



Cinemas Act 1985

1985 CHAPTER 13

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.

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- (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;
 - (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;

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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 ^{M1}Cinematograph Act 1952 before the commencement of the ^{M2}Cinematograph (Amendment) Act 1982 shall have effect as if given by the Secretary of State.

Modifications etc. (not altering text)

C1 S. 6(6)(7) functions transferred (S) (1.7.1999) by S.I. 1999/1750, art. 2, Sch. 1

Marginal Citations

M1 1952 c. 68.

M2 1982 c. 33.

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 [^{F1}appropriate [^{F2}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.

Textual Amendments

F1 Words in s. 7(1)(a) 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. 8(2)(3)(b)

F2 Word in s. 7(1)(a) substituted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, sch. 1 para. 12(4)(5)(b)

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;

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- (b) he has given to the appropriate authority, to the ^{F3}appropriate ^{F4}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—

^{F5}“appropriate ^{F6}fire authority”, in relation to ^{F7}the building or structure, means—

(a) where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the building or structure, the enforcing authority as defined in section 61(9) of that Act,

(b) in any other case,] the ^{F8}Scottish Fire and Rescue Service];]

“chief officer of police” means the chief officer of police for the police area in which the exhibition is to be given;

^{F9}“fire authority” means the authority discharging in the area in which the exhibition is to be given the functions of fire authority under the ^{M3}Fire Services Act 1947.]

Textual Amendments

- F3** Words in s. 8(1)(b) 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. 8(2)(3)(c)
- F4** Word in s. 8(1)(b) substituted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, sch. 1 para. 12(4)(5)(c)
- F5** Words in s. 8(2) inserted (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. 8(5)**
- F6** Word in s. 8(2) substituted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **sch. 1 para. 12(7)(a)**
- F7** Words in s. 8(2) substituted (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **sch. 1 para. 12(7)(b)**
- F8** Words in s. 8(2)(b) substituted (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 7 para. 55(3)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F9** Words in s. 8(2) repealed (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **sch. 2**

Marginal Citations

- M3** 1947 c. 41.

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