

## SCHEDULE 3

Regulation 7(3)

### Step 3

## PART 1

### Restrictions on gatherings

#### Participation in gatherings

- 1.—(1) No person may participate in a gathering in the Step 3 area which—
  - (a) consists of more than six people, and
  - (b) takes place indoors.
- (2) Sub-paragraph (1) does not apply if any of the exceptions set out in paragraph 3 or 4 apply.
- (3) No person may participate in a gathering in the Step 3 area which—
  - (a) consists of more than 30 people, and
  - (b) takes place outdoors.
- (4) Sub-paragraph (3) does not apply if any of the exceptions set out in paragraph 3 apply.
- (5) For the purposes of this Part of this Schedule, a gathering takes place in the Step 3 area if any part of the place where it takes place is in the Step 3 area.

#### Organisation or facilitation of gatherings

- 2.—(1) No person may hold, or be involved in the holding of, a relevant gathering in the Step 3 area.
  - (2) For the purposes of sub-paragraph (1) a person who only participates in a gathering by attending it is not to be taken as being involved in the holding of the gathering.
  - (3) A gathering is a “relevant gathering” for the purposes of this paragraph if it falls within sub-paragraph (4) or (5).
  - (4) A gathering falls within this sub-paragraph if it—
    - (a) consists of more than 30 persons,
    - (b) takes place indoors, and
    - (c) would be a gathering of the kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994<sup>(1)</sup> (powers to remove persons attending or preparing for a rave) if it took place in the open air.
  - (5) A gathering falls within this sub-paragraph if it does not fall within sub-paragraph (4) and it—
    - (a) consists of more than 30 persons,
    - (b) takes place—
      - (i) in a private dwelling,
      - (ii) on a vessel, or
      - (iii) on land which satisfies the condition in sub-paragraph (6), and
    - (c) is not a gathering in relation to which any of the exceptions set out in paragraph 3 (so far as capable of applying to the gathering) apply.

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(1) 1994 c. 33.

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- (6) Land satisfies the condition in this sub-paragraph if it is a public outdoor place which is not—
  - (a) operated by a business or a charitable, benevolent or philanthropic institution, or
  - (b) part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body.
- (7) In sub-paragraph (5)(b)(ii) “vessel” does not include government vessels, vessels used for public transport or houseboats.
- (8) In applying for the purposes of sub-paragraph (5)(c) the exceptions set out in paragraph 3, the following do not apply—
  - (a) paragraph 3(2)(a), so far as relating to gatherings in public outdoor places operated by public bodies, and
  - (b) paragraph 3(2)(b).

### **General exceptions relating to gatherings**

3.—(1) The exceptions referred to in paragraphs 1 and 2(5)(c) are the following.

#### *Exception 1: permitted organised gatherings*

- (2) Exception 1 is that—
  - (a) the gathering is a permitted organised gathering, and
  - (b) the person concerned participates in the gathering alone or as a member of a qualifying group (see paragraph 5(2)).

#### *Exception 2: education and training*

- (3) Exception 2 is that the gathering is reasonably necessary for the purposes of—
  - (a) early years provision;
  - (b) educational activities of a school;
  - (c) a course of study or essential life skills training provided by—
    - (i) a 16 to 19 Academy,
    - (ii) a provider of further education, or
    - (iii) a higher education provider;
  - (d) activities relating to residing at a school, a 16 to 19 Academy or a provider of further education;
  - (e) provision specified in an education, health and care plan;
  - (f) the suitable education of a child otherwise than by regular attendance at school arranged by a parent in accordance with section 7 of the Education Act 1996 (and for this purpose “suitable education” has the meaning given by section 436A(3) of the Education Act 1996);
  - (g) the suitable education of a child otherwise than by regular attendance at school arranged by—
    - (i) a local authority, as defined by section 579(1) of the Education Act 1996, in accordance with section 19 of that Act, or
    - (ii) the proprietor of a school at which the child is a registered pupil, including where the arrangements are made in connection with section 29A of the Education Act 2002(2) or section 100 of the Education and Inspections Act 2006(3),

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(2) 2002 c. 32. Section 29A was inserted by section 154 of the Education and Skills Act 2008 (c. 25).

