

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. 224

PUBLIC HEALTH

**The Health Protection (Coronavirus, Restrictions) (No. 2)
(Amendment No. 9) Regulations (Northern Ireland) 2020**

Made - - - - at 10.30 p.m. on 16th October 2020

Laid before the Assembly at 9.00 a.m. on 19th October 2020

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 No. 9) Regulations (Northern Ireland) 2020.

(2) These Regulations come into operation at the time that they are made.

^(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 regulation 3.

3.—(1) In regulation 4D(2), after “Subparagraph (1)” omit “(a)”.

(2) Omit regulation 5(8).

(3) Omit regulation 6(7)(b).

(4) In regulation 7(1), 7(2)(a), 7(3), 7(5) and 8(1) for “paragraph 2 of schedule 2 or schedule 3” substitute “or schedule 2”.

(5) For schedule 2 substitute—

“SCHEDULE 2

Regulation 6

Interpretation and application

1.—(1) For the purposes of this schedule—

“active period” means the period of four weeks commencing on the date on which this schedule comes into force;

“close contact service” means—

- (a) hairdressing or barbering;
- (b) provision of beauty or aesthetics treatments including treatments in relation to nails or makeup;
- (c) tattooing;
- (d) tanning;
- (e) services in spas;
- (f) sports and massage therapy;
- (g) well-being and holistic therapies;
- (h) dress fitting, tailoring and fashion design (unless social distance is maintained);
- (i) body piercing;
- (j) electrolysis;
- (k) training in any of the services listed at (a) to (h) (unless social distancing is maintained);

but not including any such service which is ancillary to a medical or health service or a social care service.

“elite athlete” has the meaning given in the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020(b);

“linked household” has the meaning given in paragraph 4;

“social distance” means a distance of at least two metres between participants;

“sporting event” means a gathering for the purpose of exercise, competitive sport, recreational sport or sport training;

that part of a private dwelling used for the purpose of a business operated by an occupier of the dwelling is not to be deemed part of the private dwelling when used as such.

(a) S.R. 2020 No. 150 as amended by S.R. 2020 No. 170

(b) S.R. 2020 No. 90

(2) This schedule shall apply during the active period.

Revocation of restriction or requirement

2. If the Department of Health considers at any time that any restriction or requirement imposed by this schedule is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection with the coronavirus, the Department must without delay revoke that restriction or requirement.

3.—(1) No person may, without a reasonable excuse, stay overnight at any place other than the place where they are living or where their linked household is living;

(2) For the purposes of (1), a reasonable excuse includes the need where reasonably necessary—

- (a) to access medical or hospital services;
- (b) to travel for the purposes of 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 are living;
- (c) to attend a funeral of a member of the person's household, a close family member or a friend;
- (d) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (e) to access critical public services, including social services, childcare or educational facilities (where these are available to a child in relation to whom that person is the parent, or has parental responsibility for, or care of the child);
- (f) to access services provided to victims (such as victims of crime);
- (g) in the case of a minister of religion or worship leader, to go to their place of worship;
- (h) to move house where reasonably necessary;
- (i) to avoid injury or illness or to escape a risk of harm.
- (j) to stay elsewhere overnight if unable to return to their private dwelling due to an emergency.

(3) Unless sub-paragraph (3) applies—

- (a) no person may participate in a gathering indoors in a private dwelling which consists of persons from more than one household;
- (b) no person may participate in a gathering outdoors at a private dwelling which consists of more than six persons (not including children aged 12 or under) and which consists of persons from more than two households;

(4) This sub-paragraph applies where—

- (a) all the persons in the gathering are members of two households which are linked households in relation to each other and the gathering consists of no more than ten persons; or
- (b) the gathering is for the purpose of—
 - (i) childcare provided by a person registered in accordance with the Children (Northern Ireland) Order 1995^(a) or any childcare provided free of charge;
 - (ii) building or maintenance works or the provision of the services of any trade or profession (but not a close contact service) at the private dwelling;
 - (iii) the provision of care or assistance, including social services, to a vulnerable person;

^(a) S.I. 1995/755 (N.I. 2)

- (iv) giving or receiving legal advice or assistance or fulfilling a legal obligation;
- (v) the provision of emergency or medical assistance to any person;
- (vi) a marriage or a civil partnership 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, provided that the gathering consists of no more than ten persons;
- (vii) to move house and to undertake associated activities for that purpose, including viewing properties and making arrangements for removals; or
- (viii) the removal of the remains of a deceased person to the private dwelling.

