



# Cinemas Act 1985

## 1985 CHAPTER 13

An Act to consolidate the Cinematograph Acts 1909 to 1982 and certain related enactments, with an amendment to give effect to a recommendation of the Law Commission. [27th March 1985]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**Modifications etc. (not altering text)**

- C1** A Table showing the derivation of the provisions of this consolidation Act will be found at the end of the Act. The Table has no official status.
- C2** Act applied (with modifications) (20.9.2000) by [2000 c. vii, s. 25](#)

**Commencement Information**

- II** Act not in force at Royal Assent; Act wholly in force at 27. 06. 1985 see [s. 25\(2\)](#).

### *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 regulations under section 4 below, they may determine.
- (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,—

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- (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.

## **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 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.

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

- (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.
- (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.
- (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, [<sup>F</sup>£173.50];

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- (b) in the case of a grant or renewal for any less period, [<sup>F2</sup>£58.00] 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 [<sup>F1</sup>£173.50]; or
  - (c) in the case of a transfer, [<sup>F3</sup>£35.00].
- (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 <sup>M1</sup>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.

#### Textual Amendments

- F1** “£173.50” substituted (E.W.) by S.I. 1986/207, art. 2(a) and (S.) by S.I. 1986/320, art. 2(a)
- F2** “£58.00” substituted (E.W.) by S.I. 1986/207, art. 2(b) and (S.) by S.I. 1986/320, art. 2(b)
- F3** “£35.00” substituted (E.W.) by S.I. 1986/207, art. 2(c) and (S.) by S.I. 1986/320, art. 2(c)

#### Marginal Citations

- M1** 1947 c. 41.

## 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.

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### *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
  - (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;

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

**Modifications etc. (not altering text)**

**C3** 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.

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## 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 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.

## 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 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.
- (2) In subsection (1)(b) above—
- “chief officer of police” means the chief officer of police for the police area in which the exhibition is to be given;
- “fire authority” means the authority discharging in the area in which the exhibition is to be given the functions of fire authority under the <sup>M4</sup>Fire Services Act 1947.

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### Marginal Citations

M4 1947 c. 41.

### *Exhibitions on Sundays*

## 9 Exhibitions on Sundays.

- (1) A person shall not be guilty of an offence under the <sup>M5</sup>Sunday Observance Act 1780—
- (a) by reason of his having managed, conducted, assisted at or otherwise taken part in or attended or advertised a film exhibition at any premises allowed

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- under this section to be opened and used on Sundays for the purpose of film exhibitions; or
- (b) by reason of his being the keeper of any premises opened and used on Sundays for the purpose of any film exhibition for which they are allowed under this section to be so opened and used.
- (2) The licensing authority may allow premises in respect of which a licence under section 1 above is in force to be opened and used on Sundays for the purpose of film exhibitions, subject to conditions for securing that the requirement mentioned in subsection (3) below is satisfied and to such other conditions as the authority think fit to impose.
- (3) The requirement referred to in subsection (2) above is that no person will be employed by any employer on a Sunday in connection with a film exhibition or any other exhibition or entertainment given with a film exhibition who has been employed on each of the six previous days either by that employer in any occupation or by any other employer in connection with similar exhibitions or entertainments.
- (4) In the event of any contravention of any condition subject to which premises were allowed under this section to be opened and used on Sundays for the purpose of film exhibitions, the holder of the licence granted under section 1 above in respect of those premises shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) If, in any premises allowed under this section to be opened and used on Sundays for the purpose of film exhibitions, any person is employed on a Sunday contrary to the conditions subject to which the premises were allowed to be so opened and used, but it is proved that his employment fell within subsection (6) or (7) below, that employment shall be taken not to have been a contravention of those conditions.
- (6) A person's employment on a Sunday falls within this subsection if—
- (a) his employment was solely due to an emergency caused by a mechanical breakdown, or to the unavoidable absence of a skilled worker due to attend on the Sunday for whom no substitute could readily have been obtained; and
  - (b) the emergency was notified to the licensing authority within twenty-four hours after it occurred; and
  - (c) he received a day's rest in lieu of that Sunday.
- (7) A person's employment on a Sunday falls within this subsection if—
- (a) he was employed contrary to the conditions by reason only of his having been employed on each of the six days previous to that Sunday in connection with similar exhibitions or entertainments by an employer other than the employer ("the later employer") who employed him on the Sunday; and
  - (b) the later employer had, after making due inquiry, reasonable ground for believing that he had not been so employed.
- (8) This section does not extend to Scotland.

