



# **Isle of Man**

*Ellan Vannin*

**AT 7 of 1961**

## **MUSIC AND DANCING ACT 1961**





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**Isle of Man***Ellan Vannin*

## MUSIC AND DANCING ACT 1961

*Received Royal Assent:* 2 August 1961  
*Passed:* 29 August 1961  
*Commenced:* 12 November 1961

AN ACT to make provision for the licensing of places used for public music, singing or dancing.

**GENERAL NOTE:** The maximum fines in this Act are as increased by the *Music and Dancing (Amendment) Act 1976 s 4*, by the *Licensing (Amendment) Act 1985 Sch 2* and by the *Criminal Justice (Penalties, Etc.) Act 1993 s 1*.

### 1 Short title

This Act may be cited as the Music and Dancing Act, 1961.

### 2 [Repealed]<sup>1</sup>

### 3 Interpretation

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them —

“**court of appeal**” means the Licensing Court of Appeal;<sup>2</sup>

“**entertainment purpose**” in relation to keeping or using a place, means keeping or using a place for the purpose of public music or for the purpose of public singing or for the purpose of public dancing or for the purpose of public entertainment of the like kind to public music, public singing or public dancing;

“**licence**” means a licence granted under this Act and “**licensed**” shall be construed accordingly;

“**holder**” in relation to a licence means the person to whom, or the company to which, a licence under this Act has been granted;

“**licensed place**” means a place in respect of which a licence under this Act has been granted and is in force;

“licensing court” [Repealed]<sup>3</sup>

“**Music and Dancing Acts**” means this Act and any Acts amending or construed as one with this Act;

“**occasional licence**” means a licence granted under section 10 of this Act;

“**place**” means a house, room, garden or other place;<sup>4</sup>

“**special permission**” means a special permission granted under section 9 of this Act;

and “**club premises**” and “**licensed premises**” have the same meaning as in the *Licensing Act 1995*.<sup>5</sup>

### 3A **Licensed or club premises**

This Act does not apply to licensed premises or club premises.<sup>6</sup>

#### *Applications for licences*

### 4 **Places kept for public dancing, etc, to be licensed**

- (1) A place shall not be kept or used for any entertainment purpose without a licence for that entertainment purpose granted under this Act.<sup>7</sup>
- (2) A application for a licence under this Act in respect of a place shall be made to the licensing court.<sup>8</sup>

### 5 **[Repealed]**<sup>9</sup>

### 6 **Grant of licenses by Licensing Court**

- (1) Subject to the provisions of this Act, the licensing court may grant licences for any one or more entertainment purposes to such and so many persons as such court shall think fit.<sup>10</sup>
- (2) A licence so granted by the licensing court shall be in respect of the place specified therein.<sup>11</sup>
- (3) [Repealed]<sup>12</sup>

### 7 **Terms of licence**

Subject to the provisions of this Act —

- (a) a licence shall authorise the place specified in the licence (in this Act referred to as a “**licensed place**”) to be kept or used for the entertainment purpose or entertainment purposes specified in such licence; and

- (b) a licence shall operate on such days and between such hours as may be specified in the licence; and<sup>13</sup>
- (c) a licence shall expire on such date as may be so specified or, if no date is so specified, on the 1st April in the next year following its grant in which a triennial session of the licensing court is held, save that where a licence is due to expire on a specified day in the year 2021 or on 1st April 2021, that licence shall instead expire on the corresponding day in the year 2022.<sup>14 15</sup>

## 8 Procedure

With respect to applications for licences, the hearing of applications, grants of licences, transfers of licences and appeals to the court of appeal from determinations of licensing courts, under this Act, the mode of procedure to licensing courts, under this Act, the mode of procedure to be followed shall be the same as in the case of applications for licences under the *Licensing Act 1995*, and the provisions of that Act and of rules made thereunder relating to applications for licences, the hearing of applications, grants of licences, transfers of licences and appeals, shall apply, so far as the same are applicable, to applications for licences, the hearing of applications, grants of licences, transfers of licences and appeals under this Act, except wherein such provisions are incompatible with the provisions of this Act and except as to the matters hereby otherwise provided for.<sup>16</sup>

