
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 55

**The Health Protection (Coronavirus, Restrictions)
Regulations (Northern Ireland) 2020**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 and shall come into operation at 11.00 p.m. on 28th March 2020.

(2) In these Regulations—

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“person responsible for carrying on a business” includes the owner, proprietor and manager of that business;

“vulnerable person” includes—

- (a) any person aged 70 or older;
- (b) any person under 70 who has an underlying health condition, including but not limited to, the conditions listed in Schedule 1;
- (c) any person who is pregnant.

The emergency period and review of need for restrictions

2.—(1) For the purposes of these Regulations, the “emergency period”—

- (a) starts when these Regulations come into operation, and
- (b) ends in relation to a restriction or requirement imposed by these Regulations on the day and at the time specified in a direction published by the Department of Health terminating the requirement or restriction.

(2) The Department of Health must review the need for restrictions and requirements imposed by these Regulations at least once every 21 days, with the first review being carried out by 18th April 2020.

(3) As soon as the Department of Health considers that any restrictions or requirements set out in these Regulations are no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Northern Ireland with the coronavirus, the Department of Health must publish a direction terminating that restriction or requirement.

(4) A direction published under this regulation may—

- (a) terminate any one or more requirement or restriction;
- (b) terminate a requirement or restriction in relation to a specified business or service or a specified description or business or service.

(5) In this regulation, “specified” means specified in a direction published under this regulation.

Requirement to close premises and businesses during the emergency

3.—(1) A person responsible for carrying on a business which is listed in Part 1 of Schedule 2 must—

- (a) during the emergency period—
 - (i) close any premises, or part of the premises, in which food or drink are sold for consumption on those premises, and
 - (ii) cease selling food or drink for consumption on its premises; or
- (b) if the business sells food or drink for consumption off the premises, cease selling food or drink for consumption on its premises during the emergency period.

(2) For the purposes of paragraph 1(a), food or drink sold by a hotel or other accommodation as part of room service is not to be treated as being sold for consumption on its premises.

(3) For the purposes of paragraph (1)(a)(ii) and (b), an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business.

(4) A person responsible for carrying on a business or providing a service which is listed in Part 2 of Schedule 2 must cease to carry on that business or to provide that service during the emergency period.

(5) Paragraph (4) does not prevent the use of—

- (a) premises used for the businesses or services listed in paragraphs 5, 6, 8, 9 or 10 of that Part to broadcast a performance to people outside the premises, whether over the internet or as part of a radio or television broadcast;
- (b) any suitable premises used for the businesses or services listed in that Schedule to host blood donation sessions.

(6) If a business listed in Part 1 or 2 of Schedule 2 (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes down business A.

Further restrictions and closures during the emergency period

4.—(1) A person responsible for carrying on a business, not listed in Part 3 of Schedule 2, of offering goods for sale or for hire in a shop, or providing library services must, during the emergency period—

- (a) cease to carry on that business or provide that service except by making deliveries or otherwise providing services in response to orders received—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including orders by text message, or
 - (iii) by post;
- (b) close any premises which are not required to carry out its business or provide its services as permitted by sub-paragraph (a);
- (c) cease to admit any person to its premises who is not required to carry on its business or provide its service as permitted by sub-paragraph (a).

(2) Paragraph (1) does not apply to any business which provides hot or cold food for consumption off the premises.

(3) Subject to paragraph (4), a person responsible for carrying on a business consisting of the provision of holiday accommodation, whether in a hotel, hostel, bed and breakfast accommodation,

holiday apartment, home, cottage or bungalow, campsite, caravan park or boarding house, must cease to carry on that business during the emergency period.

(4) A person referred to in paragraph (3) may continue to carry on their business and keep any premises used in that business open—

- (a) to provide accommodation for any person, who—
 - (i) is unable to return to their main residence;
 - (ii) uses that accommodation as their main residence;
 - (iii) needs accommodation while moving house;
 - (iv) needs accommodation to attend a funeral;
- (b) to provide accommodation or support services for the homeless,
- (c) to host blood donation sessions, or
- (d) for any purpose requested by any Northern Ireland department, the Regional Agency, a health and social care trust or a district council.

(5) A person who is responsible for a place of worship must ensure that, during the emergency period, the place of worship is closed, except for uses permitted in paragraph (6).

(6) A place of worship may be used—

- (a) for funerals,
- (b) to broadcast an act of worship, whether over the internet or as part of a radio or television broadcast, or
- (c) to provide essential voluntary services or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency).

