

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. 82

PUBLIC HEALTH

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

Made - - - - at 6.30 p.m. on 15th May 2020

Laid before the Assembly at 9.00 a.m. on 18th May 2020

Coming into operation - at 11.00 p.m. on 15th May 2020

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. These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Amendment No. 2) Regulations (Northern Ireland) 2020 and shall come into operation at 11.00 p.m. on 15th May 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)

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 (citation, commencement and interpretation), after paragraph (2) insert—

“(3) Any reference in these Regulations to a person designated by the Department of Health includes a reference to an authorised officer employed by a person so designated.”.

(3) In regulation 2 (the emergency period and review of need for restrictions), after paragraph (4), insert—

“(4A) Section 28(2) (effect of repeal) of the Interpretation Act (Northern Ireland) 1954 applies in relation to the termination of a restriction or requirement by a direction as it applies in relation to the repeal of an enactment.”.

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

(a) in paragraph (1)(a), after “orders” insert “or enquiries”;

(b) in paragraph (6)(c), after “public support services” insert “upon the request of the Department of Health”;

(c) after paragraph (6)(c), insert—

“(d) to solemnise a marriage ceremony where a party to the marriage is suffering from a progressive disease, where death in consequence of that disease can reasonably be expected within six months of the date of the ceremony and subject to 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.”;

(d) in paragraph (7), after “public support services”, insert “upon the request of the Department of Health”.

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

(a) in sub-paragraph (a), in place of “to obtain money”, substitute “to obtain or deposit money”;

(b) in sub-paragraph (i), after head (iv) insert—

“(v) services provided by a district council or other public body, including household waste or recycling centres;”.

(6) In regulation 6 (restrictions on gatherings)—

(a) in paragraph (c), after “funeral” insert “or a marriage ceremony, in accordance with regulation 4(6)(d)”;

(b) in paragraph (d)(ii), after “provide” insert “or receive”.

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

(a) in paragraph (5)(a), in place of “they are living” substitute “the child is living”;

(b) for paragraph (10) substitute—

“(10) A relevant person exercising the power in paragraph (9)(c) to remove a person in a gathering to a place where they are living may use reasonable force, if necessary, in exercise of the power.”;

(c) after paragraph (10) insert—

“(10A) Where a person who is in a gathering in contravention of regulation 6 is a child accompanied by an individual who has responsibility for the child—

(a) S.R. 2020 No. 55, as amended by S.R. 2020 No.71

- (a) the relevant person may direct that individual to take the child to the place where the child is 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.
- (10B) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation 6, 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.
- (10C) A relevant person may only exercise the power in paragraph (9), (10A) or (10B) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the restriction in regulation 6.”;
- (d) In paragraph (11), in place of “or (9)” insert “(9), (10A) or (10B)”.
- (8) In regulation 9 (fixed penalty notices)—
- (a) in sub-paragraph (1)(b), for “is over the age of 18” substitute “is aged 18 or over”;
 - (b) in paragraph (2), for “clerk of petty sessions” substitute “authority specified in the notice”;
 - (c) after paragraph (2), insert—
 - “(2A) The authority specified in the notice must be—
 - (a) in the case of a notice issued by a person designated in accordance with paragraph (10)(ii), the district council in whose area the offence is alleged to have been committed, or
 - (b) in the case of a notice issued by a constable, the clerk of petty sessions.”;
 - (d) after paragraph (8), insert—
 - “(8A) In the case of a notice issued by a person designated in accordance with paragraph (10)(ii), the payment received by a district council under this regulation accrues to that council.”;
 - (e) in paragraph (9)(a), for “clerk of petty sessions” substitute “authority specified in the notice”.
- (9) In Schedule 2, Part 2 (businesses subject to restrictions or closure)—
- (a) in paragraph 14, after “barbers” insert “and tanning services, electrolysis or acupuncture”;
 - (b) in paragraph 21, after “except for” insert “livestock markets (whether for slaughter or breeding) and”;
 - (c) in paragraph 23, after “houses” insert “except for livestock auctions, (whether for slaughter or breeding)”.
- (10) In Schedule 2, Part 3—
- (a) in paragraph 30, for “car repair” insert “motor vehicle repair”;
 - (b) in paragraph 33, after “cash points” insert “savings clubs and undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers.”;
 - (c) after paragraph 42, insert—
 - “**43.** Garden centres and ornamental plant nurseries (but not cafes or restaurants in such premises).”.

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 6.30 p.m. on 15th May 2020

(L.S.)

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.

Regulation 1 is amended to clarify the reference to a person designated and regulation 2 is amended to apply section 28(2) of the Interpretation Act (Northern Ireland) 1954 to the termination of a restriction or requirement by a direction. Regulation 4 is further amended, to include the opening of a place of worship for the purpose of solemnising a marriage ceremony where a party is terminally ill (with a consequential amendment to regulation 6). Regulation 5 is further amended, to include the need to access services provided by a district council or other public body, including household waste or recycling centres. Regulation 7 is amended to clarify the application of enforcement provisions, insofar as children are concerned. Regulation 9 is amended to allow for the procedure to be used in cases where a district council issued a fixed penalty notice. There are further amendments to Parts 2 and 3 of Schedule 2, including the application to garden centres and ornamental plant nurseries.

No impact assessment has been prepared for these Regulations.

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