

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. 250

PUBLIC HEALTH

**The Health Protection (Coronavirus, Restrictions) (No. 2)
(Amendment No. 13) Regulations (Northern Ireland) 2020**

Made - - - - at 5.30 p.m. on 12th
November 2020
at 9.00 a.m. on 13th
November 2020
Laid before the Assembly
Coming into operation in accordance with
regulation 1(2)

The Department of Health⁽¹⁾, 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⁽²⁾.

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, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020.

(2) These Regulations come into operation at the time that they are made.

(1) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), s. 1(5)

(2) 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) (No. 2) Regulations (Northern Ireland) 2020

2.—(1) The Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020(3) are amended as follows.

(2) After regulation 4D (requirement in relation to intoxicating liquor and to food and drink), insert—

“Requirement in relation to social distancing.

4E.—(1) A person responsible for the organisation or operation of a relevant place (“the responsible person”) must take reasonable measures to ensure that his servants and agents, and visitors to such a place, comply with social distancing measures at all times.

(2) In this regulation “relevant place” means—

- (a) a shop;
- (b) an enclosed shopping centre, excluding any area in such a place which is open to the public and where seating or tables are made available for the consumption of food and drink: for these purposes premises are “enclosed” if they would be considered enclosed or substantially enclosed for the purposes of regulation 2 of the Smoke-free (Premises, Vehicle Operators and Penalty Notices) Regulations (Northern Ireland) 2007;
- (c) a venue at which intoxicating liquor may be consumed.

(3) In this regulation “social distancing measures” means measures for the purpose of minimising the risk of exposure to, or spread of, coronavirus and which require a responsible person to take reasonable steps to ensure—

- (a) that the responsible person’s servants and agents, and visitors to a relevant place, are provided with information on how to minimise the risk of exposure to and the spread of coronavirus;
- (b) that the persons referred to in paragraph (a) maintain a distance of 2 metres from each other (unless members of the same or a linked household) by altering the layout of a relevant place including those parts to which visitors do not customarily have access, managing and controlling the use of points of access and egress, shared facilities (such as toilets) and managing and controlling the means of moving from one part of a relevant place to another;
- (c) that persons waiting to enter a relevant place maintain a distance of 2 metres from each other (unless members of the same or a linked household);
- (d) that a relevant place is regularly cleaned, hygiene is maintained and in particular points or places which are likely to be used frequently by servants, agents and visitors (such as entry barriers and gates and card terminals) are regularly sanitised.

(4) Where it is not reasonably practicable for a social distance of 2 metres to be maintained, social distancing measures require a relevant person to take reasonable steps to ensure that—

- (a) any close face to face contact is limited between persons;
- (b) barriers or screens are installed and maintained;
- (c) personal protective equipment is used where appropriate and in such a case is made readily available.”

(3) In regulation 5 (restrictions on gatherings), after paragraph (1) insert—

“(1A) A gathering referred to in regulation 5A (a gathering of 30 or more persons in public or private with or without amplified music) falls to be dealt with under that regulation, and not this regulation, despite the fact that such a gathering may otherwise fall within this regulation.”

(4) After regulation 5 (restrictions on gatherings), insert—

“ Restrictions on large gatherings

5A.—(1) A person (“an organiser or operator”) shall not organise or operate or participate in—

- (a) an indoor or outdoor gathering of more than thirty persons at a private dwelling;
- (b) a private indoor or outdoor gathering of thirty or more persons (whether or not at a private dwelling) at which amplified music is played during the night with or without intermissions and which music is likely to cause serious distress to the inhabitants of the locality by reason of its loudness, duration and the time at which it is played.

(2) A person, not being an organiser or operator referred to in paragraph (1), shall not participate in a gathering referred to in that paragraph.

(3) In this regulation “amplified music” includes sounds wholly or predominantly characterised by the emission of a succession of repetitive beats.”

(5) In regulation 6 (restrictions on gatherings: private dwellings), after paragraph (2) insert—

“(2A) A gathering referred to in regulation 5A (a gathering of 30 or more persons in public or private with or without amplified music) falls to be dealt with under that regulation, and not this regulation, despite the fact that such a gathering may otherwise fall within this regulation.”

(6) In regulation 7 (enforcement requirement), in paragraphs (3), (5), (6) and (7) for “5 or 6” substitute “5 to 6”.

(7) In regulation 8 (offences and penalties) for subsection (4) substitute—

“(4) An offence—

- (a) under regulation 4, 4A, 4B, 4C, 4D, 4E, 5A(1) and paragraphs 7 and 8 of Schedule 2, is punishable on summary conviction by a fine not exceeding £10,000;
- (b) under any other provision referred to in this regulation, is punishable on summary conviction by a fine not exceeding level 5 on the standard scale.”

(8) In regulation 9 (fixed penalty notices) for paragraphs (6) and (7) substitute—

“(6) The amount specified under paragraph (5)(c) must—

- (a) in the case of an offence consisting of a breach of regulation 4, 4A, 4B, 4C, 4D, 4E, 5A(1) and paragraph 7 or 8 of Schedule 2—
 - (i) be £1,000 if a fixed penalty notice is the first one issued to a person in respect of such a breach;
 - (ii) be £2,000 if a fixed penalty notice is the second one issued to a person in respect of such a breach;
 - (iii) be £4,000 if a fixed penalty notice is the third one issued to a person in respect of such a breach;
 - (iv) be £10,000 if a fixed penalty notice is the fourth one, or any subsequent one, issued to a person in respect of such a breach;

- (b) in the case of an offence referred to in regulation 8(2) or (3) which is committed in connection with a breach of a provision referred to in paragraph (a), be the same as that referred to in that paragraph;
- (c) in the case of an offence consisting of a breach of any other provision (not being one referred to in paragraph (a)) imposed by these Regulations, be £200;
- (d) in the case of an offence referred to in regulation 8(2) or (3) which is committed in connection with a breach of a provision referred to in paragraph (c), be the same as that referred to in that paragraph.

(7) A fixed penalty notice in respect of an offence referred to in paragraph (6)(c) or (d) must specify that if £100 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.

(7A) A person who has previously been issued with a fixed penalty notice in respect of a breach of a provision referred to in paragraph (6)(c) (“breach A”) or in respect of an offence committed in respect of breach A (see paragraph (6)(d)), shall not be issued with a fixed penalty notice in respect of any further breach of, or further offence committed in connection with, breach A.”

(9) In regulation 10 (effect of fixed penalty notice) after paragraph (3), insert—

“(4) Paragraph (3) does not apply to a fixed penalty under these Regulations of £1,000 or more.”

Sealed with the Official Seal of the Department of Health at 5.30 pm on 12th November 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) (No. 2) Regulations (Northern Ireland) 2020 (“the No.2 Regulations”). They amend the No.2 Regulations to impose additional requirements in relation to food and drink, new requirements in relation to social distancing and new requirements in relation to large gatherings. They also make consequential amendments to the provisions on offences and penalties and fixed penalty notices.

No impact assessment has been prepared for these Regulations.