

SCHEDULE 1

Regulation 8(4)(a)

Tier 1 restrictions

PART 1

Restrictions on gatherings

Participation in gatherings

1.—(1) No person may participate in a gathering in the Tier 1 area which consists of more than six people.

(2) Sub-paragraph (1) does not apply if any of the exceptions set out in paragraph 3 applies.

(3) This paragraph does not permit a person to participate in a gathering in the Tier 1 area in contravention of—

(a) paragraph 1(2) or 2(2) of Schedule 2, or

(b) paragraph 1(2) or 2(2) of Schedule 3.

(4) For the purposes of this Part of this Schedule, a gathering takes place in the Tier 1 area if any part of the place where it takes place is in the Tier 1 area and no part of that place is in the Tier 2 area or the Tier 3 area.

Organisation or facilitation of gatherings

2.—(1) No person may hold, or be involved in the holding of, a relevant gathering in the Tier 1 area.

(2) For the purposes of sub-paragraph (1) a person who only participates in a gathering by attending it is not to be taken as being involved in the holding of the gathering.

(3) A gathering is a “relevant gathering” for the purposes of this paragraph if it falls within sub-paragraph (4) or (5).

(4) A gathering falls within this sub-paragraph if it—

(a) consists of more than 30 persons,

(b) takes place indoors, and

(c) would be a gathering of the kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994⁽¹⁾ (powers to remove persons attending or preparing for a rave) if it took place in the open air.

(5) A gathering falls within this sub-paragraph if it does not fall within sub-paragraph (4) and it—

(a) consists of more than 30 persons,

(b) takes place—

(i) in a private dwelling,

(ii) on a vessel, or

(iii) on land which satisfies the condition in sub-paragraph (6), and

(c) is not a gathering in relation to which any of the exceptions set out in paragraph 3 (so far as capable of applying to the gathering) apply.

(6) Land satisfies the condition in this sub-paragraph if it is a public outdoor place which is not—

(1) 1994 c. 33. Section 63(1) was amended by s.58(2) of the Anti-Social Behaviour Act 2003 (c. 38).

Status: This is the original version (as it was originally made).

- (a) operated by a business or a charitable, benevolent or philanthropic institution, or
 - (b) part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body.
- (7) In sub-paragraph (5)(b)(ii) “vessel” does not include government vessels, vessels used for public transport or houseboats.
- (8) In applying for the purposes of sub-paragraph (5)(c) the exceptions set out in paragraph 3, the following do not apply—
- (a) paragraph 3(4)(a), so far as relating to gatherings in public outdoor places operated by public bodies, and
 - (b) paragraph 3(4)(b).

Exceptions

3.—(1) The exceptions referred to in paragraphs 1 and 2(5)(c) are the following.

Exception 1: same or linked households

- (2) Exception 1 is that all the people in the gathering—
 - (a) are members of the same household (or are treated as members of the same household in accordance with these Regulations), or
 - (b) are members of two households which are linked households in relation to each other.
- (3) A person who has been released on temporary licence is to be treated as a member of the household living at the address to which the person was released.

Exception 2: permitted organised gatherings

- (4) Exception 2 is that—
 - (a) the gathering is a permitted organised gathering, and
 - (b) the person concerned participates in the gathering alone or as a member of a qualifying group (see paragraph 4).

Exception 3: education and training

- (5) Exception 3 is that the gathering is reasonably necessary for the purposes of—
 - (a) early years provision;
 - (b) educational activities of a school;
 - (c) a course of study or essential life skills training provided by—
 - (i) a 16 to 19 Academy,
 - (ii) a provider of further education, or
 - (iii) a higher education provider;
 - (d) activities relating to residing at a school, a 16 to 19 Academy or a provider of further education;
 - (e) provision specified in an education, health and care plan;
 - (f) the suitable education of a child otherwise than by regular attendance at school arranged by a parent in accordance with section 7 of the Education Act 1996 (and for this purpose “suitable education” has the meaning given by section 436A(3)(2) of the Education Act 1996);

(2) Section 436A was inserted by section 4(1) of the Education and Inspections Act 2006 (c. 40).

