

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. 139

PUBLIC HEALTH

The Health Protection (Coronavirus, Restrictions) (Amendment No. 11) Regulations (Northern Ireland) 2020

Made - - - - at 5.30 p.m. on 9th July 2020

Laid before the Assembly at 6.00 p.m. on 9th July 2020

Coming into operation in accordance with regulation 1

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 and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Amendment No. 11) Regulations (Northern Ireland) 2020 and shall come into operation in accordance with paragraphs (2) to (5).

(2) Regulation 1, 2(1), (3)(a), (3)(b), (5), (6)(b), (6)(d), (6)(e), (7)(a) to (7)(c), (8) (insofar as it relates to regulation 6A(a)), (9) to (11), (12)(a), (12)(c), (12)(e) and 3 shall come into operation at 11.00 p.m. on 9th July 2020.

(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)

(3) Regulation 2(2), (6)(c), (6)(f), (7)(d) and (8) (insofar as it relates to regulation 6A(b)) shall come into operation at 11.00 p.m. on 10th July 2020. Regulation 2(4) shall come into operation at 11.00 p.m. on 15th July 2020.

(4) Regulation 2(3)(c), (6)(a), (12)(b), (12)(d) and (12)(f) shall come into operation at 11.00 p.m. on 16th July 2020.

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

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

(2) In regulation 1(2), at the appropriate place, insert—

““sporting event” means an event in which individuals or teams compete against each other in accordance with an approved set of rules which serve to ensure fair competition and allow for the adjudication of a winner.”.

(3) In regulation 3(5) —

- (a) in sub-paragraph (a), for “paragraphs 5, 6, 8 or 9”, substitute “paragraphs 6 or 9”;
- (b) in sub-paragraph (c), for “paragraphs 5, 6, 7 or 9”, substitute “paragraphs 6, 7 or 9”;
- (c) in sub-paragraph (d), for “paragraphs 17, 18 and 20” substitute “paragraph 18”.

(4) Omit regulation 4(1).

(5) In regulation 4(6) —

- (a) for sub-paragraph (d), substitute—
“(d) to solemnise a marriage or conduct a baptism”;
- (b) omit sub-paragraph (g);
- (c) for sub-paragraph (i), substitute—
“(i) to hold religious services or meetings”.

(6) In regulation 5(2)—

- (a) for sub-paragraph (b), substitute—
“(b) to take exercise or take part in a leisure activity”;
- (b) in sub-paragraph (n), for “to attend or participate in a marriage ceremony, in accordance with regulation 4(6)(d) or attend a religious service or bible reading”, substitute “to attend a religious service or meeting”;
- (c) for sub-paragraph (o), substitute “to take part in an outdoor activity”;
- (d) for sub-paragraph (s), substitute —
“(s) to attend or participate in a marriage or civil partnership ceremony”;
- (e) in sub-paragraph (aa), for “betting shop”, substitute “cinema, betting shop or bingo hall”;
- (f) after sub-paragraph (cc), insert—
“(dd) to take part in, or assist with, a sporting event in an indoor or outdoor sports facility.”.

(7) In regulation 6—

- (a) for paragraph (c), substitute—
“(c) to attend a funeral, wedding or civil partnership, religious service or meeting or a place of worship, in accordance with regulation 4(6)(f);”;
- (b) for paragraph (e), substitute—
“(e) to visit a cinema or attend an outdoor live music concert or theatre performance”;

(a) S.R. 2020 No. 55, as amended by S.R. 2020 Nos. 71, 82, 84, 86, 96, 103, 109, 118, 121 and 128.

(c) after paragraph (j), insert—

“(k) to visit a bingo hall”;

(d) after paragraph (k), insert—

“(l) to take part in, or assist with, a sporting event.”.

(8) For regulation 6A, substitute—

“6A. During the emergency period, no person may participate in an outdoor gathering of more than thirty people unless the gathering is for the purpose of—

(a) celebrating a marriage or civil partnership; or

(b) taking part in, or assisting with, a sporting event.”.

(9) For regulation 6B substitute—

“Requirement to wear a face covering on public transport

6B.—(1) Subject to paragraph (2), no person may, without a reasonable excuse, use a passenger transport service or passenger transport service premises without wearing a face covering.

(2) Paragraph (1) does not require the wearing of a face covering—

(a) on a school transport service;

(b) by a child who is under the age of 13;

(c) by a constable acting in the course of their duty;

(d) by an emergency responder (other than a constable) acting in their capacity as an emergency responder;

(e) by a person providing a passenger transport service, or an employee of that person, where there is a partition between the person or employee and members of the public; or

(f) on a ferry where the area is outdoors and a distance of two metres can be maintained between any persons on the ferry or the part of the ferry which is open to members of the public.

(3) For the purposes of paragraph (1)—

(a) a person uses a passenger transport service when—

(i) they are—

(aa) boarding any mode of transport by means of which a passenger transport service is provided, or

(bb) on board any mode of transport, whether or not for the purposes of travel, by means of which a passenger transport service is provided, and

(ii) that service is available for use by the public;

(b) a person uses passenger transport service premises when—

(i) they are present at premises where a passenger transport service may provide, stop or terminate their service, and

(ii) those premises are available for use by the public.

