



Cinemas Act 1985

1985 CHAPTER 13

Control of exhibitions

1 Licence required for exhibitions.

- (1) Subject to sections 5 to 8 below, no premises shall be used for a film exhibition unless they are licensed for the purpose under this section.
- (2) A licensing authority may grant a licence under this section to such a person as they think fit to use any premises specified in the licence for the purpose of film exhibitions on such terms and conditions and subject to such restrictions as, subject to ^[F1]subsection (2A) and to] regulations under section 4 below, they may determine.
- ^[F2](2A) Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to the premises, no term, condition or restriction may be imposed under subsection (2) which relates to any matter in relation to which requirements or prohibitions are or could be imposed by virtue of that Part.]
- (3) Without prejudice to the generality of subsection (2) above, it shall be the duty of a licensing authority, in granting a licence under this section as respects any premises,—
 - (a) to impose conditions or restrictions prohibiting the admission of children to film exhibitions involving the showing of works designated, by the authority or by such other body as may be specified in the licence, as works unsuitable for children; and
 - (b) to consider what (if any) conditions or restrictions should be imposed as to the admission of children to other film exhibitions involving the showing of works designated, by the authority or by such other body as may be specified in the licence, as works of such other description as may be so specified.

Textual Amendments

- F1** Words in s. 1(2) inserted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, [sch. 1 para. 12\(2\)\(a\)](#)

Changes to legislation: There are currently no known outstanding effects for the Cinemas Act 1985. (See end of Document for details)

F2 S. 1(2A) inserted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, [sch. 1 para. 12\(2\)\(b\)](#)

2 Consent required for exhibitions for children.

(1) Subject to sections 5 and 6 below, no premises shall be used, except with the consent of the licensing authority, for a film exhibition organised wholly or mainly as an exhibition for children.

(2) Subject to [^{F3}subsection (2A) and to] regulations under section 4 below, a licensing authority may, without prejudice to any conditions or restrictions imposed by them on the granting of a licence, impose special conditions or restrictions on the granting of a consent under this section.

[^{F4}(2A) Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to the premises, no term, condition or restriction may be imposed under subsection (2) which relates to any matter in relation to which requirements or prohibitions are or could be imposed by virtue of that Part.]

Textual Amendments
F3 Words in s. 2(2) inserted (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, [sch. 1 para. 12\(3\)\(a\)](#)
F4 S. 2(2A) inserted (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, [sch. 1 para. 12\(3\)\(b\)](#)

3 Grant, renewal and transfer of licence or consent. E+W

(1) An applicant for the grant, renewal or transfer of a licence shall give to—
(a) the licensing authority,
(b) the fire authority, and
(c) the chief officer of police,
not less than 28 days’ notice of his intention to make the application.

^{F5}(1A)

(2) The licensing authority may in such cases as they think fit, after consulting with the fire authority and the chief officer of police, grant an application for the grant, renewal or transfer of a licence notwithstanding the fact that the applicant has failed to give notice in accordance with subsection (1) above.

(3) In considering any application for the grant, renewal or transfer of a licence, the licensing authority shall have regard to any observations submitted to them by the fire authority or by the chief officer of police.

(4) Unless revoked under section 12 below, a licence shall remain in force for one year or for such shorter period as the licensing authority on the grant of the licence may determine.

(5) A licensing authority may transfer any licence granted by them to such other person as they think fit.

Changes to legislation: There are currently no known outstanding effects for the Cinemas Act 1985. (See end of Document for details)

- (6) Where, before the date of expiry of a licence, an application has been made for its renewal or transfer, the licence shall be deemed to remain in force or, as the case may require, to have effect with any necessary modifications until the determination of the application by the licensing authority or the withdrawal of the application.
- (7) There shall be paid in respect of the grant, renewal or transfer of a licence such fees as may be fixed by the licensing authority, not exceeding—
- (a) in the case of a grant or renewal for one year, [^{F6}£600.00];
 - (b) in the case of a grant or renewal for any less period, [^{F7}£200.00] for each month for which the licence is granted or renewed but so that the aggregate of the fees payable in any year does not exceed [^{F6}£600.00]; or
 - (c) in the case of a transfer, [^{F8}£120.00].
- (8) The Secretary of State may by order amend subsection (7) above so as to vary any sum specified in that subsection or so as to provide that any sum payable under that subsection shall cease to be so payable; and an order under this subsection may be limited to such cases as may be specified by the order and may make different provision for different cases specified in the order.
- (9) An order under subsection (8) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this Act, except where the contrary intention appears,—
- “chief officer of police”, in relation to any premises, means the chief officer of police for the police area in which the premises are situated;
 - “fire authority”, in relation to any premises, means the authority discharging in the area in which the premises are situated the functions of fire authority under the ^{M1}Fire Services Act 1947;
 - “licence” means a licence under section 1 above or a consent under section 2 above and references to a licence of either kind shall be construed accordingly;
 - “licensing authority”, in relation to any premises, means the local authority in whose area the premises are situated.

