



Theatres Act 1968

1968 CHAPTER 54

Licensing of premises for public performance of plays

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.

Changes to legislation: Theatres Act 1968, Section 13 is up to date with all changes known to be in force on or before 11 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) A person guilty of an offence under subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding [^{F3}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.
- (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\(2\)](#)
- F3** 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](#)
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Modifications etc. (not altering text)

- C1** 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

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 13(3) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)