

Summary of the Regulations

The Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020 came into force at **11:00 pm on 23rd July 2020**.

This new document is an amalgamation of the previous amendments and is seen as an all-encompassing document providing clarity on what has already been legislated.

Further clarity on specific elements has been provided on previous Practical Peelers.

Previous Restrictions on Movement

The previous restrictions on leaving home, and the associated reasonable excuses, have not been included and are no longer legislated for.

Requirement to close Businesses and premises

The following businesses must remain closed:

- Theatres
- Nightclubs
- Conference halls and conference facilities, including those in hotels
- Concert halls
- Soft play areas

The following businesses may open and sell alcohol in specific circumstances:

- Bars, including bars in hotels
- Public houses
- Registered Clubs

They may sell intoxicating liquor, with or without food, for consumption on those premises:

(a) if the service takes place indoors, intoxicating liquor may only be served with food and the food must be a main table meal;

(b) if the service takes place outdoors, intoxicating liquor may be served with or without food, but only to persons seated at a table and not at the bar.

Restrictions on Gatherings – (Including Sporting Events)

A person shall not participate in an indoor or outdoor gathering which consists of more than thirty persons.

Unless the gathering is organised or operated for cultural, entertainment, recreational, outdoor sports, social, community, educational, work, legal, religious or political purposes and which fulfils the following conditions:

The person responsible for organising or operating the gathering—

(a) has carried out a risk assessment which meets the requirements of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000, whether or not that person is subject to those Regulations; and

(b) takes all reasonable measures to limit the risk of transmission of the coronavirus, including implementing the preventive and protective measures identified in the risk assessment undertaken and complying with any relevant guidance issued by a Northern Ireland Department.

There is an exception if the number is exceeded for the purpose of enabling any person to avoid injury or illness or to escape a risk of harm, or to provide emergency or medical assistance to any person.

Note: Essentially, if the organisers of an outdoor sporting event can show that they have met those two requirements (risk assessment and reasonable measures), there will be no limit on the gathering.

Sporting bodies have been working closely with the Department with regard to guidance, ticketing and tracing etc.

Restrictions on Gatherings – Private Dwellings

An outdoor gathering in a private dwelling must not consist of more than 30 persons.

An indoor gathering in a private dwelling must not consist of more than 10 persons from more than 4 households

Note: If a household consists of more than 10 persons they will be allowed to gather together.

Note: Overnight stays are no longer prohibited.

Enforcement

A relevant person may take such action as is necessary to enforce any requirement above (Requirement to close / Restrictions on Gatherings / Restrictions on Gatherings Private Dwellings).

A relevant person may give a prohibition notice to a person if the relevant person reasonably believes that—

- (a) the person is contravening a requirement in regulation, and
- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the requirement.

Where a relevant person considers that there is a contravention of the **Restrictions on Gatherings**, the relevant person may:

- direct the gathering to disperse
- direct any person in the gathering to return to the place where they are living; or
- remove any person from the gathering.

A relevant person exercising the power to remove a person from a gathering may use reasonable force, if necessary, in exercise of the power.

Note: A relevant person may only exercise the power if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the restriction.

Offences

Re: Requirement to close / Restrictions on Gatherings / Restrictions on Gatherings Private Dwellings).

A person who, without reasonable excuse, contravenes the regulation commits an offence.

A person who, without reasonable excuse, obstructs any person carrying out a function under these Regulations commits an offence.

Engage - Explain - Encourage

A person who, without reasonable excuse, contravenes a direction or fails to comply with a reasonable instruction or a prohibition notice given by a relevant person commits an offence.

Enforcement

Please remember to Engage, Explain, Encourage before considering enforcement.

There is no change to how we enforce the legislation, allowing the continued use of COV1 Penalty Notices.

Article 26 of the Police and Criminal Evidence (Northern Ireland) Order also applies in relation to an offence under this regulation as if the reasons included:

- (a) to maintain public health; or
- (b) to maintain public order.

Note: Penalty Notices may only be given to persons 18 years and over.

Related queries can be emailed to zCriminalJusticeBranch