



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, Cross Heading: Control of exhibitions. (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, Cross Heading: Control of exhibitions. (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, Cross Heading: Control of exhibitions. (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 [^{F9}appropriate [^{F10}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 [^{F11}appropriate [^{F12}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 [^{F11}appropriate [^{F13}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, [^{F14}£600.00];
 - (b) in the case of a grant or renewal for any less period, [^{F15}£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 [^{F14}£600.00]; or
 - (c) in the case of a transfer, [^{F16}£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,—

[^{F17}“appropriate [^{F18}fire] authority”, in relation to any premises, means—

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- (a) [^{F19}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 [^{F20}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;
- ^{F21} ...
- “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](#))
- F9** 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\(2\)\(3\)\(a\)](#)
- F10** 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\(4\)\(5\)\(a\)](#)
- F11** 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\(2\)\(3\)\(a\)](#)
- F12** 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\(4\)\(5\)\(a\)](#)
- F13** 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\(4\)\(5\)\(a\)](#)
- F14** “£600.00” substituted (S.) (1.12.1991) by virtue of [S.I. 1991/2462](#), [art. 2\(a\)](#)
- F15** “£200.00” substituted (S.) (1.12.1991) by virtue of [S.I. 1991/2462](#), [art. 2\(b\)](#)
- F16** “£120.00” substituted (S.) (1.12.1991) by virtue of [S.I. 1991/2462](#), [art. 2\(c\)](#)
- F17** 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\(4\)](#)
- F18** 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\(6\)\(a\)](#)
- F19** 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\(6\)\(b\)](#)
- F20** 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](#))
- F21** 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)

- C2** 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, Cross Heading: Control of exhibitions. (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.

Changes to legislation:

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