



Cinemas Act 1985

1985 CHAPTER 13

Enforcement

10 Offences.

(1) If—

- (a) any premises in respect of which a licence under section 1 above is not in force are used for an exhibition which requires such a licence,
- (b) any premises in respect of which a consent under section 2 above 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 section 1 above is in force are used for an exhibition to which section 6 above 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 section 4(2)(a) above, or
- (e) any premises are used for an exhibition to which regulations under section 4 above apply and are so used in contravention of those regulations,

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

(2) The persons referred to in subsection (1) above 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 section 1 above is in force in respect of the premises and the exhibition is one to which section 6 above applies, the holder of the licence under section 1, and
- (d) any other person who, knowing or having reasonable cause to suspect that the premises would be used as mentioned in that subsection—

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- (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 subsection (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

11 Penalties and forfeitures.

- (1) A person guilty of an offence under subsection (1) of section 10 above shall be liable on summary conviction to a fine not exceeding—
- (a) in the case of an offence under paragraph (a) of that subsection, £20,000,
 - (b) in any other case, level 5 on the standard scale.
- (2) Subject to subsection (3) below, the court by or before which a person is convicted of an offence under section 10(1)(a) above 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 subsection (2) above, 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.

12 Revocation of licence or consent.

- (1) If the holder of a licence under section 1 above is convicted of—
- (a) an offence under section 10(1) above, or
 - (b) an offence under section 12 of the ^{M1}Children and Young Persons Act 1933 (failing to provide for safety of children of entertainments) or section 23 of the ^{M2}Children and Young Persons (Scotland) Act 1937 (the corresponding provision for Scotland) in respect of an entertainment provided at the premises to which the licence relates,
- the licensing authority may revoke the licence.
- (2) If the holder of a consent under section 2 above is convicted of an offence under section 10(1) above, the licensing authority may revoke the consent.

Marginal Citations

- M1** 1933 c. 12.
M2 1937 c. 37.

13 Powers of entry.

- (1) Where a constable or an authorised officer of the licensing authority [^{F1}or][^{F2}of the fire authority]^{F1}... 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,

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- (b) any premises in respect of which a licence under section 1 above is in force are being or are about to be used for an exhibition to which section 6 above applies, or
- (c) any premises in respect of which notice has been given under section 7 or 8 above are being or are about to be used for an exhibition which, but for that section, would require a licence under section 1 above,

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

- (2) [^{F3}An [^{F4}authorised officer of the fire authority][^{F4}employee of the appropriate relevant 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 section 7 or 8 above,

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.]

- (3) A constable or authorised officer of the licensing authority may enter and search any premises in respect of which he has reason to believe that an offence under section 10(1) above 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 or, in Scotland, by a sheriff, stipendiary magistrate or justice of the peace.
- (4) Where an authorised officer of the licensing authority [^{F5}or][^{F6}of the fire authority]^{F5}... enters any premises in the exercise of any power under this section he shall, if required to do so by the occupier, produce to the occupier his authority.
- (5) Any person who intentionally obstructs the exercise of any power conferred by this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In this section “relevant provisions” means—
- (a) in a case falling within subsection (1)(a) or (2)(a) above, regulations under section 4 above and the terms, conditions and restrictions on or subject to which the licence is held,
 - (b) in a case falling within subsection (1)(b) above, regulations under that section making such provision as is mentioned in paragraph (a) of subsection (2) of that section and the conditions and restrictions on or subject to which the licence under section 1 above is held so far as they relate to the matters specified in that paragraph,
 - (c) in a case falling within subsection (1)(c) or (2)(b) above, regulations under that section and any conditions notified in writing by the licensing authority to the occupier of the premises;

and in relation to any premises in respect of which notice has been given under section 8 above any reference in this section to the occupier shall be construed as a reference to the owner.

- (7) For the purposes of this section, any conditions subject to which any premises are allowed under section 9 above to be opened and used on Sundays shall be taken to be conditions of the licence granted under section 1 above in respect of those premises.

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- (8) Section 9(2) of the ^{M3}Police and Criminal Evidence Act 1984 (which restricts the effect of Acts conferring powers of search) shall have effect in relation to subsection (3) above as it has effect in relation to Acts passed before that Act.

Textual Amendments

- F1** Words in s. 13(1) repealed (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, [sch. 2](#)
- F2** Words in s. 13(1) 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\(6\)\(a\)](#)
- F3** S. 13(2) repealed (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, [sch. 2](#)
- F4** Words in s. 13(2) 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\(6\)\(b\)](#)
- F5** Words in s. 13(4) repealed (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, [sch. 2](#)
- F6** Words in s. 13(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. 8\(6\)\(c\)](#)

Marginal Citations

- M3** 1984 c. 60.

14 Powers of arrest and seizure.

- (1) If a constable has reasonable cause to suspect that a person has committed an offence under this Act (except section 9(4) above) he may require him to give his name and address, and if that person refuses or fails to do so or gives a name or address which the constable reasonably suspects to be false, the constable may arrest him without warrant.
- (2) A constable or authorised officer of the licensing authority who enters and searches any premises under the authority of a warrant issued under section 13(3) above 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 section 11(2) above.
- (3) Subsection (1) above—
- (a) does not extend to Scotland; and
 - (b) shall cease to have effect on the coming into force of section 26 of the ^{M4}Police and Criminal Evidence Act 1984.

Marginal Citations

- M4** 1984 c. 60.

15 Offences by bodies corporate.

- (1) Where an offence under this Act (except section 9(4) above) 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

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officer of the body corporate, or any person who was 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.

- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in the relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

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