- (and for this purpose “suitable education” has the meaning given by section 19(6) of the Education Act 1996);
- (h) activities provided by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of—
    - (i) obtaining a regulated qualification, within the meaning of section 130 of the Apprenticeships, Skills, Children and Learning Act 2009(4), or
    - (ii) meeting all or part of the entry requirements for an educational institution;
  - (i) preparing for work through a skills programme consisting of—
    - (i) a work experience placement, or
    - (ii) work preparation training;
  - (j) applying for, and obtaining, work;
  - (k) meeting a requirement for a particular area of work;
  - (l) professional training that is working towards an external accreditation recognised by a professional body;
  - (m) exams and assessments carried out in connection with any of the matters mentioned in paragraphs (a) to (l).

*Exception 3: gatherings necessary for certain purposes*

- (4) Exception 3 is that the gathering is reasonably necessary—
  - (a) for work purposes or for the provision of voluntary or charitable services;
  - (b) to provide emergency assistance;
  - (c) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
  - (d) to provide care or assistance to a vulnerable person or to a person who has a disability, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006(5);
  - (e) for the purposes of a house move.

*Exception 4: legal obligations and proceedings*

(5) Exception 4 is that the person concerned is fulfilling a legal obligation or participating in legal proceedings.

*Exception 5: criminal justice accommodation and immigration detention accommodation*

(6) Exception 5 is that the gathering takes place in criminal justice accommodation or in immigration detention accommodation.

*Exception 6: elite sports*

- (7) Exception 6 is that—
  - (a) the person concerned is an elite sportsperson, the coach of an elite sportsperson or (in the case of an elite sportsperson who is a child) the parent of an elite sportsperson, and
  - (b) the gathering is necessary for training or competition.

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(3) 2006 c. 40.

(4) 2009 c. 22.

(5) 2006 c. 47. Paragraph 7(1) to (3E) were substituted for paragraph 7(1) to (3) by section 66(2) of the Protection of Freedoms Act 2012 (c. 9).

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

*Exception 7: other sports*

- (8) Exception 7 is that the person concerned is participating in a gathering—
- (a) which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of allowing persons who are not elite sportspersons to take part in any sport or other fitness related activity, and
  - (b) in respect of which the organiser or manager takes the required precautions.
- (9) Sub-paragraph (8) does not permit spectators, including the parent of a child participating in the gathering, to attend the gathering.

*Exception 8: outdoor activities*

- (10) Exception 8 is that the gathering takes place outdoors (whether or not in a public outdoor place) and—
- (a) it is for the purposes of a relevant outdoor activity, and
  - (b) the gathering organiser takes the required precautions in relation to the gathering.

*Exception 9: children*

- (11) Exception 9 is that the gathering is reasonably necessary—
- (a) for the purposes of arrangements for access to, and contact between, parents and children where the children do not live in the same household as their parents or one of their parents;
  - (b) for the purposes of arrangements for contact between siblings where they do not live in the same household and one or more of them is—
    - (i) a child looked after by a local authority, within the meaning of section 22 of the Children Act 1989<sup>(6)</sup>, or
    - (ii) a relevant child, within the meaning of section 23A<sup>(7)</sup> of that Act;
  - (c) for the purposes of arrangements for prospective adopters (including their household) to meet a child or children who may be placed with the prospective adopters as provided for by an adoption placement plan drawn up in accordance with the Adoption Agencies Regulations 2005<sup>(8)</sup> (see regulation 35(2) of those Regulations);
  - (d) for the purposes of placing children, or facilitating children being placed, in the care of another person by social services, whether on a temporary or permanent basis;
  - (e) for the purposes of—
    - (i) later years provision, within the meaning of section 96(6) of the Childcare Act 2006<sup>(9)</sup>, or
    - (ii) supervised activities for children or other persons who were under the age of 18 on 31st August 2020;
  - (f) for the purposes of informal childcare, for children aged 13 or under, provided by a member of a household to a member of their linked childcare household.

*Exception 10: students and vacation households*

- (12) Exception 10 is that the gathering is reasonably necessary to enable a student who is undertaking a higher education course on 29th March 2021—

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<sup>(6)</sup> 1989 c. 41.