Subordinate Legislation Made

- P1** S. 3: power previously exercised by [S.I. 1986/207](#) and 1986/320.
P2 S. 3(8): s. 3(8) power exercised by [S.I.1991/2462](#).

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Textual Amendments

- F5** S. 3(1A) 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](#))
F6 “£600.00” substituted (E.W.) (1.12.1991) by virtue of [S.I. 1991/2462](#), [art. 2\(a\)](#)
F7 “£200.00” substituted (E.W.) (1.12.1991) by virtue of [S.I. 1991/2462](#), [art. 2\(b\)](#)
F8 “£120.00” substituted (E.W.) (1.12.1991) by virtue of [S.I. 1991/2462](#), [art. 2\(c\)](#)

Modifications etc. (not altering text)

- C1** S. 3(8) applied (with modifications) (8.11.1995) by [1995 c. x, s. 45](#)

Changes to legislation: There are currently no known outstanding effects for the Cinemas Act 1985. (See end of Document for details)

Marginal Citations

M1 1947 c. 41.

3 Grant, renewal and transfer of licence or consent. **S**

- (1) An applicant for the grant, renewal or transfer of a licence shall give to—
- (a) the licensing authority,
 - (b) the [^{F40}appropriate [^{F41}fire] authority] , and
 - (c) the chief officer of police,
- not less than 28 days' notice of his intention to make the application.

^{F5}(1A)

- (2) The licensing authority may in such cases as they think fit, after consulting with the [^{F42}appropriate [^{F43}fire] authority] and the chief officer of police, grant an application for the grant, renewal or transfer of a licence notwithstanding the fact that the applicant has failed to give notice in accordance with subsection (1) above.
- (3) In considering any application for the grant, renewal or transfer of a licence, the licensing authority shall have regard to any observations submitted to them by the [^{F42}appropriate [^{F44}fire] authority] or by the chief officer of police.
- (4) Unless revoked under section 12 below, a licence shall remain in force for one year or for such shorter period as the licensing authority on the grant of the licence may determine.
- (5) A licensing authority may transfer any licence granted by them to such other person as they think fit.
- (6) Where, before the date of expiry of a licence, an application has been made for its renewal or transfer, the licence shall be deemed to remain in force or, as the case may require, to have effect with any necessary modifications until the determination of the application by the licensing authority or the withdrawal of the application.
- (7) There shall be paid in respect of the grant, renewal or transfer of a licence such fees as may be fixed by the licensing authority, not exceeding—
 - (a) in the case of a grant or renewal for one year, [^{F45}£600.00];
 - (b) in the case of a grant or renewal for any less period, [^{F46}£200.00] for each month for which the licence is granted or renewed but so that the aggregate of the fees payable in any year does not exceed [^{F45}£600.00]; or
 - (c) in the case of a transfer, [^{F47}£120.00].
- (8) The Secretary of State may by order amend subsection (7) above so as to vary any sum specified in that subsection or so as to provide that any sum payable under that subsection shall cease to be so payable; and an order under this subsection may be limited to such cases as may be specified by the order and may make different provision for different cases specified in the order.
- (9) An order under subsection (8) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this Act, except where the contrary intention appears,—

[^{F48}“appropriate [^{F49}fire] authority”], in relation to any premises, means—

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- (a) [^{F50}where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the premises, the enforcing authority as defined in section 61(9) of that Act;
- (b) in any other case,] the [^{F51}Scottish Fire and Rescue Service];
- “chief officer of police”, in relation to any premises, means the chief officer of police for the police area in which the premises are situated;
- ^{F52}
...
- “licence” means a licence under section 1 above or a consent under section 2 above and references to a licence of either kind shall be construed accordingly;
- “licensing authority”, in relation to any premises, means the local authority in whose area the premises are situated.