(4) For the purposes of paragraph (1), a reasonable excuse includes—

(a) the need to seek medical assistance;

(b) the need to provide care or assistance to a vulnerable person, including to provide emergency assistance;

(c) the need to avoid injury, illness or to escape a risk of harm;

(d) where the person cannot put on, wear or remove a face covering—

- (i) because of any disability (within the meaning of the Disability Discrimination Act 1995(a)); or
- (ii) without severe distress;
- (e) the need to communicate with a person who has difficulties communicating (in relation to speech, language or otherwise);
- (f) to eat or drink, where reasonably necessary;
- (g) the need to take medication;
- (h) the need to remove a face covering temporarily to comply with a request by a relevant person or another person acting in the course of their duties.

(5) In this regulation—

“face covering” means a covering of any type which covers a person’s nose and mouth;

“emergency responder” has the meaning given by section 153A(6) of the Inheritance Tax Act 1984(b);

“passenger transport service” means—

- (a) bus, coach and rail services delivered under a Public Service Agreement, Bus Service Permit or Cross-border Authorisation issued by the Department for Infrastructure (c) under section 1 of the Transport Act (Northern Ireland) 2011(d) or in accordance with Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on Common Rules for Access to the International Market for Coach and Bus Service(e);
- (b) ferry services operated in accordance with the Strangford Lough Ferry and Harbour Byelaws (Northern Ireland) 1988(f) or in pursuance of an agreement under Article 99 of the Roads (Northern Ireland) Order 1993(g);
- (c) services provided by community transport operators funded by the Department for Infrastructure under Part 5 of the Transport Act (Northern Ireland) 2011.

“passenger transport service premises” means off-road premises where a passenger transport service may stop or terminate, allowing passengers on and off.

“relevant person” has the meaning given by regulation 7(12)(b).

“school transport service” means any transport provided solely for the purpose of—

- (a) facilitating a person’s attendance at a school or other place at which they receive education or training; or
- (b) otherwise than for the reason in paragraph (a), carrying a person to and from the school or other place at which they receive education or training.”.

(10) In regulation 7—

- (a) In paragraph 1, for “6A or 6B”, substitute “6A”;
- (b) after paragraph (1), insert —

“**1A.** A relevant person may take such action as is necessary to enforce any requirement imposed by regulation 6B and may, in particular—

- (a) prevent a person who is not wearing a face covering, in contravention of the requirement in regulation 6B, from boarding the relevant vehicle;
- (b) direct a person who is not wearing a face covering, in contravention of the requirement in regulation 6B, to wear such a covering;

(a) 1995 c. 50
 (b) 1984 c.51
 (c) Formerly the Department for Regional Development; see 2016 c. 5 (N.I.), s. 1(6)
 (d) 2011 c.11 (N.I.)
 (e) OJ L 300, 14.11.2009, p. 88
 (f) S.R.1988 No.362
 (g) S.I. 1993/3160 (N.I.15)

- (c) direct a person who is not wearing a face covering, in contravention of the requirement in regulation 6B, to disembark from the relevant vehicle; or
- (d) remove a person who does not comply with a direction in sub-paragraph (b) or (c) from the relevant vehicle.”;
- (c) in paragraph (4), for “paragraph (3)(b) to remove a person to the place where they are living”, substitute “paragraph (1A)(d) or 3(b)”;
- (d) in paragraph (6), after “regulation 5(1)”, insert “or the requirement in regulation 6B” and for “that restriction”, substitute “that restriction or that requirement”;
- (e) in paragraph (8), for “paragraph (3)”, substitute “paragraph (1A), (3)”;
- (f) omit paragraph (9B);
- (g) in paragraph (10), for “, (9A)(c) or (9B)(c)”, substitute “or (9A)(c)”;
- (h) in paragraph (10A), for “6A or 6B”, substitute “or 6A”;
- (i) in paragraphs (10C) and (11), omit “(9B)”.
- (11) In regulation 8(3), for “regulation 7” where it first appears, substitute “regulation 6B or 7”.
- (12) In Part 2 of Schedule 2—
 - (a) omit paragraphs 5 and 8;
 - (b) omit paragraph 17;
 - (c) in paragraph 18, omit “Indoor fitness studios, gyms,” and “amusement arcades”;
 - (d) in paragraph 18 omit “or other indoor leisure centres or facilities”;
 - (e) in paragraph 20, omit “Playgrounds,” and “ and outdoor gyms”; and
 - (f) in paragraph 20 omit “indoor sports courts”.

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 5.30 p.m. on 9th July 2020



Robin Swann
Minister of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 in order to:

- permit the re-opening of cinemas, bingo halls, amusement arcades, indoor fitness suites, indoor and outdoor gyms and playgrounds from 10th July;
- permit competitive sporting events to take place from 11th July;
- permit a wider range of religious marriages, and baptisms;
- increase the number of people who can attend an outdoor wedding;
- permit the re-opening of libraries from 16th July;
- require the wearing of face coverings on public transport; and
- permit the re-opening of indoor leisure centres or facilities (but not swimming pools) from 17th July.

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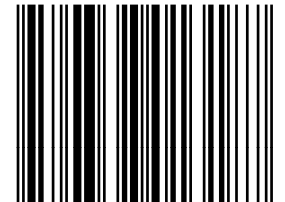
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