

BUSINESS RESTRICTIONS NOVEMBER 2020

The Government has published regulations on what will stay open and what will close with effect from 5th November 2020

This Statutory Instrument introduces a number of social restrictions and business closures:

BUSINESSES SUBJECT TO RESTRICTIONS OR CLOSURE, OR PERMITTED TO REMAIN OPEN

- **Part 1 - Hospitality businesses**, lists the business and services that are subject to the restrictions set out in Regulation 15.
- **Part 2 - Other businesses**, sets out the business and services that are closed.
- **Part 3 - Businesses permitted to remain open**, lists the essential businesses and services exempted.

Part 1 - Hospitality businesses

This lists the business and services that are subject to the restrictions set out in Regulation 15 'Restrictions on service of food and drink for consumption on the premises'

1. Restaurants, including restaurants and dining rooms in hotels or members' clubs.
2. (1) Cafes, including workplace canteens (subject to sub-paragraph (2)), but not including -
 - (a) cafes or canteens at a hospital, care home or school, or provider of post-16 education or training (as defined in paragraph 1(8) of Schedule 17 to the Coronavirus Act 2020(a));
 - (b) canteens at criminal justice accommodation or 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;
 - (c) services providing food and drink or either to the homeless.(2) Workplace canteens may remain open where there is no practical alternative for staff at that workplace to obtain food.
3. Bars, including bars in hotels or members' clubs.
4. Social clubs.
5. Public houses

Part 2 - Other businesses

This sets out the business and services that are closed.

6. Cinemas.
7. Theatres.
8. Nightclubs, dance halls, discotheques and any other venue which -
 - (a) opens at night,
 - (b) 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
 - (c) provides music, whether live or recorded, for dancing.
9. Bingo halls.
10. Concert halls.
11. Museums and galleries.
12. Casinos.
13. Betting shops and adult gaming centres.
14. Spas.
15. Nail, beauty salons, hair salons and barbers.
16. Tanning salons.
17. Massage parlours.
18. Sexual entertainment venues, within the meaning given in paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982(a) ("the 1982 Act").
19. Hostess bars, within the meaning given by paragraph 3B of Schedule 3 to the 1982 Act(b).
20. Tattoo and piercing parlours.
21. Skating rinks.
22. The following indoor facilities: dance studios, fitness studios, gyms, sports courts, swimming pools, bowling alleys, amusement arcades, playgrounds or soft play areas or other indoor leisure centres or facilities, including indoor games, recreation and entertainment venues.
23. Circuses, funfairs and fairgrounds (whether outdoors or indoors), theme parks and adventure parks and activities.

24. Outdoor sports centres or amenities, including water sports, stables, shooting and archery venues, golf courses, driving ranges, outdoor gyms, outdoor swimming pools, water parks and aquaparks.
25. Outdoor markets (except for livestock markets, stalls selling food and any other retailer listed in Part 3).
26. Showrooms and other premises, including outdoor areas, used for the sale or hire of caravans, boats or any vehicle which can be propelled by mechanical means, and car washes.
27. Auction houses (except for auctions of livestock or agricultural equipment).
28. Model villages.
29. Visitor attractions at film studios.
30. Aquariums, zoos, safari parks, farms, wildlife centres and any place where animals are exhibited to the public as an attraction.
31. (1) Indoor attractions at visitor attractions such as—
 - (a) botanical or other gardens, biomes or greenhouses;
 - (b) stately or historic homes, castles or other heritage sites;
 - (c) landmarks, including observation wheels or viewing platforms;
 - (d) sculpture parks.
 (2) For the purposes of sub-paragraph (1), an “indoor attraction” means those parts of a venue, including visitor centres but not including toilets 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.
32. (1) 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 or events which are attended only by employees of the person who owns or is responsible for running the conference centre or exhibition hall.
 (2) For the purposes of this paragraph, 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.

Part 3 - Businesses permitted to remain open

This lists the essential businesses and services exempted.

33. Food retailers, including food markets, supermarkets, convenience stores and corner shops.
34. Off licenses and licensed shops selling alcohol (including breweries).
35. Pharmacies (including non-dispensing pharmacies) and chemists.
36. Newsagents.
37. Hardware stores.
38. Building merchants, and building services.
39. Petrol stations.
40. Car repair and MOT services.
41. Bicycle shops.
42. Taxi or vehicle hire businesses.
43. The following businesses—
 - (a) banks;
 - (b) building societies;
 - (c) credit unions;
 - (d) short term loan providers;
 - (e) savings clubs;
 - (f) cash points;
 - (g) undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers.
44. Post offices.
45. Funeral directors.
46. Laundrettes and dry cleaners.
47. Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health.
48. Veterinary surgeons and pet shops.
49. Agricultural supplies shop.
50. Storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this Part.

