



Private Places of Entertainment (Licensing) Act 1967

1967 CHAPTER 19

An Act to provide for the licensing of certain private places of entertainment. [10th May 1967]

Modifications etc. (not altering text)

- C1** Act excluded by [Cinemas Act 1985 \(c.13, SIF 45A\)](#), [s. 19](#)
Act applied (with modifications) (20.9.2000) by [2000 c. vii, s. 23](#)

Commencement Information

- II** Act wholly in force at Royal Assent

1 Power to adopt Act in certain areas.

- (1) This Act shall, if adopted by the appropriate local authority, apply to any area [^{F1}specified in the first column of Part I of the Schedule to this Act.]
- (2) In this section “the appropriate local authority” means, as respects any area specified in the first column of Part I of the Schedule to this Act, the authority specified in relation to that area in the second column of that Part; and Part II of that Schedule shall have effect in relation to the adoption of this Act by any such authority.

Textual Amendments

- F1** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), [s. 1, Sch. 2 para. 2](#)

Modifications etc. (not altering text)

- C2** [S. 1](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1 Table B14](#)

Status: Point in time view as at 02/02/1991. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Private Places of Entertainment (Licensing) Act 1967 (repealed). (See end of Document for details)

2 Certain private places of entertainment to require licences.

- (1) Subject to the provisions of this section, no premises in an area to which this Act applies shall be used for any of the following purposes, that is to say, dancing, music or any other entertainment of the like kind which—
- (a) is not [^{F2}a public entertainment]; but
 - (b) is promoted for private gain,
- except under and in accordance with the terms of a licence granted under this Act by the licensing authority.
- (2) Subsection (1) of this section shall not apply to the use for any of the purposes mentioned in that subsection of, or of any part of—
- (a) any premises licensed under [^{F3}paragraph 1 of Schedule 12 to the ^{M1}London Government Act 1963 (which provides for the licensing of premises used for public music or dancing in London) or paragraph 1 or 4 of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 (which taken together make similar provision for other areas in England and Wales)]during the hours for which those premises are permitted to be open in accordance with that enactment; or
 - (b) licensed premises or a licensed canteen within the meaning of the ^{M2}Licensing Act 1964 or premises in respect of which a club or other body is registered under Part II of that Act.
- (3) ^{F4}a licence shall not be required under this Act by reason only of the performance at any premises of a [^{F5}play within the meaning of the ^{M3}Theatre Act 1968]or of the use of any premises for an entertainment which is provided there for the purpose of being broadcast for general reception [^{F6}or of being included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service.]
- (4) For the purposes of this section, where the proceeds of an entertainment promoted by a society to which this subsection extends are applied for any purpose calculated to benefit the society as a whole, the entertainment shall not be held to be promoted for private gain by reason only that the application of the proceeds for that purpose results in benefit to any person as an individual.
- (5) The last foregoing subsection extends to any society which is established and conducted either—
- (a) wholly for purposes other than purposes of any commercial undertaking; or
 - (b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games.
- (6) In the two last foregoing subsections “society” includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.

Textual Amendments

- F2** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 1, [Sch. 2 para. 3\(a\)](#)
- F3** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 1, [Sch. 2 para. 3\(b\)](#)
- F4** Words repealed by [Cinemas Act 1985 \(c. 13, SIF 45A\)](#), s. 24(2), [Sch. 3](#)

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- F5** Words substituted by [Theatres Act 1968 \(c. 54\), Sch. 2](#)
- F6** Words inserted by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\), s. 57\(1\), Sch. 5 para. 16](#) and for those words new words are substituted by [Broadcasting Act 1990 \(c.42, SIF 96\), s. 203\(1\), Sch. 20 para. 8](#)

Modifications etc. (not altering text)

- C3** [S. 2: functions of local authority not to be responsibility of an executive of the authority \(E.\)](#) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1 Table B14](#)