### *Special permission for opening of licensed places*

## 9 Special permission

- (1) Any person holding a licence in respect of any licensed place may apply for a special permission to the licensing court.<sup>17</sup>
- (2) The licensing court shall not hear or consider an application for the grant of a special permission unless they are satisfied that the applicant has served on the Chief Constable or Inspector of Police not less than twelve hours' notice of his intention to apply for such permission and has specified in such notice his name and address, the premises or place and occasion for which the special permission is required, and the period for which the special permission is to be in force.<sup>18</sup>
- (3) The licensing court to whom an application for the grant of a special permission is made under this section may, if they think fit, grant the special permission applied for.<sup>19</sup>
- (4) [Repealed]<sup>20</sup>
- (5) Subject to the following provisions of this section, a special permission granted under this section to any person shall authorise that person to keep or use such licensed place for the entertainment purpose to which his

licence extends, during such period, and between such hours, as may be specified in the special permission.

- (6) [Repealed]<sup>21</sup>
- (7) A special permission shall have effect subject to such general provisions as the licensing court may prescribe, and to such special conditions as the licensing court may appoint.

The special conditions which may be appointed for any special permission and such general provisions (so far as the same may be applicable) shall be endorsed on such special permission.<sup>22</sup>

- (8) Any person to whom a special permission is granted under this section shall lodge the special permission with a constable of any of the Divisional Police Headquarters, or at the Police Station at Peel, not less than four hours before the beginning of the period of the special permission, and the constable shall take such steps as the Chief Constable may require to have a note taken of the special permission, and to have the same returned to that person, and that person shall show the special permission to any constable who may ask to see it.<sup>23</sup>
- (9) If a person who is granted a special permission under this section shall be guilty of any breach, non-performance or non-fulfilment of any of the special conditions or general provisions endorsed on such special permission, he shall be guilty of an offence under this Act.

### *Occasional Licences*

## **10 Occasional licence**

- (1) On the application of any person, the licensing court may grant to him a licence (hereinafter in this section referred to as an "occasional licence") authorising him to keep or use the place specified in such occasional licence for the entertainment purpose specified in such occasional licence, during such period not exceeding fourteen days at one time, and between such hours as may be specified in such occasional licence.<sup>24</sup>
- (2) [Repealed]<sup>25</sup>
- (3) The licensing court shall not hear or consider an application for an occasional licence unless satisfied that the applicant has served on the Chief Constable or Inspector of Police at least twelve hours' notice of his intention to apply for the occasional licence, stating the name and address of the applicant, the place for which the occasional licence is required, the period for which he requires it to be in force, and the hours to be specified in the occasional licence.<sup>26</sup>
- (4) Where an application is made to the licensing court for an occasional licence and where the licensing court certify in writing —

- (a) that they are satisfied that an application for such occasional licence could not have been made at the annual session or at a regular special session of such licensing court, or that good cause has been shown to them why such application was not made at the annual session or at a regular special session of such licensing court; and
  - (b) that an occasional licence may properly be granted;
- such licensing court may grant an occasional licence in respect of such application.<sup>27</sup>
- (5) An occasional licence shall have effect subject to such general provisions as the licensing court may prescribe, and to such special conditions as the licensing court may appoint.<sup>28</sup>
  - (6) The special conditions which may be appointed for any occasional licence and such general provisions (so far as the same may be applicable) shall be endorsed on such occasional licence.
  - (7) Any person to whom an occasional licence is granted under this section shall lodge the occasional licence with a constable of any of the Divisional Police Headquarters, or at the Police Station at Peel, not less than four hours before the beginning of the period of the occasional licence, and the constable shall take such steps as the Chief Constable may require to have a note taken of the occasional licence, and to have the same returned to that person, and that person shall show the occasional licence to any constable who may ask to see it.<sup>29</sup>
  - (8) If a person who is granted an occasional licence under this section shall be guilty of any breach, non-performance or non-fulfilment of any of the special conditions or general provisions endorsed on such occasional licence, he shall be guilty of an offence under this Act.

## **11 Production of occasional licence to police**

A special permission or an occasional licence shall be produced on request to any officer or constable at any time, and if it is not so produced, the holder shall be guilty of an offence.

