

What do the new lockdown regulations mean for your business?

Following the Prime Minister's announcement that non-essential businesses would again close for an initial lockdown period commencing tomorrow and ending on 2nd December 2020 the government has published its [regulations](#) and updated [guidance](#).

Below we will set out businesses that can remain open, are required to close and those that will be subject to restrictions.

Businesses remaining open:

- food shops, supermarket, convenience stores, corner shops, off licences, newsagents;
- hardware stores, building merchants, building services and garden centres;
- petrol stations, car repair and MOT services, bicycle shops;
- banks, building societies, post offices;
- funeral directors;
- laundrettes and dry cleaners;
- health services such as opticians and dentists.

Closed businesses:

- all non-essential retail, including, clothing and electronics stores, vehicle showrooms, travel agents, betting shops, auction houses, tailors, car washes, tobacco and vape shops;
- indoor and outdoor leisure facilities such as bowling alleys, leisure centres and gyms, sports facilities including swimming pools, golf courses and driving ranges, dance studios, stables and riding centres, soft play facilities, climbing walls and climbing centres, archery and shooting ranges, water and theme parks;
- entertainment venues such as theatres, concert halls, cinemas, museums and galleries, casinos, adult gaming centres and arcades, bingo halls, bowling alleys, concert halls, zoos and other animal attractions, botanical gardens;
- personal care facilities such as hair, beauty and nail salons, tattoo parlours, spas, massage parlours, body and skin piercing services, non-medical acupuncture, and tanning salons.



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Businesses that are to be subjected to restrictions

Those businesses serving food and drink but on a takeaway service only (e.g. cafes and restaurants). One of the notable exceptions is that alcohol can be supplied on a takeaway basis subject to the vendor having received a pre order (the mechanics of which are set out in the Exceptions at Regulation 17).

Businesses not expressly set out in the regulations

Reference needs to be made to the government's accompanying [guidance](#) and [regulations](#):

What the guidance says:

*“To help contain the virus, **everyone who can work effectively from home must do so**. Where people cannot do so - including, but not limited to, people who work in critical national infrastructure, construction, or manufacturing - **they should continue to travel to their workplace**. This is essential to keeping the country operating and supporting sectors and employers.”*

What the regulations say:

“Exception 2: work, voluntary services, education and training etc

*(4) Exception 2 is that it is **reasonably necessary** for P to leave or be outside P's home—*

*(a) for the purposes of work or to provide voluntary or charitable services, where it is not **reasonably possible** for P to work, or to provide those services, from home;”*

Whilst you may feel that following the first lockdown earlier in the year you have complied with all the relevant steps to make your working environment for your staff Covid-secure you will find it difficult to make a case that staff who previously worked from home first time around cannot do so now.

Please do not hesitate to contact us if you have any concerns about whether your business can remain open under the new lockdown restrictions.

Disclaimer

- Please note – this guidance is not intended to be taken as legal advice – for individual situations you will need to take specific legal advice.
- The information in this guide is correct as of 4th November 2020 and should be read alongside the government's following guidance:

https://www.legislation.gov.uk/uksi/2020/1200/pdfs/uksi_20201200_en.pdf

<https://www.gov.uk/guidance/new-national-restrictions-from-5-november#going-to-work>

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>

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