



Theatres Act 1968

1968 CHAPTER 54

Licensing of premises for public performance of plays

12 Licensing of premises for public performance of plays.

- [^{F1}][^{F2}(1) Subject to the following provisions of this Act, no premises, whether or not licensed for the sale of intoxicating or exciseable liquor, shall be used for the public performance of any play except under and in accordance with the terms of a licence granted under this Act by the licensing authority.
- (2) A licence shall not be required for any premises under any enactment other than this Act by reason only of the public performance at those premises of a play.
- (3) For the purposes of subsection (2) 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 performance of a play or in the interval between two such performances shall be treated as forming part of the performance or performances, 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 time taken by the performance or performances of the play or plays given at the premises on that day.
- [^{F3}(3A) Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to premises, no term which relates to any matter in relation to which requirements or prohibitions are or could be imposed by virtue of that Part shall be included in a licence granted under this Act in respect of those premises.]
- (4) Schedule 1 to this Act shall have effect with respect to licences under this Act.]]

Textual Amendments

- F1** Ss. 12-14 repealed (S.) (27.1.2021) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 74\(3\)](#), [88\(2\)](#); [S.S.I. 2019/99](#), [art. 2\(2\)](#) (with [art. 3](#))
- F2** Ss. 12-14 cease to have effect (E.W.) (24.11.2005) by virtue of [Licensing Act 2003 \(c. 17\)](#), [s. 201\(2\)](#), [Sch. 6 para. 44\(b\)](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), [art. 2\(2\)](#)
- F3** S. 12(3A) inserted (S.) (1.10.2006) by [Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), [art. 1](#), [Sch. 1 para. 4\(2\)](#)

Changes to legislation: There are currently no known outstanding effects for the Theatres Act 1968,
Cross Heading: Licensing of premises for public performance of plays. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 12: functions of local authority not to be responsibility of an executive of the authority (E.)
(16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B13

13 Enforcement of s. 12.

[^{F1}]^{F2}(1) If a public performance of a play is given at any premises in respect of which a licence under this Act is not in force—

- (a) any person concerned in the organisation or management of that performance; and
- (b) any other person who, knowing or having reasonable cause to suspect that such a performance would be given at those premises without such a licence being in force in respect thereof—
 - (i) allowed the premises to be used for the giving of that performance; or
 - (ii) let the premises, or otherwise made the premises available, to any person by whom the premises were used for the giving of that performance,

shall be guilty of an offence.

(2) If, while a licence under this Act is in force in respect of any premises, any of the terms, conditions or restrictions on or subject to which the licence is held is contravened or not complied with—

- (a) the holder of the licence; and
- (b) any other person who, knowing or having reasonable cause to suspect that the premises would be used otherwise than in accordance with those terms, conditions and restrictions—
 - (i) allowed the premises to be so used; or
 - (ii) let the premises, or otherwise made the premises available, to any person by whom the premises were so used,

shall be guilty of an offence:

Provided that, where the holder of the licence is charged with an offence under this subsection, it shall be a defence to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.

(3) A person guilty of an offence under subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding [^{F4}level 4 on the standard scale] or to imprisonment for a term not exceeding three months, or both.

(4) A licensing authority in England and Wales may institute proceedings for an offence under subsection (1) or (2) above committed in their area.

(5) If the holder of a licence under this Act is convicted of an offence under subsection (2) above, then, subject to section 14 of this Act, the licensing authority may revoke the licence:

Provided that a licence shall not be revoked under this subsection by virtue of the holder's conviction as aforesaid unless either—

- (a) the time for bringing an appeal against the conviction has expired without such an appeal having been brought; or
- (b) such an appeal has been brought and abandoned or finally determined otherwise than by the quashing of the conviction.

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(6) In relation to Scotland, subsection (5) above shall have effect as if the following were substituted for paragraph (a), that is to say—

“(a) a period of fourteen days from the date of the conviction has expired without an appeal against it having been brought; or”

and in paragraph (b), after “abandoned” there were inserted the words “or deemed to be abandoned”.]]

Textual Amendments

- F1** Ss. 12-14 repealed (S.) (27.1.2021) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 74(3)**, 88(2); [S.S.I. 2019/99](#), art. 2(2) (with art. 3)
- F2** Ss. 12-14 cease to have effect (E.W.) (24.11.2005) by virtue of [Licensing Act 2003 \(c. 17\)](#), s. 201(2), **Sch. 6 para. 44(b)** (with ss. 2(3), 15(2), 195); [S.I. 2005/3056](#), art. 2(2)
- F4** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38**, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F**, 289G

Modifications etc. (not altering text)

- C2** S. 13: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 2(1), **Sch. 1** Table B13

14 Appeals in respect of licences.

[^{F1}]^{F2}(1) Any of the following persons, that is to say—

- (a) an applicant for the grant, renewal or transfer of a licence under this Act in respect of any premises whose application is refused;
- (b) an applicant for the variation of the terms, conditions or restrictions on or subject to which any such licence is held whose application is refused; or
- (c) a holder of any such licence whose licence is revoked by the licensing authority under section 13(5) of this Act or who is aggrieved by any term, condition or restriction on or subject to which the licence is held,

may at any time before the expiration of the period of twenty-one days beginning with the relevant date appeal to a magistrates' court acting for the petty sessions area within which, or in Scotland to the sheriff within whose jurisdiction, the premises are situated; and the court or sheriff may make such order as it or he thinks fit and, subject to subsection (2) below, that order shall be binding on the licensing authority.

In this subsection “ the relevant date ” means the date on which the person in question is notified of the refusal of his application, the revocation of his licence or the imposition of the term, condition or restriction by which he is aggrieved, as the case may be.

- (2) Any person aggrieved by the order of a magistrates' court on an appeal under the foregoing subsection may appeal therefrom to [^{F5}the Crown Court].
- (3) Where a licence under this Act is revoked under section 13(5) of this Act or an application for the renewal of such a licence is refused, the licence shall be deemed to remain in force—
 - (a) during any period within which an appeal under this section may be brought and, if such an appeal is brought within the period for doing so, until the determination or abandonment of the appeal; and

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(b) where an appeal under this section relating to such a refusal as aforesaid is successful and no further such appeal lies, until the licence is renewed by the licensing authority.

(4) In the case of an appeal in relation to an application of which, in accordance with paragraph 2(1) of Schedule 1 to this Act, notice was required to be given to a chief officer of police, notice of the appeal shall be given to that chief officer as well as to any other person to whom it is required to be given apart from this subsection.]]

Textual Amendments

- F1** Ss. 12-14 repealed (S.) (27.1.2021) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), ss. [74\(3\)](#), [88\(2\)](#); S.S.I. 2019/99, art. 2(2) (with art. 3)
- F2** Ss. 12-14 cease to have effect (E.W.) (24.11.2005) by virtue of [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 44\(b\)](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)
- F5** Words substituted by [Courts Act 1971 \(c. 23\)](#), s. 56, [Sch. 9 Pt. I](#)

Modifications etc. (not altering text)

- C3** S. 14: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 2(1), [Sch. 1](#) Table B13
- C4** S. 14(4) excluded (S.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Supplementary, Transitional, Transitory and Saving Provisions\) Order 2013 \(S.S.I. 2013/121\)](#), arts. 1(1), [13](#)

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