

## SCHEDULE 3

Regulation 8(4)(e)

### Tier 3 restrictions

## PART 1

### Restrictions on gatherings

#### Participation in gatherings in private dwellings and other indoor spaces

- 1.—(1) No person may participate in a gathering in the Tier 3 area which—
- (a) consists of two or more people, and
  - (b) takes place in a private dwelling or in any indoor space.
- (2) No person living in the Tier 3 area may participate in a gathering outside that area which—
- (a) consists of two or more people, and
  - (b) takes place in a private dwelling or in any indoor space.
- (3) Sub-paragraphs (1) and (2) do not apply if any of the exceptions set out in paragraph 4 or 5 applies.
- (4) For the purposes of this Part of this Schedule, a gathering takes place in the Tier 3 area if any part of the place where it takes place is in the Tier 3 area [<sup>F1</sup>and no part of that place is in the Tier 4 area].

#### Textual Amendments

- F1** Words in Sch. 3 para. 1(4) inserted (20.12.2020 at 7.00 a.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(All Tiers and Obligations of Undertakings\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1611\)](#), regs. 1(2), **2(12)(a)**

#### Commencement Information

- I1** Sch. 3 para. 1 in force at 2.12.2020, see reg. 1(2)

#### Participation in gatherings outdoors

- 2.—(1) No person may participate in a gathering in the Tier 3 area which—
- (a) takes place outdoors in a place which satisfies the conditions in sub-paragraph (4) and consists of more than six people, or
  - (b) takes place in any other outdoor place and consists of two or more people.
- (2) No person living in the Tier 3 area may participate in a gathering outside that area which—
- (a) takes place outdoors in a place which satisfies the conditions in sub-paragraph (4) and consists of more than six people, or
  - (b) takes place in any other outdoor place and consists of two or more people.
- (3) Sub-paragraphs (1) and (2) do not apply if any of the exceptions set out in paragraph 4 or 6 applies.
- (4) A place satisfies the conditions in this sub-paragraph if it is a public outdoor place other than a fairground or a funfair and—
- (a) no payment is required by any member of the public to access that place, or

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- (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.

**Commencement Information**

**I2** Sch. 3 para. 2 in force at 2.12.2020, see reg. 1(2)

**Organisation or facilitation of gatherings**

**3.—(1)** No person may hold, or be involved in the holding of, a relevant gathering in the Tier 3 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 (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 (not falling within sub-paragraph (4)) 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 4, 5 or 6 (so far as capable of applying to the gathering) applies.

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

- (a) operated by a business, 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 4, the following do not apply—

- (a) paragraph 4(3)(a), so far as relating to gatherings in public outdoor places operated by public bodies;
- (b) paragraph 4(3)(b).

**Commencement Information**

**I3** Sch. 3 para. 3 in force at 2.12.2020, see reg. 1(2)

**General exceptions in relation to gatherings**

4.—(1) These are the exceptions referred to in paragraphs 1, 2 and 3(5)(c).

*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.

*Exception 2: permitted organised gatherings*

(3) 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 7).

*Exception 3: education and training*

(4) 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) of the Education Act 1996);
- (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 or section 100 of the Education and Inspections Act 2006,(and for this purpose “suitable education” has the meaning given by section 19(6) of the Education Act 1996);

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- (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, 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*

- (5) 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 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;
  - (e) for the purposes of a house move.

*Exception 5: legal obligations and proceedings*

- (6) 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*

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

*Exception 7: support groups*

- (8) 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.
- (9) In determining whether the limit in sub-paragraph (8)(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*

- (10) 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 of the Children Act 1989).

*Exception 9: births*

- (11) 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.*

- (12) Exception 10 is that the gathering meets the conditions in sub-paragraph (13) or (14).
- (13) 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 <sup>M1</sup>, the Marriage (Registrar General's Licence) Act 1970 <sup>M2</sup> or the Civil Partnership Act 2004 <sup>M3</sup>, 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
    - (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.
- (14) 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, 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—

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- (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 (13), and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

(15) In sub-paragraphs (13) and (14), 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 (13)(a)(i) or (14)(a)(i) to (iv).

