



# **Isle of Man**

*Ellan Vannin*

**AT 6 of 1977**

## **CINEMATOGRAPH ACT 1977**





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**Isle of Man***Ellan Vannin*

## CINEMATOGRAPH ACT 1977

*Received Royal Assent:* 21 December 1977  
*Passed:* 21 February 1978  
*Commenced:* 1 May 1980

**AN ACT** to make better provision for regulating cinematograph exhibitions and to modify the *Music and Dancing Act 1961*.

**GENERAL NOTE:** The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

### 1 Control of cinematograph exhibitions

[P1909/30/1]

Subject to the provisions of this Act, no cinematograph exhibition shall be given unless —

- (a) such regulations as may be made by the Board under this Act are complied with, and<sup>1</sup>
- (b) the premises in which the exhibition is given are licensed for the purpose in accordance with this Act.

### 2 Application of regulations

[P1952/68/1]

Regulations made by the Board under this Act shall, except so far as they otherwise provide, 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.<sup>2</sup>

### 3 Scope of regulations

[P1952/68/2]

The matters in respect of which the Board may make regulations shall be the health and welfare of children in relation to attendance at cinematograph exhibitions.<sup>3</sup>

#### 4 Regulations subject to the approval of Tynwald

No regulations made under this Act shall have effect until they have been approved by Tynwald.

#### 5 Provisions as to licences

[P1909/30/2]

- (1) The licensing authority may grant licences to such persons as it thinks fit to use the premises specified in the licence for the purpose of cinematograph exhibitions on such terms and conditions and under such restrictions as, subject to such regulations as are made by the Board under this Act, the licensing authority may by the respective licence determine, but so that any licence granted under this subsection shall contain a condition that no cinematograph exhibition involving the use of film shall be given which contains any matter which is obscene, which is likely to encourage or incite to crime, to lead to public disorder or to be offensive to public feeling.<sup>4</sup>
- (2) A licence shall be in force for one year, or for such shorter period as the licensing authority may determine, unless the licence has been previously revoked as hereinafter provided.
- (3) A licensing authority may transfer any licence granted by it to such other person as it thinks fit.
- (4) An applicant for a licence, or transfer of a licence, shall give not less than seven days' notice in writing to the licensing authority and to the chief officer of police of his intention to apply for a licence or transfer:  
  
Except that it shall not be necessary to give any notice where the application is for the renewal of an existing licence held by the applicant for the same premises.<sup>5</sup>
- (5) There shall be paid in respect of the grant, renewal or transfer of a licence such fees as the licensing authority may fix, not exceeding in the case of a grant or renewal for one year £35.00, or in the case of a grant or renewal for any less period £10.00 for every month for which it is granted or renewed, so however that the aggregate of the fees payable in any year shall not exceed £35.00 or, in the case of a transfer, £10.00.<sup>6</sup>
- (6) The sums specified in subsection (5) may be varied by the Treasury, after consultation with the Board, by order, but so that no order made under this section shall have effect until it has been approved by Tynwald.<sup>7</sup>
- (7) Fees payable under this Act shall be collected by the High Bailiff and paid over by him to the Treasury, and such fees shall form part of the general revenue of the Island.<sup>8</sup>

## 6 Conditions and restrictions relating to children

[P1952/68/3]

- (1) It shall be the duty of the licensing authority in granting a licence under this Act 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 section 3 nor subsection (1) shall be construed as derogating from the generality of the power of the licensing authority, as respects any premises, to impose conditions or restrictions under section 5.

## 7 Control of cinematograph exhibitions for children

[P1952/68/4]

- (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.<sup>9</sup>
- (2) Subject to such regulations as may be made by the Board under this Act, 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.<sup>10</sup>
- (3) Subsections (2) to (5) of section 5 shall with the necessary modifications apply for the purposes of this section as they apply for the purposes of the said section 5.

