

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 expiration of 28 days beginning with the day on which they are made.

STATUTORY RULES OF NORTHERN IRELAND

2021 No. 315

PUBLIC HEALTH

**The Health Protection (Coronavirus, Restrictions) Regulations
(Northern Ireland) 2021 (Amendment No. 19) Regulations
(Northern Ireland) 2021**

Made - - - - at 3.00 p.m. on 29th November 2021

Laid before the Assembly at 4.00 p.m. on 29th November 2021

Coming into operation - at 5.00 p.m. on 29th November 2021

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 (SAR-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 and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 19) Regulations (Northern Ireland) 2021.

(2) These regulations come into operation at 5pm on 29th November 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) Regulations (Northern Ireland) 2021

2. The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021(a) are amended in accordance with Regulations 3 to 11.

3. In Regulation 1(2)(interpretation) in the appropriate place in alphabetical order, insert—

““qualifying individual” means an person referred to in regulation 16B;”;

““relevant event” means an event referred to in regulation 16D;”;

““relevant premises” means an event referred to in regulation 16E;”;

““test of competence to drive” means the test established by Article 5 of the Road Traffic (Northern Ireland) Order 1981(b);”;

““vehicle” has the meaning given by Article 3(1) of the Road Traffic (Northern Ireland) Order 1995(c).”.

4. For regulation 1(3)(a) substitute—

“(a) a “person responsible”—

(i) for carrying on a business or providing a service or operating any premises includes the owner, proprietor and manager of that business or service or those premises; and

(ii) in relation to a relevant event, means the person responsible for organising that event, or the person responsible for the management of the premises at which the event is held or to be held if no other person is responsible for organising the event;”

5. In regulation 4(5), for “does” substitute “and “attendees” do”.

6. In Regulations 10(3)(b) for “30 or more” substitute “more than 30”.

7. After Regulation 16(Restrictions on close contact services) insert—

“PART 5A

REQUIREMENTS: ENTRY AND PRESENCE ON PREMISES ETC

Interpretation of this Part

16A.—(1) For the purposes of this Part, where two or more events are taking place at the same place and at the same time, those events are to be treated as a single event unless those attending one event are, at all times, unable to make physical contact with those attending any other event.

(2) Where two or more events are treated as a single event in accordance with paragraph (1) a person responsible for any one event is also a person responsible for that single event.

Qualifying individual

16B.—(1) A “qualifying individual” may attend a relevant event or enter and remain on relevant premises.

(a) S.R 2021 No. 93 as amended by S.R. 2021 Nos. 97, 109, 117, 130, 141, 151, 172, 197, 199, 201, 217,220, 224, 233, 251, 276, 283 and 292

(b) 1981 No.154 (N.I. 1)

(c) 1995 No.2994 (N.I. 18)

(2) A qualifying individual is an individual who can evidence their Covid status in accordance with regulation 16C.

(3) A person (P) commits an offence if they use, make, adapt, supply or offer to supply to another person false or misleading evidence of Covid status which P knows is false or misleading.

Supporting evidence

16C.—(1) A person (P) may provide evidence of their Covid status through—

- (a) certification in paper or electronic form that P has completed a course of doses of an authorised vaccine with the final dose having been received at least 14 days before the relevant time;
- (b) certification by text or email through the NHS Covid-19 reporting app of a negative result of a COVID-19 Rapid Antigen Test or a negative result of an on-site COVID-19 Rapid Antigen Test, in each case taken within 48 hours before the relevant time
- (c) a valid notification of a positive result of a COVID-19 polymerase chain reaction test taken no earlier than 30 days, and no later than 180 days, before the relevant time;
- (d) confirmation in writing of their participation (current or past) in a clinical trial for vaccination against coronavirus from the organiser of that trial;
- (e) evidence provided through the Northern Ireland Covid Certification process for medical exemption, or an equivalent process in P’s place of residence if P is not resident in Northern Ireland, of a clinical reason for not being vaccinated with any authorised vaccine.

(2) Evidence referred to in this regulation must include or be accompanied by a document confirming P’s identity which contains P’s name as stated on the evidence provided, and a photograph of P

(3) In this Part—

- (a) “Valid notification” means a notification containing the following information—
 - (i) that P is the person from who the test sample was taken,
 - (ii) P’s age or date of birth,
 - (iii) the result of the test sample which is positive for coronavirus,
 - (iv) the date on which the test sample was tested by the test provider, and
 - (v) a statement that the test was a COVID-19 polymerase chain reaction test;
- (b) “relevant time” means the time when the qualifying individual seeks to enter relevant premises or attend a relevant event; and
- (c) “authorised vaccine” and “clinical trial” have the meanings given in schedule 2B of the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021 (2021 No.99).

Event subject to this Part

16D.—(1) This Part applies to the following “relevant events”—

- (a) an event that consists or is expected to consist of more than 10,000 people, including attendees, staff, performers and persons responsible for the event, at any one time;
- (b) an event that—
 - (i) will take place wholly or mainly indoors,

- (ii) consists of or is expected to consist of 500 or more people, including attendees, staff, performers and persons responsible for the event, at any one time, and
- (iii) where not all of the attendees will be seated;
- (c) an event that—
 - (i) will take place wholly or mainly outdoors,
 - (ii) consists of or is expected to consist of 4,000 or more people, including attendees, staff, performers and persons responsible for the event, at any one time, and
 - (iii) where not all of the attendees will be seated.

