



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART II

LICENSING AND REGULATION—PARTICULAR ACTIVITIES

Miscellaneous licences

41 Public entertainment licences.

- (1) A licence, to be known as a “public entertainment licence”, shall be required for the use of premises as a place of public entertainment.
- (2) In this section, “place of public entertainment” means any place where ^{F1}... members of the public are admitted or may use any facilities for the purposes of entertainment or recreation but does not include—
 - (a) an athletic or sports ground while being used as such;
 - [^{F2}(aa) premises in respect of which a licence is required under section 41A of this Act while such premises are being used for the purposes mentioned in that section;]
 - [^{F3}(ab) a sexual entertainment venue (as defined in section 45A) in relation to which Schedule 2 (as modified for the purposes of section 45B) has effect, while being used as such;]
 - (b) an educational establishment while being used as such;
 - (c) premises belonging to or occupied by any religious body while being used wholly or mainly for purposes connected with that body;
 - (d) premises licensed under ^{F4}... [^{F5} section 1 of the Cinemas Act 1985];
 - [^{F6}(e) premises in respect of which there is a club gaming permit (within the meaning of section 271 of the Gambling Act 2005 (c.19)) or a prize gaming permit (within the meaning of section 289 of that Act of 2005);]
 - (f) [^{F7}premises in respect of which a premises licence within the meaning of section 17 of the Licensing (Scotland) Act 2005 has effect] in which public entertainment is being provided during [^{F8}licensed] hours within the meaning of that Act; ^{F9}...

Changes to legislation: Civic Government (Scotland) Act 1982, Section 41 is up to date with all changes known to be in force on or before 12 April 2024. 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

- (g) premises in which machines for entertainment or amusement are being provided incidentally to the main purpose or use of the premises where that main purpose or use is not as a place of public entertainment [^{F10}, or
- (h) such other premises as the Scottish Ministers may by order made by statutory instrument specify.]

[^{F11}(2A) A statutory instrument containing an order made under subsection (2)(h) is subject to annulment in pursuance of a resolution of the Scottish Parliament.]

- (3) Without prejudice to [^{F12} section 3B of and] paragraph 5 of Schedule 1 to this Act, a licensing authority may attach conditions to a public entertainment licence—
- (a) restricting the use of the premises to a specified kind or specified kinds of entertainment or recreation;
 - (b) limiting the number of persons to be admitted to the premises;
 - (c) fixing the days and times when the premises may be open for the purposes of the entertainment or recreation.

[^{F13}(3A) In relation to a public entertainment licence which authorises the use of premises for the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.

(3B) Subsection (3A) does not prevent a licensing authority from attaching, by virtue of section 3B or in accordance with subsection (3) or paragraph 5 of Schedule 1, any condition which they consider appropriate on the grounds of public safety.]

- (4) In this section, “educational establishment” has the meaning given by paragraphs (i) and (ii) of the definition of that expression in section 135(1) of the ^{M1}Education (Scotland) Act 1980 but includes a university and a theological college.

Textual Amendments

- F1** Words in s. 41(2) repealed (1.4.2012) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 176\(2\)\(a\)](#), 206(1); S.S.I. 2011/178, art. 2, sch.
- F2** S. 41(2)(aa) inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:2\)](#), [s. 44\(5\)](#)
- F3** S. 41(2)(ab) inserted (26.4.2019) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 76\(2\)](#), 88(2); S.S.I. 2019/99, art. 2(1)(b) (with art. 3)
- F4** Words in s. 41(2)(d) repealed (26.4.2019) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 74\(1\)\(a\)](#), 88(2); S.S.I. 2019/99, art. 2(1)(a) (with art. 3)
- F5** Words in s. 41(2)(d) substituted (1.4.2012) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 176\(2\)\(b\)](#), 206(1); S.S.I. 2011/178, art. 2, sch.
- F6** S. 41(2)(e) substituted (1.4.2012) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 176\(2\)\(c\)](#), 206(1); S.S.I. 2011/178, art. 2, sch.
- F7** Words in s. 41(2)(f) substituted (1.11.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 75](#), 88(2); S.S.I. 2016/307, art. 2, sch. (with art. 3)
- F8** Word in s. 41(2)(f) substituted (1.9.2009 at 5.00 a.m.) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), [sch. 6 para. 6\(2\)\(b\)](#) (with s. 143); S.S.I. 2007/472, art. 3
- F9** Word in s. 41(2) repealed (1.4.2012) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 176\(2\)\(d\)](#), 206(1); S.S.I. 2011/178, art. 2, sch.
- F10** S. 41(2)(h) and word added (1.4.2012) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 176\(2\)\(e\)](#), 206(1); S.S.I. 2011/178, art. 2, sch.
- F11** S. 41(2A) inserted (1.4.2012) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 176\(3\)](#), 206(1); S.S.I. 2011/178, art. 2, sch.

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- F12** Words in s. 41(3) inserted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 172\(5\), 206\(1\)](#); [S.S.I. 2011/178](#), art. 2, sch. (with sch.)
- F13** S. 41(3A)(3B) inserted (26.4.2019) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 74\(1\)\(b\), 88\(2\)](#); [S.S.I. 2019/99](#), art. 2(1)(a) (with art. 3)

Marginal Citations

- M1** 1980 c. 44.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)