



# Cinematograph (Amendment) Act 1982

CHAPTER 33

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ELIZABETH II



# Cinematograph (Amendment) Act 1982

## 1982 CHAPTER 33

An Act to extend and amend the Cinematograph Acts  
1909 and 1952. [13th July 1982]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Subject to the provisions of—

(a) section 7 (application of Act to special premises) of the Cinematograph Act 1909 (in this Act referred to as "the 1909 Act"); and

(b) section 5 (exemption for non-commercial exhibitions) of the Cinematograph Act 1952 (in this Act referred to as "the 1952 Act"),

Extension of  
1909 Act to  
certain other  
exhibitions  
of moving  
pictures.

1909 c. 30.

1925 c. 68.

the 1909 Act and (except so far as they otherwise provide) any regulations made under it shall apply as respects all exhibitions of moving pictures which are produced otherwise than by the simultaneous reception and exhibition of television programmes broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority or distributed by a system licensed by the Secretary of State under section 89 of the Post Office Act 1969.

**Exclusion of exhibitions promoted for private gain from certain exemptions under the 1909 and 1952 Acts.**

**2.—(1)** Subject to subsection (2) below, an exhibition which is promoted for private gain shall be excluded—

- (a) from the exhibitions to which section 7(4) of the 1909 Act (exhibitions in private dwelling houses) applies ; and
- (b) from the exhibitions which are exempted exhibitions for the purposes of section 5 of the 1952 Act.

(2) Subsection (1) above does not apply to an exhibition the sole or main purpose of which is to demonstrate any product, to advertise any goods or services or to provide information, education or instruction.

(3) 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.

(4) If in proceedings for an offence under section 7(1) below 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.

(5) 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 (3) 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.

(6) In subsection (5) above "society" includes any club, institution, organisation or association of persons, by whatever name called.

**3.—(1) An applicant for the grant, renewal or transfer of a licence shall give to—**

- (a) the licensing authority ;
- (b) the fire authority ; and
- (c) the chief officer of police,

Applications for grant, renewal or transfer of licence or consent.

not less than 28 days' notice of his intention to make the application.

(2) The licensing authority may in such cases as they think fit, after consulting with the fire authority and the chief officer of police, grant an application for the grant, renewal or transfer of a licence notwithstanding the fact that the applicant has failed to give notice in accordance with subsection (1) above.

(3) In considering any application for the grant, renewal or transfer of a licence, the licensing authority shall have regard to any observations submitted to them by the fire authority or by the chief officer of police.

(4) Where, before the date of expiry of a licence, an application has been made for its renewal or transfer, the licence shall be deemed to remain in force or, as the case may require, to have effect with any necessary modifications until the determination of the application by the licensing authority or the withdrawal of the application.

(5) In this Act, unless the contrary intention appears, "licence" means a licence under section 2 of the 1909 Act or a consent under section 4 of the 1952 Act, and references to a licence of either kind shall be construed accordingly.

**4.—(1) Any person aggrieved—**

- (a) by the refusal or revocation of a licence ;
- (b) by any terms, conditions or restrictions on or subject to which a licence is granted ; or
- (c) by the refusal of a renewal or transfer of a licence,

Appeals against decisions of licensing authority.

may appeal to the Crown Court or, in Scotland, to the sheriff.

(2) Where the decision against which an appeal under this section is brought was given on an application of which (in

accordance with section 3(1) above) notice was required to be given to a fire authority and a chief officer of police, any notice of appeal under this section against that decision shall be given to that authority and that officer as well as to any other person to whom it is required to be given apart from this subsection.

(3) Where a licence is revoked it shall be deemed to remain in force during the period within which an appeal under this section may be brought and, if such an appeal is brought, until the determination or abandonment of the appeal.

(4) Where an application for the renewal or transfer of a licence is refused, the licence shall be deemed to remain in force or, as the case may require, to have effect with any necessary modifications—

- (a) during any period within which an appeal under this section may be brought and, if such an appeal is brought, until the determination or abandonment of the appeal ; and
- (b) where such an appeal is successful, until the licence is renewed or transferred by the licensing authority.

Powers of  
entry.

