

SCHEDULE 3

Tier 3 restrictions

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.

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—

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- (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),

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).

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 sportspeople, 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.

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
 - (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 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,

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- (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(1);
- (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.

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,
- (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,

(1) 2008 c. 14.

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- (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 22nd December 2020 and ending with 28th December 2020.

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,
 - (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;

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- (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.

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.

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