- (g) the suitable education of a child otherwise than by regular attendance at school arranged by—
 - (i) a local authority, as defined by section 579(1) of the Education Act 1996, in accordance with section 19 of that Act, or
 - (ii) the proprietor of a school at which the child is a registered pupil, including where the arrangements are made in connection with section 29A of the Education Act 2002⁽³⁾ or section 100 of the Education and Inspections Act 2006⁽⁴⁾,(and for this purpose “suitable education” has the meaning given by section 19(6) of the Education Act 1996);
- (h) activities provided by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of—
 - (i) obtaining a regulated qualification, within the meaning of section 130 of the Apprenticeships, Skills, Children and Learning Act 2009⁽⁵⁾, or
 - (ii) meeting all or part of the entry requirements for an educational institution;
- (i) preparing for work through a skills programme consisting of—
 - (i) a work experience placement, or
 - (ii) work preparation training;
- (j) applying for, and obtaining, work;
- (k) meeting a requirement for a particular area of work;
- (l) professional training that is working towards an external accreditation recognised by a professional body;
- (m) exams and assessments carried out in connection with any of the matters mentioned in paragraphs (a) to (l).

Exception 4: gatherings necessary for certain purposes

- (6) Exception 4 is that the gathering is reasonably necessary—
 - (a) for work purposes or for the provision of voluntary or charitable services;
 - (b) to provide emergency assistance;
 - (c) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
 - (d) to provide care or assistance to a vulnerable person or to a person who has a disability, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006⁽⁶⁾;
 - (e) for the purposes of a house move.

Exception 5: legal obligations and proceedings

- (7) Exception 5 is that the person concerned is fulfilling a legal obligation or participating in legal proceedings.

Exception 6: criminal justice accommodation and immigration detention accommodation

⁽³⁾ 2002 c. 32. Section 29A was inserted by section 154 of the Education and Skills Act 2008 (c. 25).

⁽⁴⁾ 2006 c. 40.

⁽⁵⁾ 2009 c. 22.

⁽⁶⁾ 2006 c. 47. Paragraph 7(1) to (3E) were substituted for paragraph 7(1) to (3) by section 66(2) of the Protection of Freedoms Act 2012 (c. 9).

(8) Exception 6 is that the gathering takes place in criminal justice accommodation or in immigration detention accommodation.

Exception 7: support groups

(9) Exception 7 is that—

(a) the gathering—

(i) is of a support group,

(ii) consists of no more than 15 persons, and

(iii) takes place at premises other than a private dwelling, and

(b) it is reasonably necessary for members of the group to be physically present at the gathering.

(10) In determining whether the limit in sub-paragraph (9)(a)(ii) is complied with, no account is to be taken of any child who is below the age of five.

Exception 8: respite care

(11) Exception 8 is that the gathering is reasonably necessary for the purposes of—

(a) respite care being provided for a vulnerable person or a person who has a disability, or

(b) a short break being provided in respect of a looked after child (within the meaning given in section 22(7) of the Children Act 1989).

Exception 9: births

(12) Exception 9 is that the person concerned is attending a person giving birth (“M”) at M’s request.

Exception 10: marriages and civil partnerships etc.

(13) Exception 10 is that the gathering meets the conditions in sub-paragraph (14) or (15).

(14) A gathering meets the conditions in this sub-paragraph if it consists of no more than 15 persons and—

(a) it is for the purposes of—

(i) the solemnisation of a marriage, formation of a civil partnership or conversion of a civil partnership into a marriage in accordance with the Marriage Act 1949(8), the Marriage (Registrar General’s Licence) Act 1970(9) or the Civil Partnership Act 2004(10), or

(ii) an alternative wedding ceremony,

(b) in the case of an alternative wedding ceremony, it takes place—

(i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,

(ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or

(7) Section 22(1) was amended by paragraph 19 of Schedule 5 to the Local Government Act 2000 (c. 22), s. 2(2) of the Children (Leaving Care) Act 2000 (c. 35) and s. 116(2) of the Adoption and Children Act 2002 (c. 38). There are other amendments to this section not relevant to this instrument.

(8) 1949 c. 76.

(9) 1970 c. 34.

(10) 2004 c. 33.

