

SCHEDULE 2

Step 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 Step 2 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 down 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 (5), or

(b) is carried on from, or provided at, premises of a kind specified in paragraph 13(2) or (5).

(5) For the purposes of this Part of this Schedule, premises are in the Step 2 area if any part of the premises is in the Step 2 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, in the Step 2 area, must—

(a) close any indoor premises, or indoor 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 indoors on its premises.

(2) The requirement in sub-paragraph (1)—

(a) does not require the closure of toilets, baby changing rooms or breast feeding rooms,

(b) does not prevent customers entering any indoor premises which do not serve alcohol—

(i) to order food or drinks, or

(ii) to pay for food and drink, and

(c) is subject to the exceptions in paragraphs 10 and 11.

(3) For the purposes of sub-paragraph (1), 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) A person responsible for carrying on a restricted business, or providing a restricted service, in the Step 2 area 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 outdoors on the premises, and

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- (b) the person takes all reasonable steps to ensure that the customer remains seated outdoors whilst consuming the food or drink on the premises.
- (5) A person responsible for carrying on a restricted business, or providing a restricted service, in the Step 2 area 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 outdoors whilst consuming the food or drink on the premises.
- (6) For the purposes of sub-paragraphs (1), (4) and (5), references to food or drink being for consumption on premises include a reference 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.
- (7) Sub-paragraph (6) does not apply where the restricted business or services 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(1)),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.
- (8) Notwithstanding sub-paragraph (7), a person responsible for carrying on a restricted business, or providing a restricted service at a motorway service area in the Step 2 area which serves alcohol for consumption on the premises, may only serve alcohol for consumption on the premises if—
 - (a) the alcohol is ordered by, and served to, a customer who is seated outdoors on the premises, and
 - (b) the person takes all reasonable steps to ensure that the customer remains seated outdoors whilst consuming the alcohol on the premises.
- (9) Where a restricted business or restricted service (“business A”) forms, or is provided as, part of a larger business (“business B”) and business B is not itself a restricted business, the person responsible for carrying on business B complies with the requirement in sub-paragraph (1), (4) or (5) if that person complies with the requirement in relation to business A.
- (10) In this paragraph, “restricted business” and “restricted service” mean a business or service which—
 - (a) is of a kind specified in paragraph 13(4), or
 - (b) is carried on from, or provided at, premises of a kind specified in paragraph 13(4).

Exceptions to paragraph 8 and 9

- 10.—(1) Paragraph 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;

(1) 1987 c. 53.

- (ii) for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or a 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 another 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 or competition by elite sportspersons, including trampoline parks, indoor skating rinks and snooker or pool halls;
 - (d) indoor skating rinks, for—
 - (i) professional dancers or choreographers, and for this purpose a person is a professional dancer or choreographer if the person derives their living from dance or from choreographing dance,
 - (ii) education or training of a kind mentioned in paragraph 4(5),
 - (iii) supervised activities for children or other persons under the age of 18 on 31st August 2020, or
 - (iv) persons having a disability;
 - (e) theatres and concert halls for—
 - (i) education or training of a kind mentioned in paragraph 4(5),
 - (ii) rehearsal, or
 - (iii) performance without an audience for broadcast or recording purposes.
- (2) Paragraph 8(1) does not prevent the use of indoor play areas, indoor play centres and indoor trampoline parks by persons who have a disability.
- (3) Paragraph 8(1) does not prevent the use of indoor trampoline parks for—
- (a) education and training of a kind mentioned in paragraph 4(5), or
 - (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 paragraph (ii), provided the purchaser does not enter inside the premises used for the closed business 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.

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(5) Paragraphs 8(1) and 9(1) do not prevent the use of any premises which are permitted to open by a direction made by the Secretary of State under regulation 9, for purposes specified in that direction.

(6) For the purposes of sub-paragraph (4), 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(4) from selling food or drink for consumption off the premises.

(2) 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(4)(a) to (d), 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 (3)(b)).

(3) In sub-paragraph (2)—

- (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.

(4) Where a restricted business or a restricted service of a kind specified in paragraph 13(4) (a) or (b) is being 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 indoors by a relevant person where it is reasonably necessary to do so to safeguard the mental or physical health of the relevant person.

(5) For the purposes of sub-paragraph (4) 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, 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

(2) [S.I. 2020/592](#), as amended by [S.I. 2020/1021](#); there are other amending instruments but none is relevant.