## **12 [Repealed]<sup>30</sup>**

## **13 Notice of purpose for which place is licensed**

The holder of a licence in respect of any place shall affix and keep affixed in some conspicuous position and so as to be easily legible, on or immediately over and on the outside of the principal door or entrance of such place, the words: "Licensed for . . ." with the addition of words showing the purpose or purposes for which such place is licensed under this Act.

## 14 Forms

Forms to be used for the purposes of this Act shall be such as may be approved by the High Bailiff.<sup>31</sup>

## 14A [Repealed]<sup>32</sup>

## 15 Fees and duties

There shall be paid on an application for a licence, occasional licence or special permission such fees and duties as may be prescribed under Part 5, Division 4 (general fee power) of the *Interpretation Act 2015*.<sup>33</sup>

## 16 Power of police to enter licensed places

- (1) Any constable may, for the purpose of preventing and detecting the violation of any of the provisions of this Act, at all times enter any place in respect of which a licence has been granted.
- (2) Every person who, by himself, or by any person in his employ, or acting by his direction, or with his consent, refuses or fails to admit any constable, in the execution of his duty, demanding to enter in pursuance of this section, shall be liable to a fine not exceeding £200.<sup>34</sup>

## 17 Offences

- (1) A place shall not be kept for any entertainment purpose without a licence.
- (2) If a place shall be kept or used for any entertainment purposes without a licence, the person so keeping or using the place, and, unless he proves to the satisfaction of the court that the place is so kept or used without his consent or connivance, any person occupying or rated as occupier of the place, shall be guilty of an offence under this section.
- (3) If the holder of a licence in respect of any place shall keep or use such place for any entertainment purpose other than the entertainment purpose authorised by such licence, or shall keep or use such place for the entertainment purpose authorised by such licence except on the days and between the hours authorised by such licence, he shall be guilty of an offence under this section.
- (4) If the holder of a licence in respect of any place, either by himself or his servant, shall be guilty of any breach, non-performance, or non-fulfilment of any conditions or restrictions on or subject to which such licence was granted or of any promise or undertaking given by him to the licensing court, or keeps or uses a place for any entertainment purpose otherwise than he is authorised by the licence, he shall be guilty of an offence under this section.

- (5) Any person who shall be guilty of an offence under this section shall be liable for a first offence to a fine not exceeding £1,000.<sup>35</sup>

## **18 Penalties where not prescribed**

If any person is guilty of an offence under this Act or contravenes or fails to comply with any provision of this Act in respect of which no specific penalty is provided, he shall be liable to a fine not exceeding £1,000.<sup>36</sup>

## **19 Recovery of penalties**

- (1) Offences under this Act shall be punishable on summary conviction.  
(2) and (3) [Repealed]<sup>37</sup>

## **20 Act not to apply to certain premises**

This Act shall not apply to any licensed premises or club premises, or to any place kept or used for any entertainment purpose or entertainment purposes for philanthropic, charitable or religious purposes, or obtaining funds for the same.<sup>38</sup>

## **21 [Repealed]<sup>39</sup>**

## **22 Commencement of Act**

This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys, but shall take effect on such day as the Governor may by order appoint, and different days may be appointed for the purposes of different provisions of this Act and for the repeal of different enactments.<sup>40</sup>



