

# **Cinematograph Act, 1952**

15 & 16 GEO. 6 & 1 ELIZ. 2 CH. 68

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## **ARRANGEMENT OF SECTIONS**

### **Section**

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Minor and Consequential Amendments of 9 Edw. 7. c. 30.





## CHAPTER 68

An Act to extend and amend the Cinematograph Act, 1909, and, as respects cinematograph entertainments, to modify the enactments relating to music and dancing licences. [30th October 1952.]

**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 section seven of the Act of 1909 and to the exemptions hereinafter provided, the said Act and (except so far as they otherwise provide) any regulations made thereunder shall apply as respects all cinematograph exhibitions, whether given by means involving the use of inflammable films or non-inflammable films, or by means not involving the use of films.

Extension of 9 Edw. 7. c. 30 to cinematograph exhibitions using non-inflammable films or television etc.

2.—(1) The matters for which provision may be made by the regulations of the Secretary of State under the Act of 1909 shall be the following:—

Scope of Secretary of State's regulations

- (a) safety, in connection with the giving of cinematograph exhibitions (including the keeping and handling, in premises where other entertainments are being given or meetings held, of cinematograph film used or to be used for the purposes of cinematograph exhibitions or other articles or equipment so used or to be used);
- (b) the health and welfare of children in relation to attendance at cinematograph exhibitions.

(2) Any statutory instrument containing such regulations as aforesaid shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Provisions as to conditions in licences.

3.—(1) It shall be the duty of the licensing authority, in granting a licence under the Act of 1909 as respects any premises,—

(a) to impose conditions or restrictions prohibiting the admission of children to cinematograph exhibitions involving the showing of works designated, by the licensing authority or such other body as may be specified in the licence, as works unsuitable for children; and

(b) to consider what (if any) conditions or restrictions should be imposed as to the admission of children to other cinematograph exhibitions involving the showing of works designated by the authority or such other body as aforesaid as of such other description as may be specified in the licence.

(2) Neither the last foregoing section nor subsection (1) of this section shall be construed as derogating from the generality of the power of the licensing authority, as respects any premises, to impose conditions or restrictions.

Control of cinematograph exhibitions for children.

4.—(1) Subject to the provisions of this Act, no premises shall be used, except with the consent of the licensing authority, for a cinematograph exhibition organised wholly or mainly as an exhibition for children.

(2) Subject to the regulations of the Secretary of State under the Act of 1909, and without prejudice to any conditions or restrictions imposed by the licensing authority on the granting of a licence, the authority may impose special conditions or restrictions on the granting of any consent under this section.

(3) Subsections (2) to (5) of section two of the Act of 1909 (which contain supplemental provisions as to licences) shall with the necessary modifications apply for the purposes of this section as they apply for the purposes of the said section two; and sections three and four of that Act (which impose penalties and confer powers of entry for purposes of inspection) shall have effect as if references to that Act included references to this section and references to licences included references to consents.

Exemptions for non-commercial exhibitions.

5.—(1) The following exemptions shall have effect in the case of cinematograph exhibitions (hereinafter referred to as “exempted exhibitions”) to which the public are not admitted or to which the public are admitted without payment, that is to say:—

(a) a licence under the Act of 1909 shall not be required by reason only of the giving of an exempted exhibition, and for the purposes of subsection (2) of section seven

of that Act (which exempts premises used only occasionally for cinematograph exhibitions) the giving in any premises of an exempted exhibition shall be disregarded;

- (b) section four of this Act shall not apply to an exempted exhibition;
- (c) regulations made by the Secretary of State under the Act of 1909, being regulations made by virtue of paragraph (b) of subsection (1) of section two of this Act, shall not apply in relation to an exempted exhibition, and regulations made by the Secretary of State under that Act, being regulations made by virtue of paragraph (a) of the said subsection (1), shall not apply in relation to an exempted exhibition unless given in premises in respect of which a licence under the Act of 1909 is in force;
- (d) in connection with the giving of an exempted exhibition in premises in respect of which a licence under the Act of 1909 is in force no condition or restriction on or subject to which the licence was granted shall apply except in so far as it relates to the matters specified in paragraph (a) of subsection (1) of section two of this Act:

Provided that (without prejudice to the operation of paragraph (d) of this subsection) paragraph (a) thereof shall not have effect in the case of exhibitions where the pictures are produced by means specified by regulations of the Secretary of State under the Act of 1909 as means involving risk such that it is inexpedient that the said paragraph (a) should have effect.

(2) For the purposes of this section an exhibition shall not be treated as an exempted exhibition if organised wholly or mainly as an exhibition for children who are members of a club, society or association the principal object of which is attendance at cinematograph exhibitions, so however that this subsection shall not apply to any exhibition given in a private dwelling-house or any exhibition given as part of the activities of an educational or religious institution.