*Exception 11: funerals*

- (16) Exception 11 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 12: commemorative event following a person's death*

- (17) Exception 12 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 13: protests*

- (18) Exception 13 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 14: elite sports*

(19) Exception 14 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 15: children*

(20) Exception 15 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 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 (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 16: parent and child groups*

(21) Exception 16 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.

(22) In determining whether the limit in sub-paragraph (21)(a) is complied with, no account is to be taken of any child who is below the age of five.

*Exception 17: students and vacation households*

(23) Exception 17 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 term time accommodation after the vacation.

(24) For the purposes of these Regulations—

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- (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 18: Christmas period*

(25) Exception 18 is that—

- (a) the gathering takes place during the Christmas period or, where sub-paragraph (26) 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 (27).

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

(27) 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.

(28) In sub-paragraph (25)(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 19: picketing*

(29) Exception 19 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<sup>M4</sup>, and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

**Commencement Information**

**I4** Sch. 3 para. 4 in force at 2.12.2020, see reg. 1(2)

#### **Marginal Citations**

- M1** 1949 c. 76.
- M2** 1970 c. 34.
- M3** 2004 c. 33.
- M4** 1992 c. 52.

#### **Exceptions in relation to indoor gatherings and certain outdoor gatherings**

**5.—**(1) These are the exceptions relating only to indoor gatherings and outdoor gatherings in a place which does not satisfy the conditions set out in paragraph 2(4).

##### *Exception 1: visiting a dying person*

(2) Exception 1 is that the person concerned (“P”) is visiting a person whom P reasonably believes is dying (“D”), and P is—

- (a) a member of D's household,
- (b) a close family member of D, or
- (c) a friend of D.

##### *Exception 2: visiting persons receiving treatment etc.*

(3) Exception 2 is that the person concerned (“P”) is visiting a person (“V”) receiving treatment in a hospital or staying in a hospice or care home, or is accompanying V to a medical appointment and P is—

- (a) a member of V's household,
- (b) a close family member of V, or
- (c) a friend of V.

##### *Exception 3: indoor sports*

(4) Exception 3 is that the person concerned is taking part in a permitted indoor sports gathering, and for these purposes a person taking part in a permitted indoor sports gathering does not include a spectator or the parent of a child taking part in the gathering.

#### **Commencement Information**

- I5** Sch. 3 para. 5 in force at 2.12.2020, see reg. 1(2)

#### **Exceptions in relation to outdoor gatherings**

**6.—**(1) These exceptions relate only to outdoor gatherings.

##### *Exception 1: outdoor sports*

(2) Exception 1 is that the person concerned is taking part in an outdoor sports gathering, and for these purposes a person taking part in an outdoor sports gathering does not include a spectator or the parent of a child taking part in the gathering.

##### *Exception 2: outdoor activities*

(3) Exception 2 is that—

- (a) the gathering is for the purposes of a relevant outdoor activity, and

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

**Commencement Information**

**I6** Sch. 3 para. 6 in force at 2.12.2020, see reg. 1(2)

**Qualifying groups**

7.—(1) A person participates in a gathering as a member of a qualifying group 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) in the application of this paragraph for the purposes of indoor gatherings or outdoor gatherings in a place which does not satisfy the conditions in paragraph 2(4), a group of people who are participating in the gathering which consists only of persons who are—
  - (i) members of the same household,
  - (ii) members of two households which are linked households in relation to each other,
  - (iii) 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
  - (iv) 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 a public outdoor place that satisfies the conditions in paragraph 4(27);
- (b) in the application of this paragraph for the purposes of outdoor gatherings in a place which satisfies the conditions in paragraph 2(4), a group of people who are participating in that gathering and which—
  - (i) consists of no more than 6 persons, or
  - (ii) consists only of persons as mentioned in paragraph (a)(i) to (iv).

**Commencement Information**

**I7** Sch. 3 para. 7 in force at 2.12.2020, see reg. 1(2)

## PART 2

### Closure of, and restrictions on, businesses

**Requirement to close premises and businesses**

8.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 3 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 10.

