



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART III

#### CONTROL OF SEX SHOPS

##### [<sup>F1</sup>45A Licensing of sexual entertainment venues: interpretation

- (1) This section applies for the purposes of the interpretation of section 45B and Schedule 2 (as modified for the purposes of section 45B).
- (2) “Sexual entertainment venue” means any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser.
- (3) For the purposes of that definition—
  - “audience” includes an audience of one,
  - “financial gain” includes financial gain arising directly or indirectly from the provision of the sexual entertainment,
  - “organiser”, in relation to the provision of sexual entertainment in premises, means—
    - (a) the person (“A”) who is responsible for—
      - (i) the management of the premises, or
      - (ii) the organisation or management of the sexual entertainment, or
    - (b) where A exercises that responsibility on behalf of another person (whether by virtue of a contract of employment or otherwise), that other person,
  - “premises” includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted,
  - “sexual entertainment” means—
    - (a) any live performance, or
    - (b) any live display of nudity,

*Status: Point in time view as at 01/05/2017. This version of this provision has been superseded.*

*Changes to legislation: Civic Government (Scotland) Act 1982, Section 45A is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

- (4) For the purposes of the definition of “sexual entertainment”, “display of nudity” means—
- (a) in the case of a woman, the showing of (to any extent and by any means) her nipples, pubic area, genitals or anus,
  - (b) in the case of a man, the showing of (to any extent and by any means) his pubic area, genitals or anus.
- (5) Sexual entertainment is provided if (and only if) it is provided (or allowed to be provided) by or on behalf of the organiser.
- (6) References in Schedule 2 (as modified for the purposes of section 45B) to the use of any premises by a person as a sexual entertainment venue are to be read as references to their use by the organiser.
- (7) The following are not sexual entertainment venues—
- (a) a sex shop (within the meaning of paragraph 2(1) of Schedule 2),
  - (b) such other premises as the Scottish Ministers may by order specify.
- (8) An order under subsection (7)(b) may make different provision for different purposes.
- (9) Premises at which sexual entertainment is provided as mentioned in subsection (2) on a particular occasion (“the current occasion”) are not to be treated as a sexual entertainment venue if sexual entertainment has not been provided on more than 3 previous occasions which fall wholly or partly within the period of 12 months ending with the start of the current occasion.
- (10) For the purposes of subsection (9)—
- (a) each continuous period during which sexual entertainment is provided on the premises is to be treated as a separate occasion, and
  - (b) where the period during which sexual entertainment is provided on the premises exceeds 24 hours, each period of 24 hours (and any part of a period of 24 hours) is to be treated as a separate occasion.
- (11) The Scottish Ministers may by order provide for—
- (a) descriptions of performances, or
  - (b) descriptions of displays of nudity,
- which are not to be treated as sexual entertainment for the purposes of this section.
- (12) An order under subsection (7)(b) or (11) is subject to the negative procedure.]

#### Textual Amendments

- F1** Ss. 45A-45C inserted (1.12.2015 for the insertion of s. 45A for specified purposes) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 76(3), 88(2)**; S.S.I. 2015/382, art. 2, sch.

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