**Marginal Citations**

**M5** 1780 c. 49 (21 Geo. 3.)

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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 <sup>M6</sup>Children and Young Persons Act 1933 (failing to provide for safety of children of entertainments) or section 23 of the <sup>M7</sup>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

**M6** 1933 c. 12.

**M7** 1937 c. 37.

## 13 Powers of entry.

- (1) Where a constable or an authorised officer of the licensing authority or of the fire authority 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) An authorised officer of the fire 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.

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- (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 or of the fire authority 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 <sup>M8</sup>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.

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**Marginal Citations**

**M8** 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

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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 <sup>M9</sup>Police and Criminal Evidence Act 1984.

**Marginal Citations**

**M9** 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.
- (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 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.

*Status: Point in time view as at 01/02/1991.*

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- (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.

*Special provisions relating to Greater London*

**17 Provisional grant of licences in Greater London.**

- (1) Where—
  - (a) application is made to [<sup>F4</sup>a local authority in Greater London] for the grant of a licence under section 1 above in respect of premises which are to be, or are in the course of being, constructed, extended or altered, and
  - (b) [<sup>F4</sup>the authority] are satisfied that the premises would, if completed in accordance with plans deposited in accordance with the requirements of [<sup>F4</sup>the authority], be such that [<sup>F4</sup>the authority] would grant the licence,
 

[<sup>F4</sup>the authority] may grant the licence subject to a condition that it shall be of no effect until confirmed by [<sup>F4</sup>the authority].
- (2) [<sup>F4</sup>A local authority in Greater London] shall confirm any licence granted by virtue of subsection (1) above if and when they are satisfied—
  - (a) that the premises have been completed in accordance with the plans mentioned in that subsection, or in accordance with those plans as modified with the approval of [<sup>F4</sup>the authority], and
  - (b) that the licence is held by a fit and proper person.

**Textual Amendments**

**F4** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 4\(1\)](#)

**18 Variation of licences in Greater London.**

- (1) The holder of a licence under section 1 above granted by [<sup>F5</sup>a local authority in Greater London] in respect of any premises may at any time apply to [<sup>F5</sup>the authority] for such variation of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application; and, subject to subsection (2) below, on any such application [<sup>F5</sup>the authority] may make such variations in any of those terms, conditions or restrictions, whether or not those specified in the application, as they think appropriate or may refuse the application.
- (2) Section 16 above shall apply in relation to any person aggrieved—
  - (a) by the refusal of an application under subsection (1) above, or

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- (b) by any term, condition or restriction substituted under that subsection for any term, condition or restriction on or subject to which the licence was previously held,  
as it applies in relation to a person aggrieved as mentioned in section 16(1) above.

#### Textual Amendments

**F5** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 4\(1\)](#)

#### *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—
- (a) the <sup>M10</sup>Private Places of Entertainment (Licensing) Act 1967, or
- (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.