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

(a) is of a kind specified in paragraph 13(2) or (7), or

(b) is carried on from, or provided at, premises of a kind specified in paragraph 13(2) or (7).

(5) For the purposes of this Part of this Schedule, premises are in the Tier 3 area if any part of the premises is in the Tier 3 area <sup>[F2]</sup>and no part of the premises is in the Tier 4 area].

#### Textual Amendments

**F2** Words in Sch. 3 para. 8(5) inserted (20.12.2020 at 7.00 a.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(All Tiers and Obligations of Undertakings\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1611\)](#), regs. 1(2), **2(12)(b)**

#### Commencement Information

**I8** Sch. 3 para. 8 in force at 2.12.2020, see reg. 1(2)

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

**9.—(1)** A person responsible for carrying on a restricted business, or providing a restricted service, must—

(a) close any premises, or part of the premises, in which food or drink are provided for consumption on those premises, and

(b) cease providing food or drink for consumption on its premises.

(2) The requirement in sub-paragraph (1) is subject to the exceptions in paragraphs 10 and 11.

(3) For the purposes of sub-paragraph (1)(a), food or drink provided by a hotel or other accommodation as part of room service is not to be treated as being provided for consumption on its premises.

(4) For the purposes of sub-paragraph (1), references to food or drink being for consumption on premises include references to consumption on an area adjacent to the premises of the restricted business or restricted service—

(a) where seating is made available for its customers (whether or not by the business or the provider of the service), or

(b) which its customers habitually use for consumption of food or drink served by the business or service.

(5) Sub-paragraph (4) does not apply where the restricted business or restricted service is situated or provided—

(a) at a motorway service area, or

(b) within a part of—

(i) an 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),

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and that part of the airport, maritime port or terminal area is accessible to passengers, crew or other authorised persons but not to members of the general public.

(6) 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.

(7) In this paragraph, “restricted business” and “restricted service” mean a business or service which—

- (a) is of a kind specified in paragraph 13(6), or
- (b) is carried on from, or provided at, premises of a kind specified in paragraph 13(6).

#### Commencement Information

**19** Sch. 3 para. 9 in force at 2.12.2020, see reg. 1(2)

#### Exceptions to paragraphs 8 and 9

**10.**—(1) Paragraphs 8(1) and 9(1) do not prevent the use of—

- (a) any premises used for a restricted business or restricted service—
  - (i) 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;
  - (ii) 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—
    - (aa) in accordance with provision made by or under an Act, or
    - (bb) 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;
- (b) any premises used for the making of a film, television programme, audio programme or audio-visual advertisement;
- (c) facilities for training by elite sportspersons, professional dancers and choreographers, including trampoline parks, indoor skating rinks and snooker or pool halls (and for this purpose a person is a professional dancer or choreographer if the person derives their living from dance or from choreographing dance);
- (d) theatres and concert halls for—
  - (i) education and training of a kind mentioned in paragraph 4(4),
  - (ii) rehearsal, or
  - (iii) performance without an audience for broadcast or recording purposes;
- (e) theatres, conference centres and exhibition halls for use, at the request of the Secretary of State in connection with a government programme responding to the incidence and spread of coronavirus in England.

(2) Paragraph 8(1) does not prevent the use of indoor play areas, indoor play centres, indoor skating rinks and indoor trampoline parks by persons who have a disability.

(3) Paragraph 8(1) does not prevent the use of indoor skating rinks and indoor trampoline parks for—

- (a) education and training of a kind mentioned in paragraph 4(4),
  - (b) supervised activities for children or other persons under the age of 18 on 31st August 2020.
- (4) Paragraph 8(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—
    - (i) in premises which are separate from the premises used for the closed business,
    - (ii) by making deliveries or otherwise providing services in response to orders received—
      - (aa) through a website, or otherwise by online communication,
      - (bb) by telephone, including orders by text message, or
      - (cc) by post, or
    - (iii) to a purchaser who collects goods that have been pre-ordered by a means mentioned in sub-paragraph (ii), provided the purchaser does not enter inside the premises to do so, or
  - (b) operating a café or restaurant solely to sell food or drink for consumption off the premises, if the café or restaurant is separate from the premises used for the closed business.
- (5) 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.

