



Theatres Act 1968

1968 CHAPTER 54

Miscellaneous and general

15 Powers of entry and inspection.

- (1) If a justice of the peace is satisfied by information on oath that there are reasonable grounds for suspecting, as regards any premises specified in the information—
- (a) that a performance of a play is to be given at those premises, and that an offence under section 2, 5 or 6 of this Act is likely to be committed in respect of that performance; ^[F1]or
 - (b) ^[F2]^[F3]that an offence under section 13(1) of this Act is being or will be committed in respect of those premises.]]

the justice may issue a warrant under his hand empowering any police officer ^[F4]^[F5]or, in a case falling within paragraph (b) above, any police officer or authorised officer of the licensing authority]] at any time within ^[F6]fourteen days^[F6]one month]from the date of the warrant to enter the premises and—

- (i) in a case falling within paragraph (a) above, to attend any performance of a play which may be given there;
- (ii) ^[F7]in a case falling within paragraph (b) above, to inspect the premises.]

In the application of this subsection to Scotland, the references to a justice of the peace shall be construed as including references to the sheriff . . . ^{F8}

- (2) ^[F9]^[F10]Any authorised officer of the licensing authority may, on production if so required of his authority, at all reasonable times enter any premises in respect of which a licence under this Act is in force at which he has reason to believe that a performance of a play is being or is about to be given and inspect them with a view to seeing whether the terms, conditions or restrictions on or subject to which the licence is held are complied with.]]
- (3) ^[F9]^[F10]The power conferred by subsection (2) above on an authorised officer of the licensing authority shall be exercisable also by a police officer who shall not, if wearing uniform, be required to produce any authority.]]

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- (4) ^{F11}^{F10} In relation to premises situated in the area of a authority that is not the same body as the licensing authority, subsection (2) above shall have effect as if the references to an authorised officer of the licensing authority included references to an authorised of that authority.]]
- (5) ^{F14}^{F10} Any person who wilfully obstructs an authorised officer of a licensing authority acting in the execution of a warrant under subsection (1) above or an authorised officer of a licensing authority ^{F15}or authority]acting in the exercise of his powers under subsection (2) above shall be liable on summary conviction to a fine not exceeding ^{F17}level 1 on the standard scale].]]
- ^{F18}(6)
- ^{F19}(7) ^{F20} In this section, “relevant authority” has the meaning given by section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) .]]

Textual Amendments

- F1** Word in s. 15(1) repealed (S.) (27.1.2021) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 74(4)(a)(i)**, 88(2); S.S.I. 2019/99, art. 2(2) (with art. 3)
- F2** S. 15(1)(b) repealed (S.) (27.1.2021) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 74(4)(a)(ii)**, 88(2); S.S.I. 2019/99, art. 2(2) (with art. 3)
- F3** S. 15(1)(b) and preceding word cease to have effect (E.W.) (24.11.2005) by virtue of [Licensing Act 2003 \(c. 17\)](#), s. 201(2), **Sch. 6 para. 45(a)(i)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)
- F4** Words in s. 15(1) cease to have effect (E.W.) (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), **Sch. 6 para. 45(a)(ii)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)
- F5** Words in s. 15(1) repealed (S.) (27.1.2021) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 74(4)(a)(iii)**, 88(2); S.S.I. 2019/99, art. 2(2) (with art. 3)
- F6** Words “one month” substituted (E.W.) for words “fourteen days” by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(1), **Sch. 6 para. 18**
- F7** S. 15(1)(ii) repealed (S.) (27.1.2021) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 74(4)(a)(iv)**, 88(2); S.S.I. 2019/99, art. 2(2) (with art. 3)
- F8** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
- F9** S. 15(2)(3) repealed (S.) (27.1.2021) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 74(4)(b)**, 88(2); S.S.I. 2019/99, art. 2(2) (with art. 3)
- F10** S. 15(2)-(5) ceases to have effect (E.W.) (24.11.2005) by virtue of [Licensing Act 2003 \(c. 17\)](#), s. 201(2), **Sch. 6 para. 45(b)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)
- F11** S. 15(4) repealed (S.) (1.10.2006) by [Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **Sch. 2**
- F12** Word in s. 15(4) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **Sch. 1 para. 1(a)(i)**
- F13** Word in s. 15(4) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **Sch. 1 para. 1(a)(ii)**
- F14** S. 15(5) repealed (S.) (27.1.2021) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 74(4)(b)**, 88(2); S.S.I. 2019/99, art. 2(2) (with art. 3)
- F15** Words in s. 15(5) repealed (S.) (1.10.2006) by [Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **Sch. 2**
- F16** Words in s. 15(5) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **Sch. 1 para. 1(b)**
- F17** 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
- F18** S. 15(6) repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), **Sch. 6 para. 45(c)**, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 4) and S. 15(6) repealed (S.) (27.1.2021)