#### Marginal Citations

**M10** 1967 c. 19.

### **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.

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*Status: Point in time view as at 01/02/1991.*

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

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- (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
  - (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,—
- “chief officer of police” has the meaning given by section 3(10) above;
  - “child” means a person under the age of sixteen;
  - “film exhibition” means any exhibition of moving pictures which is produced otherwise than by the simultaneous reception and exhibition of—  
[<sup>F6</sup>programmes included in a programme service (within the meaning of the Broadcasting Act 1990);]
  - “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 and Wales, [<sup>F7</sup>a London borough council, the Common Council of the City of London] or a district council;
  - (b) in Scotland, an islands or district council;
- “standard scale” has the meaning given by section 75 of the <sup>M11</sup>Criminal Justice Act 1982.
- (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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*Status: Point in time view as at 01/02/1991.*  
*Changes to legislation: There are currently no known outstanding effects for the Cinemas Act 1985. (See end of Document for details)*

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**Textual Amendments**

- F6** Words substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(1), **Sch. 20 para. 40**  
**F7** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, **Sch. 8 para. 4(2)**

**Marginal Citations**

- M11** [1982 c. 48.](#)

**22 Amendments resulting from Fire Precautions Act 1971.**

On the coming into force of section 12(11) of the <sup>M12</sup>Fire Precautions Act 1971, this Act shall have effect subject to the amendments specified in Schedule 1 to this Act.

**Marginal Citations**

- M12** [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.

**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.

*Status: Point in time view as at 01/02/1991.*

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

## SCHEDULES

### SCHEDULE 1

Section 22.

#### AMENDMENTS OF ACT WHICH HAVE EFFECT ON COMING INTO FORCE OF SECTION 12(11) OF THE FIRE PRECAUTIONS ACT 1971

- 1 In section 2(2), after the words “section 4 below” there shall be inserted the words “and any regulations made or having effect as if made under section 12 of the<sup>M13</sup> Fire Precautions Act 1971”.

**Marginal Citations**

**M13** 1971 c. 40.

- 2 In section 6, for subsection (3) there shall be substituted the following—
- “(3) The exemptions mentioned in section 5(3) above also have effect in relation to any film exhibition to which this section applies.”
- 3 The following provisions shall cease to have effect, namely—
- (a) in section 3—
    - (i) in subsection (1), paragraph (b);
    - (ii) in subsection (2), the words “the fire authority and”;
    - (iii) in subsection (3), the words “by the fire authority or”;
    - (iv) in subsection (10), the definition of “fire authority”;
  - (b) section 4(2)(a);
  - (c) in section 7(1)(a), the words “, to the fire authority”;
  - (d) in section 8—
    - (i) in subsection (1)(b), the words “, to the fire authority”;
    - (ii) in subsection (2), the definition of “fire authority”;
  - (e) in section 10; subsection (1)(d) and 2(c);
  - (f) in section 13—
    - (i) in subsections (1) and (4), the words “or of the fire authority”;
    - (ii) subsections 1(b) and (2);
    - (iii) in subsection (6), in the definition of “relevant provisions”, in paragraph (a) the words “or (2)(a)”, paragraph (b) and in paragraph (c) the words “or (2)(b)”;
  - (g) in section 16(3), the words “a fire authority and” and the words “that authority and”;
  - (h) in section 21, the definition of “fire authority”.



*Status: Point in time view as at 01/02/1991.*

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## SCHEDULE 2

### CONSEQUENTIAL AMENDMENTS

#### *Celluloid and Cinematograph Film Act 1922*

- 1 In paragraph (iii) of the proviso to section 2 of the <sup>M14</sup>Celluloid and Cinematograph Film Act 1922, for the words “the Cinematograph Act 1909” there shall be substituted the words “ section 1 of the Cinemas Act 1985” ”.

**Marginal Citations**

**M14** 1922 c. 35.

#### *Children and Young Persons Act 1933*

- 2 In section 12(5) of the <sup>M15</sup>Children and Young Persons Act 1933, for the words “ the Cinematograph Act 1909 ” there shall be substituted the words “ section 1 of the Cinemas Act 1985 ”.

**Marginal Citations**

**M15** 1933 c. 12.

#### *Public Health Act 1936*

- 3 In section 226(3) of the <sup>M16</sup>Public Health Act 1936—
- (a) for the words “cinematograph exhibitions (within the meaning of the Cinematograph Act 1909)” there shall be substituted the words “ film exhibitions (within the meaning of the Cinemas Act 1985 ”
  - (b) for the words “subsection (2) of section seven of that Act” there shall be substituted the words “ subsection (1) of section 7 of that Act ” and
  - (c) for the words “the said subsection (2)” there shall be substituted the words “ the said subsection (1) ”.

