

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. 96

PUBLIC HEALTH

**The Health Protection (Coronavirus, Restrictions)
(Amendment No. 5) Regulations (Northern Ireland) 2020**

| | | |
|--|---------|--|
| <i>Made</i> | - - - - | <i>at 3.00 p.m. on 5th June 2020</i> |
| <i>Laid before the Assembly</i> | | <i>at 5.00 p.m. on 5th June 2020</i> |
| <i>Coming into operation in accordance with regulation 1</i> | | |

The Department of Health⁽¹⁾, 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⁽²⁾.

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 and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Amendment No. 5) Regulations (Northern Ireland) 2020 and shall come into operation in accordance with paragraphs (2) and 3.

(2) Subject to paragraph (3), these Regulations come into operation at 11.00 pm on 7th June 2020.

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

(2) 1967 c. 36 (N.I.). Part 1A was inserted by section 48 of, and Schedule 18 to, the Coronavirus Act 2020 (c. 7)

(3) Insofar as they relate to regulation 6A of the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020, this regulation and regulations 2(6) and (7) and 3 come into operation at 11.00 pm on 5th June 2020.

Amendment of the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020

2.—(1) The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020(3) are amended as follows.

(2) In regulation 4 (further restrictions and closures during the emergency period)—

(a) at the end of paragraph (4)(c), omit “or”;

(b) at the end of paragraph (4)(d), insert—

“or

(e) to provide services (other than accommodation) in response to enquiries or bookings received—

(i) through a website or otherwise by on-line communication,

(ii) by telephone, including text message, or

(iii) by post.”;

(c) after paragraph (6)(f), insert—

“(g) to solemnise a marriage ceremony, subject to—

(i) the ceremony taking place outdoors; and

(ii) a total number of ten persons being present in the place of worship at the time of the ceremony, including the marriage celebrant and the two parties to the marriage.”.

(3) In regulation 5(2) (restrictions on movement)—

(a) in sub-paragraph (o), after “activity” insert “including an activity undertaken in or by an outdoor sports facility.”;

(b) after sub-paragraph (q), insert—

“(r) to attend to the care or welfare of animals, including to access a service referred to in paragraph 44 of Schedule 2;

(s) to attend or participate in an outdoor marriage or civil partnership ceremony, in accordance with regulations 4(6)(g) or 6B.”.

(4) In regulation 6 (restrictions on gatherings), for “Subject to regulation 6A”, substitute “Subject to regulations 6A and 6B”;

(5) After regulation 6A (restrictions on outdoor gatherings), insert—

“Restrictions on outdoor gatherings: ceremonies

6B. During the emergency period, a person may participate in an outdoor gathering to celebrate a marriage or civil partnership ceremony consisting of up to ten people, including the celebrant.”.

(6) In regulation 7 (enforcement of requirement)—

(a) in paragraph (1), for “regulation 3, 4 or 6”, substitute “regulation 3, 4, 6, 6A or 6B”;

(b) after paragraph (9), insert—

“(9A) Where a relevant person considers that seven or more people who are not members of the same household are gathered together in contravention of regulation 6A, the relevant person may—

- (a) direct the gathering to disperse;
- (b) direct any person in the gathering to return to the place where they are living;
- (c) remove any person in the gathering to the place where they are living.”

(9B) Where a relevant person considers that eleven or more people are gathered together in contravention of regulation 6B, the relevant person may—

- (a) direct the gathering to disperse;
- (b) direct any person in the gathering to return to the place where they are living;
- (c) remove any person in the gathering to the place where they are living.”;

(c) in paragraph (10), for “power in paragraph (9)(c)”, substitute “power in paragraph (9)(c), (9A)(c) or (9B)(c)”;

(d) in paragraph (10A), for “contravention of regulation 6”, substitute “contravention of regulations 6, 6A or 6B”;

(e) in paragraph (10B), for “restriction in regulation 6”, substitute “restriction in regulations 6, 6A or 6B”

(f) in paragraph (10C), for “power in paragraph (9), (10A) or (10B)” substitute “power in paragraph (9), (9A), (9B), (10A) or (10B)” and for “restriction in regulation 6” substitute “restriction in regulations 6, 6A or 6B”;

(g) in paragraph (11), for “power under paragraph (3), (5), (6), (9), (10A) or (10B)” substitute “power under paragraph (3), (5), (6), (9), (9A), (9B), (10A) or (10B)”.

(7) In regulation 8(1)(a) (offences and penalties), for “regulation 3, 4, 6 or 7”, substitute “regulation 3, 4, 6, 6A, 6B or 7”.

(8) In Schedule 2 (businesses subject to restrictions or closure)—

(a) in Part 2—

- (i) in paragraph 20, after “Playgrounds,” insert “indoor”;
- (ii) omit paragraph 22;

(b) in Part 3—

(i) after paragraph 43, insert—

“**44.** Animal care or welfare services, including boarding, stabling, grooming, exercising, sitting or training animals.

45. Retailers or wholesalers of motor vehicles, including cars, light goods vehicles, motorcycles or vans; medium, large or articulated goods vehicles, including trailers; caravans or motorhomes; agricultural vehicles and equipment; mining, construction or civil engineering vehicles; buses or coaches.

46. Retailers of the following items which are situated in premises—

- (1) with direct street access or
- (2) in a retail park or
- (3) which are not themselves enclosed or substantially enclosed within other premises—

(a) electrical household appliances;

- (b) computers, including accessories and software (but not including the retail of items comprising solely or primarily of video games);
- (c) audio, video, radio and television equipment, including music and DVD players and recorders, cameras and accessories;
- (d) telecommunications equipment, including telephones, answering machines, mobile phones and other two-way communication equipment;
- (e) household furniture, furnishings and lighting.”.

Savings

3. Regulations 8 and 9 of the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 continue to have effect in relation to any offence committed, or reasonably believed to have been committed, before these Regulations came into operation as if the amendments set out in regulation 2 had not been made.

Sealed with the Official Seal of the Department of Health at 3.00 pm on 5th June 2020

(L.S.)

Nigel McMahon
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) Regulations (Northern Ireland) 2020.

Regulation 4 is further amended to allow providers of holiday accommodation to provide services, other than accommodation, in response to enquiries or bookings received, and to allow a place of worship to open for the purpose of solemnising a marriage ceremony, subject to the ceremony taking place outdoors and a total number of ten persons being present.

Regulation 5 is further amended to provide that an outdoor activity may be undertaken in or by an outdoor sports facility and to add to the list of reasonable excuses for leaving the place where a person is living the need to attend to the care or welfare of animals or to attend or participate in an outdoor marriage or civil partnership ceremony, with consequential amendments to Schedule 2.

Regulation 6B is inserted, to allow for a total number of ten persons to participate in an outdoor gathering to celebrate a marriage or civil partnership ceremony.

Regulations 7 and 8 (enforcement and offences) are amended to provide for enforcement and offence in relation to breaches of regulations 6A and 6B.

Schedule 2 is further amended to add animal care or welfare services, retailers or wholesalers of motor vehicles and retailers of certain items which are situated in premises with direct street access or in a retail park or which are not themselves enclosed or substantially enclosed within other premises.

No impact assessment has been prepared for these Regulations.