



# Hypnotism Act 1952

1952 CHAPTER 46 15 and 16 Geo 6 and 1 Eliz 2

An Act to regulate the demonstration of hypnotic phenomena for purposes of public entertainment. [1st August, 1952]

## Modifications etc. (not altering text)

- C1** Act: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#) Table B16

## 1 Control of demonstrations of hypnotism at places licensed for public entertainment.

- (1) Where under any enactment an authority in any area [<sup>F1</sup>in Scotland] have power to grant licences for the regulation of [<sup>F2</sup>theatres or other places of public amusement or public entertainment], any power conferred by any enactment to attach conditions to any such licence shall include power to attach conditions regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at the place to which the licence relates.

<sup>F3</sup>(2) .....

## Textual Amendments

- F1** Words in s. 1(1) inserted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 26\(2\)\(a\)](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), art. 2(2)
- F2** Words in s. 1(1) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 26\(2\)\(b\)](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), art. 2(2)
- F3** S. 1(2) repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 26\(3\)](#), [Sch. 7](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), art. 2(2) (with art. 4)

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Hypnotism Act 1952. (See end of Document for details)*

## 2 Control of demonstrations of hypnotism at other places. **E+W**

- (1) No person shall give an exhibition, demonstration or performance of hypnotism on any living person at or in connection with an entertainment to which the public are admitted, whether on payment or otherwise, at any place <sup>[F4]</sup>, unless—
- (a) the controlling authority have authorised that exhibition, demonstration or performance under this section, or
  - (b) the place is in Scotland and a licence mentioned in section 1 of this Act is in force in relation to it.]
- <sup>[F5]</sup>(1A) The foregoing subsection shall not apply to an exhibition, demonstration or performance of hypnotism that takes place in the course of a performance of a play (within the meaning of the Theatres Act 1968) given <sup>[F6]</sup> at premises in Scotland in respect of which a licence under that Act is in force].]
- (2) Any authorisation under this section may be made subject to any conditions.
- (3) If a person gives any exhibition, demonstration or performance of hypnotism in contravention of this section, or in contravention of any conditions attached to an authorisation under this section, he shall be liable on summary conviction to a fine not exceeding <sup>[F7]</sup>level 3 on the standard scale].
- <sup>[F8]</sup>(3A) A function conferred by this section on a licensing authority is, for the purposes of section 7 of the Licensing Act 2003 (exercise and delegation by licensing authority of licensing functions), to be treated as a licensing function within the meaning of that Act.]
- <sup>[F9]</sup>(4) In this section—
- “controlling authority” means—
- (a) in relation to a place in England and Wales, the licensing authority in whose area the place, or the greater or greatest part of it, is situated, and
  - (b) in relation to a place in Scotland, the authority having power to grant licences of the kind mentioned in section 1 in that area, and
- “licensing authority” has the meaning given by the Licensing Act 2003. ]

### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

### Textual Amendments

- F4** Words in s. 2(1) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 27\(a\)](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), art. 2(2)
- F5** S. 2(1A) inserted by [Theatres Act 1968 \(c. 54\)](#), [Sch. 2](#)
- F6** Words in s. 2(1A) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 27\(b\)](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), art. 2(2)
- F7** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38](#), [46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#) [ss. 289F](#), [289G](#)
- F8** S. 2(3A) inserted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 27\(c\)](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), art. 2(2)
- F9** S. 2(4) substituted for s. 2(4)(a)(b) (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 27\(d\)](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), art. 2(2)

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Hypnotism Act 1952. (See end of Document for details)*

## 2 Control of demonstrations of hypnotism at other places. **S**

- (1) No person shall give an exhibition, demonstration or performance of hypnotism on any living person at or in connection with an entertainment to which the public are admitted, whether on payment or otherwise, at any place <sup>[F4]</sup>, unless—
- (a) the controlling authority have authorised that exhibition, demonstration or performance under this section, or
  - (b) the place is in Scotland and a licence mentioned in section 1 of this Act is in force in relation to it.]

