

SCHEDULE 1

Tier 2 restrictions

PART 2

Closure of businesses

Requirement to close premises and businesses

12.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 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 14.

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

- (a) is of a kind specified in paragraph 13(1), or
- (b) is carried on from, or provided at, premises of a kind specified in paragraph 13(1).

Restricted business and services for purposes of Part 2 of this Schedule

13.—(1) The following are restricted businesses and restricted services for the purposes of this Part of this Schedule—

- (a) nightclubs;
- (b) dance halls;
- (c) discotheques;
- (d) any other venue 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.

(2) A business or service does not fall within sub-paragraph (1)(b), (c) or (d) if it ceases to provide music and dancing.

(3) In sub-paragraph (1)(e) “sexual entertainment venue” has the meaning given in paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982(1).

(4) In sub-paragraph (1)(f) “hostess bar” has the meaning given by paragraph 3B of that Schedule(2).

(1) 1982 c. 30. Paragraph 2A was inserted by section 27 of the Policing and Crime Act 2009 (c. 26).

(2) Paragraph 3B was inserted by section 33 of the London Local Authorities Act 2007 (c. ii).

Exceptions from paragraph 12(1)

14.—(1) Paragraph 12(1) does not prevent the use of premises used for a restricted business or service to host blood donation sessions.

(2) Paragraph 12(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 of offering goods for sale or for hire in a shop which is separate from the premises used for the closed business,
- (b) carrying on a business of offering goods for sale or for hire by making deliveries or otherwise providing services in response to orders received—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including orders by text message, or
 - (iii) by post, or
- (c) operating a café or restaurant, if the café or restaurant is separate from the premises used for the closed business.

(3) For the purposes of sub-paragraph (2), a shop, café or restaurant (“SCR”) is separate from premises used for the closed business if—

- (a) the SCR is in a self-contained unit, and
- (b) it is possible for a member of the public to enter the SCR from a place outside those premises.