#### **Commencement Information**

**110** Sch. 3 para. 10 in force at 2.12.2020, see reg. 1(2)

#### **Exceptions to paragraph 9**

- 11.**—(1) Paragraph 9(1) does not prevent the person responsible for carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 13(6)—
- (a) from selling food or drink for consumption off the premises between the hours of 05:00 and 23:00;
  - (b) from selling food or drink for consumption off the premises between the hours of 23:00 and 05:00 by a method of sale permitted by sub-paragraph (2).
- (2) The methods of sale permitted under this sub-paragraph are—
- (a) 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) providing food or drink to a purchaser who collects the food or drink that has been pre-ordered by a means mentioned in sub-paragraph (a), provided the purchaser does not enter inside the premises to do so, or

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- (c) providing food or drink 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.
- (3) Paragraph 9(1) does not prevent the person responsible for a carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 13(6)(a) to (e) from carrying on that business, or providing that service, 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 in the carrying on of the business, or the provision of the service, concerned (subject to sub-paragraph (4)(b)).
- (4) In sub-paragraph (3)—
- (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, 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.
- (5) Paragraph 9(1) does not prevent the person responsible for carrying on a restricted business, or providing a restricted services of a kind specified in paragraph 13(6)(a) to (e) from selling food or drink for consumption off the premises if—
- (a) the business or service is carried on or provided within—
    - (i) a motorway service area,
    - (ii) a part of—
      - (aa) any airport or maritime port, or
      - (bb) the international rail terminal within the vicinity of Cheriton, Folkestone (as referred to in section 1(7)(b) of the Channel Tunnel Act 1987),
  - (b) in the case of a business or service falling within paragraph (a)(ii), that part of the airport, maritime port or terminal area is accessible to passenger, crew or other authorised persons but not to members of the general public, and
  - (c) alcohol is not served between the hours of 23:00 and 05:00 in the carrying on of the business, or the provision of the service, concerned.
- (6) Where a restricted business or restricted service of a kind specified in paragraph 13(6)(a) or (b) is carried on or provided as part of an extra care housing scheme, paragraph 9(1) does not prevent the person responsible for carrying on that business, or providing that service, from providing food or drink for consumption on the premises by a relevant person where it is reasonably necessary to do so for the purpose of safeguarding the mental or physical health of the relevant person.
- (7) For the purposes of sub-paragraph (6) and this sub-paragraph—
- (a) “extra care housing scheme” means a scheme—
    - (i) that provides accommodation intended for occupation by adults with needs for care and support (“designated extra care accommodation”), and
    - (ii) with an on-site care service;
  - (b) “relevant person” means, in relation to a business or service carried on or provided as part of an extra care housing scheme or for use by residents of an extra care housing scheme, a resident of the designated extra care accommodation;

- (c) “on-site care service” means regulated personal or nursing care provided to residents as part of the scheme by—
  - (i) the extra care housing scheme provider, or
  - (ii) another registered care provider who maintains an on-site presence in accordance with an agreement with either or both of the extra care housing scheme provider or the local social services authority in which the scheme is situated;
- (d) “registered care provider” means a person registered as a service provider in respect of regulated personal or nursing care in accordance with Chapter 2 of Part 1 of the Health and Social Care Act 2008 <sup>M5</sup>;
- (e) “local social services authority” means the council of a non-metropolitan county, of a county borough or of a metropolitan district or London borough, or the Common Council of the City of London.

(8) For the purposes of sections 172F to 172J of the Licensing Act 2003, where a restricted business or restricted service is carried on from, or provided at, licenced premises, the premises are to be treated as open for the purposes of selling alcohol at any time when the premises licence for those premises would, but for paragraph 9(1), authorise the sale by retail of alcohol for consumption on the premises.