**Marginal Citations**

**M16** 1936 c. 49.

#### *Shops Act 1950*

- 4 In section 22(4) of the <sup>M17</sup>Shops Act 1950, for the words “the Sunday Entertainments Act 1932” there shall be substituted the words “section 9 of the Cinemas Act 1985”.

*Status: Point in time view as at 01/02/1991.*

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

**Marginal Citations**

**M17** 1950 c. 28.

- 5 In section 74(1) of the Shops Act 1950, in the definition of “theatre”, for the words “cinematograph exhibitions (within the meaning of the Cinematograph Act 1909)” there shall be substituted the words “film exhibitions (within the meaning of the Cinemas Act 1985)”.

*Obscene Publications Act 1959*

- 6 (1) Section 2 of the <sup>M18</sup>Obscene Publications Act 1959 shall be amended as follows.
- (2) In subsections (3A) and (4A), for the words “cinematograph exhibition”, wherever they occur, there shall be substituted the words “ film exhibition ”.
- (3) For subsection (7) there shall be substituted the following—
- “(7) In this section “film exhibition” has the same meaning as in the Cinemas Act 1985.”

**Marginal Citations**

**M18** 1959 c. 66.

*Offices, Shops and Railway Premises Act 1963*

- 7 In section 90(1) of the <sup>M19</sup>Offices, Shops and Railway Premises Act 1963, in the definition of “place of public entertainment”, in paragraph (b), for the words “the Cinematograph Acts 1909 and 1952” there shall be substituted the words “ section 1 of the Cinemas Act 1985 ”.

**Marginal Citations**

**M19** 1963 c. 41.

*Greater London Council (General Powers) Act 1966*

- 8 In section 21(1) of the <sup>M20</sup>Greater London Council (General Powers) Act 1966, for the words “a cinematograph exhibition within the meaning of the Cinematograph Acts, 1909 and 1952” there shall be substituted the words “ a film exhibition within the meaning of the Cinemas Act 1985 ”.

**Marginal Citations**

**M20** 1966 c. xxviii.

*Status: Point in time view as at 01/02/1991.*

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

*Fire Precautions Act 1971*

- 9 In subsection (11) of section 12 of the <sup>M21</sup>Fire Precautions Act 1971, for the words “by virtue of section 2(1)(a) of the Cinematograph Act 1952 under the Cinematograph Act 1909” there shall be substituted the words “ under section 4(2) (a) of the Cinemas Act 1985 ”.

**Marginal Citations**

**M21** 1971 c. 40.

*Criminal Procedure (Scotland) Act 1975*

- 10 In section 289D(1A) of the <sup>M22</sup>Criminal Procedure (Scotland) Act 1975, for paragraph (f) there shall be substituted the following—  
“(f) section 11(1)(a) of the Cinemas Act 1985;”.

**Marginal Citations**

**M22** 1975 c. 21.

*Magistrates’ Courts Act 1980*

- 11 ..... <sup>F8</sup>

**Textual Amendments**

**F8** Sch. 2 para. 11 repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170(2), Sch. 8 para. 16, [Sch. 16](#)

- 12 In Part III of Schedule 6 to the Magistrates’ Courts Act 1980, in paragraph 3, for the words “the Cinematograph Act 1909” there shall be substituted the words “ section 1 of the Cinemas Act 1985 ”.

*Indecent Displays (Control) Act 1981*

- 13 In section 1(4) of the <sup>M23</sup>Indecent Displays (Control) Act 1981 for paragraph (e) there shall be substituted the following—  
“(e) included in a film exhibition as defined in the Cinemas Act 1985—  
(i) given in a place which as regards that exhibition is required to be licensed under section 1 of that Act or by virtue only of section 5, 7 or 8 of that Act is not required to be so licensed;  
or  
(ii) which is an exhibition to which section 6 of that Act applies given by an exempted organisation as defined in subsection (6) of that section.”

