

Changes to legislation: Theatres Act 1968 is up to date with all changes known to be in force on or before 26 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

Section 12.

PROVISIONS WITH RESPECT TO LICENCES

Modifications etc. (not altering text)

C1 Sch. 1 applied (with modifications) (17.12.1996) by [1996 c. ix, ss. 1\(1\), 22](#)

[^{F1}/^{F2} Grant, renewal and transfer of licences

Textual Amendments

- F1** Sch. 1 repealed (S.) (27.1.2021) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\), ss. 74\(6\), 88\(2\); S.S.I. 2019/99, art. 2\(2\) \(with art. 3\)](#)
- F2** Sch. 1 ceases to have effect (E.W.) (24.11.2005) by virtue of [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 44\(c\)](#) (with [ss. 2\(3\), 15\(2\), 195](#)); [S.I. 2005/3056, art. 2\(2\)](#)

- 1 (1) The licensing authority may grant to any applicant and from time to time renew a licence under this Act for the use of any premises specified therein for the public performance of plays on such terms and conditions and subject to such restrictions as, subject to of this Act, may be so specified.
- (2) Subject to sub-paragraph (3) below, paragraph 4 of this Schedule and section 14(3) of this Act, a licence granted under this Act shall, unless previously cancelled under paragraph 5 of this Schedule or revoked under section 13(5) of this Act, remain in force for one year or for such shorter period specified in the licence as the licensing authority may think fit.
- (3) The licensing authority may grant a licence under this Act in respect of such one or more particular occasions only as may be specified in the licence.
- (4) Where a licence has been granted under this Act to any person, then, subject to section 1(2) of this Act, the licensing authority may, if they think fit, transfer that licence to any other person on the application of that person or the holder of the licence.]

Textual Amendments

- F3** Words in Sch. 1 para. 1(1) substituted (S.) (1.10.2006) by [Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\), art. 1, Sch. 1 para. 4\(3\)](#)

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Notice in respect of applications for grant, renewal or transfer of licences

- 2 (1) An applicant for the grant or transfer of a licence under this Act in respect of any premises shall give to the licensing authority and to the chief officer of police in whose area the premises are situated not less than twenty-one days' notice of his intention to make the application and furnish such particulars and give such other notices as the licensing authority may by regulations prescribe.
- (2) An applicant for the renewal of a licence under this Act in respect of any premises shall give to the licensing authority not less than twenty-eight days' notice of his intention to make the application.
- (3) In relation to such a licence under this Act as is authorised by paragraph 1(3) of this Schedule—
- (a) sub-paragraphs (1) and (2) above shall have effect as if for the reference to twenty-one or, as the case may be, twenty-eight days' notice there were substituted a reference to fourteen days' notice; and
- (b) sub-paragraph (1) above shall have effect as if the requirement as to notice to the chief officer of police were omitted.

Fees

- 3 (1) The person making an application for the grant, renewal or transfer of a licence under this Act shall on doing so pay to the licensing authority such [^{F4}reasonable fee as the authority may determine], except that no fee shall be payable under this paragraph on an application for the grant or transfer of a licence under this Act in respect of one or more particular occasions if the licensing authority are satisfied as regards that occasion or each of those occasions that the play or plays to be performed are of an educational or other like character or are to be performed for a charitable or other like purpose.
- (2) ^{F5}

Textual Amendments

- F4** Words substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), s. 1(6), **Sch. 6 para. 11**
- F5** Sub-paragraphs (2) and (3) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), s. 194, **Sch. 34 Pt. VI**

Transmission of licence on death of holder

- 4 In the event of the death of the holder of a licence under this Act in respect of any premises, that licence shall be deemed to have been granted to his personal representatives in respect of those premises and shall, unless previously transferred to some other person or cancelled or revoked, remain in force until the end of the period of three months beginning with the death and shall then expire, so however that the licensing authority may from time to time, on the application of those representatives, extend or further extend the said period of three months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

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Cancellation of licences

- 5 The licensing authority upon receiving from the holder of a licence under this Act which is for the time being in force a written request in that behalf accompanied by the licence may cancel the licence.

Provisional grant of licences

- 6 (1) Where an application is made to the licensing authority for the grant of a licence under this Act in respect of premises which are to be, or are in the course of being, constructed, extended or altered and the authority are satisfied that the premises would, if completed in accordance with plans deposited in accordance with the requirements of the authority, be such that the authority would grant the licence, the authority may grant the licence subject to a condition that it shall be of no effect until confirmed by the authority.
- (2) The licensing authority shall confirm any licence granted by virtue of the foregoing sub-paragraph if and when they are satisfied that the premises have been completed in accordance with the plans aforesaid, or in accordance with those plans as modified with the approval of the authority, and that the licence is held by a fit and proper person.

Variation of terms of licence

- 7 ^{F6} (1) The holder of a licence under this Act in respect of any premises may at any time apply to the licensing authority for such variations of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application; and, subject to section 14 of this Act, on any such application the licensing authority may (subject to section 1(2) of this Act) make such variations (whether specified in the application or not) in any of those terms, conditions or restrictions as they think appropriate, or may refuse the application.
- ^{F7} (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.]

Textual Amendments

- F6** In Sch. 1 para. 7: "(1)" 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\(1\)\(5\)\(a\)](#).
- F7** Sch. 1 para. 7(2) 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\(1\)\(5\)\(b\)](#).

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SCHEDULE 2

Section 19.

F8 CONSEQUENTIAL AMENDMENTS

Textual Amendments

F8 Entries in Sch. 2 relating to the Burgh Police (Scotland) Act 1892 and the Burgh Police (Scotland) Act 1903 repealed (5.11.1993) by 1993, c. 50, s. 1(1), Sch. 1, Pt. X Group II

Modifications etc. (not altering text)

C2 The text of Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Enactment**Amendment**

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The Hypnotism Act 1952 (15 & 16 Geo. 6. & 1 Eliz. 2. c. 46.).

In section 2, after subsection (1) the following shall be inserted as subsection (1A):—

“(1A) The foregoing subsection shall not apply to an exhibition, demonstration or performance of hypnotism that takes place in the course of a performance of a play (within the meaning of the Theatres Act 1968) given either at premises in respect of which a licence under that Act is in force or under the authority of any such letters patent as are mentioned in section 17(1) of that Act.”

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Textual Amendments

- F9** Entry relating to the Theatrical Employers Registration Act 1925 repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, **Sch. 7 Pt. IV**
- F10** Entry repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), **Sch. 1 Pt. XIX**
- F11** Entry relating to [Customs and Excise Act 1952 \(c. 44\)](#), **s. 162(4)** repealed by [Alcoholic Liquor Duties Act 1979 \(c. 4, SIF 40:1\)](#), s. 92(2), **Sch. 4 Pt. I**
- F12** [Sch. 2](#) entries repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 4)

SCHEDULE 3

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Textual Amendments

- F13** S. 19 (2)(4)-(6), Sch. 3 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), **Sch. 1 Pt. XIX**

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Changes and effects yet to be applied to :

- s. 13(3) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)