- (ii) another registered care provider who maintains an on-site presence pursuant to an agreement with either or both of the extra care housing scheme provider or the local social services authority for the area 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⁽³⁾;
- (e) “local social services authority” means—
 - (i) the council of—
 - (aa) a non-metropolitan county,
 - (bb) a non-metropolitan district for which there is no county council,
 - (cc) a county borough, or
 - (dd) a metropolitan district or London borough,
 - (ii) the Common Council of the City of London, or
 - (iii) the Council of the Isles of Scilly.

(6) Paragraphs 9(4) and (5) do not apply in relation to any premises for which those provisions are disapplied in a direction made by the Secretary of State under regulation 9.

(7) For the purposes of sections 172F to 172J of the Licensing Act 2003⁽⁴⁾, where a restricted business or restricted service is carried on from, or provided at, licensed 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 sub-paragraph (1), authorise the sale by retail of alcohol for consumption on the premises.

Closure of holiday accommodation

12.—(1) Subject to sub-paragraphs (2) to (5), a person responsible for carrying on a business consisting of the provision of holiday accommodation situated in the Step 2 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) needs accommodation for the purposes of access to, and contact between, parents and a child where the child does not live in the same household as their parents or one of their parents;
 - (viii) is a carer of a vulnerable person or a person who has a disability and needs respite;

⁽³⁾ 2008 c. 14.

⁽⁴⁾ 2003 c. 17. Sections 172F to 172J were inserted by the Business and Planning Act 2020 (c. 16).

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- (ix) is isolating themselves from others as required by law;
 - (x) 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;
 - (xi) 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(5) or, where that person is a child, their parent,
 - (d) to provide accommodation for the purposes of a women's refuge or a vulnerable persons' refuge,
 - (e) to provide accommodation or support services for the homeless,
 - (f) to provide accommodation for any person who is staying there 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,
 - (g) to host blood donation sessions or food banks, or
 - (h) 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 a 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 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.
- (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 service for the purposes of this Part of this Schedule.
- (5) Holiday accommodation referred to in sub-paragraph (1) may continue to be provided if that accommodation is provided—
- (a) in a campsite or caravan park, provided that the only shared facilities used by guests at the campsite or caravan park are washing facilities, toilets, water points and waste disposal points, or
 - (b) in separate and self-contained premises.
- (6) Premises are separate and self-contained for the purposes of this paragraph only if—
- (a) they are provided for persons who are —
 - (i) members of the same household, or
 - (ii) members of two households which are linked households in relation to each other, and
 - (b) none of the following are shared with the members of any other household—
 - (i) kitchens,
 - (ii) sleeping areas,
 - (iii) bathrooms, or
 - (iv) indoor communal areas.

- (7) In this paragraph—
- (a) a reception area is not to be treated as a shared facility for the purposes of sub-paragraph (5) (a), or an indoor communal area for the purposes of sub-paragraph (6)(b);
 - (b) “communal areas” includes in particular corridors, lifts and staircases used to access premises contained in part of a building, lounges or sitting areas.

Restricted business and services for purposes of this Part

13.—(1) The restricted businesses and restricted services for the purposes of this Part of this Schedule are those falling within sub-paragraph (2), (4) or (5).

- (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 (a), (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) 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 or care home,
 - (ii) cafes or canteens at a school, a provider of post-16 education or training (as defined in paragraph (e) of the definition of “relevant institution” in paragraph 1(8) of Schedule 17 to the Coronavirus Act 2020) or educational accommodation for students attending higher education courses,
 - (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) canteens at criminal justice accommodation, immigration detention accommodation or an establishment intended for use for Her Majesty’s armed forces or for the purposes of the Department of the Secretary of State responsible for defence,
 - (v) 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

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- (vi) services providing food or drink to the homeless;
 - (c) bars, including bars in hotels or members' clubs;
 - (d) public houses;
 - (e) social clubs.
- (5) 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 and 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, except drive in 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, wildlife centres 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;
 - (o) saunas and steam rooms.
- (6) For the purposes of sub-paragraph (5)(m), an “indoor attraction” means those parts of a venue, including visitor centres but not including toilets, baby changing rooms and breast feeding rooms 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.
- (7) For the purposes of sub-paragraph (5)(n), a “trade show” is an event held to bring together members of a particular industry to display, demonstrate and discuss their latest products and services with members of the public or other members of the industry.