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#### Commencement Information

**II1** Sch. 3 para. 11 in force at 2.12.2020, see reg. 1(2)

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#### Marginal Citations

**M5** 2008 c. 14.

### Closure of holiday accommodation

**12.—**(1) Subject to sub-paragraph (2), a person responsible for carrying on a business consisting of the provision of holiday accommodation situated in the Tier 3 area, whether in a hotel, hostel, bed and breakfast accommodation, holiday apartment, home, cottage or bungalow, campsite, caravan park or boarding house, canal boat or any other vessel, must cease to carry on that business.

(2) A person referred to in sub-paragraph (1) may continue to carry on their business and keep any premises used in that business open—

- (a) to provide accommodation for any person who—
  - (i) is unable to return to their main residence;
  - (ii) uses that accommodation as their main residence;
  - (iii) needs accommodation for the purposes of a house move;
  - (iv) needs accommodation to attend a funeral or following a bereavement of a close family member or friend;
  - (v) needs accommodation to attend a commemorative event to celebrate the life of a person who has died;
  - (vi) needs accommodation to attend a medical appointment, or to receive treatment;
  - (vii) is a carer of a vulnerable person or a person who has a disability and needs respite;
  - (viii) is isolating themselves from others as required by law;
  - (ix) is an elite athlete or the coach of an elite athlete and needs accommodation for the purposes of training or competition or, where an elite athlete is a child, their parent,

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[<sup>F3</sup>(x) needs accommodation to visit a person who is dying,]

- (b) to provide accommodation for any person who needs accommodation for the purposes of their work or to provide voluntary or charitable services,
  - (c) to provide accommodation for any person who needs accommodation for the purposes of education or training of a kind mentioned in paragraph 4(4) or, where that person is a child, their parent,
  - (d) to provide accommodation for the purposes of a women's refuge or a vulnerable person's refuge,
  - (e) to provide accommodation or support services for the homeless,
  - (f) to provide accommodation for any person who was staying in that accommodation immediately before these Regulations came into force or (if later) immediately before the time when the area in which the accommodation is located became part of the Tier 3 area,
  - (g) to provide accommodation for any person who is staying in that accommodation in order to provide care or assistance to a vulnerable person or a person who has a disability who is staying in the same accommodation,
  - (h) to host blood donation sessions or food banks, or
  - (i) for any purpose requested by the Secretary of State or a local authority.
- (3) Sub-paragraph (1) does not prevent the use of any accommodation 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.
- (4) Sub-paragraph (1) does not prevent the person responsible for carrying on the business of providing accommodation from offering any business or providing any service from those premises which is not a restricted business or restricted service for the purposes of this Part of this Schedule.
- (5) Sub-paragraph (1) does not apply during the period beginning with [<sup>F4</sup>24th December 2020 to 26th December] 2020.

#### Textual Amendments

- F3** Sch. 3 para. 12(2)(a)(x) inserted (20.12.2020 at 7.00 a.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(All Tiers and Obligations of Undertakings\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1611\)](#), regs. 1(2), **2(12)(c)**
- F4** Words in Sch. 3 para. 12(5) substituted (20.12.2020 at 7.00 a.m.) by virtue of [The Health Protection \(Coronavirus, Restrictions\) \(All Tiers and Obligations of Undertakings\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1611\)](#), regs. 1(2), **2(12)(d)**

#### Commencement Information

- I12** Sch. 3 para. 12 in force at 2.12.2020, see reg. 1(2)

### Restricted businesses and services for purposes of Part 2 of this Schedule

**13.—**(1) The restricted businesses and restricted services for the purposes of this Part of this Schedule are those falling within sub-paragraph (2), (6) or (7).