(5) For the purposes of this paragraph “private dwelling” shall include a static caravan and a self-catering holiday home.

Linked households

4.—(1) A household (“the first household”) may choose to be linked with one other household (“the second household”), provided that—

- (a) neither the first household nor the second household are linked with any other household for the purpose of these regulations, and
- (b) all the adult members of each household agree.

(2) The first and second households are “linked households” in relation to each other.

(3) Once the first and second households have ceased being linked households, neither the first household nor the second household may be linked with any other household unless it is reasonable to do so for caring or welfare purposes and provided that at least fourteen days has expired since the household ceased to be a part of a previous linked household.

Restrictions on sporting events

5.—(1) A person shall not organise, operate or participate in an indoor or outdoor sporting event.

(2) Sub-paragraph (1) shall not prohibit or prevent a person from organising, operating or participating in—

- (a) an indoor sporting event if all participants are elite athletes;
- (b) an indoor sporting event if the participants are one individual and one coach or trainer and there is no contact between participants who are not members of the same household;
- (c) an outdoor sporting event, provided all participants are elite athletes; or
- (d) an outdoor sporting event if there is no contact between participants who are not members of the same household, provided that the gathering consists of no more than 15 persons.

Restrictions on other gatherings

6.—(1) This paragraph shall not apply to a gathering in a private dwelling.

(2) A person shall not organise, operate or participate in an indoor or outdoor gathering which consists of more than fifteen persons, except as permitted by paragraph 5 or sub-paragraphs (3) to (7).

(3) Sub-paragraph (2) shall not prohibit or prevent a person from organising, operating or participating in 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 (and for the avoidance of doubt, regulation 5 shall continue to apply to such a gathering).

(4) Sub-paragraph (2) shall not prohibit or prevent a person from organising, operating or participating in a gathering 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.

(5) Sub-paragraph (2) shall not apply to a gathering for the purpose of solemnising a marriage or forming a civil partnership (see paragraph 10(1)).

(6) Sub-paragraph (2) shall not apply to a gathering for the purpose of a funeral or the committal of a body (see paragraph 11).

(7) Sub-paragraph (2) shall not prohibit or prevent a person from organising, operating or participating in a gathering in a place of worship when used as such dwelling (and for the avoidance of doubt, regulation 5 shall continue to apply to such a gathering).

Businesses subject to closure

7.—(1) A person responsible for carrying on a business or providing a service to which this paragraph applies—

- (a) must cease to carry on that business or provide that service, and
- (b) must close the premises or part of a premises in which or from which that business or service is carried on or provided.

(2) This paragraph applies to—

- (a) a close contact service;
- (b) driving instruction for the test of competence to drive established by Article 5 of the Road Traffic (Northern Ireland) Order 1981(a);
- (c) campsites and caravan parks for touring caravans;
- (d) museums and galleries;
- (e) bingo halls;
- (f) cinemas (but not cinemas at which visitors remain in a vehicle); and
- (g) funfairs (whether outdoors or indoors) and an inflatable park;
- (h) indoor amusement arcades;
- (i) skating rinks;
- (j) indoor visitor attractions;
- (k) a business of providing facilities for persons to consume intoxicating liquor in or on a conveyance;
- (l) a bed and breakfast establishment, hotel or guest house except in relation to residents who are—
 - (i) already resident on the date this schedule comes into operation;
 - (ii) resident for work-related purposes;
 - (iii) vulnerable people; or
 - (iv) unable to return to their private dwelling due to an emergency.