(7) A person who is responsible for a community centre must ensure that, during the emergency period, the community centre is closed except where it is used to provide essential voluntary activities or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency).

(8) A person who is responsible for a crematorium or burial ground must ensure that, during the emergency period, the crematorium or burial ground is closed to members of the public, except for funerals or burials.

(9) If a business referred to in paragraph (1) or (3) (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) or (3) to cease to carry on its business if it ceases to carry on business A.

Restrictions on movement

5.—(1) During the emergency period, no person may leave the place where they are living without reasonable excuse.

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

- (a) to obtain basic necessities, including food and medical supplies for those in the same household (including any pets or animals in the household) or for vulnerable persons and supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person, or to obtain money, including from any business listed in Part 3 of Schedule 2;
- (b) to take exercise either alone or with other members of their household;
- (c) to seek medical assistance, including to access any of the services referred to in paragraph 37 or 38 of Schedule 2;

- (d) to provide care or assistance, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(1), to a vulnerable person, or to provide emergency assistance;
- (e) to donate blood
- (f) 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;
- (g) to attend a funeral of—
 - (i) a member of the person’s household,
 - (ii) a close family member, or
 - (iii) if no-one within sub-paragraphs (i) or (ii) is attending, a friend;
- (h) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (i) to access critical public services, including—
 - (i) childcare or educational facilities (where these are still available to a child in relation to whom that person is the parent, or has parental responsibility for, or care of the child);
 - (ii) social care services;
 - (iii) services provided by the Department for Communities;
 - (iv) services provided to victims (such as victims of crime);
- (j) in relation to children who do not live in the same household as their parents, or one of their parents, to continue existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of the child;
- (k) in the case of a minister of religion or worship leader, to go to their place of worship;
- (l) to move house where reasonably necessary;
- (m) to avoid injury or illness or to escape a risk of harm.

(3) For the purposes of paragraph (1), the place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

(4) Paragraph (1) does not apply to any person who is homeless.

Restrictions on gatherings

6. During the emergency period, no person may participate in a gathering in a public place of more than two people except—

- (a) where all the persons in the gathering are members of the same household,
- (b) where the gathering is essential for work purposes,
- (c) to attend a funeral,
- (d) where reasonably necessary—
 - (i) to facilitate a house move,

(1) *S.I. 2007/1351 (N.I. 11)*. Sub-paragraph (3B) was substituted, with sub-paragraphs (1) to (3) and (3A) to (3E) for sub-paragraphs (1) to (3) by s. 78 of and paragraph 3(2) of Schedule 7 to, the Protection of Freedoms Act 2012 (c. 9)

- (ii) to provide care or assistance to a vulnerable person, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 2 to the Safeguarding of Vulnerable Groups (Northern Ireland) Order 2007,
- (iii) to provide emergency assistance, or
- (iv) to participate in legal proceedings, or fulfil a legal obligation.

Enforcement of requirement

7.—(1) A relevant person may take such action as is necessary to enforce any requirement imposed by regulation 3, 4 or 6.

(2) A relevant person may give a prohibition notice to a person if the relevant person reasonably believes that—

- (a) the person is contravening a requirement in regulation 3 or 4, and
- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the requirement.

(3) Where a relevant person considers that a person is outside the place where they are living in contravention of regulation 5(1), the relevant person may—

- (a) direct that person to return to the place where they are living, or
- (b) remove that person to the place where they are living.

(4) A relevant person exercising the power in paragraph (3)(b) to remove a person to the place where they are living, may use reasonable force, if necessary, in the exercise of the power.

(5) Where the person outside the place where they are living without reasonable excuse is a child accompanied by an individual who has responsibility for the child—

- (a) the relevant person may direct that individual to take the child to the place where they are living, and
- (b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to the child.

(6) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation 5(1), the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.

(7) For the purposes of this regulation, an individual has responsibility for a child if the individual—

- (a) has custody or charge of the child for the time being, or
- (b) has parental responsibility for the child (within the meaning of the Children (Northern Ireland) Order 1995)(2).

(8) A relevant person may only exercise the power in paragraph (3), (5) or (6) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the requirement.

(9) Where a relevant person considers that three or more people are gathered together in contravention of regulation 6, 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.

(10) Paragraphs (4), (5), (6) (7) and (8) apply to the exercise of a power under paragraph (9), as they apply to the exercise of a power under paragraph (3).

(11) A relevant person exercising a power under paragraph (3), (5), (6) or (9) may give the person concerned any reasonable instructions they consider to be necessary.