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Subordinate Legislation Made

- P3** S. 3: power previously exercised by [S.I. 1986/207](#) and 1986/320.
- P4** S. 3(8): s. 3(8) power exercised by [S.I.1991/2462](#).

Textual Amendments

- F5** S. 3(1A) 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](#))
- F40** Words in s. 3(1)(b) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, [sch. 1 para. 8\(2\)\(3\)\(a\)](#)
- F41** Word in s. 3(1)(b) substituted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, [sch. 1 para. 12\(4\)\(5\)\(a\)](#)
- F42** Words in s. 3(2)(3) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, [sch. 1 para. 8\(2\)\(3\)\(a\)](#)
- F43** Word in s. 3(2) substituted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, [sch. 1 para. 12\(4\)\(5\)\(a\)](#)
- F44** Word in s. 3(3) substituted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, [sch. 1 para. 12\(4\)\(5\)\(a\)](#)
- F45** “£600.00” substituted (S.) (1.12.1991) by virtue of [S.I. 1991/2462](#), [art. 2\(a\)](#)
- F46** “£200.00” substituted (S.) (1.12.1991) by virtue of [S.I. 1991/2462](#), [art. 2\(b\)](#)
- F47** “£120.00” substituted (S.) (1.12.1991) by virtue of [S.I. 1991/2462](#), [art. 2\(c\)](#)
- F48** Words in s. 3(10) inserted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, [sch. 1 para. 8\(4\)](#)
- F49** Word in s. 3(10) substituted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, [sch. 1 para. 12\(6\)\(a\)](#)
- F50** Words in s. 3(10) inserted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, [sch. 1 para. 12\(6\)\(b\)](#)
- F51** Words in s. 3(10)(b) substituted (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 55\(2\)](#); [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F52** Words in s. 3(10) repealed (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, [sch. 2](#)

Modifications etc. (not altering text)

- C3** S. 3(8) applied (with modifications) (8.11.1995) by [1995 c. x](#), [s. 45](#)

Changes to legislation: There are currently no known outstanding effects for the Cinemas Act 1985. (See end of Document for details)

4 Regulations by Secretary of State.

- (1) Subject to sections 5 and 6 below, no film exhibition shall be given unless regulations made by the Secretary of State under this section are complied with.
- (2) The matters for which provision may be made by regulations under this section are—
 - (a) safety in connection with the giving of film exhibitions (including the keeping and handling, in premises where other entertainments are being given or meetings held, of cinematograph film used or to be used for the purpose of film exhibitions or other articles or equipment so used or to be used);
 - (b) the health and welfare of children in relation to attendance at film exhibitions.
- (3) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Exempted exhibitions

5 Exhibitions in private dwelling-houses.

- (1) This section applies to any film exhibition which—
 - (a) is given in a private dwelling-house,
 - (b) is one to which the public are not admitted, and
 - (c) satisfies the condition mentioned in subsection (2) below.
- (2) The condition referred to in subsection (1) (c) above is that either—
 - (a) the exhibition is not promoted for private gain, or
 - (b) the sole or main purpose of the exhibition is to demonstrate any product, to advertise any goods or services or to provide information, education or instruction.
- (3) The following exemptions have effect in relation to any film exhibition to which this section applies, that is to say—
 - (a) a licence shall not be required by reason only of the giving of the exhibition;
 - (b) where the exhibition is given in premises in respect of which a licence is in force, no condition or restriction on or subject to which the licence was granted shall apply to the exhibition;
 - (c) regulations under section 4 above shall not apply to the exhibition.

