



# Cinemas Act 1985

## 1985 CHAPTER 13

### *Miscellaneous and general*

#### **19 Music and dancing licences not required**

- (1) A licence shall not be required for any premises under a relevant enactment by reason only of the giving of a film exhibition—
  - (a) which includes representations of persons playing music, dancing or singing, or
  - (b) which otherwise includes or is accompanied by music.
- (2) For the purposes of subsection (1) above any music played at any premises by way of introduction to, in any interval between parts of, or by way of conclusion of, a film exhibition or in the interval between two film exhibitions shall be treated as music accompanying the exhibition or exhibitions, as the case may be, if the total time taken by music so played on any day amounts to less than one quarter of the total time taken by the film exhibition or exhibitions given in the premises on that day.
- (3) In subsection (1) above " relevant enactment " means—
  - (a) the Private Places of Entertainment (Licensing) Act 1967. or
  - (b) any enactment for the regulation of places kept or ordinarily used for public dancing, singing, music or other public entertainment of the like kind.

#### **20 Meaning of promotion for private gain**

- (1) For the purposes of this Act an exhibition is promoted for private gain if, and only if.—
  - (a) any proceeds of the exhibition, that is to say, any sums paid for admission to the exhibition, or
  - (b) any other sums (whenever paid) which, having regard to all the circumstances, can reasonably be regarded as paid wholly or partly for admission to the exhibition, or
  - (c) where the exhibition is advertised (whether to the public or otherwise), any sums not falling within paragraph (b) above which are paid for facilities or services provided for persons admitted to the exhibition,

are applied wholly or partly for purposes of private gain.

- (2) If in proceedings for an offence under section 10(1) above any question arises whether an exhibition was promoted for private gain and it is proved—
- (a) that any sums were paid for admission to the exhibition or to the premises at which it was given and that the exhibition was advertised to the public, or
  - (b) that any sums were paid for facilities or services provided for persons admitted to the exhibition and that the exhibition was advertised (whether to the public or otherwise), or
  - (c) that the amount of any payment falling to be made in connection with the promotion of the exhibition was determined wholly or partly by reference to the proceeds of the exhibition or any facilities or services provided for persons admitted to it,
- the exhibition shall be deemed to have been promoted for private gain unless the contrary is shown.
- (3) Where an exhibition is promoted by a society which is established and conducted wholly for purposes other than purposes of any commercial undertaking and sums falling within subsection (1) above are applied for any purpose calculated to benefit the society as a whole, the exhibition shall not be held to be promoted for private gain by reason only that the application of those sums for that purpose results in benefit to any person as an individual.
- (4) In subsection (3) above " society" includes any club, institution, organisation or association of persons, by whatever name called.

## 21 Interpretation

- (1) In this Act, except where the contrary intention appears.—
- " chief officer of police " has the meaning given by section 3(10) above;
  - " child " means a person under the age of sixteen ;
  - " film exhibition " means any exhibition of moving pictures which is produced otherwise than by the simultaneous reception and exhibition of—
    - (a) television programmes broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority, or
    - (b) programmes included in a cable programme service which is, or does not require to be, licensed under section 4 of the Cable and Broadcasting Act 1984;
  - " fire authority " has the meaning given by section 3(10) above;
  - " licence " and references to a licence of either kind shall be construed in accordance with section 3(10) above;
  - " licensing authority " has the meaning given by section 3(10) above;
  - " local authority " means—
    - (a) in England and Wales, the Greater London Council or a district council;
    - (b) in Scotland, an islands or district council;
  - " standard scale " has the meaning given by section 75 of the Criminal Justice Act 1982.
- (2) Any reference in this Act to an exhibition which requires a licence under section 1 above is a reference to an exhibition to which that section applies; and any reference in

this Act to an exhibition which requires a consent under section 2 above is a reference to an exhibition to which that section applies.

## **22 Amendments resulting from Fire Precautions Act 1971**

On the coming into force of section 12(11) of the Fire Precautions Act 1971, this Act shall have effect subject to the amendments specified in Schedule 1 to this Act.

## **23 Transitional provisions**

- (1) Any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or omitted to be done, or to an event which has occurred, under or by virtue of or for the purposes of, or by reference to, any provision of this Act includes (except where the context otherwise requires) a reference to the corresponding thing done, or having effect as if done, or required or authorised to be done, or omitted to be done, or to the corresponding event which has occurred, as the case may be, under or by virtue of or for the purposes of, or by reference to, the corresponding enactment repealed by this Act.
- (2) Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision of this Act had been in force when that period began to run.

## **24 Consequential amendments and repeals**

- (1) The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments there specified, being amendments consequential upon the provisions of this Act.
- (2) The enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

## **25 Short title, commencement and extent**

- (1) This Act may be cited as the Cinemas Act 1985.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act does not extend to Northern Ireland.