



Northern Ireland  
Assembly

Committee for Health

# OFFICIAL REPORT (Hansard)

Health Protection Amendment Regulations  
(Nos. 24 and 25):  
Department of Health

21 January 2021

# NORTHERN IRELAND ASSEMBLY

## Committee for Health

Health Protection Amendment Regulations (Nos. 24 and 25): Department of Health

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**Members present for all or part of the proceedings:**

Mr Colm Gildernew (Chairperson)  
Mrs Pam Cameron (Deputy Chairperson)  
Ms Paula Bradshaw  
Mr Jonathan Buckley  
Mr Gerry Carroll  
Mr Alan Chambers  
Ms Órlaithí Flynn  
Ms Cara Hunter  
Mr Pat Sheehan

**Witnesses:**

Ms Marian McKeever	Department of Health
Ms Liz Redmond	Department of Health

**The Chairperson (Mr Gildernew):** I welcome Ms Liz Redmond, director of population health, and Ms Marian McKeever, from the health protection branch, who are joining us via video link.

**Ms Liz Redmond (Department of Health):** Thanks for inviting us to brief you on the two statutory rules (SRs). Today, we are considering amendment Nos 24 and 25 to the (Coronavirus, Restrictions) (No. 2) Regulations. If you are content, I will set a bit of context and summarise the statutory rules. Marian and I can then answer any questions. Is that OK?

**The Chairperson (Mr Gildernew):** We cannot see you, but we can go ahead with the briefing based on the fact that we can hear you clearly. Go ahead with audio.

**Ms Redmond:** OK, we will go ahead.

Last week, we talked to the Committee about the easing of restrictions that took effect from 11 December. Those permitted the reopening of places of worship, non-essential businesses, including non-essential retail, close-contact services and driving instruction and various leisure and entertainment venues, including museums, galleries, libraries and so on. Most of the hospitality industry had reopened at that point, with the exception of traditional non-food pubs. Outdoor sporting activity had largely reopened, although with a limit on numbers, and restrictions remained for indoor sport.

**The Chairperson (Mr Gildernew):** Liz, you are a bit faint for some members. If you could speak a little louder or turn the volume up a little, that would be appreciated.

**Ms Redmond:** Will do. Can you hear me better now, if I sort of shout a little more?

**The Chairperson (Mr Gildernew):** That is a bit better, yes.

**Ms Redmond:** We still had places remaining closed from 11 December, which included traditional non-food pubs, concert halls, theatres, conference centres and nightclubs. There were still restrictions on household gatherings. That is where we were at that time. The R number was below 1. There had been a decline in the number of cases, hospital admissions and ICU occupancy. It was anticipated that numbers would decline slightly but remain relatively stable until shortly before Christmas. However, the modelling of the epidemic at that time anticipated that cases of COVID-19 would begin to increase again as soon as those restrictions were relaxed in December, and, if the R value were to rise as high as 1.8, additional restrictions would be required around Christmastime. That was predicted.

At the Executive meeting on 17 December, the Health Minister presented updated modelling and advised that those models were projecting that the reproductive rate of the virus, the R value, would shortly be between 1.4 and 1.8, leading to a significant rise in the number of COVID-19 cases on top of the existing high baseline of cases. He, therefore, strongly recommended that the reintroduction of restrictions should be considered urgently to prevent the hospital system being overwhelmed once again. The Executive agreed to a period of tighter restrictions similar to those that were in place during the two-week circuit breaker from 27 November to 10 December, with some modifications that were aimed at further enhancing those areas where compliance may have been low. For example, non-essential click-and-collect services would not be permitted. There would also be closure of some businesses that had previously been allowed to open under the category of "essential retail" during earlier restrictions, including garden centres and homeware stores.