<sup>[F13]</sup>(1A) The foregoing subsection shall not apply to an exhibition, demonstration or performance of hypnotism that takes place in the course of a performance of a play (within the meaning of the Theatres Act 1968) given <sup>[F6]</sup> at premises in Scotland in respect of which a licence under that Act is in force.]]

(2) Any authorisation under this section may be made subject to any conditions.

(3) If a person gives any exhibition, demonstration or performance of hypnotism in contravention of this section, or in contravention of any conditions attached to an authorisation under this section, he shall be liable on summary conviction to a fine not exceeding <sup>[F14]</sup>level 3 on the standard scale].

<sup>[F8]</sup>(3A) A function conferred by this section on a licensing authority is, for the purposes of section 7 of the Licensing Act 2003 (exercise and delegation by licensing authority of licensing functions), to be treated as a licensing function within the meaning of that Act.]

<sup>[F9]</sup>(4) In this section—

“controlling authority” means—

- (a) in relation to a place in England and Wales, the licensing authority in whose area the place, or the greater or greatest part of it, is situated, and
- (b) in relation to a place in Scotland, the authority having power to grant licences of the kind mentioned in section 1 in that area, and

“licensing authority” has the meaning given by the Licensing Act 2003. ]

### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

### Textual Amendments

- F4** Words in s. 2(1) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 27\(a\)](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), art. 2(2)
- F6** Words in s. 2(1A) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 27\(b\)](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), art. 2(2)
- F8** S. 2(3A) inserted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 27\(c\)](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), art. 2(2)
- F9** S. 2(4) substituted for s. 2(4)(a)(b) (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 27\(d\)](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), art. 2(2)
- F13** S. 2(1A) inserted by [Theatres Act 1968 \(c. 54\)](#), [Sch. 2](#)
- F14** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38](#), [46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#) [ss. 289F](#), [289G](#)

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## [<sup>F10</sup>2A Fee.

The person making an application to a controlling authority, being the council of a London borough, for an authorisation under section 2 of this Act shall on making the application pay to the council such reasonable fee as the council may determine.]

### Textual Amendments

**F10** S. 2A added (21.9.1994) by 1994 c. xii , ss. 1 , 7(1)

## 3 Prohibition on hypnotising persons under twenty-one.

A person who gives an exhibition, demonstration or performance of hypnotism on a person who has not attained the age of [<sup>F11</sup>eighteen] years at or in connection with an entertainment to which the public are admitted, whether on payment or otherwise, shall, unless he had reasonable cause to believe that that person had attained that age, be liable on summary conviction to a fine not exceeding [<sup>F12</sup>level 3 on the standard scale].

### Textual Amendments

**F11** Word substituted (S.) by Age of Majority (Scotland) Act 1969 (c. 39) , s. 1(3) , **Sch. 1 Pt. I** and (E.W.) by Family Law Reform Act 1969 (c. 46) , s. 1(3) , **Sch. 1 Pt. I**

**F12** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1) , ss. 38 , 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1) ss. 289F, 289G

## 4 Entry of premises.

Any police constable may enter any premises where any entertainment is held if he has reasonable cause to believe that any act is being or may be done in contravention of this Act.

## 5 Saving for scientific purposes.

Nothing in this Act shall prevent the exhibition, demonstration or performance of hypnotism (otherwise than at or in connection with an entertainment) for scientific or research purposes or for the treatment of mental or physical disease.

## 6 Interpretation.

In this Act, except where the context otherwise requires it, the following expression shall have the meaning hereby assigned to it, that is to say:—

“ hypnotism ” includes hypnotism, mesmerism and any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased but does not include hypnotism, mesmerism or any such similar act or process which is self-induced.

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**7 Short title, extent and commencement.**

- (1) This Act may be cited as the Hypnotism Act 1952.
- (2) This Act shall not extend to Northern Ireland.
- (3) This Act shall come into force on the first day of April, nineteen hundred and fifty-three.

**Status:**

Point in time view as at 24/11/2005.

**Changes to legislation:**

There are currently no known outstanding effects for the Hypnotism Act 1952.