**5.—**(1) Where a constable or an authorised officer of the licensing authority or of the fire authority 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 ;
- (b) any premises in respect of which a licence under section 2 of the 1909 Act is in force are being or are about to be used for an exempted exhibition ; or
- (c) any premises in respect of which notice has been given under subsection (2) (occasional exhibitions) or subsection (3) (exhibitions in moveable buildings or structures) of section 7 of that Act are being or are about to be used for an exhibition which, but for that subsection, would require a licence under section 2 of that Act,

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

(2) An authorised officer of the fire 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(2) or (3) of the 1909 Act,

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 relating 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 suspect that an offence under section 7(1) below 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 or of the fire authority 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 guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(6) In this section "relevant provisions" means—

- (a) in a case falling within subsection (1)(a) or (2)(a) above, regulations under the 1909 Act 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 the 1909 Act making such provision as is mentioned in paragraph (a) of section 2(1) of the 1952 Act and the conditions and restrictions on or subject to which the licence is held so far as relating to the matters specified in that paragraph ;
- (c) in a case falling within subsection (1)(c) or (2)(b) above, regulations under the 1909 Act 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 7(3) of the 1909 Act any reference to the occupier shall be construed as a reference to the owner.

**6.**—(1) If a constable has reasonable cause to suspect that a person has committed an offence under this Act 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. Powers of arrest and seizure.

This subsection does not extend to Scotland.

(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 5(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 7(5) below.

**Penalties and forfeitures.**

**7.—(1) If—**

- (a) any premises in respect of which a licence under section 2 of the 1909 Act 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 4 of the 1952 Act 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 2 of the 1909 Act is in force are used for an exempted exhibition 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 relating to the matters specified in section 2(1)(a) of the 1952 Act ; or
- (e) any premises are used for an exhibition to which regulations made under the 1909 Act 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 or a licence under section 2 of the 1909 Act is in force in respect of the premises and the exhibition is an exempted exhibition, the holder of the licence ; and
- (c) any other person who, knowing or having reasonable cause to suspect that the premises would be used as mentioned in that subsection—
  - (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.

(4) A person guilty of an offence under subsection (1) 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, £10,000 ;

(b) in any other case, £1,000.

(5) Subject to subsection (6) below, the court by or before which a person is convicted of an offence under subsection (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.

(6) The court shall not order any thing to be forfeited under subsection (5) 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.

(7) If the holder of a licence is convicted of an offence under subsection (1) above, the licensing authority may revoke the licence.

8.—(1) Where an offence under this Act 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 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.

Offences by  
bodies  
corporate.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in 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.

9.—(1) In this Act—

“ the 1909 Act ” means the Cinematograph Act 1909 ;

“ the 1952 Act ” means the Cinematograph Act 1952 ;

“ chief officer of police ”, in relation to any premises, means the chief officer of police for the police area in which the premises are situated ;

“ exempted exhibition ” means an exhibition which, by virtue only of section 5 of the 1952 Act, does not require a licence under section 2 of the 1909 Act ;

Interpretation.

1909 c. 30.

1952 c. 68.

1947 c. 41. “fire authority”, in relation to any premises, means the authority discharging in the area in which the premises are situated the functions of fire authority under the Fire Services Act 1947 ;

“licence” and references to a licence of either kind shall be construed in accordance with section 3(5) above ;

“licensing authority”, in relation to any premises, means the authority having power to grant licences for the premises.

(2) Any reference in this Act to an exhibition which requires a licence under section 2 of the 1909 Act is a reference to an exhibition to which section 1(1) of that Act (premises not to be used for certain exhibitions unless a licence is in force in respect of the premises) applies ; and any reference in this Act to an exhibition which requires a consent under section 4 of the 1952 Act (premises not to be used for certain exhibitions unless a consent is in force in respect of the premises) is a reference to an exhibition to which that section applies.

Amendments  
and repeals.

**10.**—(1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(2) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

1971 c. 40.

(3) On the coming into force of section 12(11) of the Fire Precautions Act 1971 (regulations relating to fire precautions to be made under that Act), there shall cease to have effect section 7(2)(b) and 3(b)(ii) of the 1909 Act and the following provisions of this Act, namely—

(a) in section 3—

(i) in subsection (1), paragraph (b) ;

(ii) in subsection (2) the words “the fire authority and” ;

(iii) in subsection (3) the words “by the fire authority or” ;

(b) in section 4, in subsection (2), the words “a fire authority and” and the words “that authority and” ;

(c) in section 5—

(i) in subsections (1) and (4) the words “or of the fire authority” ;

(ii) subsection (1)(b) and (2) ;

(iii) in subsection (6), in the definition of “relevant provisions”, in paragraph (a) the words “or (2)(a)”,

- paragraph (b) and in paragraph (c) the words “ or (2)(b) ” ;
- (d) in section 7, subsection (1)(d) and, in subsection (2)(b), the words from “ or ” to “ exempted exhibition ” ; and
- (e) in section 9, the definitions of “ exempted exhibition ” and “ fire authority ”.