That really just sets out the background that brings us to 26 December. I will now summarise the two amendment regulations that we will discuss, which brought into effect the restrictions from 26 December and are still in place. I will start with SR 2020/356, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 24) Regulations (Northern Ireland) 2020. The SR was made at 2.00 pm on 24 December 2020. Those regulations came into operation at midnight on 25 December and remain in place today. They introduced the following: closure of non-essential retail businesses, including click-and-collect services; closure of close-contact services, including driving instruction, with some exemptions; and closure of indoor and outdoor visitor attractions and sports and leisure facilities. Indoor and outdoor gatherings in private dwellings were limited to members of one household and their linked household. A maximum of 10 people from two linked households, including children aged 12 years or under, can gather indoors and outdoors at a private dwelling at any one time. Indoor and outdoor gatherings, excluding those at private dwellings, are permitted only up to a maximum of 15 people, including children aged 12 years and under. Risk assessments are not permitted to allow larger gatherings at this time, although exemptions apply for work, blood donations, vaccinations, education, and so on.

There are restrictions on sporting events. Indoor sport is permitted only for elite athletes or physical education in schools. Outdoor gatherings for the purposes of exercise or sport are permitted only for elite athletes, physical education in or for schools, if participants are members of the same household or linked households, or if exercise is taken by an individual and their carer or carers. Spectators are not permitted.

Businesses that sell food, drink and intoxicating liquor for consumption on the premises must cease to do business but may sell food and drink, including intoxicating liquor, for consumption off the premises. Any intoxicating liquor must be sold or provided in the manufacturer's original sealed packaging.

Additional restrictions were put in place between the hours of 8.00 pm and 6.00 am for a limited period from 26 December to 12.01 am on 2 January. They prevented household mixing in private gardens or indoors in any private dwelling except for emergencies or the provision of health or care services. Those restrictions also applied to gatherings with linked or bubbled households. Indoor or outdoor gatherings generally with members of more than one household were not allowed. Indoor and outdoor sporting events were not allowed between the hours of 8.00 pm to 6.00 am, with the exception of training by elite athletes, exercise taken by members of your own household or linked household, or exercise taken by an individual with their carer or carers. Essential retail could not operate except for delivery of groceries only or click and collect of groceries on an appointment-only basis. Hospitality could not operate between those times, including deliveries, for that very restricted period from 26 December to 2 January.

I will move on to the second of the statutory rules that we will discuss, SR 2020/358, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 25) Regulations (Northern Ireland) 2020. That statutory rule was made at 7.00 pm on 29 December 2020. Those regulations came into operation at the same time and day that they were made and are still effective now. Those regulations made the following changes: they amended the text to permit taxi or vehicle-hire businesses to operate during the period of tighter restrictions between 8.00 am and 6.00 pm from 26 December 2020 until 2 January 2021; they more clearly defined the operating hours of businesses that sell food and drink to prevent businesses from flouting the regulations by taking orders prior to 11.00 pm but continuing to operate via delivery into the early hours of the morning; and they provided that the power to require people to return home would operate only until 2 January 2021.

I hope that that provides you with a summary of the context in which those regulations were made and an outline of their content. I am happy to take questions. Members will be aware that the scope of those regulations is far-reaching across the responsibilities of many Departments. Therefore, if we are unable to provide an answer, we are happy to seek clarification from our colleagues in other Departments subsequent to the meeting. Thank you.

**The Chairperson (Mr Gildernew):** OK. Thank you for that, Liz. I will go across to members to check whether they have any questions for officials on those regulations.

**Mr Buckley:** Yes, Colm.

**The Chairperson (Mr Gildernew):** Go ahead, Jonathan.

**Mr Buckley:** Thanks. Over the past couple of weeks — in fact, since Boxing Day — I have raised the point about those regulations that there is a perception by independent retailers, which, I believe, is well validated, that they are getting a raw deal here in relation to the activities of multinationals. I know that conversations are ongoing in the Executive Office and that a working group has been established. That was confirmed by the Health Minister and, indeed, the First Minister and deputy First Minister. Does the contributor have anything to add about where we are with that? Has anything been considered with regard to close-contact or click-and-collect services that would create a level playing field, either by levelling it up or levelling it down? It is unfair. The Committee needs to continue to press on that. Has there been any update on that?

