

SCHEDULE 1

Tier 1 restrictions

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.

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(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(1)),
- (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)),

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(2), 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—

(1) 1987 c. 53.

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

- (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 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,

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- (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.