Marginal Citations

- M1** [1963 c. 33 \(81:1\)](#)
- M2** [1964 c. 26.](#)
- M3** [1968 c. 54.](#)

3 Grant, duration and transfer of licences.

- (1) The licensing authority may grant to any applicant and from time to time renew a licence for the use of any premises specified therein for all or any of the purposes mentioned in section 2 of this Act on such terms and conditions (including conditions for securing entry to and inspection of the premises) and subject to such restrictions as may be specified therein.
- (2) Subject to section 5(5) of this Act, a licence granted under this Act shall, unless previously revoked, remain in force for one year or for such shorter period specified in the licence as the licensing authority think fit.
- (3) Where a licence has been granted under this Act to any person, the licensing authority may, if they think fit, transfer the licence to any other person on the application of that other person or the holder of the licence.
- (4) The person making an application for the grant, renewal or transfer of a licence under this Act shall on making the application pay to the licensing authority a fee of five pounds.

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3A ^{F7} **Variation of licences.**

- (1) The holder of a licence may at any time apply to the licensing authority for a variation in the terms, conditions or restrictions on or subject to which the licence is held.
- (2) The person making an application for such a variation of licence shall on making the application pay to the licensing authority such reasonable fee as the licensing authority may determine.
- (3) The licensing authority may—
 - (a) make the variation specified in the application;
 - (b) make that variation together with such further variation consequent thereon as the council may determine; or
 - (c) refuse the application.

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Changes to legislation: There are currently no known outstanding effects for the Private Places of Entertainment (Licensing) Act 1967 (repealed). (See end of Document for details)

Textual Amendments

- F7** S. 3A inserted (with application in respective London boroughs as from the day appointed in relation to the borough as mentioned in ss. 3(1), 21(1)) by [London Local Authorities Act 1991 \(c. xiii\), s. 21\(1\)\(3\)](#).

Modifications etc. (not altering text)

- C4** S. 3A: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#) Table B14

4 Enforcement.

- (1) If at any premises any entertainment in respect of which a licence is required under this Act is provided without such a licence being held in respect thereof, then—
- (a) any person concerned in the organisation or management of that entertainment; and
 - (b) any other person who, knowing or having reasonable cause to suspect that such an entertainment would be so provided at those premises—
 - (i) allowed the premises to be used for the provision of that entertainment; or
 - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the entertainment has been committed,
- shall be guilty of an offence.
- (2) If the terms, conditions or restrictions on or subject to which a licence in respect of any premises has been granted under this Act are contravened or not complied with, then—
- (a) the holder of the licence; and
 - (b) any other person who, knowing or having reasonable cause to suspect that the premises would be used otherwise than in accordance with those terms, conditions or restrictions—
 - (i) allowed the premises to be so used; or
 - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with that use of the premises has been committed,
- shall be guilty of an offence.
- [^{F8}(3) Any person guilty of an offence under this section shall be liable on summary conviction—
- (a) in the case of an offence to which subsection (3A) of this section applies, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months or to both;
 - (b) in any other case, to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding three months or to both.
- (3A) This subsection applies to—
- (a) any offence under subsection (1) of this section; and
 - (b) any offence under subsection (2) of this section where the terms, conditions or restrictions which are contravened or not complied with include one

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which imposes a limit on the number of persons who may be present at the entertainment.]

- (4) If the holder of a licence under this Act is convicted by virtue of subsection (2) of this section then, subject to section 5 of this Act, the licensing authority may revoke the licence.
- (5) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Textual Amendments

- F8** S. 4(3), (3A) substituted for s. 4(3) by [Entertainments \(Increased Penalties\) Act 1990 \(c. 20, SIF 45A\)](#), s. 1(2)

Modifications etc. (not altering text)

- C5** S. 4: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 2(1), [Sch. 1](#) Table B14

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^{F9}4A Powers of entry for inspection etc.

