STATUTORY RULES OF NORTHERN IRELAND

2020 No. 164

PUBLIC HEALTH

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) Regulations (Northern Ireland) 2020

Made - - - -	*at 6.00 p.m. on 31st July 2020*
Laid before the Assembly	*at 9.00 a.m. on 3rd August 2020*

Coming into operation in accordance with regulation 1

The Department of Health [F1], 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 [F2].

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.

F1 Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), **s. 1(5)**

F2 1967 c. 36 (N.I.). Part 1A was inserted by section 48 of, and Schedule 18 to, the Coronavirus Act 2020 (c. 7)

Citation and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) Regulations (Northern Ireland) 2020 and shall come into operation on such day as the Department of Health may by order appoint.

Commencement Information

I1 Reg. 1 in operation at 10.8.2020 by S.R. 2020/169, **reg. 2**

Amendment of the Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020

2.—(1) The Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020 [F3] are amended as follows.

(2) In regulation 2 (interpretation), at the appropriate place, insert—

""a person responsible for a relevant place" includes the owner, proprietor, tenant or manager of the relevant place;";

""enclosed shopping centre" means a building containing shops having frontages to an arcade or mall or other covered circulation area;";

""relevant place" means a place listed in the Schedule;";

""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.".

(3) After regulation 4 (requirement to wear a face covering), insert—

"**Requirement to wear a face covering whilst entering or remaining within a relevant place**

4A.—(1) A person shall not, without reasonable excuse, enter or remain within a relevant place without wearing a face covering.

(2) Paragraph (1) does not require the wearing of a face covering—

(a) by a child who is under the age of 13;

(b) by a person responsible for a relevant place or an employee of that person acting in the course of their employment;

(c) by any other person providing services in the relevant place under arrangements made with a person responsible for a relevant place;

(d) by a constable acting in the course of their duty;

(e) by an emergency responder (other than a constable) acting in their capacity as an emergency responder.

(3) A person shall temporarily remove a face covering when requested to do so for identification purposes by a relevant person, a person responsible for a relevant place or an employee of that person acting in the course of their employment.".

(4) In regulation 5 (reasonable excuse)—

(a) for "regulation 4(1)", substitute " regulation 4(1) or 4A(1) ";

(b) after paragraph (h), insert—

"(i) where a person responsible for a relevant place or an employee of that person acting in the course of their employment, has asked that the face covering be removed for identification purposes.".

(5) In regulation 6 (enforcement of requirement)—

(a) in paragraphs (1), (2) and 5, for " regulation 4", substitute " regulation 4 or 4A ";

(b) in paragraph (2)—

(i) for "relevant person", substitute " a person responsible for a relevant place or a relevant person ";

(ii) after sub-paragraph (b), insert—

"(c) direct that person not to enter or to leave the relevant place.";

(c) in paragraph (3), after "the relevant vehicle", insert " , the relevant place ".

(6) In regulation 7(1), for "regulation 4", substitute " regulation 4 or 4A ".

(7) At the appropriate place, insert—

"SCHEDULE Regulation 2

Relevant places where face coverings must be worn

1.—(1) A shop, but does not include—

(a) restaurants, including restaurants and dining rooms in hotels or members' clubs;

(b) cafes, including workplace canteens;

(c) bars, including bars in hotels or members' clubs;

(d) public houses;

(e) a place where access or attendance is regulated by means of sale of tickets or by appointment;

(f) a place where aerobic exercise is the primary purpose of attendance;

(g) banks, building societies, credit unions, short-term loan providers, savings clubs, cash points and undertakings which by way of business operate a currency exchange office, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers.

(2) For the purposes of (1), an area within or adjacent to a shop where seating or tables are made available by that business for the consumption of food and drink on the premises by customers of that business is not a relevant place for the purposes of these Regulations.

2.—(1) Enclosed shopping centres, excluding any area in that building which is open to the public and where seating or tables are made available for the consumption of food and drink.

(2) For the purposes of (1), premises are "enclosed" if they would be considered enclosed or substantially enclosed for the purposes of regulation 2 of the Smoke-free (Premises, Vehicle Operators and Penalty Notices) Regulations (Northern Ireland) 2007 [F4].".

F3 S.R. 2020 No. 151
F4 S.R. 2007 No. 94

Commencement Information
I2 Reg. 2 in operation at 10.8.2020 by S.R. 2020/169, **reg. 2**

Savings

3. The Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020 continue to have effect in relation to any offence committed, or reasonably believed to have been committed, before these Regulations came into operation as if the amendments set out in regulation 2 had not been made.

Commencement Information
I3 Reg. 3 in operation at 10.8.2020 by S.R. 2020/169, **reg. 2**