- (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
 - (c) the gathering organiser or manager takes the required precautions in relation to the gathering.
- (15) A gathering meets the conditions in this sub-paragraph if it consists of no more than 6 persons and—
- (a) the gathering is for the purposes of—
 - (i) the solemnisation of a marriage in accordance with the Marriage (Registrar General's Licence) Act 1970,
 - (ii) the solemnisation of a marriage by special licence under the Marriage Act 1949, where at least one of the parties to the marriage is seriously ill and not expected to recover,
 - (iii) the formation of a civil partnership under the special procedure provided for in Chapter 1 of Part 2 of the Civil Partnership Act 2004,
 - (iv) the conversion of a civil partnership to a marriage under the special procedure provided for in regulation 9 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014⁽¹¹⁾, or
 - (v) an alternative wedding ceremony, where at least one of the parties to the marriage is seriously ill and not expected to recover,
 - (b) the gathering takes place—
 - (i) at a private dwelling,
 - (ii) at premises which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
 - (iii) at premises which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
 - (iv) in a public outdoor place not falling within sub-paragraph (ii) or (iii),
 - (c) it is not reasonably practicable for the gathering to take place in accordance with sub-paragraph (14), and
 - (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

(16) In sub-paragraphs (14) and (15), a gathering is for the purposes of an “alternative wedding ceremony” if it is for the purposes of a ceremony, including a ceremony based on a person's faith or belief or lack of belief, to mark the union of two people, other than a ceremony conducted for a purpose mentioned in sub-paragraph (14)(a)(i) or (15)(a)(i) to (iv).

Exception 11: wedding and civil partnership receptions

(17) Exception 11 is that the gathering is for the purposes of a wedding reception, a reception following the formation of a civil partnership or a reception following the conversion of a civil partnership into a marriage and—

- (a) it consists of no more than 15 persons,
- (b) it takes place at premises other than a private dwelling, and
- (c) the gathering organiser or manager takes the required precautions in relation to the gathering.

Exception 12: funerals

⁽¹¹⁾ S.I. 2014/3181.

(18) Exception 12 is that—

- (a) the gathering is for the purposes of a funeral,
- (b) the gathering consists of no more than 30 persons,
- (c) the gathering takes place—
 - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
 - (ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
 - (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
- (d) the gathering organiser or manager (in the case of a gathering taking place at premises mentioned in paragraph (c)(i) or (ii)) or the gathering organiser (in the case of a gathering taking place as mentioned in paragraph (c)(iii)) takes the required precautions in relation to the gathering.

Exception 13: commemorative event following a person's death

(19) Exception 13 is that—

- (a) the gathering is for the purposes of a commemorative event to celebrate the life of a person who has died (for example, a wake or stone setting ceremony),
- (b) the gathering consists of no more than 15 persons,
- (c) the gathering takes place at premises other than a private dwelling, and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

Exception 14: protests

(20) Exception 14 is that the gathering is for the purposes of protest and—

- (a) it has been organised by a business, a charitable, benevolent or philanthropic institution, a public body or a political body, and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

Exception 15: elite sports

(21) Exception 15 is that—

- (a) the person concerned is an elite sportsperson, the coach of an elite sportsperson or (in the case of an elite sportsperson who is a child) the parent of an elite sportsperson, and
- (b) the gathering is reasonably necessary for training or competition.

Exception 16: other sports

(22) Exception 16 is that the person concerned is taking part in an outdoor sports gathering or a permitted indoor sports gathering.

(23) For the purposes of sub-paragraph (22), a person taking part in an outdoor sports gathering or a permitted indoor sports gathering does not include a spectator or the parent of a child taking part in the gathering.

Exception 17: outdoor activities

(24) Exception 17 is that the gathering takes place outdoors (whether or not in a public outdoor place) and—

- (a) it is for the purposes of a relevant outdoor activity, and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

