

*Status: This is the original version (as it was originally enacted).*

## SCHEDULE

Section 1.

### EXTENSION OF POWERS TO ALLOW CINEMATOGRAPH ENTERTAINMENTS

#### *Power to submit Draft Orders to Secretary of State*

- 1 Subject to the provisions of this Schedule the council of any borough or county district may submit to the Secretary of State a draft order in the terms following, that is to say:—

In accordance with the provisions of the Sunday Entertainments Act, 1932, I, \_\_\_\_\_, one of His Majesty's Principal Secretaries of State, hereby order that as from the date on which this order has been approved by resolutions passed by both Houses of Parliament, section one of the said Act shall extend to the borough [*or urban district or rural district*] of \_\_\_\_\_.

Provided that, before so submitting any such draft order, the council shall publish by means of placards and by advertisement in at least one newspaper circulated in the borough or district in two successive weeks a notice stating—

- (a) the terms of the draft order; and
- (b) that the council propose to submit the draft order to the Secretary of State.

#### *Procedure in the case of Boroughs and Urban Districts*

- 2 The notice of a proposal to submit a draft order under this Schedule published by the council of any borough or urban district shall state that a public meeting of local government electors for the borough or urban district will be held on a day named, not being less than fourteen nor more than twenty-eight days after the first advertisement of the notice, for the purpose of considering the question of the submission of the draft order to the Secretary of State.
- 3 A public meeting of such electors as aforesaid shall be held in accordance with the notice, and in relation to the meeting and to any poll and other proceedings subsequent thereto, the provisions of paragraphs 3 to 16 of the First Schedule to the Borough Funds Act, 1903, shall apply as if for references therein to " the Bill " and to " the promotion of the Bill " there were substituted, respectively, references to " the draft order " and " the submission of the draft order," and as if for references to " the Minister of Health" there were substituted references to " the Secretary of State, " so, however, that so much of the said paragraphs as relates to separate resolutions in favour of the promotion of any part or parts or clause or clauses of the Bill shall not apply.

#### *Procedure in the case of Rural Districts*

- 4 The notice of a proposal to submit a draft order under this Schedule published by the council of any rural district shall state that an objection to the submission of the draft order may be made to them in writing by any local government elector for the district within a period specified in the notice, not being less than fourteen nor more than twenty-eight days after the first advertisement of the notice, and that if at the expiration of that period objections have been duly made and not withdrawn by at least one hundred such electors or one-twentieth in number of such electors,

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whichever may be the less, then the council will cause to be held a local inquiry into the question of the submission of the draft order to the Secretary of State upon such date, not being less than seven days after the expiration of the period aforesaid, and at such time and place as may be specified in the notice.

- 5 Any such inquiry as aforesaid shall, in accordance with the notice, be held in public by a person appointed by the Secretary of State, and any local government elector for the district shall, subject as hereinafter provided, be entitled to appear personally and be heard thereat, and the person holding the inquiry shall, after the conclusion thereof, report in writing to the council whether public opinion in the district appears to him to be in favour of or against the extension of section one of this Act to the district:

Provided that the person holding the inquiry shall have power to conclude the inquiry when, in his opinion, he has received sufficient evidence to enable him to make the report aforesaid.

*Submission of Draft Order to and by the Secretary of State*

- 6 No draft order shall be submitted to the Secretary of State under the provisions of this Schedule by the council of a borough or urban district unless the result of a poll under this Act, or the decision of a meeting of local government electors when final, is in favour of the submission thereof; and, except where by reason of there being no objection or an insufficient number of objections to the submission of the draft order an inquiry is not required under the foregoing provisions of this Schedule, no such draft order shall be so submitted by the council of a rural district unless the person by whom the inquiry was held has reported that public opinion in the district appears to him to be in favour of the extension of section one of this Act to the district.

Any such draft order submitted to the Secretary of State shall be accompanied, as the case may be, by a statement of the result of the poll or the decision of the meeting of local government electors, if final, certified by the mayor or chairman, or (except where an inquiry is not so required as aforesaid) by the report of the person by whom the inquiry was held, certified by him.

- 7 A draft order duly submitted to the Secretary of State in accordance with the foregoing provisions of this Schedule shall be laid by him before Parliament, together with a copy of the certified statement or report (if any) submitted to him therewith.

*Supplementary*

- 8 Section five of the Borough Funds Act, 1903 (which relates to offences in relation to polls), shall apply in relation to polls held under this Schedule as it applies in relation to polls held under that Act.
- 9 Any expenses incurred by a council in connection with the holding of any meeting, poll, inquiry or other proceeding under this Schedule (including such fee to the person holding any such inquiry as may be determined by the Secretary of State) shall be defrayed by the council out of the general rate.