6 Other non-commercial exhibitions.

- (1) Subject to subsections (4) and (5) below, this section applies to any film exhibition (other than one to which section 5 above applies) which—
 - (a) is one to which the public are not admitted or are admitted without payment, or
 - (b) does not fall within paragraph (a) above but is given by an exempted organisation,
 and (in either case) satisfies the condition mentioned in subsection (2) below.
- (2) The condition referred to in subsection (1) above is that either—
 - (a) the exhibition is not promoted for private gain, or

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- (b) the sole or main purpose of the exhibition is to demonstrate any product, to advertise any goods or services or to provide information, education or instruction.
- (3) The following exemptions have effect in relation to any film exhibition to which this section applies, that is to say—
- (a) a licence under section 1 above shall not be required by reason only of the giving of the exhibition unless the pictures are produced by means specified in regulations under section 4 above as means involving such risk that it is inexpedient that this paragraph should have effect;
 - (b) where the exhibition is given in premises in respect of which a licence under section 1 above is in force, no condition or restriction on or subject to which the licence was granted shall apply to the exhibition except so far as it relates to the matters specified in section 4(2)(a) above;
 - (c) a consent under section 2 above shall not be required by reason only of the giving of the exhibition;
 - (d) where the exhibition is given in premises in respect of which a consent under section 2 above is in force, no condition or restriction on or subject to which the consent was granted shall apply to the exhibition;
 - (e) regulations under section 4 above making such provision as is mentioned in subsection (2)(b) of that section shall not apply to the exhibition and regulations under that section making such provision as is mentioned in subsection (2)(a) of that section shall not apply to the exhibition unless it is given in premises in respect of which a licence under section 1 above is in force.
- (4) A film exhibition is excluded from being one to which this section applies if it is organised solely or mainly as an exhibition for children who are members of a club, society or association the principal object of which is attendance at film exhibitions, unless the exhibition is given in a private dwelling-house or as part of the activities of an educational or religious institution.
- (5) A film exhibition is excluded from being one to which this section applies by virtue of paragraph (b) of subsection (1) above if on more than three out of the last preceding seven days the premises in question were used for the giving of a film exhibition to which this section applied by virtue of that paragraph.
- (6) In this section “exempted organisation” means a society, institution, committee or other organisation with respect to which there is in force at the time of the exhibition in question a certificate given by the Secretary of State certifying that he is satisfied that the organisation is not conducted or established for profit; and there shall be paid to the Secretary of State in respect of the giving of such a certificate such reasonable fee as he may determine.
- (7) The Secretary of State shall not give such a certificate with respect to any organisation—
- (a) the activities of which appear to him to consist of or include the giving of film exhibitions promoted for private gain, or
 - (b) the objects of which do not appear to him to consist of or include the giving of film exhibitions to which the public are admitted;
- and the Secretary of State may revoke such a certificate at any time if it appears to him that, since the certificate was given, the activities of the organisation have consisted of or included the giving of film exhibitions promoted for private gain.

Changes to legislation: There are currently no known outstanding effects for the Cinemas Act 1985. (See end of Document for details)

- (8) Any certificate given by the Commissioners of Customs and Excise under section 5(4) of the ^{M2}Cinematograph Act 1952 before the commencement of the ^{M3}Cinematograph (Amendment) Act 1982 shall have effect as if given by the Secretary of State.

Modifications etc. (not altering text)

C2 S. 6(6)(7) functions transferred (S) (1.7.1999) by S.I. 1999/1750, art. 2, Sch. 1

Marginal Citations

M2 1952 c. 68.

M3 1982 c. 33.

7 Exhibitions in premises used occasionally.

- (1) Where the premises in which it is proposed to give a film exhibition are premises used occasionally and exceptionally only, and not on more than six days in any one calendar year, for the purposes of such an exhibition, it shall not be necessary to obtain a licence under section 1 above if—
- (a) the occupier of the premises has give to the licensing authority, to the [^{F9}appropriate [^{F10}fire] authority] and to the chief officer of police, not less than seven days' notice in writing of his intention so to use the premises; and
 - (b) he complies with any regulations under section 4 above and, subject to any such regulations, with any conditions imposed by the licensing authority and notified to him in writing.
- (2) For the purposes of subsection (1) above, the giving in any premises of an exhibition to which section 5 or 6 above applies shall be disregarded.

Textual Amendments

F9 Words in s. 7(1)(a) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, sch. 1 para. 8(2)(3)(b)

F10 Word in s. 7(1)(a) substituted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, sch. 1 para. 12(4)(5)(b)

8 Exhibitions in movable buildings, etc.

- (1) Where it is proposed to give a film exhibition in any building or structure of a movable character, it shall not be necessary to obtain a licence under section 1 above from the local authority in whose area the exhibition is to be given (“the appropriate authority”) if—
- (a) the owner of the building or structure has been granted a licence under section 1 above in respect of that building or structure by the local authority in whose area he ordinarily resides;
 - (b) he has given to the appropriate authority, to the [^{F11}appropriate [^{F12}fire] authority] and to the chief officer of police not less than two days' notice in writing of his intention to give the exhibition; and
 - (c) he complies with any regulations under section 4 above and, subject to any such regulations, with any conditions imposed by the appropriate authority and notified to him in writing.

