

## SCHEDULE 3

### Level 2 Restrictions

## PART 2

### Other restrictions on business

#### **Restricted opening hours for food and drink businesses in a Level 2 area**

5.—(1) Subject to paragraph 7, a person who is responsible for carrying on a food and drink business in a Level 2 area (other than one to which paragraph 4 applies) must, in relation to any premises, or parts of the premises, which are indoors—

- (a) between the hours of 1900 and 0600, cease to admit any additional customers to the premises,
- (b) between the hours of 2000 and 0600—
  - (i) close any premises, or parts of the premises, in which food or drink are sold for consumption on those premises, to members of the public,
  - (ii) cease selling food or drink for consumption on those premises,
  - (iii) not permit consumption of food or drink on those premises by members of the public.

(2) Subject to paragraph 7, a person who is responsible for carrying on a food and drink business in a Level 2 area (other than one to which paragraph 4 applies) must, in relation to any premises, or parts of the premises, which are outdoors—

- (a) between the hours of 2130 and 0600, cease to admit any additional customers to the premises,
- (b) between the hours of 2230 and 0600—
  - (i) close any premises, or parts of the premises, in which food or drink are sold for consumption on those premises, to members of the public,
  - (ii) cease selling food or drink for consumption on those premises,
  - (iii) not permit consumption of food or drink on those premises by members of the public.

(3) Sub-paragraphs (1) and (2) do not prevent food or drink being sold—

- (a) for consumption off the premises,
- (b) by a hotel or other accommodation for consumption as part of room service,
- (c) by a hotel or other accommodation between the hours of 0600 and 2200 for consumption by its residents in any other area of the hotel or accommodation,
- (d) in a cinema to its customers for consumption in any of its auditoriums,
- (e) to customers attending a drive-in event for consumption at the event,
- (f) for consumption in a cafe, dining hall or canteen at—
  - (i) a hospital or care home,
  - (ii) a school or student accommodation,
  - (iii) a prison,
  - (iv) an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence, or
  - (v) a workplace canteen where—

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

- (aa) there is no practical alternative for staff at that workplace to obtain food, and
  - (bb) so far as reasonably possible, a distance of at least two metres can be maintained between any person using the canteen,
  - (g) for consumption in premises providing food or drink to homeless persons,
  - (h) for consumption in premises which are airside at an airport,
  - (i) for consumption in premises which are on a ferry.
- (4) Sub-paragraph (3)(c) does not apply in relation to the sale of alcohol by a hotel or other accommodation to its residents between 2000 and 0600.
- (5) Sub-paragraph (3)(d) to (i) does not apply in relation to the sale of alcohol.
- (6) Sub-paragraph (1) does not prevent—
- (a) the consumption of food or drink by a resident of a hotel in their private room,
  - (b) the consumption of food or drink by members of the public in any of the premises described in sub-paragraph (3)(d) to (i).
- (7) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.
- (8) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) or (2) if that person complies with the requirements in relation to business A.