



# Entertainments (Increased Penalties) Act 1990

## 1990 CHAPTER 20

An Act to increase the penalties for certain offences under enactments relating to the licensing of premises or places used for dancing, music or other entertainments of a like kind. [13th July 1990]

Be it enacted by the Queen'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 Increase of penalties: England and Wales

(1) For sub-paragraph (3) of paragraph 10 of Schedule 12 to the London Government Act 1963 (licensing of public entertainments in Greater London) there shall be substituted the following sub-paragraphs—

“(3) Any person guilty of an offence under sub-paragraph (1) or (2) of this paragraph shall be liable on summary conviction—

- (a) in the case of an offence to which sub-paragraph (3A) of this paragraph applies, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months or to both;
- (b) in any other case, to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(3A) This sub-paragraph applies to—

- (a) any offence under sub-paragraph (1) of this paragraph where the entertainment provided is entertainment in respect of which a licence is required under paragraph 1 of this Schedule; and
- (b) any offence under sub-paragraph (2) of this paragraph where the licence held is a licence granted under that paragraph and the term,

condition or restriction which is contravened imposes a limit on the number of persons who may be present at the entertainment, but excluding (in each case) any offence which would not be an offence if section 3 of the Greater London Council (General Powers) Act 1978 (premises used for public entertainment consisting wholly or partly of human posing deemed to be premises used for public dancing) had not been enacted.”

(2) For subsection (3) of section 4 of the Private Places of Entertainment (Licensing) Act 1967 there shall be substituted the following subsections—

“(3) Any person guilty of an offence under this section shall be liable on summary conviction—

- (a) in the case of an offence to which subsection (3A) of this section applies, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months or to both;
- (b) in any other case, to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(3A) This subsection applies to—

- (a) any offence under subsection (1) of this section; and
- (b) any offence under subsection (2) of this section where the terms, conditions or restrictions which are contravened or not complied with include one which imposes a limit on the number of persons who may be present at the entertainment.”

(3) In paragraph 12 of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 (licensing of public entertainments outside Greater London)—

- (a) in sub-paragraphs (1) and (2) the words “and liable on summary conviction to a fine not exceeding level 5 on the standard scale” shall be omitted; and
- (b) after sub-paragraph (2) there shall be inserted the following sub-paragraphs—

“(2A) Any person guilty of an offence under sub-paragraph (1) or (2) above shall be liable on summary conviction—

- (a) in the case of an offence to which sub-paragraph (2B) below applies, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months or to both;
- (b) in any other case, to a fine not exceeding level 5 on the standard scale.

(2B) This sub-paragraph applies to—

- (a) any offence under sub-paragraph (1) above where the entertainment provided is entertainment to which paragraph 1 or 3 above applies; and
- (b) any offence under sub-paragraph (2) above where the licence in force is a licence under paragraph 1 or 4 above and the terms, conditions or restrictions which are contravened or not complied with include one which imposes a limit on the number of persons who may be present at the entertainment.”

## **2 Increase of penalties: Scotland**

(1) In subsection (1) of section 7 of the Civic Government (Scotland) Act 1982 (maximum penalty for not having a required licence), after the word “conviction” there shall be inserted the words—

- “(a) in a case where the licence so required is a public entertainment licence, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months or to both; and
- (b) in any other case.”.

(2) In subsection (2) of that section (maximum penalty for non-compliance with licence condition) after the word “conviction” there shall be inserted the words—

- “(a) in a case where the licence is a public entertainment licence and the condition is attached under section 41(3)(b) of this Act, to such fine or imprisonment as is mentioned in subsection (1)(a) above (or to both); and
- (b) in any other case.”.

## **3 Short title, saving and extent**

- (1) This Act may be cited as the Entertainments (Increased Penalties) Act 1990.
- (2) Nothing in this Act shall have effect in relation to offences committed before the coming into force of this Act.
- (3) This Act does not extend to Northern Ireland.