

**ENTERTAINMENTS ACT****Principal Act**

<b>Act. No. 1934-38</b>	<i>Commencement</i>	11.2.1934
	<i>Enactment</i>	20.11.1934

Amending enactments		Relevant current provisions	Commencement date
Acts.	1944-02	s.3(2)	
	1954-15	ss.2, 3(2), (3) and (5), 4(3) and (4), 5(1), 6, 9 and 12	
	1957-03	s.7	
Regs.of	28. 5. 1970	ss.2, 3(2), (3) and (4), 4(3) and (4) and 12	
Acts.	1978-25	ss.2, 3(7) and 5A-5I	
	1979-12	s.3(6)-(7A)	
	1983-12	s.8	
	2007-17	ss. 2, 5(1), 6(1), (2) & (3), 9(5), 12(2), 15(4), 18(2), 19	14.6.2007

## English sources

Disorderly Houses Act 1751 (25 Geo.2 c.36)

Theatres Act 1843 (6 &amp; 7 Vict. c.68)

Cinematograph Act 1909 (9 Edw.7 c.30)

Criminal Justice Act 1925 (15 &amp; 16 Geo.5 c.86)

Home Counties (Music and Dancing) Licensing Act 1926 (16 &amp; 17 Geo.5 c.31)

Sunday Entertainments Act 1932 (22 &amp; 23 Geo.5 c.51)

## RENUMBERING OF SECTIONS

Previous number	New number	Remarks
1	1	
2	2	
3	3	
4	4	
5	5	
5A	6	
5B	7	
5C	8	
5D	9	
5E	10	
5F	11	
5G	12	
5H	13	
5I	14	
6	15	
7	16	
8		<i>Repealed</i>
9	17	
10		<i>Repealed</i>
11	18	
12	19	

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**ARRANGEMENT OF SECTIONS.**

Section

*Preliminary.*

1. Short title.
2. Interpretation.

*Licensing.*

3. Grant and conditions of licences for places of entertainment.
4. Licences for stage plays, etc., in unlicensed premises.

*Censorship.*

5. Censorship.

*Cinemas and films.*

6. Establishment of Gibraltar Board of Film Censors.
7. Presentation of films.
8. Approval of films.
9. Cinema clubs.
10. Restriction on use of premises.
11. Advertisement.
12. Exception.
13. Offences.
14. No relief from licensing requirement.

*Miscellaneous.*

15. Inducing or requesting purchase of refreshments.
16. Sunday entertainment.
17. Power of entry.
18. Saving.
19. Rules.

**1934-38**

Entertainments

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AN ACT TO REGULATE THE HOLDING OF PUBLIC ENTERTAINMENTS.

*Preliminary.*

**Short title.**

1. This Act may be cited as the Entertainments Act.

**Interpretation.**

2. In this Act, unless the context otherwise requires,—

“Board” means the Gibraltar Board of Film Censors established by section 6;

*(1843 c.68, s.23; 1932 c.51, s.5).*

“cinema club” means a club registered under the provisions of section 9;

“cinematograph entertainment” means the exhibition of pictures or other optical effects by means of a cinematograph or other similar apparatus, with or without the mechanical reproduction of sound;

“entertainment” means the public performance of stage plays, public cinematograph entertainments or public dancing, singing, music or any other public entertainment of the like kind;

“licensing authority” means the Minister responsible for culture;

“museum” includes any place permanently used for the exhibition of sculpture, casts, models, or other similar objects;

“stage play” shall be taken to include every tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime and any prologue or epilogue or other entertainment of the stage or any part thereof.

*Licensing.*

**Grant and conditions of licences for places of entertainment.**

3. (1) After the commencement of this Act a place shall not be kept for entertainment purposes without a licence.

*(1751 c.36, s.8; 1926 c.31, s.3).*

(2) The licensing authority may grant licences for a period not exceeding twelve months to such persons as he thinks fit to keep or use places for all or any entertainment purposes on such terms and conditions and subject to such restrictions as he thinks fit.

(3) The licensing authority may transfer any licence to any person whom he thinks fit.

(4) There shall on the grant or transfer of a licence be paid to the licensing authority by the person applying therefor such fee as may be prescribed.

