

EXPLANATORY MEMORANDUM

The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 4) Regulations (Northern Ireland) 2021

S.R. 2021 No. 130

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department of Health and is laid before the Northern Ireland Assembly to accompany the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 4) Regulations (Northern Ireland) 2021.
- 1.2 The Statutory Rule is made under sections 25C (1), (3)(c), (4)(d) and 25F(2) of the Public Health Act (Northern Ireland) 1967 (“the 1967 Act”) and is subject to the emergency procedure under section 25Q of that Act.

2. Purpose of the Regulations

- 2.1 The Rule amends the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (“the principal regulations”).
- 2.2 The Rule allows, from the 21 of May 2021, the attendance of up to 1,000 spectators at the Irish Cup Final and introduces an exemption for gatherings in respect of lawful industrial action.
- 2.3 The Rule also allows, from the 24th of May 2021, unlicensed and licensed premises to re-open indoors and tourist accommodation and libraries to fully reopen, all of these are subject to mitigations. Indoor gatherings (not including domestic settings) are permitted subject to a risk assessment where numbers exceed 15. Outdoor gatherings are subject to a limit of 500, with a risk assessment where numbers exceed 30. Restrictions on band practice and rehearsals are removed. Indoor sport, except competitive sport, may resume, subject to mitigations. All outdoor sport may resume. Indoor visits between 2 households are permitted up to a maximum of 6 people not including children. The restrictions on overnight stays has been removed. Other regulations make consequential or technical amendments.

3. Matters of special interest to the Northern Ireland Assembly

- 3.1 The Statutory Rule is made under the emergency procedure set out in section 25Q of the 1967 Act. The Regulations are made without a draft having been laid before, and approved by a resolution of, the Assembly. The Department of Health is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft being so laid and approved so that public health measures can be introduced, amended or withdrawn in response to the latest risk assessment associated with the incidence and spread of coronavirus disease.
- 3.2 These Regulations come into operation on 21 and 24 May 2021. The Rule is available on the Department of Health website. The Regulations cease to have effect at the end of the period of 28 days beginning with the day on which the

Statutory Rule is made unless, during that period, the Statutory Rule is approved by a resolution of the Assembly.

4. Legislative Context

- 4.1 The 1967 Act and regulations made under it provide a legislative framework for health protection in Northern Ireland.
- 4.2 Part 1A of the 1967 Act, as inserted by the Coronavirus Act 2020 (“the 2020 Act”), provides a legal basis to protect the public from threats arising from infectious disease or contamination with coronavirus, and includes powers to impose restrictions or requirements on people, and in relation to things and premises, for use in rare circumstances where voluntary cooperation cannot be obtained. Overall, Part 1A of the 1967 Act sets out a framework for health protection which requires much of the detailed provisions to be delivered through regulations.
- 4.3 Section 25C of the 1967 Act provides a power for the Department of Health to make regulations to prevent, protect against, control or provide a public health response to the incidence or spread of infection or contamination with coronavirus in Northern Ireland. The threat can come from outside Northern Ireland.
- 4.4 These Regulations are made under section 25C to enable public health measures to be introduced, amended or withdrawn in respect of the public health risks posed by the incidence and spread of coronavirus disease.

5. Policy background

- 5.1 The temporary modifications to the 1967 Act made by the Coronavirus Act 2020 provide regulation making powers that were previously not available in Northern Ireland.
- 5.2 Previously the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020 provided for a range of restrictions on movement, gatherings and businesses. A series of 31 Amendment Regulations were subsequently made, gradually easing the restrictions and closures and/ or imposing additional restrictions where considered necessary.
- 5.3 Regulation 29 of the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 revokes the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 (as amended). Regulation 2 sets out the duty to review the need for restrictions or requirements. Regulation 3 provides a requirement to close certain businesses and premises specified in Schedule 1. Regulations 9 and 12 provide restrictions on gatherings, including specific restrictions on gatherings in private premises. Regulations 13 and 14 outline restrictions on movement away from home. Regulation 18 defines Enforcement officers and premises improvement notices. Regulations 20 to 23 provide for enforcement, offences and fixed penalties. Regulation 31 provides for the regulations to expire on 12 October 2021.
- 5.4 There has been a gradual decrease in COVID-19 cases since the high point of early January, following the spike which was a result of pre-Christmas relaxations. Restrictions have been in place since late December to prevent further spread of the virus. More than 2,000 people have died as a result of

Covid-19 in Northern Ireland, and the health service has been under extreme and sustained pressure. However with the combination of reducing case numbers and the success of the vaccination programme, the Executive produced a ‘Pathway to Recovery’ document, outlining the plan to gradually exit out of the current restrictions.