*Status: Point in time view as at 01/02/1991.*

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

**Marginal Citations**

**M23** 1981 c. 42.

*Local Government (Miscellaneous Provisions) Act 1982*

- 14 In section 10(11) of the <sup>M24</sup>Local Government (Miscellaneous Provisions) Act 1982, for the words “the Cinematograph Acts 1909 and 1952” there shall be substituted the words “ section 1 of the Cinemas Act 1985 ”.

**Marginal Citations**

**M24** 1982 c. 30.

- 15 In paragraph 21 of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982, for paragraph (b) there shall be substituted the following—  
“(b) section 19 of the Cinemas Act 1985;”.
- 16 In paragraph 3(2) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982—  
(a) in paragraph (a) for the words “the Cinematograph Act 1909” there shall be substituted the words “ section 1 of the Cinemas Act 1985 ” and for the words “that Act” there shall be substituted the words “ that section ” and  
(b) for paragraph (b) there shall be substituted the following—  
“(b) of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of that Act.”

*Civic Government (Scotland) Act 1982*

- 17 In section 41(2)(d) of the <sup>M25</sup>Civic Government (Scotland) Act 1982, for the words “the Cinematograph Act 1909” there shall be substituted the words “ section 1 of the Cinemas Act 1985 ”.

**Marginal Citations**

**M25** 1982 c. 45.

*Video Recordings Act 1984*

- 18 (1) Section 3 of the <sup>M26</sup>Video Recordings Act 1984 shall be amended as follows.
- (2) In subsection (6)(b), for the words from “an exempted” to “(cinematograph” there shall be substituted the words “ a film exhibition to which section 6 of the Cinemas Act 1984 applies (film ”.
- (3) For subsection (7) there shall be substituted the following—  
“(7) The premises referred to in subsection (6) above are—

*Status: Point in time view as at 01/02/1991.*

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

- (a) premises in respect of which a licence under section 1 of the Cinemas Act 1985 is in force,
- (b) premises falling within section 7 of that Act (premises used only occasionally and exceptionally for film exhibitions), or
- (c) premises falling within section 8 of that Act (building or structure of a movable character) in respect of which such a licence as is mentioned in subsection (1)(a) of that section has been granted.”

**Marginal Citations**

M26 1984 c. 39.

SCHEDULE 3

ENACTMENTS REPEALED

Chapter	Short title	Extent of repeal
9 Edw. 7. c. 30.	The Cinematograph Act 1909.	The whole Act.
22 & 23 Geo. 5 c. 51.	The Sunday Entertainments Act 1932.	Section 1.  In section 4, paragraph (a), the words “cinematograph entertainment or” and the words “allowed under this Act or”.  In section 5, the definition of “cinematograph entertainment”.
23 & 24 Geo. 5 c. 12.	The Children and Young Persons Act 1933.	In section 12(3), the words “under the Cinematograph Act, 1909, or”.
1 Edw. 8 & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act 1937.	In section 23(3), the words “under the Cinematograph Act, 1909, or”.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 68.	The Cinematograph Act 1952.	The whole Act.
1963 c. 33.	The London Government Act 1963.	In section 52, subsection (2) and, in subsection (3), the words from “and with” to the end.  In Schedule 12, in paragraph 17(1), the words “the Cinematograph Act 1909 or”, in paragraph 18,

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*Status: Point in time view as at 01/02/1991.*

