Sunday Entertainments Act 1932

1932 CHAPTER 51

An Act to permit and regulate the opening and use of places on Sundays for certain entertainments and for debates, and for purposes connected with the matters aforesaid. [13th July 1932]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1 Provisions as to cinematograph entertainments.

(1) The authority having power, in any area to which this section extends, to grant licences under the Cinematograph Act, 1909, may, notwithstanding anything in any enactment relating to Sunday observance, allow places in that area licensed under the said Act to be opened and used on Sundays for the purpose of cinematograph entertainments, subject to such conditions as the authority think fit to impose :

Provided that no place shall be allowed to be so opened and used unless among the conditions subject to which it is allowed to be so opened and used there are included conditions for securing—

(a) that no person will be employed by any employer on any Sunday in connection with a cinematograph entertainment or any other entertainment or exhibition given therewith who has been employed on each of the six previous days either by that employer in any occupation or by any other employer in connection with similar entertainments or exhibitions; and

(b) that such sums as may be specified by the authority not exceeding the amount estimated by the authority as the amount of the profits which will be received from cinematograph entertainments given while the place is open on Sundays, and from any other entertainment or exhibition given therewith, and calculated by reference to such estimated profits or to such proportion of them as the authority think fit, will be paid as to the prescribed percentage thereof, if any, to the authority for the purpose of being transmitted to the Cinematograph Fund constituted in accordance with the provisions of this Act, and as to the

remainder thereof to such persons as may be specified by the authority for the purpose of being applied to charitable objects;

and for the purpose of any conditions imposed by an authority as to the payment of sums calculated by reference to such estimated profits as aforesaid, the profits shall be computed in such manner as the authority may direct.

(2) For the purposes of section four of the Cinematograph Act, 1909 (which contains provisions as to the enforcement of the conditions of licences) any conditions subject to which a place is allowed under this section to be opened and used on Sundays shall be deemed to be conditions of the licence granted under that Act in respect of the place.

(3) If, in any place allowed under this section to be opened and used on Sundays for the purpose of cinematograph entertainments, any person is employed on any Sunday contrary to the conditions subject to which the place was allowed to be so opened and used, and either—

(a) it is proved—

(i) that the employment was solely due to an emergency caused by a mechanical breakdown, or to the unavoidable absence of a skilled worker due to attend on that Sunday for whom no substitute could readily have been obtained; and

(ii) that the emergency was notified, within twenty-four hours after it occurred, to the authority by whom the place is licensed under the Cinematograph Act, 1909; and

(iii) that the person employed on that Sunday contrary to the said conditions received a day's rest in lieu of that Sunday; or

(b) it is proved—

(i) that the person was employed contrary to the said conditions only by reason of his having been employed on each of the six days previous to that Sunday in connection with similar entertainments or exhibitions by an employer other than the employer who employed him on that Sunday; and

(ii) that the last-mentioned employer had, after making due inquiry, reasonable ground for believing that he had not been so employed as aforesaid;

that employment shall be deemed not to have been a contravention of the conditions subject to which the place was allowed to be so opened and used as aforesaid.

(4) In the event of a contravention of any condition subject to which a place was allowed under this section to be opened and used on Sundays for the purpose of cinematograph entertainments, the person who held the licence for that place granted under the Cinematograph Act, 1909, shall be liable on summary conviction to a fine not exceeding twenty pounds, and shall, in the case of a contravention consisting of a failure to pay in accordance with the condition any sum thereby required to be paid to any authority or person, be liable to pay that sum as a debt due to that authority or person, as the case may be.

Any sum recoverable under this subsection may, if it does not exceed fifty pounds, be recovered summarily as a civil debt.

(5) This section extends to every area in which places licensed by the authority having power in that area to grant licences under the Cinematograph Act, 1909, were, within the period of twelve months ending on the sixth day of October, nineteen hundred and thirty-one, opened and used on Sundays for the purpose of cinematograph

entertainments, in pursuance of arrangements purported to have been made with the authority, and shall also extend to any borough or county district to which it may be extended by an order laid before Parliament in accordance with the provisions of the Schedule to this Act, and approved by a resolution passed by each House of Parliament:

Provided that, if in any area the arrangements in pursuance of which places were so opened and used as aforesaid related only to specific occasional entertainments, then, unless and until it is extended to that area by such an order as aforesaid, this section shall extend to that area subject to the modification that the powers thereby conferred shall not be exercised with respect to more than two Sundays in any year.

