



# Local Government Act 1948

## 1948 CHAPTER 26

### PART VII

#### MISCELLANEOUS.

#### **132 Provision of entertainments.**

- (1) A local authority may do, or arrange for the doing of, or contribute towards the expenses of the doing of, anything necessary or expedient for any of the following purposes, that is to say—
- (a) the provision of an entertainment of any nature or of facilities for dancing ;
  - (b) the provision of a theatre, concert hall, dance hall or other premises suitable for the giving of entertainments or the holding of dances ;
  - (c) the maintenance of a band or orchestra ;
  - (d) any purpose incidental to the matters aforesaid, including the provision, in connection with the giving of any entertainment or the holding of any dance, of refreshments or programmes and the advertising of any such entertainment or dance :

Provided that the powers conferred on a local authority by this subsection shall not be exercised in relation to any entertainment or dance held in any place outside the area of that authority, or in relation to a theatre, concert hall, dance hall or other premises situate in any place outside that area, unless—

- (i) that place is convenient for residents in the area of that authority;
  - (ii) the local authority for the area within which that place is situate consent.
- (2) Without prejudice to the generality of the provisions of the preceding subsection, a local authority—
- (a) may for the purposes therein specified enclose or set apart any part of a park or pleasure ground belonging to the authority or under their control not exceeding one acre or one-tenth of the area of the park or pleasure ground whichever is the greater ;

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- (b) may permit any theatre, concert hall, dance hall or other premises provided by them for the purposes of the preceding subsection and any part of a park or pleasure ground enclosed or set apart as aforesaid, to be used by any other person, on such terms as to payment or otherwise as the authority think fit, and may authorise that other person to make charges for admission thereto ;
- (c) may themselves make charges for admission to any entertainment or dance held by them and for any refreshment or programmes supplied at any such entertainment or dance :

Provided that nothing in this subsection shall authorise any authority to contravene any covenant or condition subject to which a gift or lease of a public park or pleasure ground has been accepted or made without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

- (3) The expenditure of a local authority under this section (excluding capital expenditure, but including loan charges) shall not in any year exceed the product of a rate of sixpence in the pound, plus the net amount of any receipts of the authority from any such charges or payments as are referred to in the last preceding subsection :

Provided that where a local authority exercise any powers under any statutory provision other than this Act for the provision by them of entertainments or the holding by them of dances, any expenditure incurred by them under those powers (excluding capital expenditure but including loan charges) less the net amount of the receipts, if any, of the authority in respect of the exercise of those powers shall, for the purpose of determining whether any, and if so what, expenditure may be incurred in any year under this subsection, be taken into account as if it was expenditure under this section.

- (4) A local authority who propose to borrow money for any of the purposes authorised under this section shall, before applying to the Minister for his consent to the borrowing, publish in such local newspapers, and in such other ways, if any, as appear to them best suited for bringing the matter to the attention of persons concerned, notice of their proposal, specifying the amount which and the purposes for which they propose to borrow and the time (not being less than twenty-eight days from the publication of the notice) within which any objection to the proposal may be made to the Minister.
- (5) Where any such objection as is mentioned in the last preceding subsection is made to the Minister within the time specified in the notice aforesaid and is not withdrawn, the Minister shall not, unless in his opinion the objection is frivolous, consent to the borrowing of any money for the purposes in question until he has caused a public local inquiry to be held into the proposal, and, in considering whether or not to give his consent to the borrowing of any money for those purposes, he shall consider the report of the person by whom the inquiry was held.
- (6) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of a stage play or the public exhibition of cinematograph films, or for boxing or wrestling entertainments or for public music or dancing, or for the sale of intoxicating liquor or tobacco.
- (7) In this section, the expression " local authority " means the council of a county borough, metropolitan borough or county district or the common council of the City of London.
- (8) The following enactments are hereby repealed, that is to say, paragraph (3) of section forty-four of the Burgh Police (Scotland) Act, 1903 ; paragraphs (d), (e) and (h) of

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subsection (1) of section seventy-six of the Public Health Acts Amendment Act, 1907 ; subsections (1) to (4) of section fifty-six and the proviso to subsection (1) of section seventy of the Public Health Act, 1925 ; the proviso to subsection (1) of section two hundred and twenty-six of the Public Health Act, 1936 ; the proviso to subsection (1) of section one hundred and seventy-two of the Public Health (London) Act, 1936 ; in subsection (5) of section ten of the Physical Training and Recreation Act, 1937, the words from " Provided that," to the end of the subsection ; and in subsection (5) of section seventy-four of the Local Government (Scotland) Act, 1947, the words from " so however," to the end of the subsection.

- (9) Nothing in this section shall have effect so as to extend the powers of the council of a county or of a parish under section seventy of the Public Health Act, 1925 (which relates to the use of the offices of an authority for entertainments) as applied to those councils by section four of the Physical Training and Recreation Act, 1937, and accordingly the following proviso shall be inserted at the end of subsection (2) of the said section four, that is to say—

“Provided that the following restrictions shall have effect with respect to any concert or other entertainment provided by the council of a county or of a parish by virtue of this section, that is to say—

- (i) no stage play shall be performed; and
- (ii) the concert or other entertainment shall not include any performance in the-nature of a variety entertainment ; and
- (iii) no cinematograph film other than a film illustrative of questions relating to health or disease shall be shown ; and
- (iv) no scenery, theatrical costumes or scenic or theatrical accessories shall be used.”

- (10) In the application of this section to Scotland—

- (a) no money shall be borrowed for the purposes authorised under this section except with the consent of the Secretary of State ;
- (b) for any reference to the Minister there shall be substituted a reference to the Secretary of State ;
- (c) the expression " local authority " means a county, town or district council ;
- (d) for any reference to a rate of sixpence in the pound there shall be substituted a reference to a rate of four and four-fifths pence in the pound ;
- (e) expenditure incurred by a district council under this section shall not be taken into account in calculating the limit imposed on the district rate by section two hundred and twenty-six of the Local Government (Scotland) Act, 1947.

- (11) No certificate shall be granted under the Licensing (Scotland) Acts, 1903 to 1934 for the sale of exciseable liquor in- any premises provided under this section in Scotland, but nothing in this subsection shall render it unlawful to grant under section forty of the Licensing (Scotland) Act, 1903, a special permission for an entertainment in any such premises.