
STATUTORY INSTRUMENTS

1991 No. 1462

The Cinemas (Northern Ireland) Order 1991

Exhibitions on Sundays

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11.—(1) A person shall not be guilty of an offence under the Sunday Observance Act (Ireland) 1695(1)—

- (a) by reason of his having managed, conducted, assisted at or otherwise taken part in or attended or advertised a film exhibition at any premises allowed under this Article to be opened and used on Sundays for the purpose of film exhibitions; or
- (b) by reason of his being the keeper of any premises opened and used on Sundays for the purpose of any film exhibition for which they are allowed under this Article to be so opened and used.

(2) The district council may allow premises in respect of which a licence under Article 3 is in force to be opened and used on Sundays for the purpose of film exhibitions, subject to conditions for securing that the requirement mentioned in paragraph (3) is satisfied and to such other conditions as the council thinks fit to impose.

(3) The requirement referred to in paragraph (2) is that no person will be employed by any employer on a Sunday in connection with a film exhibition or any other exhibition or entertainment given with a film exhibition 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 exhibitions or entertainments.

(4) In the event of any contravention of any condition subject to which premises were allowed under this Article to be opened and used on Sundays for the purpose of film exhibitions, the holder of the licence granted under Article 3 in respect of those premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) If, in any premises allowed under this Article to be opened and used on Sundays for the purpose of film exhibitions, any person is employed on a Sunday contrary to the conditions subject to which the premises were allowed to be so opened and used, but it is proved that his employment fell within paragraph (6) or (7), that employment shall be taken not to have been a contravention of those conditions.

(6) A person's employment on a Sunday falls within this paragraph if—

- (a) his 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 the Sunday for whom no substitute could readily have been obtained; and
- (b) the emergency was notified to the district council within twenty-four hours after it occurred; and
- (c) he received a day's rest in lieu of that Sunday.

(7) A person's employment on a Sunday falls within this paragraph if—

- (a) he was employed contrary to the conditions by reason only of his having been employed on each of the six days previous to that Sunday in connection with similar exhibitions or entertainments by an employer other than the employer (“the later employer”) who employed him on the Sunday; and
- (b) the later employer had, after making due inquiry, reasonable ground for believing that he had not been so employed.