Exception 18: children

- (25) Exception 18 is that the gathering is reasonably necessary—
- (a) for the purposes of arrangements for access to, and contact between, parents and children where the children do not live in the same household as their parents or one of their parents;
 - (b) for the purposes of arrangements for contact between siblings where they do not live in the same household and one or more of them is—
 - (i) a child looked after by a local authority, within the meaning of section 22 of the Children Act 1989, or
 - (ii) a relevant child, within the meaning of section 23A(12) of that Act;
 - (c) for the purposes of arrangements for prospective adopters (including their household) to meet a child or children who may be placed with the prospective adopters as provided for by an adoption placement plan drawn up in accordance with the Adoption Agencies Regulations 2005(13) (see regulation 35(2) of those Regulations);
 - (d) for the purposes of placing children, or facilitating children being placed, in the care of another person by social services, whether on a temporary or permanent basis;
 - (e) for the purposes of—
 - (i) childcare provided by a person registered under Part 3 of the Childcare Act 2006, or
 - (ii) supervised activities for children or other persons who were under the age of 18 on 31st August 2020;
 - (f) for the purposes of informal childcare provided by a member of a household to a member of their linked childcare household.

Exception 19: parent and child groups

(26) Exception 19 is that the gathering is of a parent and child group which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the benefit of children under the age of five and—

- (a) the gathering consists of no more than 15 persons, and
- (b) the gathering takes place at premises other than a private dwelling.

(27) In determining whether the limit in sub-paragraph (26)(a) is complied with, no account is to be taken of any child who is below the age of five.

Exception 20: students and vacation households

(28) Exception 20 is that the gathering is reasonably necessary to enable a student who is undertaking a higher education course on 3rd December 2020—

- (a) to move on one occasion from their student household on or after that date but before 8th February 2021 to one other household (“vacation household”) for the purposes of a vacation, or
- (b) to return to their student household after the vacation.

(29) For the purposes of these Regulations—

(12) Section 23A was inserted by the Children (Leaving Care) Act 2000 (c. 35).

(13) S.I. 2005/389.

- (a) a student who has moved to a vacation household is to be treated as a member of that household during the vacation (and not as a member of their student household) until the date on which they return to their student household;
- (b) the inclusion of a student in a vacation household is to be ignored in determining whether that household satisfies the condition in regulation 3(2).

Exception 21: Christmas period

(30) Exception 21 is that—

- (a) the gathering takes place during the Christmas period or, where sub-paragraph (31) applies, immediately after the Christmas period,
- (b) the gathering consists of members of no more than three households,
- (c) each of those members is in a linked Christmas household in relation to the others, and
- (d) the gathering takes place in a private dwelling, in a conveyance, in a place of worship or in a public outdoor place that satisfies the conditions in sub-paragraph (32).

(31) This sub-paragraph applies where one or more persons at the gathering have not been able to return to their home because of unforeseen disruption to travel.

(32) A public outdoor place satisfies the conditions in this sub-paragraph if it is not a fairground or a funfair and—

- (a) no payment is required by any member of the public to access that place, or
- (b) the place falls within one of the following categories—
 - (i) outdoor sportsgrounds or sports facilities;
 - (ii) botanical gardens;
 - (iii) gardens or grounds of a castle, stately home, historic house or other heritage site.

(33) Where a person is a member of a linked Christmas household formed for the purposes of gathering during the Christmas period, the person may not gather in a private dwelling during that period with any other persons who are not members of their linked Christmas household.

(34) Sub-paragraph (33) does not prevent a gathering that is permitted by another exception set out in this paragraph.

(35) In sub-paragraph (30)(d) “private dwelling” includes accommodation in a campsite or caravan park and in the following, if used by a member of a linked Christmas household as their main residence—

- (a) accommodation in a hotel, hostel, members’ club, boarding house or bed and breakfast accommodation;
- (b) care homes;
- (c) children’s homes, within the meaning of section 1 of the Care Standards Act 2000;
- (d) residential family centres, within the meaning of section 4 of that Act;
- (e) educational accommodation;
- (f) accommodation intended for use by Her Majesty’s armed forces.

Exception 22: picketing

(36) Exception 22 is that—

- (a) the gathering is for the purposes of picketing which is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992(14), and

(14) 1992 c. 52.

- (b) the gathering organiser takes the required precautions in relation to the gathering.

Qualifying groups

4.—(1) A person participates in a gathering as a member of a qualifying group for the purpose of paragraph 3(4) only if the person is a part of a qualifying group and, whilst participating in the gathering, the person does not—

- (a) become a member of any other group of people participating in the gathering (whether or not that group is a qualifying group), or
- (b) otherwise mingle with any person who is participating in the gathering but is not a member of the same qualifying group as them.