<sup>(7)</sup> Section 23A was inserted by the Children (Leaving Care) Act 2000 (c. 35).

<sup>(8)</sup> S.I. 2005/389.

<sup>(9)</sup> 2006 c. 21.

- (a) to move on one occasion from their student household on or after that date but before 29th April 2021 to one other household (“vacation household”) for the purposes of a vacation, or
  - (b) to return to their term time accommodation after a vacation, or any earlier vacation during which the student returned home as permitted under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020<sup>(10)</sup>.
- (13) For the purposes of these Regulations—
- (a) a student who has moved to a vacation household is to be treated as a member of that household (and not as a member of their student household) until the date on which they return to their student household;
  - (b) the inclusion of a student in a vacation household is to be ignored in determining whether that household satisfies the condition in regulation 3<sup>(2)</sup>.

*Exception 11: picketing*

- (14) Exception 11 is that—
- (a) the gathering is for the purposes of picketing which is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(11)</sup>, and
  - (b) the gathering organiser takes the required precautions in relation to the gathering.

*Exception 12: protests*

- (15) Exception 12 is that the gathering is for the purposes of protest and—
- (a) it has been organised by a business, a charitable, benevolent or philanthropic institution, a public body or a political body, and
  - (b) the gathering organiser takes the required precautions in relation to the gathering.

*Exception 13: observing an election or referendum*

(16) Exception 13 is that the gathering is reasonably necessary for the purposes of observing voting, opening postal votes or counting votes, in an election or a referendum held in accordance with provision made by or under an Act, and where such observation is in accordance with provision made by or under an Act.

*Exception 14: Secretary of State’s direction*

(17) Exception 14 is that the gathering is permitted by a direction made by the Secretary of State under regulation 9.

**Exceptions in relation to indoor gatherings**

4.—(1) These are the exceptions relating only to indoor gatherings.

*Exception 1: two households or linked households*

(2) Exception 1 is that all the people in the gathering are members of no more than two households.

(3) For these purposes two households which are linked households in relation to each other are to be treated as a single household.

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<sup>(10)</sup> S.I. 2020/1374.

<sup>(11)</sup> 1992 c. 52.

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

(4) For the purposes of these Regulations, a person who has been released on temporary licence is to be treated as a member of the household living at the address identified on the licence.

*Exception 2: support groups*

(5) Exception 2 is that—

(a) the gathering—

- (i) is of a support group,
- (ii) consists of no more than 15 persons, and
- (iii) takes place at premises other than a private dwelling, and

(b) it is reasonably necessary for members of the group to be physically present at the gathering.

(6) In determining whether the limit in sub-paragraph (5)(a)(ii) is complied with, no account is to be taken of any child who is below the age of five.

*Exception 3: marriages and civil partnerships etc*

(7) Exception 3 is that the gathering meets the conditions in sub-paragraph (8) or (9).

(8) A gathering meets the conditions in this sub-paragraph if it consists of no more than 30 persons and—

(a) the gathering is for the purposes of—

- (i) the solemnisation of a marriage, formation of a civil partnership or conversion of a civil partnership into a marriage, in accordance with the Marriage Act 1949(12), the Marriage (Registrar General's Licence) Act 1970(13), the Civil Partnership Act 2004(14), or the Marriage (Same Sex Couples) Act 2013(15), or
- (ii) an alternative wedding ceremony,

(b) in the case of an alternative wedding ceremony, the gathering takes place—

- (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
- (ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, and

(c) the gathering organiser or manager takes the required precautions in relation to the gathering.

(9) A gathering meets the conditions in this sub-paragraph if it consists of no more than 30 persons and—

(a) the gathering is for the purposes of—

- (i) the solemnisation of a marriage in accordance with the Marriage (Registrar General's Licence) Act 1970,
- (ii) the solemnisation of a marriage by special licence under the Marriage Act 1949, where at least one of the parties to the marriage is seriously ill and not expected to recover,
- (iii) the formation of a civil partnership under the special procedure provided for in Chapter 1 of Part 2 of the Civil Partnership Act 2004,

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(12) 1949 c. 76.

(13) 1970 c. 34.