51. Car parks.
52. Public toilets.
53. Garden centres.

Further restrictions and closures

18 (1) A person responsible for carrying on a business, not listed in Part 3 of the Schedule, of offering goods for sale or for hire in a shop, **or providing library services** must -

- (a) cease to carry on that business or provide that service except -
 - (i) by making deliveries or otherwise providing services in response to orders received—
 - (aa) through a website, or otherwise by on-line communication,
 - (bb) by telephone, including orders by text message, or
 - (cc) by post;
 - (ii) to a purchaser who collects goods that have been pre-ordered by a means mentioned in paragraph (i), provided the purchaser does not enter inside the premises to do so,
- (b) subject to paragraph (2), (3) and (4)—
 - (i) close any premises which are not required to carry out its business or provide its services as permitted by sub-paragraph (a);
 - (ii) cease to admit any person to its premises who is not required to carry on its business or provide its service as permitted by sub-paragraph (a).

(2) **A person responsible for providing library services may open the library premises for the purposes of -**

- (a) support groups;
- (b) childcare provided by a person who is registered under Part 3 of the Childcare Act 2006;
- (c) education or training;
- (d) to provide essential voluntary services or public support services, including digital access to public services.

(3) Paragraph (1) does not prevent any business from continuing to provide -

- (a) hot or cold food for consumption off the premises, or
- (b) goods or services to the homeless.

(4) A person responsible for carrying on a business or providing a service referred to in paragraph (1), may open any premises for the purposes of making a film, television programme, audio programme or audio-visual advertisement.

(5) Subject to paragraph (6), a person responsible for carrying on a business consisting of the provision of holiday accommodation, 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.

(6) A person referred to in paragraph (5) 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 while moving house;
 - (iv) needs accommodation to attend a funeral;
 - (v) is isolating themselves from others as required by law;
 - (vi) is an elite athlete, the coach of an elite athlete, or (in the case of an elite athlete who is a child), the parent of an elite athlete, and needs accommodation for the purposes of training or competition,
- (b) to provide accommodation for any person who needs accommodation for the purposes of their work,
- (c) to provide accommodation for any child who requires accommodation for the purposes of education,
- (d) to provide accommodation for the purposes of a women's refuge or a vulnerable person's refuge,
- (e) to provide accommodation or support services for the homeless,
- (f) to provide accommodation for any person who was staying in that accommodation immediately before these Regulations came into force,

- (g) to host blood donation sessions, or
- (h) for any purpose requested by the Secretary of State, or a local authority.

(7) A person who is responsible for a place of worship must ensure that the place of worship is closed, except for uses permitted in paragraph (8) and regulation 11(18).

(8) A place of worship may be used -

- (a) for funerals,
- (b) for commemorative events celebrating the life of a person who has died,
- (c) to broadcast an act of worship, whether over the internet or as part of a radio or television broadcast,
- (d) 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),
- (e) for childcare provided by a person registered under Part 3 of the Childcare Act 2006,
- (f) for individual prayer, and for these purposes, "individual prayer" means prayer by individuals which does not form part of communal worship, or
- (g) to host any gathering which is permitted under regulation 8 or 9.

(9) A person who is responsible for a community centre or hall must ensure that the community centre or hall is closed except where it is used -

- (a) to provide essential voluntary activities 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 education or training,
- (c) for the purposes of support groups, or
- (d) for the purposes of—
 - (i) childcare provided by a person registered under Part 3 of the Childcare Act 2006, or
 - (ii) supervised activities for children.

(10) A person who is responsible for a crematorium or burial ground must ensure that the crematorium or burial ground is closed to members of the public, except -

- (a) for funerals or burials,
- (b) commemorative events celebrating the life of a person who has died, or (c) to allow a person to pay respects to a member of their household, a family member or friend.

(11) If a business referred to in paragraph (1) or (5) ("business A") forms, or is provided as, part of a larger business ("business B") and business B is not restricted under these Regulations, the person responsible for carrying on business B complies with the requirement in paragraph (1) or

- (3) to cease to carry on its business if it ceases to carry on business A.