Changes to legislation: There are currently no known outstanding effects for the Cinemas Act 1985. (See end of Document for details)

(2) In subsection (1)(b) above—

[^{F13}“appropriate [^{F14}fire] authority”, in relation to [^{F15}the building or structure, means—

(a) where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the building or structure, the enforcing authority as defined in section 61(9) of that Act,

(b) in any other case,] the [^{F16}Scottish Fire and Rescue Service];]

“chief officer of police” means the chief officer of police for the police area in which the exhibition is to be given;

[^{F17}“fire authority” means the authority discharging in the area in which the exhibition is to be given the functions of fire authority under the ^{M4}Fire Services Act 1947.]

Textual Amendments

- F11** Words in s. 8(1)(b) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, sch. 1 para. 8(2)(3)(c)
- F12** Word in s. 8(1)(b) substituted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, sch. 1 para. 12(4)(5)(c)
- F13** Words in s. 8(2) inserted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **sch. 1 para. 8(5)**
- F14** Word in s. 8(2) substituted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **sch. 1 para. 12(7)(a)**
- F15** Words in s. 8(2) substituted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **sch. 1 para. 12(7)(b)**
- F16** Words in s. 8(2)(b) substituted (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 7 para. 55(3)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F17** Words in s. 8(2) repealed (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **sch. 2**

Marginal Citations

- M4** 1947 c. 41.

Exhibitions on Sundays

^{F189} **Exhibitions on Sundays.**

.....

Textual Amendments

- F18** [S. 9](#) 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)

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Enforcement

10 Offences.

(1) If—

- (a) any premises in respect of which a licence under section 1 above is not in force are used for an exhibition which requires such a licence,
- (b) any premises in respect of which a consent under section 2 above is not in force are used for an exhibition which requires such a consent,
- (c) any premises in respect of which a licence of either kind is in force are used for an exhibition which requires a licence of that kind and are so used otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held,
- (d) any premises in respect of which a licence under section 1 above is in force are used for an exhibition to which section 6 above applies and are so used otherwise than in accordance with the conditions or restrictions on or subject to which the licence is held, so far as they relate to the matters specified in section 4(2)(a) above, or
- (e) any premises are used for an exhibition to which regulations under section 4 above apply and are so used in contravention of those regulations,

then, subject to subsection (3) below, each of the persons mentioned in subsection (2) below shall be guilty of an offence.

(2) The persons referred to in subsection (1) above are—

- (a) any person concerned in the organisation or management of the exhibition,
- (b) where a licence of either kind is in force in respect of the premises and the exhibition requires a licence of that kind, the holder of the licence,
- (c) where a licence under section 1 above is in force in respect of the premises and the exhibition is one to which section 6 above applies, the holder of the licence under section 1, and
- (d) any other person who, knowing or having reasonable cause to suspect that the premises would be used as mentioned in that subsection—
 - (i) allowed the premises to be so used, or
 - (ii) let the premises, or otherwise made them available, to any person by whom an offence in connection with that use of the premises has been committed.

(3) It shall be a defence for a person charged with an offence under subsection (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

11 Penalties and forfeitures.

(1) A person guilty of an offence under subsection (1) of section 10 above shall be liable on summary conviction to a fine not exceeding—

- (a) in the case of an offence under paragraph (a) of that subsection, £20,000,
- (b) in any other case, level 5 on the standard scale.

(2) Subject to subsection (3) below, the court by or before which a person is convicted of an offence under section 10(1)(a) above may order any thing produced to the court,

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and shown to the satisfaction of the court to relate to the offence, to be forfeited and dealt with in such manner as the court may order.

