

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 expiration of 28 days beginning with the day on which they are made.

STATUTORY RULES OF NORTHERN IRELAND

2021 No. 349

PUBLIC HEALTH

**The Health Protection (Coronavirus, Restrictions) Regulations
(Northern Ireland) 2021 (Amendment No. 21) Regulations
(Northern Ireland) 2021**

Made - - - at 9.00 p.m. on 23rd December 2021

Laid before Parliament at 9.00 a.m. on 24th December 2021

Coming into operation in accordance with regulation 1(2)

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.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 21) Regulations (Northern Ireland) 2021.

(2) Regulation 7(a), 9, 14 and 18 come into operation at 6.00 am on 26th December and the remainder of the regulations come into operation at 6.00 am on 27th December.

(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)

2. The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021(a) are amended in accordance with Regulations 3 to 23.

3. In Regulation 1(2) in the definition of “qualifying individual” for “an person” substitute “a person”.

4. In Regulation 1(2) at the relevant place insert—

“(a) “shop” means any building, room or other indoor establishment which is open to the public in whole or in part and is used wholly or mainly for the purposes of retail sale or hire of goods or services but not including-

(i) premises (other than registered pharmacies) providing wholly or mainly medical or dental services, audiology services, chiropody, chiropractic, osteopathic, optometry or other medical services including services relating to mental health; and

(ii) fitness studios, gyms, dance studios, leisure centres, swimming pools or water parks;” and

“(b) “office premises” means a building or part thereof used for the purpose of administrative, clerical, technical, professional or similar activities;”

5. In the definition of “tourist accommodation” after “self-catering establishment or guesthouse” insert “, or other accommodation provided to tourists for payment”.

6. After Regulation 1(3)(d) insert—

“(e) a person is to be treated as seated if they are temporarily standing for the purposes of entering or exiting the premises, accessing a table, making a payment, accessing a buffet or carvery or accessing and using a toilet, baby changing or breast feeding facilities or a smoking area.”

7.—(1) At the beginning of Part 2 (Restrictions relating to premises etc.) insert—

“Premises and businesses required to close

2.—(1) Listed premises” and “listed businesses” means the premises and businesses listed in Schedule 1.

(2) A person responsible for listed premises or a listed business must close those premises or cease to operate that business.

(3) Where listed premises or a listed business form part of larger premises or a larger business, the person responsible for those larger premises or business complies with paragraph (1) by closing only the listed premises or listed business.” and

(2) after the new regulation 2 insert-

“Requirements on retail premises

3. A person responsible for a shop—

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

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

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

(a) S.R 2021 No. 93 as amended by S.R. 2021 Nos. 97, 109, 117, 130, 141, 151, 172, 197, 199, 201, 217,220, 224, 233, 251, 276, 283,292, 315 and 334.

8. Before regulation 4(2)(e) insert—

- “(a) ensure that visitors remain in their allocated seating indoors except:
- (i) for the purposes of entering or exiting the premises, accessing a table, making a payment, accessing a buffet or carvery, or accessing and using a toilet, baby changing or breast feeding facilities or a smoking area; or
 - (ii) visit a place where a marriage ceremony or civil partnership ceremony may lawfully take place, for the purposes of viewing the facilities;
- (b) prevent the consumption of food or drink (including intoxicating liquor) by visitors indoors on the premises other than by a person seated;
- (c) in a venue where intoxicating liquor is sold or provided, permit orders for food or drink (including intoxicating liquor) to be placed only by persons seated;
- (d) other than in relation to an event to celebrate a marriage or civil partnership, ensure that the number of persons (not including children aged 12 or under) seated at any one table is no more than six, or no more than ten if those seated at the table comprise a single household;”

9. After Regulation 4(2)(f) insert—

- “(g) prevent dancing by visitors indoors on the premises except at an event to celebrate a wedding or civil partnership;”

10. In Regulation 4(2)(i) after “duty in regulation 15A;” insert “and”.

11. After regulation 4(2)(i) insert—

- “(j) display prominently, at each part of the venue, the maximum number of persons who may be seated in that part of the venue;”

12. In Regulation 5(1) after “(other than a premises to which regulation” insert “2 or”.

13. Before the new regulation 5(1)(d) insert—

- “(a) must not permit the consumption of food or drink (including intoxicating liquor) indoors on the premises other than by a person seated at a table;
- (b) in an indoor venue where intoxicating liquor is sold or provided, must permit orders for food or drink (including intoxicating liquor) to be placed only by persons seated at a table;
- (c) other than in relation to an event to celebrate a marriage or civil partnership, ensure that the number of persons (not including children aged 12 or under) seated indoors at any one table is no more than six, or no more than ten if those seated at the table comprise a single household;”