The remainder of the Regulations

- **Regulation 5 sets out a restriction on people leaving the place where they are living without reasonable excuse.** Examples of reasonable excuses include the exceptions listed in Regulation 6. This does not apply to someone who is homeless.
- **The Regulation 6 exceptions include:**
 - For necessary purposes:
 - to obtain or access supplies and/or services from businesses and services that are open for oneself, one's household, or a vulnerable person;
 - to access banking services;
 - to take exercise or visit a public open place for the purposes of open air recreation;
 - to attend a place of worship;
 - to attend an event commemorating Remembrance Sunday or Armistice Day;
 - to undertake activities in relation to buying, renting, selling or letting property;
 - to visit a member or members of a linked household (known as a 'bubble');
 - to collect takeaway food or goods that have been ordered for collection; or
 - to recycle or dispose of waste.

- For work, care and legal purposes;
 - For the purposes of education and training;
 - For emergency assistance;
 - For accessing critical public services and services provided by voluntary or charitable services;
 - So that elite athletes can train or compete;
 - To attend to personal medical needs, or to visit those giving birth or in hospital or care;
 - To give respite or support to other people, or to access it for oneself;
 - To visit a relative or friend on their deathbed, including if for their wedding, or to attend their funeral;
 - To look after children (for example, to take them to school, or to see their siblings, or to meet a prospective adopter);
 - To provide for the welfare of pets;
 - To return home, where the person is on holiday immediately before this instrument comes into force;
 - To visit a family member or friend in prison.
- Regulations 7 to 9 set out the restrictions on the participation in gathering. Gatherings of more than two people are prohibited in public outdoor places and gatherings of two or more people are prohibited in all other places, unless an exception applies.
 - **Regulation 10 sets out the prohibition on organising a gathering of more than 30 people which is equivalent to an indoor rave, and it also prohibits the organisation or facilitation of gatherings of more than 30 people taking place in private dwellings, on vessels or in a public outdoor place.** Gatherings on public outdoor places which are operated by or part of the premises used for the operation of a business or a charitable or philanthropic institution, or part of the premises used for the operation of a public body, are not included in the offence. Gatherings organised by a business, a charitable or philanthropic institution, a public body or a political body are not included in the offence where that body has taken the required precautions. Gatherings exempt under regulation 11 are also not covered by the offence.
 - **Regulation 11 sets out the exceptions to the restrictions on gatherings** – and includes:
 - Where all the persons in the gathering are members of the same household or linked households;
 - Where the gathering is reasonably necessary for certain critical activities – for example work, education, care, or moving house;
 - Discharging legal obligations or participating in legal proceedings;
 - Where the gathering takes place in criminal justice accommodation;
 - Participating in a support group;
 - Attending a birth, permitted marriage, or funeral, commemorative event following a person’s death or visiting a dying person;
 - Enabling elite athletes to train or compete;
 - Looking after children (for example, to take them to school, or to see their siblings, or to meet a prospective adopter);
 - For Remembrance Sunday and Armistice Day events.
 - **Regulations 12 and 13 set out what a linked household – or ‘bubble’ – looks like and how it should operate.**
 - **Regulation 12 continues the existing concept of a Linked Household, or ‘support bubble’.** This enables a household comprising a single adult (with or without children) to form a supportive link with another household (there is no restriction on the size of the second household). Having formed this Linkage, neither household may form another such Linkage with any other household.
 - **Regulation 13 continues the idea of a childcare bubble, to permit informal childcare.**
 - **Part 5 sets out the enforcement and penalty regime.**

- **Regulation 19 sets out that businesses that breach these obligations can be subject to prohibition notices, and fines.** Regulation 20 specifies the offences – including the failure to comply with notices and directions given under Regulation 19.
- **Regulation 21 provides that a fixed penalty notice (a notice which enables a person to discharge their liability to criminal conviction) may be issued by authorised persons (constable, police community support officer, or person designated by a local authority or the Secretary of State) to persons 18 or over whom they reasonably believe have committed an offence under the Regulations.** The amount of the fixed penalty for the offences other than business restrictions offences and the organisation of gatherings offence is £200, reduced to £100 if paid within 14 days. If a person has already received a fixed penalty notice, under these regulations, those which it revokes, or other listed regulations in relation to coronavirus, the amount of the fixed penalty is then £400 instead, doubling on each further repeat offence up to a maximum of £6,400 and there will be no discount for repeat offenders paying within 14 days. The amount of the fixed penalty for the business restriction offences is £1,000, increasing for subsequent offences to a maximum of £10,000. The amount of the fixed penalty for the organising a gathering offences is £10,000.
- **Part 6 stipulates that this instrument ceases to have effect after 28 days beginning on the day on which it comes into force.** The policy intention is to reinstate a regime functionally identical to the tiered local alert one that this instrument replaces.