(12) For the purposes of this regulation—

- (a) “child” means a person under the age of 18;
- (b) a “relevant person” means—
 - (i) a constable, or
 - (ii) a person designated by the Department of Health for the purposes of this regulation;
- (c) references to a requirement include references to a restriction.

Offences and penalties

8.—(1) A person who—

- (a) without reasonable excuse contravenes a requirement in regulation 3, 4, 6 or 7, or
- (b) contravenes a requirement in regulation 5,

commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

(3) A person who, without reasonable excuse, contravenes a direction given under regulation 7, or fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation 7, commits an offence.

(4) An offence under this regulation is punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

(5) Article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989⁽³⁾ applies in relation to an offence under this regulation as if the reasons in paragraph (5) of that Article included—

- (a) to maintain public health;
- (b) to maintain public order.

(6) For the purposes of this regulation, references to a requirement include references to a restriction.

Fixed penalty notices

9.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes—

- (a) has committed an offence under these Regulations;
- (b) is over the age of 18.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the clerk of petty sessions.

(3) Where a person is issued with a notice under this regulation in respect of an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice;

(3) *S.I. 1989/1341 (N.I. 12)*. Article 26 was substituted by Articles 1(2) and 15(1) (with Article 15(3)) of the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007

- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (4) A fixed penalty notice must—
 - (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
 - (b) state the period during which (because of paragraph (3)(a)) proceedings will not be taken for the offence;
 - (c) specify the amount of the fixed penalty;
 - (d) state the name and address of the person to whom the fixed penalty may be paid;
 - (e) specify permissible methods of payment;
 - (f) inform the person to whom it is given of the right to ask to be tried for the offence.
- (5) The amount specified under paragraph (4)(c) must, subject to paragraph (6), be £60.
 - (a) (6) (a) Unless sub-paragraph (b) applies, a fixed penalty notice must specify that if £30 is paid before the end of the period of 14 days following the date of the notice that is the amount of the fixed penalty;
 - (b) if the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations—
 - (i) sub-paragraph (a) does not apply, and
 - (ii) the amount specified as the fixed penalty is to be—
 - (aa) in the case of the second fixed penalty notice received, £120;
 - (bb) in the case of the third and subsequent fixed penalty notice received, double the amount specified in the last fixed penalty notice received by that person, to a maximum of £960.
- (7) Whatever other method may be specified under paragraph (4)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (4)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (8) Where a letter is sent as mentioned in paragraph (7), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (9) In any proceedings, a certificate—
 - (a) that purports to be signed by or on behalf of the clerk of petty sessions, and
 - (b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,is evidence of the facts stated.
- (10) In this regulation “authorised person” means—
 - (i) a constable;
 - (ii) a person designated by the Department of Health for the purposes of this regulation.

Effect of fixed penalty notice

- 10.**—(1) This regulation applies if a fixed penalty notice is given to any person under regulation 9.
- (2) If the person asks to be tried for the alleged offence, proceedings may be brought against the person.
 - (3) If by the end of the period mentioned in regulation 9(3)(a)—
 - (a) the penalty has not been paid, and
 - (b) the person has not made a request to be tried,

a sum equal to one and a half times the amount of the penalty (“the enhanced sum”) may be registered under regulation 12 for enforcement against the person as a fine.

Registration certificates

11.—(1) This regulation and regulation 12 apply where by virtue of regulation 10 the enhanced sum may be registered under regulation 12 for enforcement against any person as a fine.

(2) In this regulation and regulation 12—

- (a) that sum is referred to as a “sum payable in default”, and
- (b) the person against whom that sum may be so registered is referred to as the “defaulter”.

(3) The Chief Constable or a person designated by the Department of Health—

- (a) may in respect of any sum payable in default issue a certificate (a “registration certificate”) stating that the sum is registrable under regulation 12 for enforcement against the defaulter as a fine; and
- (b) must cause any certificate so issued to be sent to the clerk of petty sessions.

(4) The Chief Constable may authorise a person to carry out the functions of the Chief Constable under paragraph (3).

(5) A registration certificate must—

- (a) give particulars of the offence to which the penalty notice relates; and
- (b) state the name and last known address of the defaulter and the amount of the sum payable in default.

Registration of penalty

12.—(1) Where the clerk of petty sessions receives a registration certificate in respect of any sum payable in default, the clerk must register that sum for enforcement as a fine by entering it in the Order Book of a court of summary jurisdiction.