14. Before Regulation 5(1)(e) insert—

- “(d) must not permit dancing indoors by visitors on the premises except at an event to celebrate a wedding or civil partnership;”

15. After Regulation 5(1)(j) insert—

- “(k) must ensure that visitors remain in their allocated seating indoors except:
- (i) for the purposes of entering or exiting the premises, accessing a table, making a payment, accessing a buffet or carvery, accessing and using a toilet, baby changing or breast feeding facilities or a smoking area; or
 - (ii) visit a place where a marriage ceremony or civil partnership ceremony may lawfully take place, for the purposes of viewing the facilities,
- (l) display prominently, at each part of the venue, the maximum number of persons who may be seated in that part of the venue;”

16. In Regulation 9(1) after “(see Regulation 10)” insert “, an indoor standing event (see Regulation 11)”.

17. In Regulation 9(5) omit “responsible for organising or operating the gathering”

18. After Regulation 10 insert—

“Indoor standing events

11.—(1) A person must not attend, organise or operate an indoor standing event.

- (a) takes place indoors, and
- (b) consists of persons (not including staff of the venue, performers at the venue or organisers, speakers or presenters) who are not all seated,

but which is not—

- (c) a funeral, marriage ceremony or a civil partnership registration,
- (d) a reception or gathering which relates to a funeral, marriage ceremony or civil partnership registration, or
- (e) communal religious worship at a place of worship or communal activity at a place where beliefs are practiced.”

19. At the beginning of Part 4 (Restrictions on Movement etc.) insert—

“Social Distancing

13.—(1) A person (P) responsible for the organisation or operation of office premises must take reasonable measures to ensure that P’s servants and agents and visitors to the premises comply with social distancing measures at all times.

(2) “Social distancing measures” means measures for the purpose of minimising the risk of exposure to, or spread of, coronavirus and includes ensuring that—

- (a) P’s servants, agents and visitors to the premises are provided with information on how to minimise the risk of exposure to and the spread of coronavirus;
- (b) P’s servants, agents and visitors to the premises maintain a distance of 2 metres from each other (unless members of the same household) and that they are assisted in doing so by alteration of the layout of the premises, managing and controlling the use of points of entry, exit and shared facilities (such as toilets) and managing and controlling the means of moving from one part of the premises to another;
- (c) persons waiting to enter the premises maintain a distance of 2 metres from each other (unless members of the same household); and
- (d) the premises are regularly cleaned, hygiene is maintained and 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.

(3) Where it is not reasonably practicable for a social distance of 2 metres to be maintained between persons, P must take reasonable steps to ensure that—

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

20. In Regulations 16D(1)(a) and 16D(1)(b) before “an event that” insert “(subject to regulation 11)”.

21. Omit Regulation 16D(3).

22. Before Schedule 2 (Close Contact Services) insert—

“SCHEDULE 1

Regulation 2

Premises and businesses required to close

1. Nightclubs except when used for a purpose other than a nightclub.”

23. In Schedule 2A for Regulation 1 substitute—

“1. A funeral, marriage ceremony or a civil partnership registration.

1A. A reception or gathering which relates to a funeral, marriage ceremony or civil partnership registration (other than such a reception or gathering held in premises where intoxicating liquor may be consumed on the premises).”

Sealed with the Official Seal of the Department of Health at 9.00 pm on 23rd December 2021

(L.S.)

Elizabeth Redmond

A senior officer of the Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 by making the following changes.

Introducing requirement to be seated in hospitality premises, unless entering or exiting the premises, accessing a table, making a payment, placing an order for food or drink (in the case of unlicensed hospitality only), accessing a buffet or carvery, accessing or using toilet, baby changing or breast feeding facilities or a smoking area, or dancing at an event to celebrate a wedding or civil partnership.

No more than 6 persons at a table, in a licensed and unlicensed hospitality premises when from more than one household, or ten when from one household.

Placing legal responsibility on retail premises to ensure all reasonable measures in place to reduce transmission.

Requirement for office premises to put reasonable measures in place to comply with social distancing.

Prohibiting dancing indoors in hospitality venues.

Prohibiting nightclubs from opening.

No regulatory impact assessment has been prepared for these Regulations.