

FROM THE MINISTER OF HEALTH



Mr David Jackson
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Our ref: SUB-1407-2020

Date: 15th May 2020

Dear *David,*

I am writing to you, in your capacity as Chair of SOLACE NI, to advise you and Council Chief Executive colleagues of a decision of the Executive taken at its meeting on 14 May, to agree that I should designate Councils as an enforcement body for the purposes of the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 ('the Regulations').

My formal Declaration (copy attached), seeks to designate District Councils for the purposes of regulations 3 (requirement to close premises) and regulation 4 (further restrictions and closures).

In addition to the case made in the Department of Justice proposal to designate Councils, my paper to the Executive reflected the points previously made by SOLACE in the correspondence with the Department in respect of the ongoing resource pressures being experienced by Councils and the 5 requests that SOLACE had set out at that time.

I am advised that my officials have been working with yours to develop guidance for Council officers to assist with the enforcement of the Regulations. I trust this information will be helpful and am happy for my officials to continue to work with you on that. I recognise that Councils will need time to prepare for implementation.

Despite the extraordinary circumstances in which we all find ourselves, it is extremely encouraging that District Councils are taking cognisance of their officers' knowledge of local businesses and their expertise and enforcement capabilities, and have been prepared to step forward and respond constructively to this request to support the public health response to the COVID-19 outbreak. I am very appreciative of that support at this difficult time.

Yours sincerely



Robin Swann MLA
Minister of Health

Designations under the Health Protection (Coronavirus, Restrictions) (Northern Ireland) Regulations 2020

The Department of Health makes the following designations, with immediate effect, in exercise of the powers conferred by regulations 7(12)(b)(ii) and 9(10)(ii) of the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 ("the Restrictions Regulations"):

1. Enforcement: general

For the purposes of regulation 7 (enforcement of requirement) of the Restrictions Regulations, a district council is hereby designated by the Department of Health as a relevant person who may take such action as is necessary to enforce any requirement or restriction imposed by regulation 3 (requirement to close premises and businesses during the emergency) or regulation 4 (further restrictions and closures during the emergency period) of the Regulations, including giving a prohibition notice under regulation 7(2) of the Regulations in relation to any contravention of regulation 3 or regulation 4.

2. Enforcement: fixed penalty notices

For the purposes of regulation 9 (fixed penalty notices) of the Restrictions Regulations, a district council is hereby designated by the Department of Health as an authorised person who may issue a fixed penalty notice to anyone, aged 18 or over, who the authorised person reasonably believes has committed an offence of contravening a requirement or restriction in regulation 3 or 4 of the Regulations.



**Robin Swann MLA
Minister of Health**

At 17:30 on 15 May 2020