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by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), ss. 74(4)(b), 88(2); S.S.I. 2019/99, art. 2(2) (with art. 3)

F19 S. 15(7) added (S.) (2.8.2005) by The Fire (Scotland) Act 2005 (Consequential Modifications and Amendments) Order 2005 (S.S.I. 2005/383), art. 1, **Sch. 1 para. 1(c)**

F20 S. 15(7) repealed (S.) (1.10.2006) by Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, **Sch. 2**

Modifications etc. (not altering text)

C1 S. 15 extended by Public Order Act 1986 (c.64, SIF 39:2), s. 20(6)

C2 S. 15 applied by 1986 c. 64, s. 29D(5) (as inserted (E.W.) (1.10.2007) by Racial and Religious Hatred Act 2006 (c. 1), s. 3(2), **Sch.**; S.I. 2007/2490, art. 2)

C3 The reference to section 5 repealed by Public Order Act 1986 (c. 64, SIF 39:2), s. 40(3), **Sch. 3**

16 Offences by bodies corporate.

Where any offence under this Act 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 similar officer of the body corporate, or any person 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.

^{F21}17 Existing letters patent.

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Textual Amendments

F21 S. 17 repealed (24.11.2005) by Licensing Act 2003 (c. 17), s. 201(2), **Sch. 6 para. 46, Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 4)

18 Interpretation.

(1) In this Act—

[^{F22}“licensing authority” means—]

^{F23}(a)

^{F23}(b)

^{F23}(bb)

(c) [^{F22}in relation to Scotland, [^{F24}a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];]

“play” means—

(a) any dramatic piece, whether involving improvisation or not, which is given wholly or in part by one or more persons actually present and performing and in which the whole or a major proportion of what is done by the person or persons performing, whether by way of speech, singing or action, involves the playing of a role; and

(b) any ballet given wholly or in part by one or more persons actually present and performing, whether or not it falls within paragraph (a) of this definition;

“premises” includes any place;

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“public performance” includes any performance in a public place within the meaning of the ^{M1}Public Order Act 1936 ^{F26}any performance which is not open for the public but which is promoted for private gain and any performance which the public or any section thereof are permitted to attend, whether on payment or otherwise;

“script” has the meaning assigned by section 9(2) of this Act.

(2) For the purposes of this Act—

- (a) a person shall not be treated as presenting a performance of a play by reason only of his taking part therein as a performer;
 - (b) a person taking part as a performer in a performance of a play directed by another person shall be treated as a person who directed the performance if without reasonable excuse he performs otherwise than in accordance with that person’s direction; and
 - (c) a person shall be taken to have directed a performance of a play given under his direction notwithstanding that he was not present during the performance;
- and a person shall not be treated as aiding or abetting the commission of an offence under section 2, 5 or 6 of this Act in respect of a performance of a play by reason only of his taking part in that performance as a performer.

