

Cinematograph Act, 1909.

[9 EDW. 7. CH. 30.]

ARRANGEMENT OF SECTIONS.

A.D. 1909.

Section.

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CHAPTER 30.

An Act to make better provision for securing safety at Cinematograph and other Exhibitions. A.D. 1909.

[25th November 1909.]

BE it enacted by the King'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 :

1. An exhibition of pictures or other optical effects by means of a cinematograph, or other similar apparatus, for the purposes of which inflammable films are used, shall not be given unless the regulations made by the Secretary of State for securing safety are complied with, or, save as otherwise expressly provided by this Act, elsewhere than in premises licensed for the purpose in accordance with the provisions of this Act. Provision against cinematograph exhibition except in licensed premises.

2.--(1) A county council may grant licences to such persons as they think fit to use the premises specified in the licence for the purposes aforesaid on such terms and conditions and under such restrictions as, subject to regulations of the Secretary of State, the council may by the respective licences determine. Provisions as to licences.

(2) A licence shall be in force for one year or for such shorter period as the council on the grant of the licence may determine, unless the licence has been previously revoked as herein-after provided.

(3) A county council may transfer any licence granted by them to such other person as they think fit.

(4) An applicant for a licence or transfer of a licence shall give not less than seven days' notice in writing to the county council and to the chief officer of police of the police area in which the premises are situated of his intention to apply for a licence or transfer :

Provided that it shall not be necessary to give any notice where the application is for the renewal of an existing licence held by the applicant for the same premises.

(5) There shall be paid in respect of the grant, renewal, or transfer of a licence such fees as the county council may fix,

A.D. 1909. — not exceeding in the case of a grant or renewal for one year one pound, or in the case of a grant or renewal for any less period five shillings for every month for which it is granted or renewed, so however that the aggregate of the fees payable in any year shall not exceed one pound, or, in the case of transfer, five shillings.

53 & 54 Vict.
c. 45. (6) For the purposes of this Act, the expressions "police area" and "chief officer of police," as respects the city of London, mean the city and the Commissioner of City Police, and elsewhere have the same meanings as in the Police Act, 1890.

Penalties.

3. If the owner of a cinematograph or other apparatus uses the apparatus, or allows it to be used, or if the occupier of any premises allows those premises to be used, in contravention of the provisions of this Act or the regulations made thereunder, or of the conditions or restrictions upon or subject to which any licence relating to the premises has been granted under this Act, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds, and in the case of a continuing offence to a further penalty of five pounds for each day during which the offence continues, and the licence (if any) shall be liable to be revoked by the county council.

Power of entry.

4. A constable or any officer appointed for the purpose by a county council may at all reasonable times enter any premises, whether licensed or not, in which he has reason to believe that such an exhibition as aforesaid is being or is about to be given, with a view to seeing whether the provisions of this Act, or any regulations made thereunder, and the conditions of any licence granted under this Act, have been complied with, and, if any person prevents or obstructs the entry of a constable or any officer appointed as aforesaid, he shall be liable, on summary conviction, to a penalty not exceeding twenty pounds.

Power of
county coun-
cils to delegate.

5. Without prejudice to any other powers of delegation, whether to committees of the council or to district councils, a county council may, with or without any restrictions or conditions as they may think fit, delegate to justices sitting in petty sessions any of the powers conferred on the council by this Act.

Application to
county
boroughs.

6. The provisions of this Act shall apply in the case of a county borough as if the borough council were a county council, and the expenses of the borough council shall be defrayed out of the borough fund or borough rate.

Application of
Act to special
premises.

7.—(1) Where the premises are premises licensed by the Lord Chamberlain the powers of the county council under this Act shall, as respects those premises, be exercisable by the Lord Chamberlain instead of by the county council.

(2) Where the premises in which it is proposed to give such an exhibition as aforesaid 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 for those premises under this Act if the occupier thereof has given to the county council and to the chief officer of police of the police area, not less than seven days before the exhibition, notice in writing of his intention so to use the premises, and complies with the regulations made by the Secretary of State under this Act, and, subject to such regulations, with any conditions imposed by the county council, and notified to the occupier in writing.

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(3) Where it is proposed to give any such exhibition as aforesaid in any building or structure of a moveable character, it shall not be necessary to obtain a licence under this Act from the council of the county in which the exhibition is to be given if the owner of the building or structure—

- (a) has been granted a licence in respect of that building or structure by the council of the county in which he ordinarily resides, or by any authority to whom that council may have delegated the powers conferred on them by this Act; and
- (b) has given to the council of the county and to the chief officer of police of the police area in which it is proposed to give the exhibition, not less than two days before the exhibition, notice in writing of his intention to give the exhibition; and
- (c) complies with the regulations made by the Secretary of State under this Act, and, subject to such regulations, with any conditions imposed by the county council, and notified in writing to the owner.

(4) This Act shall not apply to an exhibition given in a private dwelling-house to which the public are not admitted, whether on payment or otherwise.

8. This Act shall extend to Scotland subject to the following modifications:— Application to
Scotland.

- (1) For references to the Secretary of State there shall be substituted references to the Secretary for Scotland:
- (2) For the reference to the Police Act, 1890, there shall be substituted a reference to the Police (Scotland) Act, 1890: 53 & 54 Vict.
c. 67.
- (3) The expression "county borough" means a royal, parliamentary, or police burgh; and the expression "borough council" means the magistrates of the burgh; and the expression "borough fund or borough rate" means any rate within the burgh leviable by the town council equally on owners and occupiers:
- (4) The provision relating to the delegation of powers shall not apply.

9. This Act shall extend to Ireland subject to the following modifications:— Application to
Ireland.

- (1) For references to the Secretary of State there shall be substituted references to the Lord Lieutenant:

- A.D. 1909. (2) The provision of this Act relating to the delegation of powers shall not apply :
- (3) Any of the powers conferred on the county council by this Act may be exercised by any officer of the council authorised in writing by the council in that behalf for such period and subject to such restrictions as the council think fit :
- (4) In any urban district other than a county borough, and in any town, the provisions of this Act shall apply as if the council of the district and the commissioners of the town, as the case may be, were a county council :
- (5) The expenses incurred in the execution of this Act shall—
- (a) in the case of the council of any county other than a county borough, be defrayed out of the poor rate and raised over so much of the county as is not included in any urban district or town ;
- (b) in the case of the council of any county borough or other urban district, be defrayed out of any rate or fund applicable to the purposes of the Public Health (Ireland) Acts, 1878 to 1907, as if incurred for those purposes ;
- (c) in the case of the commissioners of any town, be defrayed out of the rate leviable under section sixty of the Towns Improvement (Ireland) Act, 1854 : Provided that the limits imposed upon that rate by that section may be exceeded for the purpose of raising the expenses incurred under this Act by not more than one penny in the pound :
- 17 & 18 Vict.
c. 103. (6) The expression “town” means any town as defined by the Local Government (Ireland) Act, 1898, not being an urban district :
- 61 & 62 Vict.
c. 37. (7) The expressions “police area” and “chief officer of police” mean, as respects the police district of Dublin Metropolis, that district and the chief commissioner of the police for that district, and elsewhere a police district and the county inspector of the Royal Irish Constabulary.

Short title and
commence-
ment.

10. This Act may be cited as the Cinematograph Act, 1909, and shall come into operation on the first day of January nineteen hundred and ten.

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