

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

2021 No. 3

PUBLIC HEALTH

**The Health Protection (Coronavirus, Restrictions) (No. 2)
(Amendment) Regulations (Northern Ireland) 2021**

Made - - - - at 7.00 p.m. on 7th January 2021

Laid before the Assembly at 9.00 p.m. on 8th January 2021

Coming into operation in accordance with regulation 1(2)

The Department of Health^(a), 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^(b).

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) Regulations (Northern Ireland) 2021.

(2) These Regulations come into operation at midnight on 7 January 2021.

^(a) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), s. 1(5)

^(b) 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(a) are amended in accordance with these Regulations.

3. In paragraph 2 of Regulation 1 (Citation, commencement and interpretation), omit the definition of “reasonable excuse”.

4. Omit Regulation 4C (Restrictions on essential retail businesses).

5. In Regulation 4D (Restrictions on close contact services), after paragraph (5) insert—

“(6) In this Regulation “reasonable excuse” has the meaning given in regulation 5 of the Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020.”.

6. In paragraph 1(c) of Regulation 4DA (Restrictions on licenced premises), omit “6.00a.m and 8.00pm in the period ending at 00:01 on 2 January 2021, and thereafter between the hours of”.

7. For paragraph (2) of Regulation 4DA substitute—

“(2) Paragraph (1) shall not prohibit or prevent a hotel or guesthouse from selling or providing—

- (a) food or drink for consumption on the premises to its residents; or
- (b) intoxicating liquor for consumption on the premises by a resident, and not by any other person, in the accommodation provided for the private use of the resident, provided that the intoxicating liquor is not delivered to that accommodation in response to a request from the resident.”.

8. Omit paragraph (2) of Regulation 4DA (Restrictions on licenced premises) and renumber the subsequent paragraph accordingly.

9. In paragraph (1)(c) of Regulation 4DB (Restrictions on unlicenced premises) omit “6.00a.m and 8.00p.m in the period ending at 12.01a.m on 2 January 2021, and thereafter between the hours of”.

10. In Regulation 4DD (Restrictions on take-away food businesses), omit “between the hours of 6.00a.m and 8.00p.m in the period ending at 12.01a.m on 2 January 2021, and thereafter in response to orders placed”.

11. In paragraph (2) of Regulation 4DE (Restrictions on libraries), after “to collect those items” insert “,or to persons who use the facilities of the library to access the internet”.

12. For Regulation 5 (Restrictions on gatherings) substitute—

“Restrictions on gatherings

5.—(1) This Regulation does not apply to a gathering at a private dwelling or to a sporting event.

(2) A gathering referred to in regulation 5A (a gathering of 30 or more persons in public or private with or without amplified music) falls to be dealt with under that regulation, and not this regulation, despite the fact that such a gathering may otherwise fall within this regulation.

(3) Subject to paragraph (4), a person shall not organise, operate or participate in an outdoor or indoor gathering which consists of more than six persons from more than two households.

(a) 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, 274, 287, 290, 323, 335, 343, 346, 352, 356 and 358

(4) Paragraph (3) shall not apply to a gathering which is one of the following, and which fulfils the conditions in paragraph (5)—

- (a) (in a place of worship or a place where beliefs are practised) a wedding, civil partnership ceremony, funeral or act of worship or belief,
- (b) (in any venue) a wedding or civil partnership ceremony (not including a reception),
- (c) educational activity not in a school or institute of higher or further education, provided that it may not be delivered by distance learning and face to face delivery is essential,
- (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) educational activity in a school or institute of higher or further education, or
- (f) a blood donation session or a vaccination session.

(5) The conditions referred to in paragraph (4) are that the person responsible for organising or operating the gathering—

- (a) has carried out a risk assessment which meets the requirements of the Management of Health and Safety at Work Regulations (Northern Ireland) 2006, whether or not that person is subject to those Regulations;
- (b) takes all reasonable measures to limit the risk of transmission of the coronavirus, including implementing the preventive and protective measures identified in the risk assessment undertaken in accordance with sub-paragraph (a) and complying with any relevant guidance issued by a Northern Ireland Department; and
- (c) (in respect of a wedding, civil partnership ceremony or funeral), ensures that the number attending is no more than 25 persons including children and the celebrant, and complies with the duty in Regulation 4A (Visitor information).

(6) A person responsible for organising or operating a gathering referred to in paragraph (4) 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 (5)(a) and an account of the measures referred to in subparagraph (5)(b) as soon as reasonably practicable and in any event within twenty-four hours of the request.

