



Theatres Act 1968

1968 CHAPTER 54

Provisions with respect to performances of plays

2 Prohibition of presentation of obscene performances of plays.

- (1) For the purposes of this section a performance of a play shall be deemed to be obscene if, taken as a whole, its effect was such as to tend to deprave and corrupt persons who were likely, having regard to all relevant circumstances, to attend it.
- (2) Subject to sections 3 and 7 of this Act, if an obscene performance of a play is given, whether in public or private, any person who (whether for gain or not) presented or directed that performance shall be liable—
 - (a) on summary conviction, to a fine not exceeding £400 or to imprisonment for a term not exceeding six months;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding three years, or both.
- (3) A prosecution on indictment for an offence under this section shall not be commenced more than two years after the commission of the offence.
- (4) No person shall be proceeded against in respect of a performance of a play or anything said or done in the course of such a performance—
 - (a) for an offence at common law where it is of the essence of the offence that the performance or, as the case may be, what was said or done was obscene, indecent, offensive, disgusting or injurious to morality; or
 - (b)^{F1}
 - (c)^{F2}

and no person shall be proceeded against for an offence at common law of conspiring to corrupt public morals, or to do any act contrary to public morals or decency, in respect of an agreement to present or give a performance of a play, or to cause anything to be said or done in the course of such a performance.

Changes to legislation: There are currently no known outstanding effects for the Theatres Act 1968, Cross Heading: Provisions with respect to performances of plays. (See end of Document for details)

Textual Amendments

- F1** S. 2(4)(b) repealed by [Indecent Displays \(Control\) Act 1981 \(c. 42, SIF 39:5\)](#), s. 5(2), **Sch.**
F2 S. 2(4)(c) repealed by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), s. 137(2), **Sch. 4**

3 Defence of public good.

- (1) A person shall not be convicted of an offence under section 2 of this Act if it is proved that the giving of the performance in question was justified as being for the public good on the ground that it was in the interests of drama, opera, ballet or any other art, or of literature or learning.
- (2) It is hereby declared that the opinion of experts as to the artistic, literary or other merits of a performance of a play may be admitted in any proceedings for an offence under section 2 of this Act either to establish or negative the said ground.

4 Amendment of law of defamation.

- (1) For the purposes of the law of libel and slander ^{F3}... the publication of words in the course of a performance of a play shall, subject to section 7 of this Act, be treated as publication in permanent form.
- (2) The foregoing subsection shall apply for the purposes of section 3 (slander of title, etc.) of the ^{M1}Defamation Act 1952 as it applies for the purposes of the law of libel and slander.
- (3) In this section “words” includes pictures, visual images, gestures and other methods of signifying meaning.
- (4) This section shall not apply to Scotland.

Textual Amendments

- F3** Words in s. 4(1) repealed (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(2)(e)(vii), **Sch. 23 Pt. 2** (with s. 180)

Marginal Citations

- M1** 1952 c. 66.

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Textual Amendments

- F4** S. 5 repealed by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 40(3), **Sch. 3**

6 Provocation of breach of peace by means of public performance of a play.

- (1) Subject to section 7 of this Act, if there is given a public performance of a play involving the use of threatening, abusive or insulting words or behaviour, any person

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who (whether for gain or not) presented or directed that performance shall be guilty of an offence under this section if—

- (a) he did so with intent to provoke a breach of the peace; or
- (b) the performance, taken as a whole, was likely to occasion a breach of the peace.

- (2) A person guilty of an offence under this section shall be liable—
[^{F5}on summary conviction to a fine not exceeding [^{F6}level 5 on the standard scale] or to imprisonment for a term not exceeding six months or to both.]

Textual Amendments

- F5** Words substituted for paras. (a) (b) by (E.W.) [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 1](#) item 19 and (S.) [Criminal Procedure Act 1975 \(c. 21\)](#), [Sch. 7A](#) item 15 and amendment continued (S.) (1.4.1996) by [1995 c. 40](#), ss. 3, 7(2), [Sch. 1](#) para. 1, [Sch. 2 Pt. I](#)
- F6** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#) and amendment continued (S.) (1.4.1996) by [1995 c. 40](#), ss. 3, 7(2), [Sch. 1](#) para. 1, [Sch. 2 Pt. I](#)

Modifications etc. (not altering text)

- C1** S. 6: mode of trial specified (S.) (1.4.1996) by [1995 c. 46](#), ss. 292(1), 309(2), [Sch. 10 para. 5](#) (with ss. [24\(2\)](#), [307](#))

7 Exceptions for performances given in certain circumstances.

- (1) Nothing in sections 2 to 4 of this Act shall apply in relation to a performance of a play given on a domestic occasion in a private dwelling.
- (2) Nothing in sections 2 to 6 of this Act shall apply in relation to a performance of a play given solely or primarily for one or more of the following purposes, that is to say—
- (a) rehearsal; or
 - (b) to enable—
 - (i) a record or cinematograph film to be made from or by means of the performance; or
 - (ii) the performance to be broadcast; or
 - [^{F7}(iii) the performance to be included in a programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service;]

but in any proceedings for an offence under section 2, 5 or 6 of this Act alleged to have been committed in respect of a performance of a play ^{F8}..., if it is proved that the performance was attended by persons other than persons directly connected with the giving of the performance or the doing in relation thereto of any of the things mentioned in paragraph (b) above, the performance shall be taken not to have been given solely or primarily for one or more of the said purposes unless the contrary is shown.