(14) 2004 c. 33.

(15) 2013 c. 30.

- (iv) the conversion of a civil partnership to a marriage under the special procedure provided for in regulation 9 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014<sup>(16)</sup>, or
- (v) an alternative wedding ceremony, where at least one of the parties to the marriage is seriously ill and not expected to recover,
- (b) the gathering takes place—
  - (i) at a private dwelling,
  - (ii) at premises which are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
  - (iii) at premises which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body,
- (c) it is not reasonably practicable for the gathering to take place in accordance with sub-paragraph (8), and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

(10) In sub-paragraph (8) and (9), a gathering is for the purposes of an “alternative wedding ceremony” if it is for the purposes of a ceremony, including a ceremony based on a person’s faith or belief or lack of belief, to mark the union of two people, other than a ceremony conducted for a purpose mentioned in sub-paragraph (8)(a)(i), or (9)(a)(i) to (iv).

*Exception 4: wedding and civil partnership receptions*

(11) Exception 4 is that the gathering is for the purposes of a wedding reception, a reception following the formation of a civil partnership or a reception following the conversion of a civil partnership into a marriage and—

- (a) it consists of no more than 30 persons,
- (b) it takes place in premises other than a private dwelling, and
- (c) the gathering organiser or manager takes the required precautions in relation to the gathering.

*Exception 5: funerals*

(12) Exception 5 is that—

- (a) the gathering is for the purposes of a funeral,
- (b) the gathering consists of no more than 30 persons,
- (c) the gathering takes place—
  - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
  - (ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

*Exception 6: commemorative event following a person’s death*

(13) Exception 6 is that—

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<sup>(16)</sup> S.I. 2014/3181.

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- (a) the gathering is for the purposes of a commemorative event to celebrate the life of a person who has died (for example, a wake or stone setting ceremony),
- (b) the gathering consists of no more than 30 persons,
- (c) the gathering takes place at premises other than a private dwelling, and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

*Exception 7: significant event celebration*

(14) Exception 7 is that the gathering is for the purposes of a ceremony, rite or ritual to mark or celebrate a significant milestone in a person’s life, according to their religion or belief, such as an event to celebrate a rite of passage or entry into a particular faith (other than a birthday) or coming of age, and—

- (a) it consists of no more than 30 persons,
- (b) it takes place—
  - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
  - (ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, and
- (c) the manager or the gathering organiser, takes the required precautions in relation to the gathering.

(15) In sub-paragraph (14), a reference to belief includes a reference to lack of belief.

*Exception 8: parent and child groups*

(16) Exception 8 is that the gathering—

- (a) is of a parent and child group which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the benefit of children under the age of five, and—
- (b) consists of no more than 15 persons.

(17) In determining whether the limit in sub-paragraph (16)(b) is complied with, no account is to be taken of any child who is below the age of five.

**Qualifying groups**

5.—(1) A person participates in a gathering as a member of a qualifying group for the purpose of paragraph 3(2) only if the person is a part of a qualifying group and, whilst participating in the gathering, the person does not—

- (a) become a member of any other group of persons participating in the gathering (whether or not that group is a qualifying group), or
- (b) otherwise mingle with any person who is participating in the gathering but is not a member of the same qualifying group as them.

(2) In sub-paragraph (1) “qualifying group”, in relation to a gathering, means—

- (a) in the application of this paragraph for the purposes of indoor gatherings, a group of people who are participating in that gathering and which—
  - (i) consists of no more than 6 persons, or
  - (ii) consists of the members of no more than two households;



(b) in the application of this paragraph for the purposes of outdoor gatherings, a group of people who are participating in that gathering and which consists of no more than 30 persons.

(3) For the purposes of sub-paragraph (2)(a)(ii), two households which are linked households in relation to each other are to be treated as a single household.

## 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.

#### **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—

(a) at a motorway service area, or

(b) within a part of—

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- (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<sup>(17)</sup>),
- 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.

### **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.

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(17) 1987 c. 53.

(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.

### **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;
- (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.

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- (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—
    - (i) cafes or canteens at a hospital, care home or 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,
    - (ii) canteens at criminal justice accommodation, immigration detention 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, or
    - (iii) 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.