

## SCHEDULE 2

### Tier 2 restrictions

## PART 3

### Other restrictions on businesses

#### Exceptions from paragraph 11(1)

12.—(1) Paragraph 11(1) does not prevent P selling, between the hours of 23:00 and 05:00, food or drink for consumption off the premises—

- (a) by 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) to a purchaser who collects the food or drink that has been pre-ordered by a means mentioned in paragraph (a), provided the purchaser does not enter inside the premises to do so, or
- (c) 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.

(2) Where P's restricted business or restricted service is carried on from, or provided at, a cinema, theatre, concert hall or sportsground, paragraph 11(1) does not prevent P carrying on that business or providing that service at or after 23:00 hours for the purpose of concluding a performance or a sports event which began before 22:00.

(3) Paragraph 11(1)(b) does not prevent P carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 15(2)(a) to (c) between the hours of 23:00 and 05:00 if—

- (a) the business or service is carried on or provided within a motorway service area, and
- (b) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned,

and, in relation to any such business or service, paragraph 11(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink other than alcohol.

(4) Paragraph 11(1)(b) does not prevent P carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 15(2)(a) to (e) between the hours of 23:00 and 05:00 if—

- (a) the business or service is carried on or provided within a part of—
  - (i) any 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),
- (b) that part of the airport, maritime port or terminal area is accessible between those hours to passengers, crew or other authorised persons but not to members of the general public, and
- (c) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned,

and, in relation to any such business or service, paragraph 11(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink other than alcohol.

*Status: This is the original version (as it was originally made).*

(5) Paragraph 11(1)(b) does not prevent P carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 15(2)(a) to (e) between the hours of 23:00 and 05:00 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 between those hours in the carrying on of the business, or the provision of the service, concerned (subject to sub-paragraph (6)(b)),

and, in relation to any such business or service, paragraph 11(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink in an aircraft, train or vessel, but not alcohol so far relating to orders from customers on a train or vessel.

(6) In sub-paragraph (5)—

- (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.

(7) Where P’s restricted business or restricted service is carried on from, or provided at, a workplace canteen or premises at a higher education provider, paragraph 11(1)(b) does not prevent P carrying on that business or providing that service between the hours of 23:00 and 05:00 if—

- (a) there is no practical alternative for staff at that workplace, or for staff or students at those premises, to obtain food or drink between those hours, and
- (b) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned,

and, in relation to any such business or service, paragraph 11(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink other than alcohol.

(8) Paragraph 11(1) does not prevent the use of premises used for a restricted business or a restricted service 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.

(9) Paragraph 11(1) does not prevent the use of premises used for a restricted business or restricted service for the making of a film, television programme, audio programme or audio-visual advertisement.

(10) Paragraph 11(1) does not prevent the use of any premises 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.