(7) Paragraph (3) shall not apply to a gathering which arises 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.

(8) A person attending a funeral or responsible for organising or operating a funeral shall comply with the guidance on funerals issued by the Department of Health.

(9) Regulation 8 (offences and penalties) does not apply to a contravention of the requirement in paragraph (8).

(10) A person (other than a person leading a service) entering or leaving a place of worship or a place where beliefs are practised, or being within such a place, must, unless there is a reasonable excuse, wear a face covering while doing so.

(11) Paragraph (10) shall not apply to a couple at a ceremony to solemnise their marriage or to form their civil partnership.

(12) In this Regulation “reasonable excuse” has the meaning given in regulation 5 of the Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020.”.

13. In paragraphs (2) and (3) of Regulation 5B (Restrictions on sporting events), for “paragraphs (4) and (5)” substitute “paragraph (4)”.

14. After paragraph (3)(b) of Regulation 5B (Restrictions on sporting events), insert—

- “(c) the number of participants does not exceed two and the purpose is exercise but not training; or

(d) all of the participants are members of one household and any linked household.”.

15. Omit paragraph (4) of Regulation 5B (Restrictions on sporting events), and renumber the subsequent paragraph accordingly.

16. In Regulation 5C (Linked households) omit paragraph (4).

17. For Regulation 6 (Restrictions on gatherings: private dwellings) substitute—

“Restrictions on gatherings: private dwellings

6.—(1) Subject to paragraphs (2) to (5) a person shall not participate in an indoor or outdoor gathering in a private dwelling which consists of persons from—

- (a) more than one household, or
- (b) more than one household and its linked household, provided that such a gathering does not consist of more than 10 persons.

(2) Paragraph (1) does not apply where the gathering is for the purpose of—

- (a) the provision of care or assistance, including social services, to a vulnerable person;
- (b) childcare provided by a person registered in accordance with the Children (Northern Ireland) Order 1995 or any childcare provided free of charge;
- (c) building or maintenance works or the provision of the services of any trade or profession at the private dwelling;
- (d) giving or receiving legal advice or assistance or fulfilling a legal obligation;
- (e) to move house and to undertake associated activities for that purpose, including viewing properties and making arrangements for removals;
- (f) the provision of emergency or medical assistance to any person; or
- (g) the removal of the remains of a deceased person to the private dwelling.

(3) (a) Paragraph (1) does not apply to an indoor gathering for the purpose of a marriage or a civil partnership ceremony where a party to the marriage or civil partnership is seriously ill and death in consequence of that illness can reasonably be expected within six months of the date of the ceremony.

(b) In a case referred to in sub-paragraph (a) an indoor gathering in a private dwelling may consist of up to ten persons including the participants and officiant.

(4) (a) Paragraph (1) does not apply where the gathering is for the purpose of a funeral or an event associated with a funeral.

(b) In a case referred to in sub-paragraph (a) a person attending, or a person responsible for organising or operating, the funeral or event associated with a funeral shall comply with the guidance on funerals issued by the Department of Health.

(c) Regulation 8 (offences and penalties) does not apply to a contravention of the requirement in sub-paragraph (b).

(5) A gathering referred to in regulation 5A (a gathering of 30 or more persons in public or private with or without amplified music) falls to be dealt with under that regulation, and not this regulation, despite the fact that such a gathering may otherwise fall within this regulation.”.

18. In Regulation 6A (Overnight stays)—

- (a) in paragraph (2), after “For the purposes of” insert “paragraph”, and omit “the need”;
- (b) in paragraph 2(b), for “to travel” substitute “to stay overnight”.

19. For Regulation 6C substitute—

“Restrictions on movement

6C.—(1) No person may leave or remain away from the place where they normally live without reasonable excuse.