(2) In sub-paragraph (1) “qualifying group”, in relation to a gathering, means a group of people who are participating in that gathering and which—

- (a) consists of no more than 6 persons,
- (b) consists only of persons who are members of the same household,
- (c) consists only of persons who are members of two households which are linked households in relation to each other,
- (d) consists only of persons who are members of two households which are linked childcare households in relation to each other and the gathering is for the purposes of informal childcare provided by a member of one of those households to the other, or
- (e) consists only of persons who are members of no more than three households who are in a linked Christmas household in relation to each other and the gathering takes place during the Christmas period in a place of worship or in a public outdoor place which satisfies the conditions in paragraph 3(32).

PART 2

Closure of businesses

Requirement to close premises and businesses

5.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 1 area must cease to carry on that business or provide that service.

(2) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business complies with the requirement in sub-paragraph (1) by closing the restricted business or by ceasing to provide the restricted service.

(3) The requirement in sub-paragraph (1) is subject to the exceptions in paragraph 7.

(4) In this Part of this Schedule “restricted business” and “restricted service” means a business or service which—

- (a) is of a kind specified in paragraph 6(1), or
- (b) is carried on from, or provided at, premises of a kind specified in paragraph 6(1).

(5) For the purposes of this Part of this Schedule, premises are in the Tier 1 area if—

- (a) any part of the premises is in the Tier 1 area, and
- (b) no part of the premises is in the Tier 2 area or the Tier 3 area.

Restricted businesses and services for purposes of this Part of this Schedule

6.—(1) The following are restricted businesses and restricted services for the purposes of this Part of this Schedule—

- (a) nightclubs;
- (b) dance halls;
- (c) discotheques;
- (d) any other venue which—
 - (i) opens at night,
 - (ii) has a dance floor or other space for dancing by members of the public (and for these purposes members of the venue in question are to be considered members of the public), and
 - (iii) provides music, whether live or recorded, for dancing;
- (e) sexual entertainment venues;
- (f) hostess bars;
- (g) any business which provides, whether for payment or otherwise—
 - (i) a waterpipe to be used for the consumption of tobacco or any other substance on the premises, or
 - (ii) a device to be used for the recreational inhalation of nicotine or any other substance on the premises.

(2) A business or service does not fall within sub-paragraph (1)(b), (c) or (d) if it ceases to provide music and dancing.

(3) In sub-paragraph (1)(e) “sexual entertainment venue” has the meaning given in paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982⁽¹⁵⁾.

(4) In sub-paragraph (1)(f) “hostess bar” has the meaning given by paragraph 3B of that Schedule⁽¹⁶⁾.

Exceptions from paragraph 5(1)

7.—(1) Paragraph 5(1) does not prevent the use of premises used for a restricted business or restricted service—

- (a) to provide essential voluntary services or urgent public support services, including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency;
- (b) for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or referendum which is held—
 - (i) in accordance with provision made by or under an Act, or
 - (ii) in accordance with the laws or regulations of a country or territory outside the United Kingdom, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

(2) Paragraph 5(1) does not prevent the use of premises used for a restricted business or restricted service for the making of a film, television programme, audio programme or audio-visual advertisement.

⁽¹⁵⁾ 1982 c. 30. Paragraph 2A was inserted by section 27 of the Policing and Crime Act 2009 (c. 26).

⁽¹⁶⁾ Paragraph 3B was inserted by section 33 of the London Local Authorities Act 2007 (c. ii).

(3) Paragraph 5(1) does not prevent a person responsible for carrying on a restricted business or providing a restricted service (“the closed business”) from—

- (a) carrying on a business which is not a restricted business, or providing services which are not restricted services, in premises which are separate from the premises used for the closed business;
- (b) carrying on a business of offering goods for sale or for hire by making deliveries or otherwise providing services in response to orders received—
 - (i) through a website, or otherwise by online communication,
 - (ii) by telephone, including orders by text message, or
 - (iii) by post;
- (c) operating a café or restaurant, if the café or restaurant is separate from the premises used for the closed business.