- 11.**—(1) This Act may be cited as the Cinematograph (Amendment) Act 1982. Short title, citation, commencement and extent.
- (2) The Cinematograph Acts 1909 and 1952 and this Act may be cited together as the Cinematograph Acts 1909 to 1982.
- (3) This Act shall come into force on the expiry of the period of three months beginning with the day on which this Act is passed.
- (4) This Act does not extend to Northern Ireland.

## SCHEDULES

## Section 10.

## SCHEDULE 1

## MINOR AND CONSEQUENTIAL AMENDMENTS

*Cinematograph Act 1909*

1. For section 1 of the 1909 Act there shall be substituted the following section—

1952 c. 68. “ Provision against cinematograph exhibition except in licensed premises. 1.—(1) Subject to the provisions of section 7 of this Act and of section 5 of the Cinematograph Act 1952, no premises shall be used for a cinematograph exhibition unless they are licensed for the purpose in accordance with this Act.

(2) Subject to those provisions, no cinematograph exhibition shall be given unless the regulations made by the Secretary of State under this Act are complied with.

1969 c. 48. (3) In this Act ‘ cinematograph exhibition ’ means any exhibition of moving pictures which is produced otherwise than by the simultaneous reception and exhibition of television programmes broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority or distributed by a system licensed by the Secretary of State under section 89 of the Post Office Act 1969.”

2.—(1) In subsection (1) of section 2 of that Act (grant of licences) for the words “ the premises ” there shall be substituted the words “ any premises in their area ”.

(2) In subsection (2) of that section (duration of licences) for the words “ revoked as herein-after provided ” there shall be substituted the words “ revoked as provided by section 7(7) of the Cinematograph (Amendment) Act 1982 ”.

3.—(1) In subsection (2) of section 7 of that Act (occasional exhibitions)—

(a) for the words “ to the county council and to the chief officer of police of the police area ” (as originally enacted) there shall be substituted the following paragraphs—

“ (a) to the local authority in whose area the premises are situated ;

1947 c. 41. (b) to the authority discharging in the area in which the premises are situated the functions of fire authority under the Fire Services Act 1947 ; and

(c) to the chief officer of police for the police area in which the premises are situated ; ” ; and

(b) for the words “ by the county council ” (as originally enacted) there shall be substituted the words “ by that local authority ”.

(2) In subsection (3) of that section (moveable buildings or structures— SCH. 1

(a) for the words “the council of the county in which” (as originally enacted) there shall be substituted the words “the local authority in whose area”;

(b) in paragraph (a), for the words from “the council of the county” to “this Act” (as originally enacted) there shall be substituted the words “the local authority in whose area he ordinarily resides”;

(c) in paragraph (b), for the words “to the council of the county and to the chief officer of police of the police area in which it is proposed to give the exhibition” (as originally enacted) there shall be substituted the following sub-paragraphs—

“ (i) to the local authority in whose area it is proposed to give the exhibition ;

(ii) to the authority discharging in the area in which it is proposed to give the exhibition the functions of fire authority under the Fire Services Act 1947 ; and 1947 c. 41.

(iii) to the chief officer of police of the police area in which it is proposed to give the exhibition ;” ; and

(d) in paragraph (c), for the words “the county council” (as originally enacted) there shall be substituted the words “the local authority in whose area it is proposed to give the exhibition”.

(3) For subsection (4) of that section (exhibitions in private dwelling-houses) there shall be substituted the following subsections—

“ (4) The following exemptions shall have effect in relation to any cinematograph exhibition to which this subsection applies, that is to say—

(a) neither a licence under section 2 of this Act nor a consent under section 4 of the Cinematograph Act 1952 c. 68. 1952 shall be required by reason only of the giving of the exhibition ;

(b) where the exhibition is given in premises in respect of which such a licence or consent is in force, no condition or restriction on or subject to which the licence or consent was granted shall apply to the exhibition ;

(c) regulations under this Act shall not apply to the exhibition ; and

(d) for the purposes of subsection (2) of this section the giving of the exhibition shall be disregarded.

(5) Subsection (4) of this section applies to any cinematograph exhibition which—

(a) is given in a private dwelling-house ; and

(b) is one to which the public are not admitted.

(6) In this section ‘ local authority ’ means—

(a) in England and Wales, the Greater London Council or a district council ;

(b) in Scotland, an islands or district council.”.

## SCH. 1

*Sunday Entertainments Act 1932*

1932 c. 51.  
1909 c. 30.