(2) For the purposes of paragraph (1), a reasonable excuse includes, subject to the requirements of Regulations 4 to 6A—

- (a) to obtain goods or services from any business listed in Part 2 of Schedule 1,
- (b) to take exercise individually or as permitted by Regulation 5B,
- (c) to obtain or provide medical assistance, including to access dental services, opticians, audiology services, chiropody, chiropractors, osteopaths, sports massage therapy and other medical or health services, including services relating to mental health,
- (d) to access veterinary surgeons and pet shops,
- (e) to obtain or provide care or assistance, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(a), to a vulnerable person, or to provide emergency assistance,
- (f) to donate blood,
- (g) to attend work or to provide voluntary or charitable services, where it is not reasonably possible for that person to work, or to provide those services, from the place where they normally live or where their linked household normally lives,
- (h) to attend a funeral,
- (i) to visit a burial ground to pay respects to a member of the person’s household, family member or friend,
- (j) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings,
- (k) to provide or access critical public services, including—
 - (i) youth services or educational facilities (where these are available to a child or young person in relation to whom that person is the parent of, or has parental responsibility for or care of, the child),
 - (ii) childcare provided by a person registered in accordance with the Children (Northern Ireland) Order 1995 or any childcare provided free of charge,
 - (iii) social care services,
 - (iv) services provided by the Department for Communities,
 - (v) services provided to victims (such as victims of crime),
 - (vi) services provided by a district council or other public body, including household waste or recycling centres,
- (l) in relation to children who do not live in the same household as their parents, or one of their parents, to continue existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child,
- (m) in the case of a minister of religion or belief leader, to go to their place of worship or place where they practice their beliefs,
- (n) to move house and to undertake associated activities for that purpose, including visiting estate agents, viewing properties and making arrangements for removals,
- (o) to avoid injury or illness or to escape a risk of harm,

(a) S.I. 2007/1351 (N.I. 11)

- (p) to attend a place of worship or place where a person practices their beliefs,
- (q) to take part in an outdoor gathering or activity,
- (r) to attend to the care or welfare of animals, including to access animal care or welfare services, including boarding, stabling, grooming, exercising, sitting or training animals,
- (s) to attend or participate in a marriage or civil partnership ceremony,
- (t) in the case of an elite athlete or the parent of an elite athlete who is under the age of 18, for the purpose of a sporting event as permitted by Regulation 5B,
- (u) to visit another person’s private dwelling, either alone or accompanied by others,
- (v) for the purpose of staying overnight as permitted by Regulation 6A,
- (w) to take part in, or assist with, a sporting event in an indoor or outdoor sports facility as permitted by Regulation 5B,
- (x) to obtain basic necessities, including food and medical supplies for those in the same household, or
- (y) to access library services as permitted by Regulation 4DE.

(3) For the purposes of paragraph (1), the place where a person normally lives includes those premises along with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

(4) Paragraph (1) does not apply to any person who is homeless.”.

20. In paragraph (1) of Regulation 7 (Enforcement of requirement), after “such action as is necessary to” insert “establish whether a breach of these regulations has occurred or to”, and for “regulation 4 to 6” substitute “Regulation 4 to 6C”.

21. In paragraph (2)(a) of Regulation 7 (Enforcement of requirement), for “regulation 4 to 6” substitute “Regulation 4 to 6C”.

22. After paragraph (2) of Regulation 7 (Enforcement of requirement) insert—

“(2B) (a) Where the conditions in sub-paragraph (b) apply, a relevant person may direct a person P to return to the place where they normally live.

(b) The conditions are—

- (i) that a relevant person considers that P is outside of the place where they normally live; and
- (ii) that P is engaged in, or is intending to engage in, activity prohibited by Regulations 4 to 6C.”.

23. In paragraph (7) of Regulation 7, after “the power in paragraph” insert “(2B),”, and for “regulation 5 to 6” substitute “Regulation 5 to 6C”.

24. In paragraph (8) of Regulation 7, after “the power under paragraph” insert “(2B),”.

25. In paragraph (1) of Regulation 8 (Offences and penalties), for “regulation 4 to 6A” substitute “Regulation 4 to 6C”.

26. In schedule 1—

- (a) before the heading “Businesses, services providers and premises subject to closure” insert—

“PART 1”;

- (b) before the heading “Essential retail businesses” insert—

“PART 2”;

- (c) after paragraph 2(23) insert “(24) maintenance or repair services for telecommunications or information technology devices.”

Sealed with the Official Seal of the Department of Health at 7.00 pm on 7th January 2021

(L.S.)

Elizabeth Redmond
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 12 restricts gatherings to six persons from two households, with exemptions.

Regulation 17 restricts gatherings in a private dwelling to one household, or one household and its linked household to a maximum of ten persons.

Regulation 19 introduces restrictions on movement away from home without a reasonable excuse, with exemptions.

Regulation 22 introduces a power to direct persons to return home if they are in breach of, or intending to breach, a requirement.

The remaining Regulations make minor or consequential amendments or make technical changes.

No impact assessment has been prepared for these Regulations.

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