

## SCHEDULE 1

### MODIFICATIONS OF PUBLIC GENERAL ACTS

#### *The Cinemas Act 1985 (c. 13)*

- 12.**—(1) The Cinemas Act 1985 is amended as follows.
- (2) In section 1 (licence required for exhibitions)—
- (a) in subsection (2), after “to”, where it fourth occurs, insert “subsection (2A) and to”; and
- (b) after subsection (2) insert—
- “(2A) Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to the premises, no term, condition or restriction may be imposed under subsection (2) which relates to any matter in relation to which requirements or prohibitions are or could be imposed by virtue of that Part.”.
- (3) In section 2 (consent required for exhibitions for children)—
- (a) in subsection (2), after “to”, where it first occurs, insert “subsection (2A) and to”; and
- (b) after subsection (2) insert—
- “(2A) Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to the premises, no condition or restriction may be imposed under subsection (2) which relates to any matter in relation to which requirements or prohibitions are or could be imposed by virtue of that Part.”.
- (4) In the provisions mentioned in sub-paragraph (5), for “relevant” (in each place) substitute “fire”.
- (5) Those provisions are—
- (a) subsections (1)(b), (2) and (3)(1) of section 3 (grant, renewal and transfer of licence or consent);
- (b) subsection (1)(a)(2) of section 7 (exhibitions in premises used occasionally);
- (c) subsection (1)(b)(3) of section 8 (exhibitions in movable buildings, etc);
- (d) subsection (3)(4) of section 16 (appeals against decisions of licensing authority).
- (6) In subsection (10)(5) of section 3, in the definition of “appropriate relevant authority”—
- (a) for “relevant”, where it first occurs, substitute “fire”; and
- (b) after “means” insert—
- “(a) where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the premises, the enforcing authority as defined in section 61(9) of that Act;
- (b) in any other case,”.
- (7) In subsection (2)(6) of section 8, in the definition of “appropriate relevant authority”—
- (a) for “relevant”, where it first occurs, substitute “fire”; and
- (b) for “any premises, means” substitute
- “the building or structure, means—

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(1) Subsections (1)(b), (2) and (3) of section 3 were amended by [S.S.I. 2005/383](#).

(2) Subsection (1)(a) of section 7 was amended by [S.S.I. 2005/383](#).

(3) Subsection 1(b) of section 8 was amended by [S.S.I. 2005/383](#).

(4) Subsection (3) of section 16 was amended by [S.S.I. 2005/383](#).

(5) Subsection (10) of section 3 was amended by [S.S.I. 2005/383](#).

(6) Subsection (2) of section 8 was amended by [S.S.I. 2005/383](#).

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 No. 475*

- (a) where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the building or structure, the enforcing authority as defined in section 61(9) of that Act,
- (b) in any other case,”.

(8) In subsection (1)(7) of section 21, in the definition of “appropriate relevant authority,” for “relevant” substitute “fire”.

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(7) Subsection (1) of section 21 was amended by [S.S.I. 2005/383](#).