2 Provisions as to Cinematograph Fund.

(1) There shall be established under the direction and control of the Privy Council a fund, to be called the " Cinematograph Fund," and all sums paid to an authority in accordance with conditions imposed by them under the last foregoing section for the purpose of being transmitted to that fund shall be so transmitted at such times and in such manner as may be prescribed by regulations made by a Secretary of State and laid before Parliament.

(2) The moneys from time to time standing to the credit of the Cinematograph Fund shall, subject as hereinafter provided, be applied in such manner as may be directed by the Privy Council for the purpose of encouraging the use and development of the cinematograph as a means of entertainment and instruction:

Provided that a sum equal to the amount certified by the Treasury as the amount of the expenses incurred by the Privy Council in the administration of the said Fund shall be deducted annually from the Fund and applied in accordance with directions given by the Treasury as an appropriation in aid of the moneys provided by Parliament for the purposes of the Privy Council.

(3) The accounts of the Cinematograph Fund shall be kept in such form as may be directed by the Treasury, and an account showing the revenue and expenditure of the Fund shall be transmitted annually to the Comptroller and Auditor General, who shall certify and report upon the account, and the account and report shall be laid before Parliament.

3 Provision as to musical entertainments.

The power of any authority in any area to grant licences under any enactment for the regulation of places kept or ordinarily used for public dancing, singing, music, or other public entertainment of the like kind, shall include power to grant such licences in respect only of musical entertainments on Sundays, and the power to attach conditions to any such licence shall include power to attach special conditions in respect of such entertainments on Sundays.

4 Modification of Sunday-Observance Acts.

No person shall be guilty of an offence or subject to any penalty under the Sunday Observance Acts, 1625 to 1780, by reason of his having managed, conducted, assisted at, or otherwise taken part in or attended or advertised—

(a) any cinematograph entertainment at any place allowed under this Act to be opened and used on Sundays for that purpose;

(b) any musical entertainment at any place licensed to be opened and used on Sundays for that purpose or at any place authorised by virtue of letters patent or royal charter to be kept or used for entertainments;

(c) any museum, picture gallery, zoological or botanical garden or aquarium;

(d) any lecture or debate;

or by reason of his being the keeper of any place opened and used on Sundays for the purpose of any cinematograph entertainment or musical entertainment for which it is allowed under this Act or licensed to be so opened and used, or of any museum, picture gallery, zoological or botanical garden or aquarium, or of any place at which a lecture or debate is held on Sunday.

5 Interpretation.

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" Cinematograph entertainment " means the exhibition of pictures or other optical effects by means of a cinematograph or other similar apparatus, with or without the mechanical reproduction of sound:

" Contravention, " in relation to any condition, includes a failure to comply with that condition :

" Musical entertainment " means a concert or similar entertainment consisting of the performance of music, with or without singing or recitation :

" Museum " includes any place permanently used for the exhibition of sculpture, casts, models, or other similar objects :

" Prescribed percentage " means such percentage, not exceeding five per cent., as a Secretary of State may, if he thinks fit, prescribe by regulations made by him and laid before Parliament:

" Sunday Observance Acts, 1625 to 1780, " means the Sunday Observance Act, 1625, the Sunday Observance Act, 1677, and the Sunday Observance Act, 1780.

6 Short title, extent and repeal.

(1) This Act may be cited as the Sunday Entertainments Act, 1932.

(2) The Sunday Performances (Temporary Regulation) Act, 1931, is hereby repealed, as from the thirtieth day of September, nineteen hundred and thirty-two.

(3) This Act shall not extend to Scotland or to Northern Ireland.

SCHEDULE

Section 1.

EXTENSION OF POWERS TO ALLOW CINEMATOGRAPH ENTERTAINMENTS

Power to submit Draft Orders to Secretary of State

1 Subject to the provisions of this Schedule the council of any borough or county district may submit to the Secretary of State a draft order in the terms following, that is to say:—

> In accordance with the provisions of the Sunday Entertainments Act, 1932, I, , one of His Majesty's Principal Secretaries of State, hereby order that as from the date on which this order has been approved by resolutions passed by both Houses of Parliament, section one of the said Act shall extend to the borough [*or* urban district *or* rural district] of .

