

EXPLANATORY MEMORANDUM

The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 2) Regulations (Northern Ireland) 2021

S.R. 2021 No. 109

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) Regulations (Northern Ireland) 2021 (Amendment No. 2) Regulations (Northern Ireland) 2021.
- 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 The Rule amends the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (“the principal regulations”).
- 2.2 The Rule allows, from the 23rd of April 2021, close contact services including driving instruction and hairdressing to resume by appointment, it allows outdoor visitor attractions including outdoor activity centres to reopen, Equine Assisted Therapy and Learning (EATL) for up to 30 people may resume, outdoor sport organised by a club, individual or individuals affiliated to a sport body or organisation is permitted for squad training, and competitive sport with numbers up to 100 and static band practice or rehearsal is permitted outdoors.
- 2.3 The Rule also allows, from the 30th of April 2021, the number permitted to gather outdoors at a private dwelling to be increased from 10 to 15 people from no more than 3 households, retail businesses may reopen, overnight stays are permitted in self-contained tourist accommodation for one household only, licensed and unlicensed premises may reopen, outdoors only, with a maximum of 6 people from 2 households per table with contact details recorded, the curfew on takeaways and off licences is removed and indoor activities in gyms, swimming pools and other sports venues are permitted individually, with a carer, or with a trainer or coach. Other regulations make consequential or technical amendments.

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 These Regulations come into operation on 23 and 30 April 2021. The 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 There has been a gradual decrease in COVID-19 cases since the high point of early January, following the spike which was a result of pre-Christmas relaxations. Restrictions have been in place since late December to prevent further spread of the virus. More than 2,000 people have died as a result of Covid-19 in Northern Ireland, and the health service has been under extreme and sustained pressure. However with the combination of reducing case numbers and the success of the vaccination programme, the Executive produced a ‘Pathway to Recovery’ document, outlining the plan to gradually exit out of the current restrictions.
- 5.3 The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 offer a clear platform for the multiple sets of relaxation amendments that are expected, via the Executive’s pathway to recovery plan, of which is this is one.
- 5.4 The Statutory Rule amends the principal regulations, as follows:
 - a) Regulation 3(2) permits indoor activities in gyms, swimming pools and other sports venues for individuals, with a carer, or with a trainer or coach;
 - b) Regulation 4 is removed permitting non-essential retailers to open;

- c) Regulation 5(1) permits licensed and unlicensed premises to reopen outdoors only with a maximum of 6 people from 2 households per table with contact details recorded;
- d) Regulation 6(1) and (2) and Regulation 7 are removed, this removes the curfew on takeaways and off licences;
- e) Regulation 9(3)(a) permits static band practice or rehearsal outdoors;
- f) Regulation 11(3)(e) permits outdoor sport organised by a club, individual or individuals affiliated to a sporting body or to an organisation, for squad training, and competitive sport with numbers up to 100;
- g) Regulation 12(1)(b) increases from 10 to 15 the number of people from 3 households, increased from 2 households, who may gather outdoors at a private dwelling;
- h) Regulation 13(2) permits overnight stays in self-contained tourist accommodation, a privately owned holiday home, or in a caravan or motorhome not on a campsite or caravan park, for one household only.
- i) Regulation 16 permits close contact services including driving instruction and hairdressing to resume by appointment in advance;
- j) Schedule 1, part 1, paragraph 8 permits outdoor visitor attractions including outdoor activity centres to reopen and for Equine Assisted Therapy and Learning (EATL), for up to 30 people, to resume.

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