

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. 348

PUBLIC HEALTH

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) (No.8) Regulations (Northern Ireland) 2021

Made - - - - at 5.30 p.m. on 23rd December 2021

Laid before the Assembly at 6.30 p.m. on 23rd December 2021

Coming into operation - at 6.00 a.m. on 27th December 2021

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 and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) (No.8) Regulations (Northern Ireland) 2021 and shall come into operation at 6 am on 27th December 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, Wearing of Face Coverings) Regulations (Northern Ireland) 2020

2. The Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020(a) are amended as follows—

3. In Regulation 4(2)(f) omit “and a distance of at least two metres can be maintained between any persons on the ferry or the part of the ferry which is open to members of the public.”, and for the full stop at the end substitute a semi-colon.

4. After Regulation 4(2)(f) insert—

“(g) outdoors at a transport service premises.”

5. After Regulation 4C insert—

“4D. Requirement to ensure compliance

A person (P) who is—

- (a) an operator of a passenger transport service or passenger transport service premises,
- (b) an operator of a relevant place,
- (c) a provider of instruction or examination for a test of competence to drive, or
- (d) a provider of a close contact service,

must take reasonable steps to ensure that P’s servants, agents and visitors to premises or users of a service comply with Regulations 4 to 4C.”

6. For Regulation 5(d) substitute—

“(d) where the person cannot put on, wear or remove a face covering by reason of any disability (within the meaning of the Disability Discrimination Act 1995), in which case the person must provide, on request from a relevant person or a person acting in the course of their employment, proof of exemption on medical grounds.”

7. In Regulation 7(1) for “a requirement in regulation 4 or 4A” substitute “a requirement in these regulations”.

Sealed with the Official Seal of the Department of Health at 5.30 pm on 23rd December 2021

(L.S.)

Elizabeth Redmond
A senior officer of the Department of Health

(a) S.R. 2020 no.151 as amended by S.R. 2020 Nos. 164, 220, 233 and 253 and S.R. 2021 Nos 96, 131, 216, 219, 250, 274 and 291.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020 by amending the list of reasonable excuses to not wear a face covering by removing severe distress, placing the onus on an individual to prove their exemption and to place a statutory duty on businesses to promote compliance with face covering regulations by ensuring all reasonable measures are in place. They also remove the requirement to wear a face covering when on a transport service premises where area is outdoors and make a minor amendment to the requirement to wear on a ferry.

No regulatory impact assessment has been prepared for these Regulations.