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

2021 No. 109

PUBLIC HEALTH

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

Made - - - - at 10.00 p.m. on 22nd April 2021

Laid before the Assembly at 10.30 p.m. on 22nd April 2021

Coming into operation in accordance with Regulations 1(2) and (3)

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, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 2) Regulations (Northern Ireland) 2021.

(2) These regulations with the exception of regulations 35 to 53 come into operation on 23 April 2021.

(3) Regulations 35 to 53 come into operation on 30 April 2021.

(**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) 2021

2. The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021(**a**) are amended in accordance with these Regulations.

3. In regulation 1(2), at the appropriate place insert—

""bubble" has the meaning given in regulation 19(1A)";

""close contact service" means a service listed in Schedule 2"; and

""EATL" means Equine Assisted Therapy and Learning;".

4. In regulation 1(2), in the definition of "harbour terminal", "hotel" and "resident", for "article" substitute "Article".

5. In regulation 1(2), in the definition of "intoxicating liquor", for "section" substitute "Article".

6. In regulation 3(1), for "paragraph 1" substitute "part 1".

7. For regulation 3(2) substitute "A person responsible for listed premises or a listed business must close those premises or that business.".

8. In regulation 4(1)(b), for "paragraph 2" substitute "part 2".

9. In regulation 4(2)—

(1) for "A retail business" substitute "A person responsible for a retail business";

(2) in subparagraph (a), after "must cease" insert "to operate that business"; and

(3) in subparagraph (b), for "the business" substitute "that business".

10. After regulation 9(3), insert—

"(3A) (a) Paragraph (3) does not apply to a gathering for the purpose of practice or rehearsal by a band provided that—

(i) the band does not engage in a procession;

(ii) no person in the gathering engages in singing;

(iii) the gathering consists only of the band; and

(iv) the gathering fulfils the conditions in paragraph (5).

(b) In this regulation "band" means a group of two or more persons each of whom engages in the playing or sounding of a musical instrument or carries a musical instrument for the purpose of playing or sounding it, along with any conductor or instructor."

11. In regulation 9(4), after subparagraph (g) insert—

"(h) a close contact service (but not a close contact service to which regulation 16(3) relates);

(i) a test of competence to drive established by Article 5 of the Road Traffic (Northern Ireland) Order 1981(**b**);

(j) a gathering for the purpose of EATL provided that the gathering does not consist of more than 30 persons;

(k) childcare provided by a person registered under the Children (Northern Ireland) Order 1995 or childcare provided free of charge or for less than two hours per day. "

12. In regulation 9(5)—

(**a**) S.R. 2021 No.93
(**b**) S.I. 1981/154 (N.I. 1)

(a) for "paragraph (4)" substitute "paragraphs (3A) and (4)";

(b) in subparagraph (b), omit "and complying with relevant guidance issued by a Northern Ireland Department".

13. In regulation 9(6), for "paragraph (4)" substitute "paragraph (3A) or (4)".

14. In regulation 9(7)(a), for "the guidance on funerals" substitute ""Guidance for handling the infection risks when caring for the deceased and managing funerals(**a**)".

15. In regulation 11(3)(d), for "household and its linked household; or" substitute "bubble;".

16. For regulation 11(3)(e), substitute—

"(e) it is organised by a club, individual or individuals affiliated, in each case, to a relevant sporting body or to an organisation that regulates and provides advice and guidance to members on matters relating to sport and physical activities; and

(i) it consists of no more than 15 persons,

(ii) it is for the purpose of squad training and consists of no more persons than are reasonably required, or

(iii) it is for the purpose of competitive sport and consists of no more persons than are reasonably required, and in any event no more than 100 persons."

17. In regulation 12(2), for "household and its linked household" substitute "bubble".

18. In regulation 12(6), for "the guidance on funerals" substitute ""Guidance for handling the infection risks when caring for the deceased and managing funerals(**b**)""

19. In regulation 13(1), for "linked household" substitute "bubble".

20. For regulation 16 substitute—

"**16.**—(1) A person must not provide a close contact service unless an appointment to provide the service has been booked in advance by on-line communication, telephone, text or electronic messaging.

(2) A person providing a close contact service must comply with the duty in Regulation 15 (Visitor and Attendee Information).