(2) This Part does not apply to an exempt event listed in Schedule 2A.

(3) For the purposes of this Part attendees will be treated as seated if they are temporarily standing for the purposes of entering or exiting the premises, accessing a table, making a payment, placing an order for food or drink, accessing a buffet or carvery, access and using a toilet, baby changing or breast feeding facilities or a smoking area, play a gaming machine, or playing a game such as pool, snooker or darts.

Premises subject to this Part

16E. This Part applies to the following “relevant premises”—

- (a) Premises which sell or provide intoxicating liquor for consumption on the premises (whether indoor or outdoor) and premises (whether indoor or outdoor) to which the public have access and where consumption of intoxicating liquor is permitted but not
 - (i) such premises at a port or airport;
 - (ii) the cross-border inter-city rail service between Dublin and Belfast (“the Enterprise”); or
 - (iii) a place of worship during a service;
 - (iv) premises of educational establishments other than those parts of the premises where intoxicating liquor may be consumed on the premises; or
 - (v) premises, or parts thereof, being used solely for the purposes of blood donation at the time when they are being so used;
- (b) theatres;
- (c) concert halls;
- (d) cinemas;
- (e) indoor premises, other than private dwellings when used for the purpose of a performance, recording or rehearsal;
- (f) premises used for the purposes of a conference or exhibition; and
- (g) premises hosting a relevant event (other than an exempt event listed in Schedule 2A).

Requirements: entry to premises and attendance at events

16F.—(1) This regulation applies to all relevant events (other than an exempt event listed in Schedule 2A) and all relevant premises.

(2) The person (P) responsible for relevant premises or a relevant event must take reasonable steps to ensure that only a person who is referred to in paragraph (4) is permitted to enter or remain on relevant premises or enter or remain at a relevant event.

(3) P must ensure that there is in operation a reasonable system for—

- (a) checking as soon as is reasonably practicable that a person on relevant premises or at a relevant event is a person referred to in paragraph (4), and
 - (b) removing from, or refusing access to, those premises or that event anyone found by those checks not to be such a person.
- (4) Those persons are—
- (a) a qualifying individual;
 - (b) a relevant officer;
 - (c) an emergency service responder;
 - (d) a person employed at, or responsible for, at the relevant premises or relevant event;
 - (e) in tourist accommodation, a resident, except when the resident is in a part of the tourist accommodation to which the public have access and in which intoxicating liquor may be consumed;
 - (f) a person under the age of 18 years;
 - (g) a person providing services in a relevant place at a time when no member of the public is in attendance at that place; or
 - (h) a person carrying out a public service function or essential repairs or maintenance at the relevant premises or relevant event.
- (5) In preparing a reasonable system for the purposes of paragraph (3), P must have regard to any guidance issued by the Department of Health or any other government department.
- (6) The requirement to have a system in place for the purposes of this regulation includes a requirement to process any personal data necessary for the system to operate.

Requirements: written statement

16G.—(1) A person (P) who is subject to a requirement under regulation 16F must keep a written statement describing the system referred to in regulation 16F(3).

(2) P must retain the statement referred to in paragraph (1) while these Regulations are in force, and for a further period of three months starting with the day after that on which these Regulations cease to have effect and produce the statement—

- (a) immediately when P receives notice of a requirement imposed under regulation 20(1) from a relevant officer, and
- (b) during the course of an inspection carried out under that regulation.”

8. In regulations 18(2), (3)(a), (4)(b) and (5)(b), for “3” substitute “4” and for “and 15 to 17” substitute “,15,16, 16B and 16E to 16G”.

9. In regulation 22(4)(a) for “3” substitute “4” and for “16 or 17” substitute “16, 16B and 16E to 16G”.

10. In regulation 23(6)(a)(fixed penalty notices), for “3” substitute “4” and for “16 or 17” substitute “, 16, 16B and 16E to 16G”

11. After Schedule 2 (Close contact services), insert—

“SCHEDULE 2A

Regulation 16D

Exempt Events

1. A funeral, marriage ceremony, civil partnership registration, or a reception or gathering which relates to a funeral, marriage ceremony or civil partnership registration (other than

such a reception or gathering held in premises where intoxicating liquor may be consumed on the premises).

2. A drive-in event
3. A lawful picket.
4. An illuminated trail or pathway.
5. Communal religious worship at a place of worship or communal activity at a place where beliefs are practiced.
6. An event held at an outdoor public place with no fixed entry points and for which neither tickets nor payment are required.”

Sealed with the Official Seal of the Department of Health at 3.00 pm on 29th November 2021

(L.S.)

Robin Swann MLA
Minister of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 to introduce provisions regarding the requirement to show proof of COVID-status Certification to gain entry into relevant settings. The accepted evidence is proof of full vaccination, the last dose of which was received at least 14 days prior to the relevant time, a negative COVID-19 Rapid Antigen Test, taken within the previous 48 hours or proof of recovery from a positive COVID-19 PCR test, within the previous 30-180 days.

A minor amendment has been also been made to align the definition of a rave with that of a house party.

No regulatory impact assessment has been prepared for these Regulations.

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