- (3) In this section—
“broadcast” means broadcast by wireless telegraphy (within the meaning of [^{F9}the Wireless Telegraphy Act 2006]), whether by way of sound broadcasting or television;

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“cinematograph film” means any print, negative, tape or other article on which a performance of a play or any part of such a performance is recorded for the purposes of visual reproduction;

“record” means any record or similar contrivance for reproducing sound, including the sound-track of a cinematograph film;

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Textual Amendments

- F7 S. 7(2)(b)(iii) substituted by [Broadcasting Act 1990 \(c. 42, SIF:96\)](#), s. 203(1), [sch. 20](#), para. 13
- F8 Words in s. 7(2) repealed (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(2)(e)(vii), [Sch. 23 Pt. 2](#) (with s. 180)
- F9 Words in s. 7(3) substituted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), [Sch. 7 para. 3](#)
- F10 Words repealed by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), s. 57(1)(2), [Sch. 5 para. 21\(2\)](#), [Sch. 6](#)

Modifications etc. (not altering text)

- C2 The references to section 5 repealed by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 40(3), [Sch. 3](#)

8 Restriction on institution of proceedings.

Proceedings for an offence under section 2, 5 or 6 of this Act ^{F11}... shall not be instituted in England and Wales except by or with the consent of the Attorney-General.

Textual Amendments

- F11 Words in s. 8 repealed (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(2)(e)(vii), [Sch. 23 Pt. 2](#) (with s. 180)

Modifications etc. (not altering text)

- C3 The reference to section 5 repealed by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 40(3), [Sch. 3](#)

9 Script as evidence of what was performed.

- (1) Where a performance of a play was based on a script, then, in any proceedings for an offence under section 2, 5 or 6 of this Act alleged to have been committed in respect of that performance—
- (a) an actual script on which that performance was based shall be admissible as evidence of what was performed and of the manner in which the performance or any part of it was given; and
 - (b) if such a script is given in evidence on behalf of any party to the proceedings then, except in so far as the contrary is shown, whether by evidence given on behalf of the same or any other party, the performance shall be taken to have been given in accordance with that script.
- (2) In this Act “script”, in relation to a performance of a play, means the text of the play (whether expressed in words or in musical or other notation) together with any stage or other directions for its performance, whether contained in a single document or not.

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Modifications etc. (not altering text)

- C4** S. 9 extended by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 20(6)
- C5** S. 9 applied by 1986 c. 64, s. 29D(5) (as inserted (E.W.) (1.10.2007) by [Racial and Religious Hatred Act 2006 \(c. 1\)](#), s. 3(2), [Sch.](#); S.I. 2007/2490, art. 2)
- C6** The reference to section 5 repealed by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 40(3), [Sch. 3](#)

10 Power to make copies of scripts.

- (1) If a police officer of or above the rank of superintendent has reasonable grounds for suspecting—
- (a) that an offence under section 2, 5 or 6 of this Act has been committed by any person in respect of a performance of a play; or
 - (b) that a performance of a play is to be given and that an offence under the said section 2, 5 or 6 is likely to be committed by any person in respect of that performance,
- he may make an order in writing under this section relating to that person and that performance.
- (2) Every order made under this section shall be signed by the police officer by whom it is made, shall name the person to whom it relates, and shall describe the performance to which it relates in a manner sufficient to enable that performance to be identified.
- (3) Where an order under this section has been made, any police officer, on production if so required of the order—
- (a) may require the person named in the order to produce, if such a thing exists, an actual script on which the performance was or, as the case may be, will be based; and
 - (b) if such a script is produced to him, may require the person so named to afford him an opportunity of causing a copy thereof to be made.
- (4) Any person who without reasonable excuse fails to comply with a requirement under subsection (3) above shall be liable on summary conviction to a fine not exceeding [^{F12}level 3 on the standard scale].
- (5) Where, in the case of a performance of a play based on a script, a copy of an actual script on which that performance was based has been made by or on behalf of a police officer by virtue of an order under this section relating to that performance, section 9(1) of this Act shall apply in relation to that copy as it applies in relation to an actual script on which the performance was based.

Textual Amendments

- F12** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. 289F, 289G

Modifications etc. (not altering text)

- C7** S. 10 extended by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 20(6)
- C8** S. 10 applied by 1986 c. 64, s. 29D(5) (as inserted (E.W.) (1.10.2007) by [Racial and Religious Hatred Act 2006 \(c. 1\)](#), s. 3(2), [Sch.](#); S.I. 2007/2490, art. 2)
- C9** The references to section 5 repealed by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 40(3), [Sch. 3](#)

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11 Delivery of scripts of new plays to British Museum.

- (1) Where after the coming into force of this section there is given in Great Britain a public performance of a new play, being a performance based on a script, a copy of the actual script on which that performance was based shall be delivered to the Trustees of the British Museum free of charge within the period of one month beginning with the date of the performance; and the Trustees shall give a written receipt for every script delivered to them pursuant to this section.
- (2) If the requirements of subsection (1) above are not complied with in the case of any performance to which that subsection applies, any person who presented that performance shall be liable on summary conviction to a fine not exceeding [^{F13}level 1 on the standard scale].
- (3) In this section “public performance of a new play” means a public performance of a play of which no previous public performance has ever been given in Great Britain, but does not include a public performance of a play which—
 - (a) is based on a script substantially the same as that on which a previous performance of a play given there was based; or
 - (b) is based substantially on a text of the play which has been published in the United Kingdom.
- (4) For the purposes of this section a performance of a play given solely or primarily for one or more of the purposes mentioned in section 7(2)(a) and (b) of this Act shall be disregarded.

Textual Amendments

F13 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

Changes to legislation:

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