

## **EXPLANATORY MEMORANDUM TO**

### **The Health Protection (Coronavirus, Restrictions, Wearing of Face Coverings) (Revocation) Regulations (Northern Ireland) 2022**

#### **SR2022 No. 47**

#### **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, Wearing of Face Coverings) (Revocation) Regulations (Northern Ireland) 2022.
- 1.2 The Statutory Rule is made under sections 25C(1), (3)(c), (4)(d) and 25 F(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 revokes the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 and the Health Protection (Wearing of Face Coverings) Regulations (Northern Ireland) 2020.

#### **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Regulations without a draft being so laid and approved so that public health measures can be introduced, amended or withdrawn in response to the latest risk assessment associated with the incidence and spread of the coronavirus disease.
- 3.2 These regulations come into operation at the time of their making and are available on the Department of Health Website. The Regulations cease to have effect at the end 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 As the trajectory of the pandemic is now such that regulations are no longer deemed necessary to be in law, they can be removed and replaced with guidance for the public to follow, to continue to reduce as much as possible the risk of the spread of COVID-19.

5.3 This Health Statutory Rule revokes Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 and the Health Protection (Wearing of Face Coverings) Regulations (Northern Ireland) 2020.

## 6. **Consultation**

6.1 There has been no public consultation in relation to this Statutory Rule.

6.2 In the absence of an Executive, the Minister of Health has engaged with Executive Ministers regarding the revocation of the restrictions and face coverings regulations and has sought legal advice from the Attorney General.

## 7. **Equality impact**

7.1 No Equality Impact Assessment has been completed in line with these regulations.

## 8. **Regulatory Impact**

8.1 There has been no assessment of regulatory impacts in relation to this Statutory Rule.

## 9. **Financial implications**

9.1 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.