(5) Save as hereinafter provided, no licence or transfer shall be granted unless the applicant has given twenty-one days' notice to the Commissioner of Police of his intention to apply for the licence or transfer, and has for twenty-one days kept a copy of the notice posted in a conspicuous position on the exterior of the place to which the application relates. Upon such notice being so posted, the police and any person living in the neighbourhood of the place whom the licensing authority deem to be concerned shall be entitled to submit any objections in writing to the licensing authority, but shall not otherwise be entitled to be heard:

Provided that the provisions of this subsection as to notice shall not apply in the case of an application by any person for the grant of a licence in respect of any place by way of renewal, on the same terms and conditions, of a licence held at the date of the application by that person in respect of that place.

(6) If any place is kept for entertainment purposes without a licence, every person so keeping the place, or occupying or rated as occupier of the place, is guilty of an offence and is liable on summary conviction—

- (a) on a first offence to a fine of £100;
- (b) on a second or subsequent offence to a fine of £200,

and in either case to a daily penalty of £5 for each day on which the offence has continued.

(6A) Where a person is charged with an offence under subsection (6) by reason of occupying or being rated as the occupier of the place to which the charge relates, it shall be a defence if he proves that the place was so kept or occupied without his consent or connivance.

(7) The holder of a licence who acts in contravention of or fails to comply with any term, condition or restriction on or subject to which the licence was granted, is guilty of an offence and is liable on summary conviction—

- (a) on a first offence to a fine of £100;
- (b) on a second or subsequent offence to a fine of £200,

and in either case to a daily penalty of £5 for each day on which the offence has continued.

(7A) The licence of any person convicted under subsection (7) may be revoked by the licensing authority.

(8) A person who at any time appears, acts or behaves himself as master or as the person having the care, government or management of any place kept for entertainment purposes, shall be deemed and taken to be the keeper thereof, and is liable to be prosecuted and punished as such, notwithstanding he is not in fact the real owner or keeper thereof.

**Licences for stage plays, etc., in unlicensed premises.**

4. (1) No stage play, cinematograph entertainment, dancing, singing, music, exhibition, lecture or debate or entertainment of a like kind, admission to which is obtained by the payment of money or other valuable consideration shall be acted, presented or held in any place not required to be licensed under the provisions of section 3 without a licence in writing from the licensing authority first had and obtained.

*(1843 c.68, s.15;  
1925 c.43, s.14).*

(2) In subsection (1), “valuable consideration” includes money or other reward taken directly or indirectly or any conditions of admission such as the purchase of any article.

(3) The licensing authority in his absolute discretion may refuse to grant a licence under the provisions of subsection (1) or, upon the payment to him of such fee as may be prescribed, grant such licence on such terms and conditions subject to such restrictions as he thinks fit.

(4) A person who, for hire, acts, presents, holds or takes part in any entertainment, or any exhibition, lecture or debate—

- (a) for which a licence is required under this section until a licence has been granted or after a licence has been refused; or
- (b) in contravention of the terms and conditions of a licence granted under this section,

is guilty of an offence and is liable on summary conviction to a fine of £50, and in addition the court may in its discretion order that any licence (in case there be any such) in respect of which the offence was committed shall become absolutely void or shall be suspended for any specified period.

*Censorship.*

**Censorship.**

(1843 c.68, s.14). 5. (1) It shall be lawful for the Minister responsible for culture whenever he is of opinion that it is fitting for the preservation of good manners, decorum or of the public peace so to do, to forbid the public acting, presenting or holding of any stage play, cinematograph entertainment, dancing, singing, music, exhibition, lecture, debate or public entertainment of a like kind, or part thereof anywhere in Gibraltar or in such places as he shall specify, and either absolutely or for such time as he shall think fit.

(2) The power of prohibition conferred by subsection (1) may be exercised at any time and notwithstanding that a licence for the entertainment may have been granted in pursuance of section 4.

(3) A person who acts, presents, holds or takes part in, or causes any person to act, present, hold or take part in any entertainment, exhibition, lecture or debate or any part thereof, contrary to any prohibition is guilty of an offence and is liable on summary conviction to a fine of £50, and in addition the court may order that any licence (in case there be any such) by or under which the place was opened in which such offence shall have been committed shall become void or shall be suspended for any specified period.