- (3) The court shall not order any thing to be forfeited under subsection (2) above, where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

12 Revocation of licence or consent.

- (1) If the holder of a licence under section 1 above is convicted of—
- (a) an offence under section 10(1) above, or
 - (b) an offence under section 12 of the ^{M5}Children and Young Persons Act 1933 (failing to provide for safety of children of entertainments) or section 23 of the ^{M6}Children and Young Persons (Scotland) Act 1937 (the corresponding provision for Scotland) in respect of an entertainment provided at the premises to which the licence relates,
- the licensing authority may revoke the licence.
- (2) If the holder of a consent under section 2 above is convicted of an offence under section 10(1) above, the licensing authority may revoke the consent.

Marginal Citations

M5 1933 c. 12.

M6 1937 c. 37.

13 Powers of entry.

- (1) Where a constable or an authorised officer of the licensing authority [^{F19}or]^{F19}... has reasonable cause to believe that—
- (a) any premises in respect of which a licence of either kind is in force are being or are about to be used for an exhibition which requires a licence of that kind,
 - (b) any premises in respect of which a licence under section 1 above is in force are being or are about to be used for an exhibition to which section 6 above applies, or
 - (c) any premises in respect of which notice has been given under section 7 or 8 above are being or are about to be used for an exhibition which, but for that section, would require a licence under section 1 above,
- he may enter and inspect the premises with a view to seeing whether the relevant provisions are being complied with.
- (2) [^{F21}An [^{F22}employee of the appropriate relevant authority]] may, on giving not less than 24 hours' notice—
- (a) to the occupier of any premises in respect of which a licence is in force or
 - (b) to the occupier of any premises in respect of which notice has been given under section 7 or 8 above,

enter and inspect the premises for the purpose of ensuring that there are adequate fire precautions and of seeing whether the relevant provisions, so far as they relate to fire precautions, are being complied with.]

Changes to legislation: There are currently no known outstanding effects for the Cinemas Act 1985. (See end of Document for details)

- (3) A constable or authorised officer of the licensing authority may enter and search any premises in respect of which he has reason to believe that an offence under section 10(1) above has been, is being or is about to be committed if authorised to do so by a warrant granted by a justice of the peace or, in Scotland, by a sheriff, stipendiary magistrate or justice of the peace.
- (4) Where an authorised officer of the licensing authority [^{F23}or]^{F23} ... enters any premises in the exercise of any power under this section he shall, if required to do so by the occupier, produce to the occupier his authority.
- (5) Any person who intentionally obstructs the exercise of any power conferred by this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In this section “relevant provisions” means—
- (a) in a case falling within subsection (1)(a) or (2)(a) above, regulations under section 4 above and the terms, conditions and restrictions on or subject to which the licence is held,
 - (b) in a case falling within subsection (1)(b) above, regulations under that section making such provision as is mentioned in paragraph (a) of subsection (2) of that section and the conditions and restrictions on or subject to which the licence under section 1 above is held so far as they relate to the matters specified in that paragraph,
 - (c) in a case falling within subsection (1)(c) or (2)(b) above, regulations under that section and any conditions notified in writing by the licensing authority to the occupier of the premises;
- and in relation to any premises in respect of which notice has been given under section 8 above any reference in this section to the occupier shall be construed as a reference to the owner.
- (7) For the purposes of this section, any conditions subject to which any premises are allowed under section 9 above to be opened and used on Sundays shall be taken to be conditions of the licence granted under section 1 above in respect of those premises.
- (8) Section 9(2) of the ^{M7}Police and Criminal Evidence Act 1984 (which restricts the effect of Acts conferring powers of search) shall have effect in relation to subsection (3) above as it has effect in relation to Acts passed before that Act.

Textual Amendments

- F19** Words in s. 13(1) repealed (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **sch. 2**
- F20** Words in s. 13(1) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **sch. 1 para. 8(6)(a)**
- F21** S. 13(2) repealed (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **sch. 2**
- F22** Words in s. 13(2) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **sch. 1 para. 8(6)(b)**
- F23** Words in s. 13(4) repealed (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **sch. 2**
- F24** Words in s. 13(4) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **sch. 1 para. 8(6)(c)**

Changes to legislation: There are currently no known outstanding effects for the Cinemas Act 1985. (See end of Document for details)

Marginal Citations

M7 1984 c. 60.