(2) On registering any sum under this regulation for enforcement as a fine, the clerk of petty sessions must give to the defaulter notice of registration—

- (a) specifying the amount of that sum and requiring payment of it by such date, not less than 28 days from the date of registration, as may be specified in the notice; and
- (b) giving the information with respect to the offence included in the registration certificate by virtue of regulation 11(5)(a).

(3) On the registration of any sum in the Order Book of a court of summary jurisdiction by virtue of this regulation, any statutory provision referring (in whatever terms) to a fine imposed or a sum adjudged to be paid by a conviction of such court shall have effect in the case in question as if the sum so registered were a fine imposed by that court on the conviction of the defaulter on the date of the registration.

(4) The clerk of petty sessions must refer the case to a district judge (magistrates’ courts) for the judge to consider whether to make a collection order under section 3 of the Justice Act (Northern Ireland) 2016(4), and the order may be made without a court hearing.

(5) Where a collection order is made in that case, the date specified in the order as the date by which the sum due must be paid must, unless the court directs otherwise, be the same as the date specified in the notice of registration under paragraph (2)(a).

Challenge to notice

13.—(1) This regulation applies where—

- (a) a person who has received notice of the registration of a sum under regulation 12 for enforcement against that person as a fine makes a statutory declaration to the effect mentioned in paragraph (2), and
- (b) that declaration is, within 21 days of the date on which the person making it received notice of the registration, served on the clerk of petty sessions.

(2) The statutory declaration must state—

- (a) that the person making the declaration was not the person to whom the relevant fixed penalty notice was given, or
- (b) that the person gave notice requesting to be tried in respect of the alleged offence as permitted by the fixed penalty notice before the end of the suspended enforcement period.

(3) In any case within paragraph (2)(a), the relevant fixed penalty notice, the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void.

(4) In any case within paragraph (2)(b)—

- (a) the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void, and
- (b) the case shall be treated after the declaration is served as if the person making the declaration had given notice requesting to be tried in respect of the alleged offence as stated in the declaration.

(5) References in this regulation to the relevant fixed penalty notice are to the fixed penalty notice relating to the penalty concerned.

(6) In any case within paragraph (2)(b), Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981(5) (limitation of time) shall have effect as if for the reference to the time when the offence was committed there were substituted a reference to the date of the statutory declaration made for the purposes of paragraph (1).

(7) Paragraph (8) applies where, on the application of a person who has received notice of the registration of a sum under regulation 12 for enforcement against that person as a fine, it appears to a court of summary jurisdiction that it was not reasonable to expect that person to serve, within 21 days of the date on which that person received the notice, a statutory declaration to the effect mentioned in paragraph (2).

(8) The court may accept service of such a declaration by that person after that period has expired; and a statutory declaration so accepted shall be taken to have been served as required by paragraph (1).

(9) In this regulation references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum (including the making of a collection order).

(10) For the purposes of this regulation, a person shall be taken to receive notice of the registration of a sum under regulation 12 for enforcement against that person as a fine when that person receives notice either of the registration as such or of any proceedings for enforcing payment of the sum registered.

(11) Nothing in this regulation is to be read as prejudicing any rights a person may otherwise have by virtue of the invalidity of any action purportedly taken under these Regulations which is not in fact authorised by these Regulations in the circumstances of the case.

(12) Accordingly, references in this regulation to the registration of any sum or to any other action taken under these Regulations are not to be read as implying that the registration or action was validly made or taken.

Setting aside of sum enforceable under regulation 12

14.—(1) A court of summary jurisdiction may, in the interests of justice, set aside a sum enforceable as a fine as a result of regulation 12.

(2) Where a court sets aside such a sum, it must give a direction that either—

- (a) no further action is to be taken in respect of the alleged offence that gave rise to the fixed penalty notice concerned; or
- (b) that the case is to be treated as if the person concerned had given notice requesting to be tried in respect of the offence.

(3) Where a court gives a direction under paragraph (2)(a), the fixed penalty notice concerned, the registration and any proceedings taken for enforcing payment of the sum registered shall be void.

(4) Where a court gives a direction under paragraph (2)(b)—

- (a) the registration and any proceedings taken for enforcing payment of the sum registered shall be void; and
- (b) Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time) shall have effect as if for the reference to the time when the offence was committed there were substituted a reference to the date of the setting aside.

(5) In this regulation references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum (including the making of a collection order).

Expiry

15.—(1) These Regulations expire at the end of the period of six months beginning with the day on which they come into operation.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

Sealed with the Official Seal of the Department of Health at 9.15 p.m. on 28th March 2020

(L.S.)

Robin Swann
Minister of Health