(3) Subject to the provisions of the last foregoing subsection an exhibition given by an exempted organisation in any premises shall be treated for the purposes of this section as an exempted exhibition, notwithstanding payment for admission thereto:

Provided that an exhibition shall not be treated for those purposes as an exempted exhibition by virtue of this subsection if on more than three out of the last preceding seven days the premises in question were used for the giving of a cinematograph exhibition which fell to be treated as an exempted exhibition by virtue of this subsection.

(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 of the Commissioners of Customs and Excise certifying that the Commissioners are satisfied that the organisation is not conducted or established for profit.

## Appeals.

6.—(1) Any person aggrieved—

(a) by the refusal or revocation of a licence under the Act of 1909 or of a consent under section four of this Act, or

(b) by any terms, conditions and restrictions on or subject to which such a licence or consent is granted,

may appeal to quarter sessions.

42 & 43 Vict.  
c. 49.

(2) Section thirty-one of the Summary Jurisdiction Act, 1879 (which relates to appeals from courts of summary jurisdiction to courts of quarter sessions) shall, with the necessary modifications, apply in relation to any appeal under this section as if the decision against which the appeal is brought were an order of a court of summary jurisdiction.

(3) Where the decision in question is given on an application of which (in accordance with subsection (4) of section two of the Act of 1909) notice was required to be given to a chief officer of police, any notice of appeal under this section against that decision shall be given to that officer as well as to any other person to whom it is required to be given apart from this subsection.

(4) Where a licence under the Act of 1909, or a consent under section four of this Act, is revoked, the licence or consent 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.

(5) In the application of this section to Scotland there shall be substituted for the reference to quarter sessions a reference to the sheriff, and subsection (2) shall be omitted.

Music and  
dancing  
licences not  
required for  
cinemato-  
graph  
exhibitions.

7.—(1) A licence shall not be required for any premises under any enactment for the regulation of places kept or ordinarily used for public dancing, singing, music or other public entertainment of the like kind by reason only of the giving of a cinematograph exhibition which includes representations of persons playing music, dancing or singing or which otherwise includes or is accompanied by music.

(2) For the purposes of this section any music played in any premises by way of introduction to, in any interval between

parts of, or by way of conclusion of, a cinematograph exhibition or in the interval between two cinematograph exhibitions shall be treated as music accompanying the exhibition or exhibitions, as the case may be, if the total time taken by music so played on any day amounts to less than one quarter of the total time taken by the cinematograph exhibition or exhibitions given in the premises on that day.

8. The Act of 1909 shall have effect subject to the amendments specified in the Schedule to this Act, being minor amendments or amendments consequential on the foregoing provisions of this Act. Minor and consequential amendments.

9.—(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:— Interpretation.

“ Act of 1909 ” means the Cinematograph Act, 1909; 9 Edw. 7. c. 30.

“ child ” means a person under the age of sixteen;

“ cinematograph exhibition ” means an exhibition of moving pictures produced on a screen by means which include the projection of light;

“ licensing authority ”, in relation to any premises, means the authority which for the time being has power to grant licences for the premises under section two of the Act of 1909.

(2) Except where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment, including this Act.

10.—(1) This Act may be cited as the Cinematograph Act, 1952, and the Act of 1909 and this Act may be cited together as the Cinematograph Acts, 1909 and 1952. Short title, citation, extent and commencement.

(2) This Act shall not extend to Northern Ireland.

(3) This Act shall come into operation in England and Wales on such date as the Secretary of State may by statutory instrument appoint for those countries, and in Scotland on such date as the Secretary of State may by statutory instrument appoint for Scotland.

## SCHEDULE

Section 8.

## MINOR AND CONSEQUENTIAL AMENDMENTS OF 9 EDW. 7. c. 30

Provision amended	Amendment
The title ... ..	For the words "securing safety at" there shall be substituted the word "regulating".
Section one ... ..	For the words from "An exhibition" to "shall not" there shall be substituted the words "No cinematograph exhibition (as defined in the Cinematograph Act, 1952) shall"; and for the words "for securing safety" there shall be substituted the words "under this Act".
Section two ... ..	In subsection (1), for the words "for the purposes aforesaid" there shall be substituted the words "for the purpose of cinematograph exhibitions (as defined in the Cinematograph Act, 1952)".
Section three ... ..	For the words "a cinematograph or other" there shall be substituted the word "any".
Section four ... ..	After the word "Act", in the second place in which it occurs, there shall be inserted the words "and any restrictions subject to which any licence has been so granted"; and the purposes for which the powers of entry conferred by the section may be exercised shall include the taking of samples of film in order to ascertain the extent to which it is inflammable.

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