- (1) Any duly authorised officer of the council (on production, if so required, of a duly authenticated document showing his authorisation) or any constable may at all reasonable times enter upon, inspect and examine any premises used, or which he has reasonable cause to believe are used for entertainment (or intended to be so used) without the requisite licence and may do all things necessary for the purpose of ascertaining whether such an offence has been committed.
- (2) Any person who wilfully obstructs any person acting in the exercise of his powers under this subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (3) An authorised officer or a constable may exercise powers under subsection (1) above only if he has been granted a warrant by a justice of the peace. A justice may grant a warrant under this section only if he is satisfied either—
 - (i) that notice of intention to apply for a warrant has been given to the occupier of the premises; or
 - (ii) that the case is one of urgency or that the premises are unoccupied or the occupier is temporarily absent, or that the giving of notice of intention to apply for a warrant would defeat the object of entry. A warrant under this section shall authorise entry, if need be by force, but shall have effect only for seven days or until the power conferred by this section in accordance with the warrant has been exercised, whichever is the shorter.

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Textual Amendments

- F9** S. 4A inserted (with application in respective London boroughs as from the day appointed in relation to the borough as mentioned in ss. 3(1) 20(1)) by [London Local Authorities Act 1991 \(c. xiii\), s. 20\(1\) \(2\)](#).

Modifications etc. (not altering text)

- C6** S. 4A: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1 Table B14](#)

5 Appeals.

- (1) Any of the following persons, that is to say—
- (a) an applicant for the grant, renewal or transfer of a licence under this Act in respect of any premises whose application is refused;
 - (b) the holder of any such licence as aforesaid whose licence is revoked or who is aggrieved by any terms, conditions or restrictions on or subject to which such a licence is granted,
- may appeal to the appropriate court at any time before the expiration of the period of twenty-one days beginning with the date when he is notified of the refusal of his application, the revocation of his licence or the terms, conditions or restrictions in question, as the case may be.
- (2) Where the decision against which an appeal is brought under subsection (1) of this section is that of a local authority, the appropriate court for the purposes of that subsection shall be a magistrates' court acting for the petty sessions area in which the premises in question are situated; and the court may make such order as it thinks fit and, subject to the next following subsection, that order shall be binding on the local authority.
- (3) Any person aggrieved by the order of a magistrates' court on such an appeal as aforesaid may appeal therefrom to ^{F10}the Crown Court].
- (4) Where the decision against which an appeal is brought under subsection (1) of this section is that of any justices, the appropriate court for the purposes of that subsection shall be ^{F10}the Crown Court]; . . . ^{F11}
- (5) Where a licence under this Act is revoked or an application for the renewal of such a licence is refused, the licence shall be deemed to remain in force—
- (a) during any period within which an appeal under this section may be brought and, if such an appeal is brought within the relevant period, until the determination or abandonment of the appeal; and
 - (b) where such an appeal relating to such a refusal as aforesaid is successful and no further such appeal is available, until the licence is renewed by the licensing authority.

Textual Amendments

- F10** Words substituted by [Courts Act 1971 \(c. 23\), s. 56, Sch. 9 Pt. I](#)
- F11** Words repealed by [Courts Act 1971 \(c. 23\), Sch. 11 Pt. IV](#)

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F12 5A Meaning of promotion for private gain.

