) of schedule 2, after “private dwelling” insert “or to a group act of worship in a place of worship”.

(20) In paragraph 6(2) of schedule 2, omit “or outdoor”.

(21) In paragraph 6(5) of schedule 2, for “see paragraph 10(1)” substitute “and for the avoidance of doubt, regulation 5 shall continue to apply to such a gathering”.

(22) In paragraph 6(6) of schedule 2, for “see paragraph 11” substitute “and for the avoidance of doubt, regulation 5 shall continue to apply to such a gathering”.

(23) In paragraph 6(9) of schedule 2, after “blood donation session” insert “or a vaccination session”.

(24) For paragraph 7 of schedule 2 substitute—
“Close contact services

7(1) This paragraph applies to a close contact service or 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(5).

(2) A service referred to in sub-paragraph (1) may be provided only to a client who has booked an appointment in advance online or by post, telephone, or text.

(3) A person providing a service referred to in sub-paragraph (1) to a client must—

(a)(where client information is not provided in advance) obtain client information at the time of provision of the service;

(b)record client information in a filing system (which may be an electronic system) suitable for recording, storing and retrieving the information;

(c)retain client information for a period of 21 days beginning with the date on which the service was provided;

(d)destroy client information as soon as reasonably practicable after the expiry of the period in head (c) unless there is another basis outside these regulations on which the details may lawfully be retained.

(4)A person who provides a service referred to in sub-paragraph (1) must provide client 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.

(5) In this paragraph “client information” means—

(a)the name and telephone number of the client and of any person aged 16 and above accompanying the client; and

(b)the date and start time of provision of the service.

(6) This paragraph shall not apply to a close contact service for the purpose of film or television production.”

(25) In schedule 2, omit paragraph 7A.

(26) For paragraph 8(1) of schedule 2 substitute—

“(1)(a)A person responsible for operating or carrying on a business of a bar, including a bar in a hotel, a public house or a club registered in accordance with the Registration of Clubs (Northern

Ireland) Order 1996 may sell or provide intoxicating liquor only if the intoxicating liquor is served with food and the food must be a main table meal.

(b) For the purposes of head (a), a “main table meal” means a meal which is in its entirety, or which includes, a main course, which is prepared in a static and permanent kitchen on the premises of the bar, hotel, pub or club and which is eaten by a person seated at a table.”

(27) In paragraph 8(3)(a) of schedule 2, omit “(but not a bar, including a bar in a members’ club, or a public house during the period ending at 23:59 on 19 November 2020)”; and for “20:00” substitute “22:30”.

(28) For paragraph 8(4) of schedule 2 substitute-

“(4) A person must not operate a business of providing facilities for persons to consume intoxicating liquor in or on a conveyance.”

(29) In schedule 2, omit paragraphs 8(5) and 8(6) and renumber paragraph 8(7) accordingly.

(30) In paragraph 9(1) of schedule 2, omit “but not at a seat”.

(31) In schedule 2, omit paragraphs 9A, 10, 11 and 12.

Sealed with the Official Seal of the Department of Health at 8.00 pm on 10th December 2020

(L.S.)

Dr Lourda Geoghegan
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.

Regulation 2(3) introduces seating requirements for unlicensed premises.

Regulations 2(4) to (7) require such premises to keep customer information and make changes to the information required.

Regulations 2(8) to (10) make changes to restrictions on gatherings and introduce an upper limit of 500 persons.

Regulation 2(11) introduces a right of appeal to a court against a premises improvement notice or a prohibition notice.

Regulations 2(17) and (18) amend requirements in relation to sporting events and introduce an upper limit of 500 spectators.

Regulation 2(24) introduces requirements for those providing close contact services.

Regulation 2(25) removes restrictions on non-essential retail services.

Regulation 2(25) to (28) make amendments to requirements on hospitality services.

Regulation 2(31) removes restrictions relating to places of worship, marriage and civil partnership, funerals and committals and libraries.

The remaining regulations make consequential amendments and minor amendments, and correct errors.

No impact assessment has been prepared for these Regulations.