*Cinemas and films.***Establishment of Gibraltar Board of Film Censors.**

6. (1) There shall be a Gibraltar Board of Film Censors which shall consist of such number of members, being not less than five nor more than eleven, as the Minister responsible for culture may appoint.

(2) The Minister responsible for culture shall appoint a secretary to the Board.

(3) The Minister responsible for culture may make rules regulating the procedure of the Board but, subject to any such rules and to the provisions of this Act the Board may regulate its own procedure.

**Presentation of films.**

7.(1) No cinematograph entertainment shall be presented or held unless either—

- (a) the film exhibited has been classified by the British Board of Film Censors as ‘U’, ‘A’ or ‘AA’;
- (b) the film exhibited has been classified by the British Board of Film Censors as “X” and is exhibited to a cinema club; or



(c) the film exhibited has been approved by the Board.

(2) Nothing in subsection (1) shall preclude a film which has been classified as "X" by the British Board of Film Censors from being shown, other than to a cinema club, if it has been approved by the Board.

(3) Any person wishing to exhibit a film which requires the approval of the Board shall apply to the secretary of the Board in writing not less than fourteen days before the film is to be exhibited.

(4) Notwithstanding anything contained in subsection (3) the secretary may, for good cause shown, accept an application made less than fourteen days before the film is to be exhibited.

## **8. Approval of films.**

(1) An application for approval shall be considered by the Board and it may either approve the film or may disapprove the film on the grounds that it is obscene, indecent, offensive, disgusting or injurious to morality.

(2) The Board shall not disapprove a film unless it has been shown the film or it has requested the applicant to show it the film and he has not done so within 48 hours of being so requested.

(3) The Board may approve the showing of a film to all members of the public or to members of the public over such age and to members of the public under such age if accompanied by a member of the public over such age, as the Board may consider appropriate in relation to such film:

Provided that in the case of a film which has been certified by the British Board of Film Censors and in respect of which rules have been made under this Act the provisions of such rules as to age shall apply unless the Board provides otherwise.

(4) For the purposes of this section the expression 'Board' means an uneven number of members of the Board being not less than three.

## **Cinema clubs.**

9. (1) Every cinema club shall be registered by the Board.

(2) No cinema club shall admit as a member any person under the age of eighteen years.

(3) No cinema club shall admit any person as a member less than forty-eight hours after he has applied for membership.

(4) No cinema club shall admit any person who is not a member to any film exhibited by such club.

(5) The Minister responsible for culture may make rules for the registration, control and management of cinema clubs and without prejudice to the generality of the foregoing such rules may provide for—

- (a) the form of application for registration;
- (b) the officers who are to be responsible for the club;
- (c) the register of members to be kept by the club.

**Restriction on use of premises.**

10. Without the consent of the Board, no premises shall be used within any period of twelve months commencing on the 1st June in any year for showing films to a cinema club if within such period they have previously been used for showing films to members of the public, or for showing films to members of the public if they have previously been used within such period for showing films to a cinema club.

**Advertisement.**

11. (1) A film which is for exhibition to a cinema club and which has not been certified 'U', 'A' or 'AA' by the British Board of Film Censors shall not be advertised, whether in a newspaper, outside the premises where such film is to be shown or elsewhere, other than by the giving of the name of the film and the actors therein, the time and place of showing and the fact that it is for exhibition to a cinema club. In particular, but without prejudice to the generality of the foregoing, no advertisement shall contain any picture nor any comment on or description of the film.

(2) The Board may exempt any film from the provisions of subsection (1).

(3) Any advertisement of a film which is for showing to members of the public shall either state the classification of the British Board of Film Censors or, if it has not been so classified but has been approved by the Board under section 8(3), state whether it has been approved for showing to all members of the public or to members of the public over a certain age and to members of the public under that age only if accompanied by a member of the public over that age.

(4) A person who is in breach of subsection (1) or (3) is guilty of an offence and is liable on summary conviction to a fine of £50.

**Exception.**

12. (1) The provisions of section 7 shall not apply to a cinematograph exhibition given in a private dwelling house to which members of the public are not admitted whether on payment or otherwise.

(2) The Minister responsible for culture may exempt from the provisions of section 7, 9(2), (3) and (4) and 11 any cinema club which is not conducted for profit.