4. In section 1(2) of the Sunday Entertainments Act 1932 for the words "section four of the Cinematograph Act, 1909" there shall be substituted the words "section 5 of the Cinematograph (Amendment) Act 1982" and for the words "that Act" there shall be substituted the words "the Cinematograph Act 1909".

*Public Health Act 1936*

1936 c. 49.

5. In section 226(3) of the Public Health Act 1936 after the words "cinematograph exhibitions" there shall be inserted the words "(within the meaning of the Cinematograph Act 1909)" and for the words "the Cinematograph Act, 1909," there shall be substituted the words "that Act".

*Shops Act 1950*

1950 c. 28.

6. In section 74(1) of the Shops Act 1950, in the definition of "theatre", for the words from "the exhibition" to "suitable apparatus" there shall be substituted the words "cinematograph exhibitions (within the meaning of the Cinematograph Act 1909)".

*Cinematograph Act 1952*

7.—(1) For subsection (4) of section 5 of the 1952 Act (exempted organisations) there shall be substituted the following subsections—

"(4) In the last foregoing subsection the expression 'exempted organisation' means a society, institution, committee or other organisation as respects which there is in force at the time of the exhibition in question a certificate given by the Secretary of State certifying that he is satisfied that the organisation is not conducted or established for profit; and there shall be paid to the Secretary of State in respect of the giving of such a certificate such reasonable fee as he may determine.

(5) The Secretary of State shall not give such a certificate with respect to any organisation—

(a) the activities of which appear to him to consist of or include the giving of cinematograph exhibitions promoted for private gain; or

(b) the objects of which do not appear to him to consist of or include the giving of cinematograph exhibitions to which the public are admitted;

and the Secretary of State may revoke such a certificate at any time if it appears to him that, since the certificate was given, the activities or the organisation have consisted of or included the giving of cinematograph exhibitions promoted for private gain."

(2) Any certificate given by the Commissioners of Customs and Excise under that subsection before the commencement of this Act shall have effect as if given by the Secretary of State.

8. In section 9(1) of that Act for the definition of "cinematograph exhibition" there shall be substituted—

"'cinematograph exhibition' has the same meaning as in the Act of 1909;".

*Obscene Publications Act 1959*

SCH. 1

9. In section 2(7) of the Obscene Publications Act 1959 for the words from “ means ” to the end there shall be substituted the words “ has the same meaning as in the Cinematograph Act 1909.”.

*London Government Act 1963*

10. In paragraph 19(5) of Schedule 12 to the London Government Act 1963 for the words “ Section 6 of the Cinematograph Act 1952 ” there shall be substituted the words “ Section 4 of the Cinematograph (Amendment) Act 1982 ”.

*Sunday Cinema Act 1972*

11. In section 2 of the Sunday Cinema Act 1972 for the words “ section 6 of the Cinematograph Act 1952 ” there shall be substituted the words “ section 4 of the Cinematograph (Amendment) Act 1982 ”.

*Indecent Displays (Control) Act 1981*

12. In section 1(4) of the Indecent Displays (Control) Act 1981 for the words “ the Cinematograph Act 1952 ”, in the first place where they occur, there shall be substituted the words “ the Cinematograph Act 1909 ”.

## SCHEDULE 2

Section 10.

## REPEALS

Chapter	Short title	Extent of repeal
9 Edw. 7. c. 30.	The Cinematograph Act 1909.	In section 2, in subsection (1) the words “(as defined in the Cinematograph Act 1952)” and subsection (4). Sections 3 and 4.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 68.	The Cinematograph Act 1952.	Section 1. In section 4(3), the words from “ and sections three and four ” to the end. Section 6. In the Schedule, the entries relating to sections 1, 3 and 4 of the Cinematograph Act 1909.
1967 c. 80.	The Criminal Justice Act 1967.	In Schedule 3, in Part I, the entry relating to section 3 of the Cinematograph Act 1909.
1971 c. 23.	The Courts Act 1971.	In Schedule 9, in Part I, the entry relating to section 6 of the Cinematograph Act 1952.
1972 c. 70.	The Local Government Act 1972.	Section 204(5)(b).
1973 c. 65.	The Local Government (Scotland) Act 1973.	In Schedule 24, in paragraph 33, the words from “ in section 7(3) ” to “ islands area or district ”.

## SCH. 2

Chapter	Short title	Extent of repeal
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975. The Criminal Justice Act 1982.	In Schedule 7D, paragraph 4. In Schedule 3, the entry relating to section 3 of the Cinematograph Act 1909.

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