14 Powers of arrest and seizure.

- (1) If a constable has reasonable cause to suspect that a person has committed an offence under this Act (except section 9(4) above) he may require him to give his name and address, and if that person refuses or fails to do so or gives a name or address which the constable reasonably suspects to be false, the constable may arrest him without warrant.
- (2) A constable or authorised officer of the licensing authority who enters and searches any premises under the authority of a warrant issued under section 13(3) above may seize and remove any apparatus or equipment or other thing whatsoever found on the premises which he has reasonable cause to believe may be liable to be forfeited under section 11(2) above.
- (3) Subsection (1) above—
 - (a) does not extend to Scotland; and
 - (b) shall cease to have effect on the coming into force of section 26 of the ^{M8}Police and Criminal Evidence Act 1984.

Marginal Citations

M8 1984 c. 60.

15 Offences by bodies corporate.

- (1) Where an offence under this Act (except section 9(4) above) 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 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.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in the relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Appeals

16 Appeals against decisions of licensing authority.

- (1) Any person aggrieved—
 - (a) by the refusal or revocation of a licence,
 - (b) by any terms, conditions or restrictions on or subject to which a licence is granted, or
 - (c) by the refusal of a renewal or transfer of a licence,may appeal to the Crown Court or, in Scotland, to the sheriff.

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- (2) Any person aggrieved—
- (a) by the refusal to allow any premises in England and Wales to be opened and used on Sundays for the purpose of film exhibitions under subsection (2) of section 9 above, or
 - (b) by any conditions imposed under that subsection,
- may appeal to the Crown Court.
- (3) Where the decision against which an appeal under this section is brought was given on an application of which (in accordance with section 3(1) above) notice was required to be given to a [^{F25}appropriate [^{F26}fire] authority] and a chief officer of police, any notice of appeal under this section against that decision shall be given to that authority and that officer as well as to any other person to whom it is required to be given apart from this subsection.
- (4) Where a licence is revoked it shall be deemed to remain in force during the period within which an appeal under this section may be brought and, if such an appeal is brought, until the determination or abandonment of the appeal.
- (5) Where an application for the renewal or transfer of a licence is refused, the licence shall be deemed to remain in force or, as the case may require, to have effect with any necessary modifications—
- (a) during any period within which an appeal under this section may be brought and, if such an appeal is brought, until the determination or abandonment of the appeal; and
 - (b) where such an appeal is successful, until the licence is renewed or transferred by the licensing authority.

Textual Amendments

- F25** Words in s. 16(3) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, sch. 1 para. 8(2)(3)(d)
- F26** Word in s. 16(3) substituted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, sch. 1 para. 12(4)(5)(d)

Special provisions relating to Greater London

^{F27} **17 Provisional grant of licences in Greater London.**

.....

Textual Amendments

- F27** S. 17 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)

^{F28} **18 Variation of licences in Greater London.**

.....

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Textual Amendments

F28 S. 18 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)

Miscellaneous and general

19 Music and dancing licences not required.

- (1) A licence shall not be required for any premises under a relevant enactment by reason only of the giving of a film exhibition—
 - (a) which includes representations of persons playing music, dancing or singing, or
 - (b) which otherwise includes or is accompanied by music.
- (2) For the purposes of subsection (1) above any music played at any premises by way of introduction to, in any interval between parts of, or by way of conclusion of, a film exhibition or in the interval between two film exhibitions shall be treated as music accompanying the exhibition or exhibitions, as the case may be, if the total time taken by music so played on any day amounts to less than one quarter of the total time taken by the film exhibition or exhibitions given in the premises on that day.
- (3) In subsection (1) above “relevant enactment” means—
 - ^{F29}(a)
 - (b) any enactment for the regulation of places kept or ordinarily used for public dancing, singing, music or other public entertainment of the like kind.

Textual Amendments

F29 S. 19(3)(a) and word 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)

20 Meaning of promotion for private gain.

- (1) For the purposes of this Act an exhibition is promoted for private gain if, and only if,—
 - (a) any proceeds of the exhibition, that is to say, any sums paid for admission to the exhibition, 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 exhibition, or
 - (c) where the exhibition 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 exhibition,are applied wholly or partly for purposes of private gain.
- (2) If in proceedings for an offence under section 10(1) above any question arises whether an exhibition was promoted for private gain and it is proved—
 - (a) that any sums were paid for admission to the exhibition or to the premises at which it was given and that the exhibition was advertised to the public, or

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- (b) that any sums were paid for facilities or services provided for persons admitted to the exhibition and that the exhibition 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 exhibition was determined wholly or partly by reference to the proceeds of the exhibition or any facilities or services provided for persons admitted to it,

the exhibition shall be deemed to have been promoted for private gain unless the contrary is shown.