Restrictions on the hospitality sector

8.—(1) A person responsible for carrying on a business or a members' club which sells or provides food or drink (including intoxicating liquor) for consumption on the premises—

- (a) must close any premises, or part of premises, in which food or drink (including intoxicating liquor) are consumed on the premises;

(a) S.R. 1981 No. 154 (N.I. 1)

- (b) must not sell or provide food or drink (including intoxicating liquor) for consumption on its premises; and
- (c) may sell or provide food or drink (not including intoxicating liquor) for consumption off the premises in response to orders placed between the hours of 05:00 and 23:00.

(2) A person responsible for carrying on a business which sells food or drink (not including intoxicating liquor) for consumption off the premises may continue to do so only in response to orders placed between the hours of 05:00 and 23:00.

(3) (a) A person responsible for carrying on a business which sells intoxicating liquor for consumption off the premises (but not a bar, including a bar in a members' club, or a public house) may continue to do so only from 08:00 on Monday to Saturday, and from 10:00 on Sunday, until 20:00 on any day, or in response to orders placed between those hours;

(b) Head (a) shall not apply in an airport.

(4) (a) For the purposes of sub-paragraph (1), food or drink (not including intoxicating liquor) sold by a hotel or a guesthouse as part of a service for residents, whether or not in a restaurant on the premises, is not to be treated as being sold for consumption, or as consumed, on its premises; and

(b) sub-paragraph (1) shall not prevent or prohibit the sale of intoxicating liquor by a hotel or a guesthouse as part of a service for a resident, or the consumption of intoxicating liquor on the premises, provided that the intoxicating liquor is—

- (i) consumed only by the resident;
- (ii) consumed only within the resident's accommodation and
- (iii) is not delivered to the accommodation in response to an order placed by the resident.

(5) For the purposes of sub-paragraph (1), food or drink (not including intoxicating liquor) sold or provided in a canteen in a workplace, school, prison, hospital, care home or military establishment is not to be treated as being sold for consumption, or as consumed, on its premises.

(6) For the purposes of sub-paragraph (1), food or drink (including intoxicating liquor) sold or provided in a port, airport or motorway service station is not to be treated as being sold for consumption, or as consumed, on the premises.

(7) For the purposes of sub-paragraph (1), an area adjacent to the premises where seating is made available for customers of the business or members' club (whether or not by the business or members' club) is to be treated as part of the premises.

Wearing of a face covering in a place of worship

9.—(1) A person (other than a person leading a service) entering or leaving a place of worship, or being within a place of worship but not at a seat, must, unless there is a reasonable excuse, wear a face covering while doing so.

(2) Sub-paragraph (1) shall not apply to a couple at a ceremony to solemnise their marriage or to form their civil partnership.

(3) In this paragraph "face covering" means a covering of any type which covers a person's nose and mouth and "reasonable excuse" has the meaning given in regulation 5 of the Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020(a).

Marriages and civil partnerships

10.—(1) A person shall not organise, operate or participate in a gathering of more than 25 persons for the purpose of solemnising a marriage or forming a civil partnership and which occurs on or after 19th October 2020.

(2) Paragraph 8(1)(a) and (b) shall not apply to a gathering which is a wedding reception or a reception following the formation of a civil partnership, which consists of no more than 25 people and which occurs before 19th October 2020.

Funerals and committals

11. A person shall not organise, operate or participate in a gathering of more than 25 persons for the purpose of a funeral or the committal of a body

Restrictions on libraries

12.—(1) A person responsible for providing the service of a library must cease to provide that service, subject to subparagraph (2).

(2) Subparagraph (1) does not prevent the person responsible for providing the service of a library from doing so—

- (a) in response to orders or requests received through a website or other on-line communication, or by telephone including by text message, or
- (b) to visitors who enter the premises of the library only to collect items ordered or requested in accordance with head (a) or to use the facilities of the library to access the internet.

3. Omit schedule 3.”

Sealed with the Official Seal of the Department of Health at 10.30 pm on 16th October 2020

(L.S.)

Dr Michael McBride
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 3(1) amends an error in previous regulations. The remaining regulations introduce restrictions for a period of four weeks in relation to gatherings, sporting events, the hospitality sector, businesses, places of worship, marriages, funerals and libraries.

No impact assessment has been prepared for these Regulations.