**The Chairperson (Mr Gildernew):** Liz, go ahead, please.

**Ms Redmond:** You are correct: there are ongoing active discussions on that issue. At this time, I cannot report any outcome that would lead to a change in the regulations. However, you have outlined the issues that are under active consideration and discussion.

**Mr Buckley:** I add that, in the light of what is before us, it would be important for us to hear fully the outworkings of that working group. I have a lot of sympathy for the arguments that have been put forward by Domino's Pizza. Not many people realise that it had been delivering significant numbers of orders to front-line workers in hospitals beyond that 11.00 pm curfew, which disproportionately affects shift workers. I am very supportive of that. Are there any other real examples of services, such as fast food, that were being provided to hospitals and front-line staff that have been impacted by their closure under a time curfew?

**Ms Redmond:** That issue has not been brought to my attention. Thank you for highlighting it. We will take that away.

**Mr Buckley:** OK. Thank you.

**The Chairperson (Mr Gildernew):** We will go across now to Gerry.

**Mr Carroll:** Thanks, Chair. I just want some clarity — I might have missed it — on the issue of food deliveries after 11.00 pm. Is that still permitted or outlawed by the regulations? My other point is that I am hearing of non-essential click-and-collect workplaces, clothing mostly, still being open. Do these regulations permit that, or should click-and-collect clothing companies and workplaces be closed under these regulations?

**Ms Marian McKeever (Department of Health):** On deliveries, the businesses are permitted to operate only until 11.00 pm. There may be some expectation of deliveries after 11.00 pm but that would be soon after. Orders cannot be placed as they were before, which is what permitted that amendment. We were finding that businesses were flouting the regulations by taking orders up until 11.00 pm but then continuing to operate into the early hours of the morning, which was not in alignment with the policy intent. Businesses must cease to operate at 11.00 pm.

**Ms Redmond:** Non-essential click and collect is not permitted this time around. There were a lot of concerns about the way that non-essential retail click and collect operated previously during the restrictions. There were a lot of congregations of people around shopping centres, which are a source of transmission, clusters and outbreaks, so the decision was taken not to permit that this time.

**Mr Carroll:** Thanks very much. For clarity, are you telling me that shops selling clothes, say, should not be open because they are non-essential? Are they non-essential? There was also a bit of confusion the last time around massage therapy centres being open or closed. I have a constituent who is trying to get financial assistance while she has to remain closed, but she is not being given an assurance on that. Should all massage institutions or places be closed even if they provide medical assistance as well? Thanks.

**Ms Redmond:** Yes. There is an exception for sports massage therapists to be open, but, otherwise, they should be closed. Services that are commissioned by our Health and Social Care service are also permitted to operate.

**The Chairperson (Mr Gildernew):** Thank you, Liz and Marian. We will let you go, and we will continue our consideration. Thank you for coming along to Committee today and for your answers and presentation. Go raibh maith agaibh.

**Ms McKeever:** Thank you.

**Ms Redmond:** It was a pleasure; thank you.

### **Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 24) Regulations (Northern Ireland) 2020**

**The Chairperson (Mr Gildernew):** I remind members that the SR provided for the current restrictions and put a curfew in place between the hours of 8.00 pm and 6.00 am from 26 December to 2 January. Do members have any further issues that they wish to raise in connection with the statutory rule?

If not, I ask members to agree formally that the Committee for Health has considered SR 2020/356, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 24) Regulations (NI) 2020, and recommends that it be confirmed by the Assembly. Are we agreed?

*Question put and agreed to.*

### **Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 25) Regulations (Northern Ireland) 2020**

**The Chairperson (Mr Gildernew):** I remind members that the SR made further adjustments to current restrictions, as discussed, and corrected some errors. Are there any further issues with the SR, members? No. Thank you.

I ask members to agree formally that the Committee for Health has considered SR 2020/358, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 25) Regulations 2020, and recommends that it be confirmed by the Assembly. Are we agreed?

*Question put and agreed to.*