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STATUTORY INSTRUMENTS

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**1991 No. 1462**

**The Cinemas (Northern Ireland) Order 1991**

*Enforcement*

**Offences**

**12.—(1) If—**

- (a) any premises in respect of which a licence under Article 3 is not in force are used for an exhibition which requires such a licence,
- (b) any premises in respect of which a consent under Article 4 is not in force are used for an exhibition which requires such a consent,
- (c) any premises in respect of which a licence of either kind is in force are used for an exhibition which requires a licence of that kind and are so used otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held,
- (d) any premises in respect of which a licence under Article 3 is in force are used for an exhibition to which Article 8 applies and are so used otherwise than in accordance with the conditions or restrictions on or subject to which the licence is held, so far as they relate to the matters specified in Article 6(2)(a), or
- (e) any premises are used for an exhibition to which regulations under Article 6 apply and are so used in contravention of those regulations,

then, subject to paragraph (3), each of the persons mentioned in paragraph (2) shall be guilty of an offence.

(2) The persons referred to in paragraph (1) are—

- (a) any person concerned in the organisation or management of the exhibition,
- (b) where a licence of either kind is in force in respect of the premises and the exhibition requires a licence of that kind, the holder of the licence,
- (c) where a licence under Article 3 is in force in respect of the premises and the exhibition is one to which Article 8 applies, the holder of the licence under Article 3,
- (d) any other person who, knowing or having reasonable cause to suspect that the premises would be used as mentioned in that paragraph—
  - (i) allowed the premises to be so used, or
  - (ii) let the premises, or otherwise made them available, to any person by whom an offence in connection with that use of the premises has been committed.

(3) It shall be a defence for a person charged with an offence under paragraph (1) to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

### Penalties and forfeitures

13.—(1) A person guilty of an offence under paragraph (1) of Article 12 shall be liable on summary conviction to a fine not exceeding—

- (a) in the case of an offence under sub-paragraph (a) of that paragraph, £20,000,
- (b) in any other case, level 5 on the standard scale.

(2) Subject to paragraph (3), the court by or before which a person is convicted of an offence under Article 12(1)(a) may order any thing produced to the court, and shown to the satisfaction of the court to relate to the offence, to be forfeited and dealt with in such manner as the court may order.

(3) The court shall not order any thing to be forfeited under paragraph (2), where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

### Revocation of licence or consent

14.—(1) If the holder of a licence under Article 3 is convicted of—

- (a) an offence under Article 12(1), or
- (b) an offence under section 30 of the Children and Young Persons Act (Northern Ireland) 1968<sup>(1)</sup> (failing to provide for safety of children at entertainments) in respect of an entertainment provided at the premises to which the licence relates,

the district council may revoke the licence.

(2) If the holder of a consent under Article 4 is convicted of an offence under Article 12(1), the district council may revoke the consent.

### Powers of entry

15.—(1) Where a constable or an authorised officer of the district council or of the Fire Authority has reasonable cause to believe that—

- (a) any premises in respect of which a licence of either kind is in force are being or are about to be used for an exhibition which requires a licence of that kind,
- (b) any premises in respect of which a licence under Article 3 is in force are being or are about to be used for an exhibition to which Article 8 applies, or
- (c) any premises in respect of which notice has been given under Article 9 or 10 are being or are about to be used for an exhibition which, but for that Article, would require a licence under Article 3,

he may enter and inspect the premises with a view to seeing whether the relevant provisions are being complied with.

(2) An authorised officer of the Fire Authority may, on giving not less than 24 hours' notice—

- (a) to the occupier of any premises in respect of which a licence is in force, or
- (b) to the occupier of any premises in respect of which notice has been given under Article 9 or 10,

enter and inspect the premises for the purpose of ensuring that there are adequate fire precautions and of seeing whether the relevant provisions, so far as they relate to fire precautions, are being complied with.

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(1) 1968 c. 34 (N.I.)

(3) A constable or authorised officer of the district council may enter and search any premises in respect of which he has reason to believe that an offence under Article 12(1) has been, is being or is about to be committed if authorised to do so by a warrant granted by a justice of the peace.

(4) The power conferred by paragraph (3) does not extend to authorising a search for material of the kinds mentioned in Article 11(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989(2) (privileged, excluded and special procedure material).

(5) A constable or authorised officer of the district council who enters and searches any premises under the authority of a warrant issued under paragraph (3) may seize and remove any apparatus or equipment or other thing whatsoever found on the premises which he has reasonable cause to believe may be liable to be forfeited under Article 13(2).

(6) Where an authorised officer of the district council or of the Fire Authority enters any premises in the exercise of any power under this Article he shall, if required to do so by the occupier, produce to the occupier his authority.

(7) Any person who intentionally obstructs the exercise of any power conferred by this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) In this Article “relevant provisions” means—

- (a) in a case falling within paragraph (1)(a) or (2)(a), regulations under Article 6 and the terms, conditions and restrictions on or subject to which the licence is held,
- (b) in a case falling within paragraph (1)(b), regulations under that Article making such provision as is mentioned in sub-paragraph (a) of paragraph (2) of that Article and the conditions and restrictions on or subject to which the licence under Article 3 is held so far as they relate to the matters specified in that sub-paragraph,
- (c) in a case falling within paragraph (1)(c) or (2)(b), regulations under that Article and any conditions notified in writing by the district council to the occupier of the premises;

and in relation to any premises in respect of which notice has been given under Article 10 any reference in this Article to the occupier shall be construed as a reference to the owner.

(9) For the purposes of this Article any conditions subject to which any premises are allowed under Article 11 to be opened and used on Sundays shall be taken to be conditions of the licence granted under Article 3 in respect of those premises.