- (1) For the purposes of this Act entertainment is promoted for private gain if, and only if—
 - (a) any proceeds of the entertainment, that is to say, any sums paid for admission to the entertainment; or
 - (b) any other sums (whenever paid) which, having regard to all the circumstances, can reasonably be regarded as paid wholly or partly for admission to the entertainment; or
 - (c) where the entertainment is advertised (whether to the public or otherwise), any sums not falling within paragraph (b) above which are paid for facilities or services provided for persons admitted to the entertainment; are applied wholly or partly for purposes of private gain.
- (2) If in proceedings for an offence under section 4 (1) above any question arises whether an entertainment was promoted for private gain and it is proved—
 - (a) that any sums were paid for admission to the entertainment or to the premises at which it was given and that the entertainment was advertised to the public; or
 - (b) that any sums were paid for facilities or services provided for persons admitted to the entertainment and that the entertainment was advertised (whether to the public or otherwise); or
 - (c) that the amount of any payment falling to be made in connection with the promotion of the entertainment was determined wholly or partly by reference to the proceeds of the entertainment or any facilities or services provided for persons admitted to it;the entertainment shall be deemed to have been promoted for private gain unless the contrary is shown.
- (3) Where an entertainment is promoted by a society which is established and conducted wholly for purposes other than purposes of any commercial undertaking and sums falling within subsection (1) above are applied for any purpose calculated to benefit the society as a whole, the entertainment shall not be held to be promoted for private gain by reason only that the application of those sums for that purpose results in benefit to any person or an individual.
- (4) In subsection (3) above “society” includes any club, institution, organisation or association of persons, by whatever name called.

Textual Amendments

- F12** S. 5A inserted (with application in respective London boroughs as from the day appointed in relation to the borough as mentioned in ss. 3(1), 20(1)) by [London Local Authorities Act 1991 \(c. xiii\), s. 20\(1\)](#) (3).

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Textual Amendments

F13 S. 6 repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, [Sch. 7 Pt. I](#)

7 Short title, interpretation and extent.

- (1) This Act may be cited as the Private Places of Entertainment (Licensing) Act 1967.
- (2) In this Act—
 - “licensing authority” means, as respects premises in any area specified in the first column of Part I of the Schedule to this Act, the authority specified in relation to that area in the third column of that Part;
 - “local Act” includes a local Act passed after this Act;
 - “premises” includes any place.
- (3) In this Act references to any enactment shall be construed as references to that enactment as amended or extended by or under any other enactment, including an enactment passed after this Act; and references to any enactment which may be adopted or applied shall be construed as references to that enactment as adopted or applied whether before or after the passing of this Act.
- (4) This Act shall not extend to Scotland or Northern Ireland.

Modifications etc. (not altering text)

C7 [S. 7](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#) Table B14

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SCHEDULE

[^{F14}PART I

ADOPTING AND LICENSING AUTHORITIES

Textual Amendments

F14 Sch. Pt. I substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 1, [Sch. 2 para. 4](#)

Area	Authority which may adopt this Act	Licensing authority
[^{F14} A district.]	[^{F14} The council of the district.]	[^{F14} The council of the district.]
[^{F15} A London borough.]	[^{F15} The council of the borough.]	[^{F15} The council of the borough.]
[^{F15} The City of London.]		[^{F15} ^{F15} The Common Council.]
[^{F14} The Isles of Scilly.]	[^{F14} The Council of the Isles of Scilly.]	[^{F14} The Council of the Isles of Scilly.]]

Textual Amendments

F15 Words substituted (with saving) by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 2\(1\)\(2\)](#)

PART II

PROCEDURE FOR ADOPTING ACT

Modifications etc. (not altering text)

C8 [Sch. Pt. II](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#) Table B14

1 Adoption of this Act shall be effected by a resolution of the local authority expressed to come into force on a date not earlier than one month after the date on which the resolution is passed.

2 ^{F16}

Textual Amendments

F16 [Pt. II para. 2](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102(2), [Sch. 17](#)

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- 3 The local authority shall by an advertisement in one or more newspapers circulating in the area to which the resolution relates—
- (a) give notice of the proposed resolution not less than one month before the date on which it is to be passed; and
 - (b) after passing the resolution and before it comes into force, give notice of the fact that it has been passed and of its terms.
- 4 A copy of such a newspaper as aforesaid containing such a notice as is mentioned in paragraph 3(b) above shall be admissible as evidence of the passing of the resolution specified in the notice, of its terms . . . ^{F17}

Textual Amendments

F17 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102(2), [Sch. 17](#)

Status:

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Changes to legislation:

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