EXPLANATORY MEMORANDUM TO

The Coronavirus Act 2020 (Extension of Powers to Act for the Protection of Public Health) Order (Northern Ireland) 2021

S.R. 2021 ISBN 9780338017987

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 Coronavirus Act 2020 (Extension of Powers to Act for the Protection of Public Health) Order (Northern Ireland) 2021

1.2 The Statutory Rule is made under section 96(2) of the Coronavirus Act 2020, for approval by resolution of the Assembly before the expiration of 40 days beginning with the day on which it is made.

2. Purpose of the Regulations

2.1 The Order amends Section 48 of, and Schedule 18 to the Coronavirus Act 2020 to not expire at the time in which they otherwise would and to expire 6 months after 24th March 2022.

3. Matters of special interest to the Northern Ireland Assembly

3.1 This order is laid in draft form for approval by the resolution of the Assembly, before the expiration of 40 days beginning with the day on which they are made.

3.2 This order comes into operation at the time at which it is made.

4. Legislative Context

4.1 The Coronavirus Act 2020 received Royal assent on 25 March 2020 and commenced on the same day. It applies to all countries on the UK. Several of the Act's provisions were expired early, in July 2021.

4.2 Section 48 of the Coronavirus Act, along with Schedule 18, inserts powers into the Public Health Act (Northern Ireland) 1967 to make Health Protection Regulations for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Northern Ireland.

4.3 Section 48 of the Coronavirus Act is due to expire on 24 March 2022, along with the remainder of the provisions in the Act. Using the powers in section 96 of the Coronavirus Act section 48 is to be extended for six months by means of an Order, until 24 September 2022.

5. Policy background

5.1 Section 48 of the Coronavirus Act is due to expire on 24 March 2022, along with the remainder of the provisions in the Act. Whilst preferable that no regulations will be required after this point, it is more likely than not that some element of regulation will be required beyond this point. In the absence of other powers available, using the powers in section 96 of the Coronavirus Act section 48 is extended for six months by means of this Order, until 24 September 2022.

5.2 The powers in section 96 permit a draft order to be laid before the Assembly and approved prior to being made.

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 order.

7. Equality impact

7.1 No Equality Impact Assessment or screening has been completed in line with this Order.

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 Order.

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 Order.

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 this Order is not incompatible with any of the Convention rights; is 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 Order 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.