

SCHEDULE 3

Step 3

PART 2

Closure of, and restrictions on, businesses

Requirement to close premises and businesses

6.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Step 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 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 8.

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

(a) is of a kind specified in paragraph 9(1), or

(b) is carried on from, or provided at, premises of a kind specified in paragraph 9(1).

(5) For the purposes of this Part of this Schedule, premises are in the Step 3 area if any part of the premises is in the Step 3 area.

Commencement Information

II Sch. 3 para. 6 in force at 29.3.2021, see [reg. 1\(2\)](#)

Restrictions on service of food and drink for consumption on the premises

7.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Step 3 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 on the premises, and

(b) the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

(2) A person responsible for carrying on a restricted business, or providing a restricted service, in the Step 3 area 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 whilst consuming the food or drink on the premises.

(3) For the purposes of sub-paragraphs (1) and (2), an area adjacent to the premises of the restricted business or restricted service, where seating is made available for its customers (whether or not by the business or the provider of the service), or which its customers habitually use for consumption of food or drink served by the business or service, is to be treated as part of the premises of that business or service.

(4) Sub-paragraph (3) does not apply where the restricted business or services is situated or are provided—

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- (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 ^{M1}),and that part of the airport, maritime port or terminal area is accessible between the restricted hours to passengers, crew or other authorised persons but not to members of the general public.
- (5) Where a restricted business or restricted service (“business A”) forms part of a larger business (“business B”)—
- (a) sub-paragraph (1)(a) does not apply to the service of food or drink if the condition in sub-paragraph (6) is met;
 - (b) the person responsible for carrying on business B otherwise complies with the requirement in sub-paragraph (1) or (2) if that person complies with the requirement in relation to business A.
- (6) The condition in this sub-paragraph is met (subject to sub-paragraph (7)) if—
- (a) business B is a cinema, theatre, concert hall or sportsground,
 - (b) the food or drink is ordered by a customer who has a ticket for an exhibition of a film, a performance or an event of training or competition at the venue, and
 - (c) the food or drink is served to the customer to consume in the area where the audience is seated at the venue to watch the exhibition, performance or event.
- (7) The condition in sub-paragraph (6) is not satisfied where a customer has a seat in a corporate box.
- (8) In this paragraph “restricted business” and “restricted service” means a business or service which—
- (a) is of a kind specified in paragraph 9(3), or
 - (b) is carried on from, or provided at, premises of a kind specified in paragraph 9(3).
- (9) Paragraphs (1) and (2) do not apply in relation to any premises for which they are disapplied in a direction made by the Secretary of State under regulation 9.

Commencement Information

I2 Sch. 3 para. 7 in force at 29.3.2021, see [reg. 1\(2\)](#)

Marginal Citations

M1 1987 c. 53.

Exceptions from paragraph 6(1)

- 8.—**(1) Paragraph 6(1) does not prevent the use of premises used for a restricted business or restricted service—
- (a) 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;
 - (b) 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—

- (i) in accordance with provision made by or under an Act, or
- (ii) 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.

(2) Paragraph 6(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.

(3) Paragraph 6(1) does not prevent the use of any premises permitted to open by a direction made by the Secretary of State under regulation 9, for any purposes specified in that direction.

(4) Paragraph 6(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, in premises which are 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 online communication,
 - (ii) by telephone, including orders by text message, or
 - (iii) by post;
- (c) operating a café or restaurant, if the café or restaurant is separate from the premises used for the closed business.

(5) 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 those premises.

Commencement Information

I3 Sch. 3 para. 8 in force at 29.3.2021, see [reg. 1\(2\)](#)

Restricted businesses and services for purposes of paragraph 6 and 7

9.—(1) The following are restricted businesses and restricted services for the purposes of paragraph 6—

- (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;

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- (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.
- (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) The restricted businesses and restricted services for the purposes of paragraph 7 are—
- (a) restaurants, including restaurants and dining rooms in hotels or members' clubs;
 - (b) cafes, including workplace canteens, but not including—
 - [^{F1}(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
 - (vi) services providing food or drink to the homeless;]
 - (c) bars, including bars in hotels or members' clubs;
 - (d) public houses;
 - (e) social clubs;
 - (f) casinos.

Textual Amendments

F1 Sch. 3 para. 9(3)(b)(i)-(vi) substituted for Sch. 3 para. 9(3)(b)(i)-(iii) (12.4.2021) by [The Health Protection \(Coronavirus, Restrictions\) \(Steps and Local Authority Enforcement Powers\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/455\)](#), regs. 1(2), 2(7)

Commencement Information

I4 Sch. 3 para. 9 in force at 29.3.2021, see reg. 1(2)

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Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 (revoked), PART 2.