Provided that, before so submitting any such draft order, the council shall publish by means of placards and by advertisement in at least one newspaper circulated in the borough or district in two successive weeks a notice stating—

(a) the terms of the draft order; and

(b) that the council propose to submit the draft order to the Secretary of State.

Procedure in the case of Boroughs and Urban Districts

2 The notice of a proposal to submit a draft order under this Schedule published by the council of any borough or urban district shall state that a public meeting of local government electors for the borough or urban district will be held on a day named, not being less than fourteen nor more than twenty-eight days after the first advertisement of the notice, for the purpose of considering the question of the submission of the draft order to the Secretary of State.

3 A public meeting of such electors as aforesaid shall be held in accordance with the notice, and in relation to the meeting and to any poll and other proceedings subsequent thereto, the provisions of paragraphs 3 to 16 of the First Schedule to the Borough Funds Act, 1903, shall apply as if for references therein to " the Bill " and to " the promotion of the Bill " there were substituted, respectively, references to " the draft order " and " the submission of the draft order," and as if for references to " the Minister of Health" there were substituted references to " the Secretary of State, " so, however, that so much of the said paragraphs as relates to separate resolutions in favour of the promotion of any part or parts or clause or clauses of the Bill shall not apply.

Procedure in the case of Rural Districts

4 The notice of a proposal to submit a draft order under this Schedule published by the council of any rural district shall state that an objection to the submission of the draft order may be made to them in writing by any local government elector for the district within a period specified in the notice, not being less than fourteen nor more than twenty-eight days after the first advertisement of the notice, and that if at the expiration of that period objections have been duly made and not withdrawn by at least one hundred such electors or one-twentieth in number of such electors,

whichever may be the less, then the council will cause to be held a local inquiry into the question of the submission of the draft order to the Secretary of State upon such date, not being less than seven days after the expiration of the period aforesaid, and at such time and place as may be specified in the notice.

5 Any such inquiry as aforesaid shall, in accordance with the notice, be held in public by a person appointed by the Secretary of State, and any local government elector for the district shall, subject as hereinafter provided, be entitled to appear personally and be heard thereat, and the person holding the inquiry shall, after the conclusion thereof, report in writing to the council whether public opinion in the district appears to him to be in favour of or against the extension of section one of this Act to the district:

Provided that the person holding the inquiry shall have power to conclude the inquiry when, in his opinion, he has received sufficient evidence to enable him to make the report aforesaid.

Submission of Draft Order to and by the Secretary of State

6 No draft order shall be submitted to the Secretary of State under the provisions of this Schedule by the council of a borough or urban district unless the result of a poll under this Act, or the decision of a meeting of local government electors when final, is in favour of the submission thereof; and, except where by reason of there being no objection or an insufficient number of objections to the submission of the draft order an inquiry is not required under the foregoing provisions of this Schedule, no such draft order shall be so submitted by the council of a rural district unless the person by whom the inquiry was held has reported that public opinion in the district appears to him to be in favour of the extension of section one of this Act to the district.

Any such draft order submitted to the Secretary of State shall be accompanied, as the case may be, by a statement of the result of the poll or the decision of the meeting of local government electors, if final, certified by the mayor or chairman, or (except where an inquiry is not so required as aforesaid) by the report of the person by whom the inquiry was held, certified by him.

7 A draft order duly submitted to the Secretary of State in accordance with the foregoing provisions of this Schedule shall be laid by him before Parliament, together with a copy of the certified statement or report (if any) submitted to him therewith.

Supplementary

8 Section five of the Borough Funds Act, 1903 (which relates to offences in relation to polls), shall apply in relation to polls held under this Schedule as it applies in relation to polls held under that Act.

9 Any expenses incurred by a council in connection with the holding of any meeting, poll, inquiry or other proceeding under this Schedule (including such fee to the person holding any such inquiry as may be determined by the Secretary of State) shall be defrayed by the council out of the general rate.