**FIRST SCHEDULE<sup>41</sup>**

**SECOND SCHEDULE<sup>42</sup>**

**THIRD AND FOURTH SCHEDULES<sup>43</sup>**



## ENDNOTES

### Table of Endnote References

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- <sup>1</sup> S 2 repealed by Statute Law Revision Act 1983 Sch 2.
- <sup>2</sup> Definition of ‘court of appeal’ substituted by Licensing Act 1995 Sch 3.
- <sup>3</sup> Definition of ‘licensing court’ repealed by Licensing Act 1995 Sch 4.
- <sup>4</sup> Definition of ‘place’ amended by Licensing (Amendment) Act 1986 Sch 2.
- <sup>5</sup> S 3 amended by Licensing Act 1995 Schs 3 and 4.
- <sup>6</sup> S 3A inserted by Licensing Act 1995 Sch 3.
- <sup>7</sup> Subs (1) amended by Licensing (Amendment) Act 1986 Sch 2.
- <sup>8</sup> Subs (2) amended by Licensing (Amendment) Act 1985 Sch 3.
- <sup>9</sup> S 5 repealed by Licensing (Amendment) Act 1982 Sch.
- <sup>10</sup> Subs (1) amended by Licensing (Amendment) Act 1985 Sch 1 and by Licensing Act 1995 Sch 4.
- <sup>11</sup> Subs (2) amended by Licensing (Amendment) Act 1985 Schs 1 and 3.
- <sup>12</sup> Subs (3) repealed by Statute Law Revision (Miscellaneous Provisions) Act 1979 Sch 2.
- <sup>13</sup> Para (b) substituted by Licensing Act 1995 Sch 3 and amended by Statute Law Revision Act 1997 Sch 2.
- <sup>14</sup> Para (c) added by Licensing Act 1995 Sch 3 and amended by Licensing (Amendment) Act 2020 s 4.
- <sup>15</sup> S 7 amended by Licensing (Amendment) Act 1986 Sch 2.
- <sup>16</sup> S 8 amended by Licensing Act 1995 Sch 3.
- <sup>17</sup> Subs (1) amended by Licensing (Amendment) Act 1985 Sch 3 and by Licensing Act 1995 Sch 4.
- <sup>18</sup> Subs (2) amended by Licensing Act 1966 s 7, by Licensing (Amendment) Act 1985 Sch 1 and by Licensing Act 1995 Sch 4.
- <sup>19</sup> Subs (3) amended by Licensing (Amendment) Act 1985 Sch 1 and by Licensing Act 1995 Sch 4.
- <sup>20</sup> Subs (4) repealed by Statute Law Revision (Miscellaneous Provisions) Act 1979 Sch 2.
- <sup>21</sup> Subs (6) repealed by Statute Law Revision Act 1997 Sch 2.
- <sup>22</sup> Subs (7) amended by Licensing Act 1995 Sch 3.
- <sup>23</sup> Subs (8) substituted by Music and Dancing (Amendment) Act 1976 s 1.
- <sup>24</sup> Subs (1) amended by Licensing (Amendment) Act 1985 Sch 3 and by Licensing Act 1995 Sch 4.
- <sup>25</sup> Subs (2) repealed by Licensing (Amendment) Act 1985 Sch 3.
- <sup>26</sup> Subs (3) amended by Licensing Act 1966 s 7, by Licensing (Amendment) Act 1985 Sch 1 and by Licensing Act 1995 Sch 4.
- <sup>27</sup> Subs (4) amended by Licensing (Amendment) Act 1985 Sch 1 and by Licensing Act 1995 Sch 4.
- <sup>28</sup> Subs (5) amended by Licensing Act 1995 Sch 3.
- <sup>29</sup> Subs (7) substituted by Music and Dancing (Amendment) Act 1976 s 2.

- <sup>30</sup> S 12 repealed by Licensing Act 1995 Sch 4.
- <sup>31</sup> S 14 substituted by Statute Law Revision (Miscellaneous Provisions) Act 1979 Sch 1.
- <sup>32</sup> S 14A repealed by Licensing (Amendment) Act 1986 Sch 2.
- <sup>33</sup> S 15 substituted by Licensing Act 1995 Sch 3 and amended by Interpretation Act 2015 s 106..
- <sup>34</sup> Subs (2) amended by Music and Dancing (Amendment) Act 1976 s 4.
- <sup>35</sup> Subs (5) amended by Music and Dancing (Amendment) Act 1976 s 4.
- <sup>36</sup> S 18 amended by Music and Dancing (Amendment) Act 1976 s 4.
- <sup>37</sup> Subss (2) and (3) repealed by Music and Dancing (Amendment) Act 1976 s 6.
- <sup>38</sup> S 20 amended by Licensing Act 1995 Sch 3.
- <sup>39</sup> S 21 repealed by Licensing Act 1995 Sch 4.
- <sup>40</sup> ADO (whole Act) 12/11/1961 (GC80/61).
- <sup>41</sup> Sch 1 repealed by Statute Law Revision Act 1983 Sch 2.
- <sup>42</sup> Sch 2 repealed by Statute Law Revision (Miscellaneous Provisions) Act 1979 Sch 2.
- <sup>43</sup> Schs 3 and 4 repealed by Licensing Act 1995 Sch 4.