

## **EXPLANATORY MEMORANDUM TO**

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

#### **S.R. 2020 No. 139**

#### **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) (Amendment No. 11) Regulations (Northern Ireland) 2020.
- 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 This Statutory Rule amends the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 (“the principal Regulations”) 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.

#### **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Regulations without a draft being so laid and approved so that public health measures can be introduced, amended or withdrawn in response to the latest risk assessment associated with the incidence and spread of coronavirus disease.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 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.
- 3.3 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.

- 3.4 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.
- 3.5 The Statutory 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. The principle Regulations provide 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.
- 5.3 The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 (as amended) are critical for the Executive to take all reasonable steps to prevent the community transmission of coronavirus disease where possible. It is also essential that the Executive retains public trust in its public health protection measures. This level of trust will be critical to ensuring that the public continues to engage and comply with interventions designed to protect individuals and communities during the period of transmission of the virus within Northern Ireland.

- 5.4 Regulation 3 of the principal Regulations requires the closure of certain premises and businesses during the emergency period. Regulation 4 provides for further restrictions and closures with some exemptions. Regulation 5 (restrictions on movement) provides for a 'reasonable excuse' for a person leaving the place where they are living. Regulation 6 of the principal Regulations places restrictions on gatherings.
- 5.5 As other services in places of worship can now take place, and given that there have been easements for the hospitality and tourism sectors, it is in the public interest to allow indoor marriages and baptisms, and enable a range of venues to provide services for these purposes.
- 5.6 As a venue can determine the number of people who can safely be accommodated inside with suitable social distancing, and given that venues such as hotels will have indoor and outdoor facilities, a similar arrangement should be put in place for outdoor marriage ceremonies. This would put the onus on the outdoor venue and the couple to discuss and agree the numbers who can attend a marriage ceremony outdoors.
- 5.7 The re-opening of indoor leisure centres, fitness studios and gyms, with a focus at this time on individual training, would be in line with the SportNI return to sport framework. Swimming pools would remain closed. This easement would also apply to children's playgrounds, and outdoor courts and gyms. This will be of benefit to children and parents, and to those who need to train outdoors for sports such as netball, basketball, etc.
- 5.8 A measured approach to a return to sport, enabling both grass root and professional competitive games and events, including horse racing and equestrian competitors, to take place, initially with no spectators, is consistent with the SportNI return to sport framework which is aligned to the Executive's Approach to Decision-Making 5 Step Plan.
- 5.9 A significant increase in numbers of people wearing face coverings on public transport would offer greater protection to others. For the benefit of face coverings to be realised, a high proportion of the population would need to use them routinely in places where social distancing cannot be maintained at all times. Mandating the wearing of face coverings on public transport could also help increase public confidence in public transport encouraging more people to travel for economic and societal reasons.
- 5.10 Allowing cinemas to open would have economic benefits in terms of jobs and associated support industries, but also social and leisure value for citizens. Bingo halls provide a variety of economic, social and leisure benefits, with many bingo halls providing a sense of community for regular attendees. Amusement arcades, with social distancing and hand sanitation mitigations, provide additional economic benefits for the tourism industry.
- 5.11 Libraries are open to all, and are a vital service to many in their communities, particularly those suffering from social isolation and deprivation. Libraries are seen as neutral and welcoming places for all people. The reopening of Libraries would have a positive impact on the mental health and wellbeing of many library customers and would help to increase a sense of normality.

## **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