EXPLANATORY MEMORANDUM TO

The Health Protection (Coronavirus Restrictions) Regulations (Northern Ireland) 2021 (Amendment) Northern Ireland 2022

S.R. 2022 No. 6

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) 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

The Rule amends the Health Protection (Coronavirus Restrictions) Regulations (Northern Ireland) 2021 ("the principal regulations") by making a number of minor amendments to align with policy intent. These include amending the reasons a person is permitted to leave their seat in a theatres, concert halls, conference and exhibition venues and other indoor venues from accessing a table to accessing a seat and to insert a sentence to clarify the definition of a standing event. No changes made have altered the policy intent.

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 in 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Regulations without a draft being so laid and approved so that public health measures can be introduced, amended or withdrawn in response to the latest risk assessment associated with the incidence and spread of the coronavirus disease.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 they are made 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.

3.3 The need for the restrictions must be reviewed by the Department of Health within 6 months of their coming into operation.

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 2 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 Evidence has shown the recently discovered Omicron variant has a highly increased rate of transmission in comparison to previous variants, with more information required on the severity of this. Taking this into consideration further restrictions were required to be introduced to reduce the risk of transmission and spread ahead of a likely peak in January. These were introduced in December, with restrictions on hospitality, face covering regulations, the closure of nightclubs, prohibiting standing indoor events and dancing and placing a legal requirement on businesses to put all reasonable measures in place in relation to social distancing in offices and face coverings in retail. This amendment makes

minor amendments to align the legislation with the initial policy intent.

5.5 The Health Statutory Rule amends the principal regulations by making a number of minor amendments to align with policy intent. These include amending the reasons a person is permitted to leave their seat in a theatres, concert halls, conference and exhibition venues and other indoor venues from accessing a table to accessing a seat and to insert a sentence to clarify the definition of a standing event. No changes made have altered the policy intent.

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

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.