Textual Amendments

- F22** Words in s. 18(1) repealed (S.) (27.1.2021) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 74\(5\)](#), [88\(2\)](#); [S.S.I. 2019/99](#), [art. 2\(2\)](#) (with [art. 3](#))
- F23** Words in s. 18(1) repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), [s. 201\(2\)](#), [Sch. 6 para. 47](#), [Sch. 7](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), [art. 2\(2\)](#) (with [art. 4](#))
- F24** Words in s. 18(1)(c) substituted (S.) (1.4.1996) by [1994 c. 39](#), [s. 180\(1\)](#), [Sch. 13 para. 77](#); [S.I. 1996/323](#), [art. 4\(c\)](#)
- F25** Words in s. 18(1) substituted (S.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), [art. 1](#), [Sch. 1 para. 5](#)
- F26** Words in s. 18(1) added (with application in respective London boroughs as from the day appointed in relation to the borough as mentioned in [ss. 3\(1\)](#), [21\(1\)](#)) by [London Local Authorities Act 1991 \(c. xiii\)](#), [s. 18\(1\)\(2\)](#).

Modifications etc. (not altering text)

- C4** The reference to section 5 repealed by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), [s. 40\(3\)](#), [Sch. 3](#)

Marginal Citations

- M1** [1936 c. 6](#). (1 Edw. 8 & Geo. 6).

18A ^{F27} Meaning of promotion for private gain.

(1) For the purposes of this Act a performance is promoted for private gain if, and only if—

- (a) any proceeds from the performance, that is to say, any sum paid for admission to the performance; 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 performance; or

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- (c) where the performance 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 performance; are applied wholly or partly for purposes of private gain.
- (2) If in proceedings for an offence under section 13 (1) above any question arises whether a performance was promoted for private gain and it is proved—
 - (a) that any sums were paid for admission to the performance or to the premises at which it was given and that the performance was advertised to the public; or
 - (b) that any sums were paid for facilities or services provided for persons admitted to the performance and that the performance 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 performance was determined wholly or partly by reference to the proceeds of the performance or any facilities or services provided for persons admitted to it; the performance shall be deemed to have been promoted for private gain unless the contrary is shown.
- (3) Where a performance 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 performance 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.

Textual Amendments

- F27** S. 18A added (with application in respective London boroughs as from the day appointed in relation to the borough as mentioned in ss. 3(1), 21(1)) by [London Local Authorities Act 1991 \(c. xiii\), s. 18\(1\)\(3\)](#).

19 †Consequential amendments, repeals and transitional provisions.

- (1) The enactments mentioned in Schedule 2 to this Act shall have effect subject to the amendments specified in column 2 of that Schedule, being amendments consequential on the foregoing provisions of this Act.
- (2) **F28**
- (3) The Secretary of State may by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament repeal or amend any provision in any local Act, including an Act confirming a provisional order, or in any instrument in the nature of a local enactment under any Act, where it appears to him that that provision is inconsistent with, or has become unnecessary or requires modification in consequence of, any provision of this Act or corresponds to any provision repealed by this Act.
- (4) **F28**

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Textual Amendments

F28 S. 19 (2)(4)-(6), Sch. 3 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. XIX](#)

Modifications etc. (not altering text)

C5 Unreliable marginal note

C6 The text of s. 19(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

20 Short title, commencement, extent and application to Isles of Scilly.

- (1) This Act may be cited as the Theatres Act 1968.
- (2) The provisions of this Act mentioned in subsection (3) below shall come into force on the passing of this Act, and the other provisions of this Act shall come into force on the expiration of a period of two months beginning with the date on which this Act is passed; but a licence granted under this Act during that period, and any requirements imposed under section 17(2) during that period, shall not come into force before the expiration of that period.
- (3) The provisions of this Act referred to in subsection (2) above are the following—
 - (a) sections 1(2), 12(4), 14, 17(2), 18(1) and this section;
 - (b) section 17(3) so far as it relates to section 14 or to paragraph 7 of Schedule 1;
 - (c) Schedule 1.
- (4) This Act does not extend to Northern Ireland.
- (5) In relation to the Isles of Scilly this Act shall have effect as if they were a county and as if for any reference to the council of a county there were substituted a reference to the Council of the Isles of Scilly.

Changes to legislation:

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