

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

2020 No. 256

PUBLIC HEALTH

**The Health Protection (Coronavirus, Restrictions) (No. 2)
(Amendment No. 15) Regulations (Northern Ireland) 2020**

Made - - - - at 6.30 p.m. on 13th
November 2020
at 9.00 a.m. on 16th
Laid before the Assembly November 2020
Coming into operation in accordance with
regulation 1(2)

The Department of Health⁽¹⁾, 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⁽²⁾.

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) (No. 2) (Amendment No. 15) Regulations (Northern Ireland) 2020.

(2) These Regulations come into operation at the time and on the date they are made.

(1) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), s. 1(5)

(2) 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) (No. 2) Regulations (Northern Ireland) 2020

2.—(1) Regulation 4C(1) is amended in accordance with this regulation.

(2) After sub-paragraph (c) insert—

“(d) destroy visitor information as soon as reasonably practicable after the expiry of the period in sub-paragraph (c) unless there is another basis outside these regulations on which the details may lawfully be retained.”

3.—(1) Schedule 2 of the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020(3) is amended in accordance with this regulation.

(2) In paragraph 1(1), in the definition of “active period”, for “of four weeks commencing on the date on which this schedule comes into force” substitute “ending at 23:59 on Thursday 26 November 2020”.

(3) In paragraph 7(2) omit head (a) and head (b).

(4) After paragraph 7 insert—

“Close contact services

7A.—(1) A person must not, during the period ending at 23:59 on 19 November 2020, provide a close contact service or driving instruction for the test of competence to drive a vehicle other than a motorcycle established by Article 5 of the Road Traffic (Northern Ireland) Order 1981(4).

(2) A service referred to in sub-paragraph (1) may be provided only to a client who has booked an appointment in advance online or by post, telephone, or text.

(3) A person providing a service referred to in sub-paragraph (1) to a client must—

- (a) where client information is not provided in advance) obtain client information at the time of provision of the service;
- (b) record client information in a filing system (which may be an electronic system) suitable for recording, storing and retrieving the information;
- (c) retain client information for a period of 21 days beginning with the date on which the service was provided;
- (d) destroy client information as soon as reasonably practicable after the expiry of the period in head (c) unless there is another basis outside these regulations on which the details may lawfully be retained.

(4) A person who provides a service referred to in sub-paragraph (1) must provide client information to a relevant person as soon as reasonably practicable but in any event within 24 hours of a request, if so requested by that person for the purpose of—

- (a) preventing a threat to public health resulting from the spread of infection or contamination with coronavirus; and
- (b) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease.

(5) In this paragraph “client information” means—

(3) S.R. 2020 No.150 as amended by S.R. 2020 Nos. 170, 187, 195, 198, 202, 204, 210, 213, 224, 225, 232, 239, 250 and 255

(4) S.I. 1981 No. 154 (N.I. 1)

- (a) the name and telephone number of the client, the number of members of the client's household accompanying the client, and the name and telephone number of any person accompanying the client who is not a member of the client's household; and
- (b) the date and start time of provision of the service."

(5) In paragraph 8(1), for "or a members' club which sells or provides food or drink (including intoxicating liquor) for consumption on the premises" substitute "under a licence under the Licensing (Northern Ireland) Order 1996(5) (including an occasional licence) or a private members' club registered under the Registration of Clubs (Northern Ireland) Order 1996(6)".

(6) After paragraph 8(1) insert—

"(1A) A person (other than a person referred to in sub-paragraph (1)) responsible for carrying on a business which sells or provides food or drink (not including intoxicating liquor) for consumption on the premises—

- (a) must not carry out that business during the period ending at 23:59 on 19 November 2020;
- (b) must carry out that business only between the hours of 05:00 and 20:00, and outside those hours must close any premises, or part of premises, in which food or drink are consumed;
- (c) must not permit the consumption of intoxicating liquor on the premises; and
- (d) for the avoidance of doubt, remains subject to the requirements of regulations 4A to 6A."

(7) In paragraph 8(3)—

- (a) after "A person responsible for carrying on a business which sells" insert "or provides";
- (b) after "not a bar, including a bar in a members' club, or a public house" insert "during the period ending at 23:59 on 19 November 2020"; and
- (c) after sub-paragraph (b) insert—

"(c) A person referred to in head (a) may sell or provide, or permit the sale or provision of, intoxicating liquor in accordance with this sub-paragraph only in a manufacturer's original sealed packaging."

(8) In paragraph 8(6), after "motorway service station" omit "a".

Sealed with the Official Seal of the Department of Health at 6:30 pm on 13th November 2020

(L.S.)

Dr. Naresh Chada
A senior officer of the Department of Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020. They provide for the restrictions in Schedule 2 to be extended to the end of Thursday 26 November. They also introduce modifications of those restrictions from 20 November—

Close contact services and driving instruction may be provided only by appointment and client information must be taken and retained for 21 days;

Unlicensed premises providing food and drink may open between 05:00 and 20:00;

Bars and public houses may provide an off-sales business;

Off-sales must be in a manufacturer's original sealed packaging.

An error in earlier regulations is corrected and there are some technical amendments.

No regulatory impact assessment has been prepared for these Regulations.

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