5.5 The now repealed Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 (as amended) had over 30 amendment regulations made to the “No.2 Regulations” reflecting both the evolving nature of the pandemic, as well as minor technical changes required. As such The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 have been introduced to offer a clear platform for the multiple sets of relaxation amendments that are expected, via the Executive’s pathway to recovery plan

5.6 The Statutory Rule amends the principal regulations, as follows:

- a) Regulation 5(1) permits licensed and unlicensed premises to reopen indoors subject to mitigations previously in place for outdoor opening. Table numbers inside and outside are restricted to 6 people from an unlimited number of households. A maximum of 10 people are allowed to sit together if they are all from one household. The numbers do not include children aged 12 and under. Exceptions are made for events to celebrate weddings and civil partnerships.
- b) Regulation 6 permits tourist accommodation to fully reopen subject to allowing overnight accommodation for groups of up to 6 people from 2 households, or groups of up to 10 from 2 households in a bubble or where one household has more than 6 members.;
- c) Regulation 8 is removed allowing libraries to open.
- d) Regulation 9(3A) is removed meaning restrictions on band practice and rehearsals are removed
- e) Regulation 9(4)(1) permits gatherings in respect of lawful industrial action;
- f) Regulation 11 (1), (3) and (4) permits outdoor sport to resume subject to a limit of 500, with a risk assessment where numbers exceed 30. A number of exceptions are listed.
- g) Regulation 11(2) permits indoor sport, except competitive sport, to resume, subject to mitigations.
- h) Regulation 11(3A) permits the attendance of up to 1,000 spectators at the 2021 Irish Cup Final at Mourneview Park Football Stadium, Lurgan
- i) Regulation 12(1) permits indoor visits between 2 households up to a maximum of 6 people, not including children. Where a household has

more than 6 members a limit of 10 people applies. It allows a gathering outdoors which consists of no more than fifteen persons and no more than three households;

- j) Regulation 13 has been removed allowing overnights stays to resume.
- k) Regulation 15 is amended to ensure those responsible for indoor attractions, indoor sports facilities, indoor swimming pools, and tourist accommodation must comply with visitor and attendee information requirements.
- l) Regulation 17 amends social distancing where one metre applies to relevant hospitality venues. Otherwise 2 metres social distancing applies.

6. Consultation

- 6.1 Given the rapidly evolving global situation regarding the spread of coronavirus disease there has been no public consultation in relation to this Statutory Rule.

7. Equality impact

- 7.1 Given the rapidly evolving global situation regarding the spread of coronavirus disease there has been no assessment of equality impacts in relation to this Statutory Rule.
- 7.2 The public health restrictions and requirements introduced by the principal Regulations are part of a range of measures designed to assist and support efforts to protect the population of Northern Ireland by seeking to limit the spread of coronavirus disease.

8. Regulatory impact

- 8.1 Given the rapidly evolving global situation regarding the spread of coronavirus disease there has been no assessment of regulatory impacts in relation to this Statutory Rule.

9. Financial implications

- 9.1 Given the rapidly evolving global situation regarding the spread of coronavirus disease there has been no assessment of the financial impacts in relation to this Statutory Rule.

10. Section 24 of the Northern Ireland Act 1998

- 10.1 The Department of Health has considered section 24 of the Northern Ireland Act 1998 and is satisfied that these Regulations are not incompatible with any of the Convention rights; are not incompatible with Community law; do not discriminate against a person or class of person on the grounds of religious belief

or political opinion; and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

11. EU implications

11.1 There are unlikely to be any EU implications.

11.2 This Statutory Rule does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

12. Parity or Replicatory Measure

12.1 Not applicable.

13. Additional information

13.1 Not applicable