(4) For the purposes of sub-paragraph (3), a premises, café or restaurant (“PCR”) is separate from premises used for the closed business if—

- (a) the PCR is in a self-contained unit, and
- (b) it is possible for a member of the public to enter the PCR from a place outside the premises used for the closed business.

PART 3

Other restrictions on businesses

Restrictions on opening hours of businesses and services

8.—(1) A person responsible for carrying on a restricted business or providing a restricted service (“P”) in the Tier 1 area must not—

- (a) accept, between the hours of 22:00 and 05:00, any orders for food or drink for consumption on the premises, or
- (b) carry on that business or provide that service between the hours of 23:00 and 05:00.

(2) For the purposes of sub-paragraph (1), an area adjacent to the premises of the restricted business or restricted service, where seating is made available for its customers (whether or not by the business or the provider of the service), or which its customers habitually use for consumption of food or drink served by the business or service, is to be treated as part of the premises of that business or service.

(3) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business need only comply with the requirements in sub-paragraph (1) in relation to the restricted business or restricted service.

(4) Sub-paragraph (1) is subject to the exceptions in paragraph 9.

(5) In this Part of this Schedule “restricted business” and “restricted service” mean a business or service which—

- (a) is of a kind specified in paragraph 11(2) or (3), or
- (b) is carried on from, or provided at, premises of a kind specified in paragraph 11(2) or (3).

(6) For the purposes of this Part of this Schedule, premises are in the Tier 1 area if—

- (a) any part of the premises is in the Tier 1 area, and

- (b) no part of the premises is in the Tier 2 area or the Tier 3 area.

Exceptions from paragraph 8(1)

9.—(1) Paragraph 8(1) does not prevent P selling food or drink for consumption off the premises between the hours of 23:00 and 05:00—

- (a) by making deliveries in response to orders received—
 - (i) through a website, or otherwise by online communication,
 - (ii) by telephone, including orders by text message, or
 - (iii) by post,
- (b) to a purchaser who collects the food or drink that has been pre-ordered by a means mentioned in paragraph (a), provided the purchaser does not enter inside the premises to do so, or
- (c) to a purchaser who collects the food or drink in a vehicle, and to whom the food or drink is passed without the purchaser or any other person leaving the vehicle.

(2) Where P's restricted business or restricted service is carried on from, or provided at, a cinema, theatre, concert hall or sportsground, paragraph 8(1) does not prevent P carrying on that business or providing that service at or after 23:00 hours for the purpose of concluding a performance or sports event which began before 22:00.

(3) Paragraph 8(1)(b) does not prevent P carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 11(2)(a) to (c) between the hours of 23:00 and 05:00 if—

- (a) the business or service is carried on or provided within a motorway service area, and
- (b) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned,

and, in relation to any such business or service, paragraph 8(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink other than alcohol.

(4) Paragraph 8(1)(b) does not prevent P carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 11(2)(a) to (e) between the hours of 23:00 and 05:00 if—

- (a) the business or service is carried on or provided within a part of—
 - (i) any airport or maritime port, or
 - (ii) the international rail terminal area within the vicinity of Cheriton, Folkestone (as referred to in section 1(7)(b) of the Channel Tunnel Act 1987(17)),
- (b) that part of the airport, maritime port or terminal area is accessible between those hours to passengers, crew or other authorised persons but not to members of the general public, and
- (c) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned,

and, in relation to any such business or service, paragraph 8(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink other than alcohol.

(5) Paragraph 8(1)(b) does not prevent P carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 11(2)(a) to (e) between the hours of 23:00 and 05:00 if—

- (a) the business or service is carried on or provided in an aircraft, train or vessel,
- (b) the aircraft, train or vessel is providing a public transport service, and
- (c) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned (subject to sub-paragraph (6)(b)),

(17) 1987 c. 53.

and, in relation to any such business or service, paragraph 8(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink in an aircraft, train or vessel, but not alcohol so far relating to orders from customers on a train or vessel.

(6) In sub-paragraph (5)—

- (a) “public transport service” has the meaning given by regulation 2(2) of the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020(18), but for these purposes does not include a service provided primarily for dining or other recreational purposes;
- (b) paragraph (c) does not apply in respect of the service of alcohol to persons who are seated on an aircraft.