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

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		paragraph (b), and paragraph 19(5).
1966 c. 42.	The Local Government Act 1966.	In Schedule 3, in Part II, the entry numbered 12.
1966 c. 51.	The Local Government (Scotland) Act 1966.	In Schedule 4, in Part II, the entry numbered 10.
1967 c. 19.	The Private Places of Entertainment (Licensing) Act 1967.	In section 2(3), the words from the beginning to “such enactment; and”.
1971 c. 40.	The Fire Precautions Act 1971.	Section 12(12).
1972 c. 19.	The Sunday Cinema Act 1972.	The whole Act.
1972 c. 70.	The Local Government Act 1972.	Section 204(5).
1973 c. 65.	The Local Government (Scotland) Act 1973.	Section 188(3)(a).
		In Schedule 24, paragraph 33.
1977 c. 45.	The Criminal Law Act 1977.	Section 53(4).
1982 c. 33.	The Cinematograph (Amendment) Act 1982.	The whole Act.
1984 c. 12.	The Telecommunications Act 1984.	In Schedule 4, paragraphs 11 and 85.
1984 c. 46.	The Cable and Broadcasting Act 1984.	In Schedule 5, paragraphs 3 and 42.

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#### TABLE OF DERIVATIONS

*Note: The following abbreviations are used in this Table:—*

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1909	= The Cinematograph Act 1909 (9 Edw. 7. c. 30)
1932	= The Sunday Entertainments Act 1932 (22 & 23 Geo. 5. c. 51)
1952	= The Cinematograph Act 1952 (15 & 16 Geo. 6 & 1 Eliz. 2. c. 68)
1963	= The London Government Act 1963 (c. 33)
1972	= The Sunday Cinema Act 1972 (c. 19)
1972 c. 70	= The Local Government Act 1972 (c. 70)
1973 c. 65	= The Local Government (Scotland) Act 1973 (c. 65)
1975 c. 21	= The Criminal Procedure (Scotland) Act 1975 (c. 21)

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*Status: Point in time view as at 01/02/1991.*

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

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1982	= The Cinematograph (Amendment) Act 1982 (c. 33)
1982 c. 48	= The Criminal Justice Act 1982 (c. 48)
1984 c. 12	= The Telecommunications Act 1984 (c. 12)
1984 c. 46	= The Cable and Broadcasting Act 1984 (c. 46)
1984 c. 60	= The Police and Criminal Evidence Act 1984 (c. 60)
R	= The recommendation of the Law Commission contained in their Report (Cmnd. 9425) on this Act.
Provision	Derivation
1(1)	1909 s. 1(1); 1982 Sch. 1, para. 1.
(2)	1909 s. 2(1); 1952 Sch.; 1972 c. 70 s. 204(5)(a); 1973 c. 65 Sch. 24, para. 33; 1982 Sch. 1, para. 2(1).
(3)	1952 s. 3.
2	1952 s. 4(1), (2).
3(1)(3)	1982 s. 3(1)(3).
(4)	1909 s. 2(2); 1982 Sch. 1, para. 2(2).
(5)	1909 s. 2(3); 1972 c. 70 s. 204(5)(a); 1973 c. 65 Sch. 24, para. 33.
(6)	1982 s. 3(4).
(7)	1909 s. 2(5); Fees for Cinematograph Licences (Variation) Order 1981 (S.I. 1981/1411); Fees for Cinematograph Licences (Variation) (Scotland) Order 1981 (S.I. 1981/1421).
(8)(9)	Local Government Act 1966 (c. 42) ss. 35(2), 40, Sch. 3 Pt.II; Local Government (Scotland) Act 1966 (c. 51) s. 42(2), (3), Sch. 4 Pt. II.
(10)	1909 s. 7(2); 1982 s. 9(1), Sch. 1, para. 3(1)(a) (“chief officer of police”, “fire authority”); 1952 s. 4(3); 1982 ss. 3(5), 9(1) (“licence”); 1909 s. 2(1); 1952 s. 9(1); 1982 s. 9(1), Sch. 1, para. 2(1) (“licensing authority”).
4(1)	1909 s. 1(2); 1982 Sch. 1, para. 1.
(2)	1952 s. 2(1).
(3)	Statutory Instruments Act 1946 (c. 36) s. 1(2); 1952 s. 2(2).

