



# London Local Authorities Act 1991

## 1991 CHAPTER xiii

### PART III

#### ENTERTAINMENT

#### **18 Amendment of Theatres Act 1968**

- (1) This section applies in a borough as from the appointed day.
- (2) In section 18 (1) of the Theatres Act 1968, which defines expressions used in that Act, in the definition of “public performance”, after “Public Order Act 1936” there shall be added, “any performance which is not open for the public but which is promoted for private gain”.
- (3) In the Theatres Act 1968, after section 18, there shall be added—

#### **“18A Meaning of promotion for private gain**

- (1) For the purposes of this Act a performance is promoted for private gain if, and only if—
  - (a) any proceeds from the performance, that is to say, any sum paid for admission to the performance; 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 performance; or
  - (c) where the performance 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 performance; are applied wholly or partly for purposes of private gain.
- (2) If in proceedings for an offence under section 13 (1) above any question arises whether a performance was promoted for private gain and it is proved—

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (a) that any sums were paid for admission to the performance or to the premises at which it was given and that the performance was advertised to the public; or
  - (b) that any sums were paid for facilities or services provided for persons admitted to the performance and that the performance 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 performance was determined wholly or partly by reference to the proceeds of the performance or any facilities or services provided for persons admitted to it; the performance shall be deemed to have been promoted for private gain unless the contrary is shown.
- (3) Where a performance 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 performance 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.”.