(7) Where P’s restricted business or restricted service is carried on from, or provided at, a workplace canteen or at premises of a higher education provider, paragraph 8(1)(b) does not prevent P carrying on that business or providing that service between the hours of 23:00 and 05:00 if—

- (a) there is no practical alternative for staff at that workplace, or for staff or students at those premises, to obtain food or drink between those hours, and
- (b) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned,

and, in relation to any such business or service, paragraph 8(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink other than alcohol.

(8) Paragraph 8(1) does not prevent the use of premises used for a restricted business or a restricted service to provide essential voluntary services or urgent public support services, including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency.

(9) Paragraph 8(1) does not prevent the use of premises used for a restricted business or restricted service for the making of a film, television programme, audio programme or audio-visual advertisement.

(10) Paragraph 8(1) does not prevent the use of any premises for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or referendum which is held—

- (a) in accordance with provision made by or under an Act, or
- (b) in accordance with the laws or regulations of another country or territory, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

Restrictions on service of food and drink for consumption on the premises

10.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 1 area that falls within paragraph 11(2) and which serves alcohol for consumption on the premises may sell food or drink for consumption on the premises only if—

- (a) the food or drink is ordered by, and served to, a customer who is seated on the premises, and
- (b) the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

(2) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 1 area that falls within paragraph 11(2) and which does not serve alcohol for consumption on the premises may sell food or drink for consumption on the premises only if the person takes

(18) S.I. 2020/592, as amended by S.I. 2020/1021.

Status: This is the original version (as it was originally made).

all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

(3) For the purposes of sub-paragraphs (1) and (2), an area adjacent to the premises of the restricted business or restricted service, where seating is made available for its customers (whether or not by the business or the provider of the service), or which its customers habitually use for consumption of food or drink served by the business or service, is to be treated as part of the premises of that business or service.

(4) If a business or service falling within paragraph 11(2) (“business A”) forms part of a larger business (“business B”)—

- (a) sub-paragraph (1)(a) does not apply to the service of food or drink if the condition in sub-paragraph (5) is met;
- (b) the person responsible for carrying on business B complies with the requirement in sub-paragraph (1) or (2) if that person complies with the requirement in relation to business A.

(5) The condition in this sub-paragraph is met (subject to sub-paragraph (6)) if—

- (a) business B is a cinema, theatre, concert hall or sportsground,
- (b) the food or drink is ordered by a customer who has a ticket for an exhibition of a film, a performance or an event of training or competition at the venue, and
- (c) the food or drink is served to the customer to consume in the area where the audience is seated at the venue to watch the exhibition, performance or event.

(6) The condition in sub-paragraph (5) is not met where a customer has a seat in a catered corporate box.

Restricted businesses and services for purposes of Part 3 of this Schedule

11.—(1) The restricted businesses and restricted services for the purposes of this Part of this Schedule are those falling within sub-paragraph (2) or (3).

(2) The following businesses and services fall within this sub-paragraph—

- (a) restaurants, including restaurants and dining rooms in hotels or members’ clubs;
- (b) businesses providing food or drink prepared on the premises for immediate consumption off the premises, but not including—
 - (i) supermarkets,
 - (ii) convenience stores, corner shops and newsagents,
 - (iii) pharmacists and chemists, or
 - (iv) petrol stations;
- (c) cafes, including workplace canteens, but not including—
 - (i) cafes or canteens at a hospital, care home, school, educational accommodation for students attending higher education courses or provider of post-16 education or training (as defined in paragraph 1(8) of Schedule 17 to the Coronavirus Act 2020),
 - (ii) canteens at criminal justice accommodation, immigration detention accommodation or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence, or
 - (iii) services providing food or drink to the homeless;
- (d) bars, including bars in hotels or members’ clubs;
- (e) public houses;
- (f) social clubs;

- (g) casinos.
- (3) The following businesses and services fall within this sub-paragraph—
 - (a) bowling alleys;
 - (b) cinemas;
 - (c) theatres;
 - (d) amusement arcades, including adult gaming centres;
 - (e) funfairs and fairgrounds (indoors or outdoors), theme parks and adventure parks and activities;
 - (f) bingo halls;
 - (g) concert halls;
 - (h) sportsgrounds.