- (3) Where an exhibition 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 exhibition 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 as an individual.
- (4) In subsection (3) above “society” includes any club, institution, organisation or association of persons, by whatever name called.

21 Interpretation.

- (1) In this Act, except where the contrary intention appears,—
 - [^{F30}“appropriate [^{F31}fire] authority” has the meaning given by section 3(10) above;]
 - “chief officer of police” has the meaning given by section 3(10) above;
 - “child” means a person under the age of sixteen;
 - [^{F32}“film exhibition” means any exhibition of moving pictures other than an exhibition of items included in a programme service (within the meaning of the Communications Act 2003) that is being simultaneously received (or virtually so) by the exhibitor]
 - [^{F33}“fire authority” has the meaning given by section 3(10) above;]
 - “licence” and references to a licence of either kind shall be construed in accordance with section 3(10) above;
 - “licensing authority” has the meaning given by section 3(10) above;
 - “local authority” means—
 - (a) in England ^{F34} . . . , [^{F35}a London borough council, the Common Council of the City of London] or a district council;
 - [^{F36}(aa) in Wales, a county council or a county borough council;]
 - (b) in Scotland, [^{F37}a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

^{F38}
. . . .

- (2) Any reference in this Act to an exhibition which requires a licence under section 1 above is a reference to an exhibition to which that section applies; and any reference in this Act to an exhibition which requires a consent under section 2 above is a reference to an exhibition to which that section applies.

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Textual Amendments

- F30** Words in s. 21(1) inserted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **sch. 1 para. 8(7)**
- F31** Word in s. 21(1) substituted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **sch. 1 para. 12(8)**
- F32** Words in s. 21(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 17 para. 76** (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F33** Words in s. 21(1) repealed (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **sch. 2**
- F34** S. 21(1): Words in para. (a) in the definition of “local authority” repealed (1.4.1996) by [1994 c. 19](#), s. 66(6)(8), [Sch. 16 para. 73](#), **Sch. 18** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396](#), art. 4, **Sch. 2**
- F35** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, **Sch. 8 para. 4(2)**
- F36** S. 21(1): para. (aa) in the definition of “local authority” inserted (1.4.1996) by [1994 c. 19](#), s. 66(6), **Sch. 16 para. 73** (with ss. 54(5)(7), 55(5), [Sch. 17 para. 22\(1\) 23\(2\)](#)); [S.I. 1996/396](#), art. 4, **Sch. 2**
- F37** S. 21(1): words in para. (b) in the definition of “local authority” substituted (S.) (1.4.1996) by [1994 c.39](#), s. 180(1), **Sch. 13 para. 138**; [S.I. 1996/323](#), art. 4
- F38** Definition of “standard scale” in s. 21(1) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. XIV** Group 2.

22 Amendments resulting from Fire Precautions Act 1971.

[^{F39}On the coming into force of section 12(11) of the ^{M9}Fire Precautions Act 1971, this Act shall have effect subject to the amendments specified in Schedule 1 to this Act.]

Textual Amendments

- F39** S. 22 repealed (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **sch. 2**

Marginal Citations

- M9** [1971 c. 40](#).

23 Transitional provisions.

- (1) Any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or omitted to be done, or to an event which has occurred, under or by virtue of or for the purposes of, or by reference to, any provision of this Act includes (except where the context otherwise requires) a reference to the corresponding thing done, or having effect as if done, or required or authorised to be done, or omitted to be done, or to the corresponding event which has occurred, as the case may be, under or by virtue of or for the purposes of, or by reference to, the corresponding enactment repealed by this Act.
- (2) Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision of this Act had been in force when that period began to run.

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24 Consequential amendments and repeals.

- (1) The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments there specified, being amendments consequential upon the provisions of this Act.
- (2) The enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

25 Short title, commencement and extent.

- (1) This Act may be cited as the Cinemas Act 1985.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act does not extend to Northern Ireland.

Changes to legislation:

There are currently no known outstanding effects for the Cinemas Act 1985.