### **Offences.**

13. (1) A person who exhibits a film for which approval is required under section 7 and which has not been approved by the Board or who exhibits a film other than in accordance with approval of the Board under section 8 or who contravenes the provisions of section 9, 10 or 11 is guilty of an offence and is liable on summary conviction to a fine of £100 and on a second or subsequent conviction to a fine of £200.

(2) A person concerned in the organization or management of a cinema club which is in breach of the provisions of section 9(2), (3) and (4) or which contravenes the provisions of section 10 or 11 is guilty of an offence and is liable on summary conviction to a fine of £100 and on a second or subsequent conviction of the same club to a fine of £200.

### **No relief from licensing requirement.**

14. Nothing in sections 6 to 13 shall relieve any premises from the requirement of being licensed under the provisions of sections 3 and 4.

### *Miscellaneous.*

### **Inducing or requesting purchase of refreshments.**

15. (1) No licensee or agent or servant of a licensee shall cause or permit any woman or girl, who is employed by or on behalf of the licensee or who is, for reward, engaged in giving or taking part in any public entertainment on licensed premises, to request or induce any customer to purchase upon the premises any food, drink or other articles whatsoever.

(2) Every licensee and person having the management of any licensed premises shall each of them be responsible for keeping posted up in a conspicuous place in such premises a notice drawing the attention of customers to subsection (1) which notice shall be in such form as may be approved by the Commissioner of Police.

(3) A person who contravenes the provisions of subsection (1) or (2) is guilty of an offence.

(4) The Minister responsible for culture may, if he thinks fit, grant exemption in respect of any, or any class or description of, licensed premises or part thereof, from the application of all or any of the provisions of this section and may likewise at any time revoke such grant.

(5) A person who commits an offence against this section is liable on summary conviction to imprisonment for two months or to a fine of £25.

(6) In this section—

“customer” means any person who for the time being is on licensed premises for the purpose of purchasing or consuming any food or drink thereon or of being present at any public entertainment which is mentioned in section 3, not being a person employed by or on behalf of the licensee or engaged, for reward, in giving or taking part in such entertainment;

“licensed premises” means any place licensed under section 3 to be kept for entertainment purposes and being premises in respect of which there is held or required to be held a tavern licence, hotel licence or beershop licence under the provisions of the Licensing and Fees Act<sup>1</sup>;

“licensee” means a person who holds a licence, issued under section 3, to keep a place for entertainment purposes.

### **Sunday entertainment.**

16. The licensing authority may, notwithstanding anything in any enactment relating to Sunday observance, allow places licensed under section 3 to be opened and entertainments licensed under section 4 to be given on Sundays.

### **Power of entry.**

17. A police officer or any officer appointed for the purpose by the licensing authority may at all reasonable times enter any place, whether licensed or not, in which he has reason to believe any entertainment, exhibition, lecture or debate, is being or about to be given, with a view to seeing whether the provisions of this Act or any rules made thereunder, and the terms or conditions of any licence under this Act, have been complied with, and a person who prevents or obstructs the entry of a police officer or any officer so appointed is guilty of an offence and is liable on summary conviction to a fine of £20.

### **Saving.**

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<sup>1</sup> 1961-29

18. (1) Nothing in this Act contained with respect to licensing shall apply to any lawful fair, feast or customary meeting of a like kind.

(2) It shall be lawful for the Minister responsible for culture to exempt either absolutely or subject to such restrictions as he may prescribe any premises or entertainment from compliance with the provisions of section 3 or 4, as the case may be.

**Rules.**

19. It shall be lawful for the Minister responsible for culture to make rules for any of the following purposes:—

- (a) for prescribing the manner in which application for licences shall be made, and the information to be supplied by applicants;
- (b) for prescribing the form of any licence and requiring licences to be exhibited and inspected;
- (c) for prescribing conditions to be observed as to the erection, alteration and equipment of any licensed place;
- (d) for prescribing conditions to be observed to secure safety from fire, and otherwise to ensure the safety, convenience and control of persons attending a licensed place or entertainment;
- (e) for prescribing the conditions to be observed in the management of any licensed place or entertainment to ensure peace, good order and decency; and
- (f) generally for the better carrying into effect of the provisions of this Act.