- (2) The following businesses and services fall within this sub-paragraph—
- (a) nightclubs;
  - (b) dance halls;
  - (c) discotheques;
  - (d) any other venue (not falling within paragraph (b) or (c)) 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.
- (3) A business or service does not fall within sub-paragraph (2)(b), (c) or (d) if it ceases to provide music and dancing.
- (4) In sub-paragraph (2)(e) “sexual entertainment venue” has the meaning given in paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- (5) In sub-paragraph (2)(f) “hostess bar” has the meaning given by paragraph 3B of that Schedule.
- (6) The following businesses and services fall within this sub-paragraph—
- (a) restaurants, including restaurants and dining rooms in hotels or members' clubs;
  - (b) 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,
    - (iii) cafes or canteens at a higher education provider, where there is no practical alternative for staff and students at that institution to obtain food or drink and alcohol is not served for consumption on the premises,
    - (iv) workplace canteens, where there is no practical alternative for staff at that workplace to obtain food or drink and alcohol is not served for consumption on the premises, or
    - (v) services providing food or drink to the homeless;
  - (c) bars, including bars in hotels or members' clubs;
  - (d) public houses;
  - (e) 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,

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- (iii) pharmacists and chemists, or
  - (iv) petrol stations;
  - (f) social clubs.
- (7) The following businesses and services fall within this sub-paragraph—
- (a) indoor play areas and indoor play centres, including soft play centres, soft play areas, trampoline parks and inflatable parks;
  - (b) casinos;
  - (c) bingo halls;
  - (d) bowling alleys;
  - (e) snooker and pool halls;
  - (f) amusement arcades, including adult gaming centres;
  - (g) laser quest and escape rooms;
  - (h) cinemas, except drive-in cinemas;
  - (i) theatres, except drive-in theatres;
  - (j) concert halls;
  - (k) indoor skating rinks;
  - (l) circuses;
  - (m) indoor attractions at—
    - (i) water parks and aqua parks;
    - (ii) theme parks, fairgrounds and funfairs;
    - (iii) adventure parks and activities;
    - (iv) aquariums, and zoos, including safari parks;
    - (v) animal attractions at farms and any other place where animals are exhibited to the public as an attraction;
    - (vi) botanical or other gardens, biomes or greenhouses;
    - (vii) stately or historic homes, castles or other heritage sites;
    - (viii) museums and galleries but not including retail galleries where the majority of the art on display is for sale;
    - (ix) sculpture parks;
    - (x) landmarks, including observation wheels or viewing platforms;
    - (xi) model villages;
    - (xii) visitor attractions at film studios;
  - (n) conference centres and exhibition halls, so far as they are used to host conferences, exhibitions, trade shows, private dining events or banquets, other than conferences, trade shows or events which are attended only by employees of the person who owns or is responsible for running the conference centre or exhibition hall.
- (8) For the purposes of sub-paragraph (7)(m), an “indoor attraction” means those parts of a venue, including visitor centres but not including toilets for visitors, which—
- (a) would be considered to be enclosed or substantially enclosed for the purposes of section 2 of the Health Act 2006 under the Smoke-free (Premises and Enforcement) Regulations 2006, and

(b) are in normal times open for members of the public to visit for the purposes of recreation, whether or not for payment.

(9) For the purposes of sub-paragraph (7)(n), a “trade show” is an event held to bring together members of a particular industry to display, demonstrate and discuss their latest products or services with members of the public or other members of the industry.

**Commencement Information**

**I13** Sch. 3 para. 13 in force at 2.12.2020, see reg. 1(2)

**Restrictions on opening hours of businesses and services**

**14.—(1)** A person responsible for carrying on a restricted business or providing a restricted service (“P”) in the Tier 3 area must not carry on that business or provide that service between the hours of 23:00 and 05:00.

(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 need only comply with the requirements in sub-paragraph (1) in relation to the restricted business or restricted service.

(3) Sub-paragraph (1) does not prevent P carrying on a restricted business or providing a restricted service at or after 23:00 hours for the purpose of concluding a performance which began before 22:00.

(4) In this paragraph “restricted business” and “restricted service” mean—

- (a) drive-in cinemas;
- (b) drive-in theatres;
- (c) outdoor concert venues;
- (d) outdoor attractions at—
  - (i) theme parks,
  - (ii) fairgrounds and funfairs.

**Commencement Information**

**I14** Sch. 3 para. 14 in force at 2.12.2020, see reg. 1(2)

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**Changes to legislation:**

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