(3) Paragraphs (1) and (2) do not apply to a close contact service where it is—

(a) provided for the purpose of film or television production;

(b) ancillary to medical, health and social care services; or

(c) driving instruction for the test of competence to drive a vehicle provided by, or on behalf of, the Police Service of Northern Ireland, the Northern Ireland Ambulance Service Health and Social Care Trust, or the Northern Ireland Fire and Rescue Board."

21. In regulation 17(3)(b) and in regulation 17(3)(c), for "or a linked household" substitute "household or a bubble".

22. In regulation 18(3)(b), after "specified in the notice are" insert "reasonably".

23. In regulation 18(4)(b), after "measures the enforcement officer" insert "reasonably".

24. In regulation 18(5)(b), after "other measures have been taken to" insert "reasonably".

25. In regulation 19, after paragraph (1) insert-

"(1A) Two households that are linked in accordance with this regulation are a "bubble"."

(**a**) https://www.health-ni.gov.uk/sites/default/files/publications/health/interim-guidance-for-funeral-directors.pdf
(**b**) https://www.health-ni.gov.uk/sites/default/files/publications/health/interim-guidance-for-funeral-directors.pdf

26. In regulation 20(2)(b), before "necessary and proportionate" insert "reasonably".

27. In regulation 20(3)(a), after "to which it relates" insert "and".

28. In regulation 20(3)(b)—

(a) after "measures the enforcement officer" insert "reasonably"; and

(b) for "complies with the requirement; and" substitute "complies with the requirement.".

29. Omit regulation 20(3)(c).

30. Omit regulation 20(4).

31. Omit regulation 20(5).

32. In regulation 20(6), omit "or a termination notice".

33. In Schedule 1 part 1—

(a) omit paragraph (4);

(b) in paragraph (5), omit "visitor";

(c) in paragraph (5), after "attractions including" insert "amusement arcades,";

(d) for paragraph 7 substitute "(7) Indoor swimming and diving pools.";

(e) after paragraph 7 insert—

"(8) Indoor sports and exercise facilities, including soft play areas, leisure centres, gyms, equestrian centres, venues relating to motor sport and activity centres, except as permitted by Regulation 11 (Sporting events); but

(a) indoor toilet facilities of a sports or exercise facility, and access thereto, may be opened for use by persons taking part in a lawful outdoor sporting event at an outdoor area of that sports or exercise facility; and

(b) indoor equestrian centres may be opened for the purpose of EATL subject to the requirements of regulation 9(4)."

(f) omit paragraph (9).

34. In schedule 2—

(a) in paragraph 1, omit "(unless social distancing is maintained)" at both places where it occurs; and

(b) omit paragraph (2)

35. For regulation 3(2) substitute—

"(2) A person responsible for listed premises or a listed business must close those premises or that business except, in the case of an indoor swimming or diving pool or an indoor sports or exercise facility, for the purpose of—

(a) individual activity;

(b) activity by an individual with a carer or carers; or

(c) training or coaching by an individual with a trainer or coach provided that the person responsible takes reasonable steps to ensure that each participant maintains a distance of two metres from any other person on the premises."

36. Omit regulation 4.

37. For regulation 5(1) substitute—

"(1) A person responsible for carrying on a business or a members' club which sells or provides food or drink (whether or not including intoxicating liquor) for consumption on the premises—

(a) must close to the public any indoor part of the premises, except to allow one individual from a party to make payment or to allow use of toilet, baby changing or breast feeding facilities and access to them;

(b) must not permit the consumption of food or drink including intoxicating liquor in any indoors part of the premises;

(c) may sell or provide food or drink including intoxicating liquor for consumption off the premises;

(d) must take reasonable steps to ensure that no more than six persons (not including children aged 12 or under) are seated at any one table (unless those seated at a table comprise a single household), and persons from no more than two households are seated at any one table (in this regulation all those seated at a table are a "party");

(e) must comply with the duty in regulation 15 (Visitor and Attendee Information) and the duty in regulation 17 (Requirement in relation to social distancing);

(f) must not permit on the premises—

(i) dancing; or

(ii) the provision of music, whether live or recorded, for dancing; or

(iii) live music;

(g) Sub-paragraph (f)(iii) shall not apply to music at a marriage ceremony or civil partnership ceremony;