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*Status: Point in time view as at 01/02/1991.*

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

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5(1)	1909 s. 7(5); 1982 Sch. 1, para. 3(3).
(2)	1982 s. 2(1), (2).
(3)	1909 s. 7(4); 1982 Sch. 1, para. 3(3).
6(1)	1952 s. 5(1), (3); 1982 s. 9(1).
(2)	1982 s. 2(1), (2).
(3)	1952 s. 5(1).
(4)	1952 s. 5(2).
(5)	1952 s. 5(3).
(6)	1952 s. 5(4); 1982 Sch. 1, para. 7(1).
(7)	1952 s. 5(5); 1982 Sch. 1, para. 7(1).
(8)	1982 Sch. 1 para. 7(2).
7(1)	1909 s. 7(2); 1982 Sch. 1 para. 3(1).
(2)	1909 s. 7(4)(d); 1952 s. 5(1)(a); 1982 Sch. 1, para. 3(3).
8	1909 s. 7(3); 1982 Sch. 1, para. 3(2).
9(1)	1932 s. 4; R.
(2)(3)	1932 s. 1(1); R.
(4)	1932 s. 1(4); Criminal Law Act 1977 (c. 45) s. 31(5), (6); 1982 c. 48 s. 46.
(5) (7)	1932 s. 1(3).
(8)	1932 s. 6(3).
10	1982 s. 7(1) (3).
11(1)	1975 c. 21 s. 289G; 1982 s. 7(4); 1982 c. 48 ss. 46, 54; Criminal Penalties etc. (Increase) Order 1984 (S.I. 1984/447); Increase of Criminal Penalties etc. (Scotland) Order 1984 (S.I. 1984/526).
(2)(3)	1982 s. 7(5), (6).
12(1)	Children and Young Persons Act 1933 (c. 12) s. 12(3); Children and Young Persons (Scotland) Act 1937 (c. 37) s. 23(3); 1982 s. 7(7).
(2)	1982 s. 7(7).
13(1) (4)	1982 s. 5(1) (4).
(5)	1975 c. 21 s. 289G; 1982 s. 5(5); 1982 c. 48 ss. 46, 54.
(6)	1982 s. 5(6).
(7)	1932 s. 1(2); 1982 Sch. 1, para. 4.



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*Status: Point in time view as at 01/02/1991.*

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

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(8)	1984 c. 60 s. 9(2).
14(1)	1982 s. 6(1).
(2)	1982 s. 6(2).
(3)	1982 s. 6(1); 1984 c. 60 s. 26(1).
15	1982 s. 8.
16(1)	1982 s. 4(1)
(2)	1972 s. 2; 1982 Sch. 1, para. 11.
(3) (5)	1982 s. 4(2) (4).
17	1963 Sch. 12, para. 17.
18(1)	1963 Sch. 12, para. 18.
(2)	1963 Sch. 12, para. 19(5).
19(1)(2)	1952 s. 7(1), (2).
(3)	1952 s. 7(1); Private Places of Entertainment (Licensing) Act 1967 (c. 19) s. 2(3).
20	1982 s. 2(3) (6).
21(1)	1952 s. 9(1) (“child”); 1909 s. 1(3); 1952 s. 9(1); 1982 s. 1, Sch. 1, paras. 1, 8; 1984 c. 12 Sch. 4, paras. 11, 85; 1984 c. 46 s. 56(2), Sch. 5, paras. 3, 42 (“film exhibition”); 1909 ss. 2(1), 7(6); 1963 s. 52(2); 1972 c. 70 s. 204(5); 1973 c. 65 s. 188(3)(a), Sch. 24, para. 33; 1982 s. 9(1), Sch. 1, paras. 2(1), 3(3) (“local authority”).
(2)	1982 s. 9(2).
22	Fire Precautions Act 1971 (c. 40) s. 12(11), (12); 1982 s. 10(3).
23	[Transitional provisions.]
24	[Consequential amendments and repeals.]
25	[Citation etc.]
Sch. 1	Fire Precautions Act 1971 (c. 40) ss. 12(11), (12); 1982 s. 10(3).
Sch. 2	[Consequential amendments]
Sch. 3	[Enactments repealed]

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**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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