

EXPLANATORY MEMORANDUM

The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021

S.R. 2021 No. 93

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 (“the principal regulations”).
- 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 revokes and replaces the Health Protection (Coronavirus, Restrictions) (No.2) Regulations (Northern Ireland) 2020, with savings. They make no policy changes to the Regulations.
- 2.2 The Rule removes the requirement to wear a face covering in places of worship and in close contact services. These requirements remain, but have been amended into The Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020).

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Regulations without a draft being so laid and approved so that public health measures can be introduced, amended or withdrawn in response to the latest risk assessment associated with the incidence and spread of coronavirus disease.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 9 April 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 The Prime Minister addressed the nation on 23 March 2020 to announce the need for further restrictions to be underpinned by legislation. Previously the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020 provided for a range of restrictions and closures, as well as requiring persons to stay home by prohibiting people from leaving the place where they live except for limited purposes (such as shopping for basic necessities, exercise, to seek medical assistance or to provide care or assistance) and banning public gatherings of more than two people. 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 has not made any policy changes to the Regulations, rather it makes a consolidated version so that further amendments may be made in the period ahead.

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