(h) must carry out a risk assessment which complies with the requirements of regulation 9(5)(a) and which determines—

(i) the maximum number of persons who may be seated in each part of the premises; and

(ii) the volume at which any background or ambient music will be played so as to enable visitors to conduct conversation at normal loudness of speech;

(i) must retain the risk assessment referred to in subparagraph (h) on the premises and make it available immediately for inspection by visitors to the premises or to a relevant person on request;

(j) must take all reasonable measures to limit the risk of transmission of the coronavirus in accordance with regulation 9(5)(b);

(k) must display prominently, at each part of the premises, the maximum number of persons who may be seated in that part of the premises;

(l) must permit orders for food or drink (including intoxicating liquor) to be placed only by persons seated at a table;

(m) must not permit the consumption of food or drink (including intoxicating liquor) on the premises other than by a person seated at a table; and

(n) must not permit a visitor to move within the premises other than to enter or exit the premises, access a table, make a payment, or access and use toilet, baby changing or breast feeding facilities or a smoking area."

38. In regulation 5(3), for "For the purposes of paragraph (1), food or drink (not including intoxicating liquor) is not to be treated as being sold for consumption, or as consumed, on the premises if sold or provided" substitute "Paragraphs (1)(a) and 1(b) (so far as they relate to food and drink other than intoxicating liquor) shall not apply".

39. Omit regulations 6(1) and 6(2).

40. In regulation 6(3), for "under this regulation" substitute "for consumption off the premises".

41. Omit regulation 7.

42. In regulation 11(2), after "school or schools" insert—

"; or

(c) it is permitted in accordance with regulation 3(2)".

43. In regulation 12(1)(b), for "ten" substitute "fifteen" and for "two" substitute "three".

44. After regulation 13(2)(a) insert—

"(aa) where the overnight stay is in a campsite or caravan park which is exempt from closure under paragraph 1(6) of Schedule 1;

(ab) where the stay is in a privately owned holiday home, or in a caravan or motorhome not on a campsite or caravan park, provided that it is occupied by no more than one household or one bubble.".

45. For regulation 15(1)(b) substitute—

"(b) carrying on a business of selling or providing food or drink (including intoxicating liquor) for consumption on the premises (see regulation 5);".

46. After regulation 15(1)(c) insert "or".

47. After regulation 17(2)(b) insert—

"(c) the premises of a business or a members' club which sells or provides food or drink (whether or not including intoxicating liquor) for consumption on the premises and which is permitted to operate in accordance with regulation 5 (Restrictions on licenced and unlicenced premises).".

48. For paragraph (6) of part 1 of schedule 1 substitute—

"(6) Campsites and caravan parks for touring caravans including motorhomes, except to provide facilities—

(i) to a person in the event of an emergency, or

(ii) in relation to residents who are a single household or a bubble resident in self-contained accommodation, in which case the person responsible for the premises must take reasonable steps to ensure that those residents do not access indoor communal facilities other than for waste disposal.".

49. In paragraph (7) of part 1 of schedule 1, after "diving pools" insert "except as permitted by regulation 3(2)".

50. In paragraph (8)(a) of part 1 of schedule 1, after "Regulation 11 (Sporting events)" insert "or regulation 3(2)".

51. After paragraph (12)(a) of part 1 of schedule 1 insert—

"(aa) in the case of a hotel, to permit use of spa and gym facilities as permitted by regulation 3(2); or".

52. After paragraph (12)(b)(v) of part 1 of schedule 1 insert—

"(vi) a single household or a bubble resident in self-contained accommodation, in which case the person responsible for the premises must take reasonable steps to ensure that those residents do not access indoor communal facilities.".

53. Omit part 2 of schedule 1.

Sealed with the Official Seal of the Department of Health at 10.00 p.m. on 22nd April 2021

(L.S.)

Nigel McMahon
A senior officer of the Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021.

They make the following changes from April 23 2021:

Close contact services including driving instruction and hairdressing are permitted.

Outdoor visitor attractions including outdoor activity centres may 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.

Static band practice or rehearsal is permitted outdoors.

They make the following changes from 30 April 2021:

The number permitted to gather outdoors at a private dwelling is increased 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.

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.

No regulatory impact assessment has been prepared for these Regulations.

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