## 8 Application of Act to special premises

[P1909/30/7(2)(3)]

- (1) Where the premises in which it is proposed to give a cinematograph exhibition are premises used occasionally and exceptionally only, and not on more than six days in any one calendar year, for the purposes of such an exhibition, it shall not be necessary to obtain a licence for those premises under this Act if the occupier thereof has given to the High Bailiff and the chief officer of police, not less than seven days before the exhibition, notice in writing of his intention so to use the premises, and complies with such regulations as may be made by the Board under this

Act and, subject to such regulations, with any conditions imposed by the High Bailiff and notified to the occupier in writing.<sup>11</sup>

- (2) Where it is proposed to give a cinematograph exhibition in any building, or structure of a moveable character it shall not be necessary to obtain a licence under this Act from the licensing authority if the owner of the building or structure —
- (a) has been granted a licence in respect of that building or structure by the licensing authority of the licensing district in which he ordinarily resides;
  - (b) has given to the High Bailiff and to the chief officer of police, not less than two days before the exhibition, notice in writing of his intention to give the exhibition; and<sup>12</sup>
  - (c) complies with such regulations as may be made by the Board under this Act and, subject to such regulations, with any conditions imposed by the High Bailiff and notified in writing to the owner.<sup>13</sup>

## 9 Exemptions for non-commercial exhibitions

[P1952/68/5]

- (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 this Act shall not be required by reason only of the giving of an exempted exhibition, and for the purposes of subsection (1) of section 8 the giving in any premises of an exempted exhibition shall be disregarded;
  - (b) section 7 shall not apply to an exempted exhibition;
  - (c) regulations made under this Act shall not apply in relation to an exempted exhibition;
  - (d) in connection with the giving of an exempted exhibition in premises in respect of which a licence under this Act is in force no condition or restriction on or subject to which the licence was granted shall apply.
- (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 as part of the activities of an educational or religious institution.
- (3) Subject to the provisions of subsection (2), an exhibition given by an exempted organisation in any premises shall be treated for the purpose

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 subsection (3) 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 issued by the Assessor of Income Tax certifying that he is satisfied that the organisation is not conducted or established for profit.

## 10 Appeals

[P1952/68/6]

- (1) Any person aggrieved –
- (a) by the refusal of the grant, transfer or revocation of a licence, or of a consent, under this Act, or
- (b) by any terms, conditions and restrictions on or subject to which such licence or consent is granted may appeal therefrom.
- (2) The provisions of section 56 of the *Licensing Act 1995* shall, with the necessary modifications, apply in relation to an appeal under this section as they do in relation to an appeal by an applicant under that Act.<sup>14</sup>
- (3) Where the decision in question is given on an application of which (in accordance with subsection (4) of section 5) 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, or a consent under 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 determination or abandonment of the appeal.

## 11 Music and dancing licence not required for cinematograph exhibitions

[P1952/68/7]

- (1) A licence shall not be required for any premises under the *Music and Dancing Act 1961*, and an authorisation under section 28 of the *Licensing Act 1995* or an order under section 55 of that Act shall not be required for any licensed premises or club premises, 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.<sup>15</sup>

- (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.

## 12 Penalties

[P1909/30/3]

If the owner of any apparatus uses the apparatus, or allows it to be used, or if the occupier of any premises allows those premises to be used, in contravention of the provisions of this Act or of regulations made thereunder, or of the conditions or restrictions upon or subject to which any licence, or consent, relating to the premises has been granted under this Act, he shall be liable on summary conviction to a fine not exceeding £5,000, and the licence or consent (if any) shall be liable to be revoked by the licensing authority which granted such licence or consent.

## 13 Power of entry

[P1909/30/4]

- (1) A constable, or any officer of the Board duly authorised by the Board in that behalf, may at all reasonable times enter any premises, whether licensed or not, in which he has reason to believe that a cinematograph exhibition is being, or is about to be given, with a view to seeing whether the provisions of this Act or any regulations made thereunder, and the conditions of any licence or consent granted under this Act and any restrictions subject to which such licence or consent has been so granted, have been complied with, and if any person prevents or obstructs the entry of a constable or any such officer of the Board, he shall be liable on summary conviction to a fine not exceeding £200.<sup>16</sup>
- (2) The purposes for which the powers of entry conferred by this section may be exercised shall include the taking of samples of film in order to ascertain the extent to which it is inflammable.

## 14 Non-application of Act to private dwelling house

[P1909/30/7(4)]

This Act shall not apply to a cinematograph exhibition given in a private dwelling house to which the public are not admitted, whether on payment or otherwise.

## 15 Interpretation

In this Act the following expressions have the meanings hereby respectively assigned to them —

“**Board**” means the Isle of Man Office of Fair Trading;<sup>17</sup>

“**child**” means a person under the age of 16 years;

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

“**court of appeal**” means the Licensing Court of Appeal;<sup>18</sup>

“**Department**” [Repealed]<sup>19</sup>

“**licensing authority**” means a licensing court;

“**police area**” [Repealed]<sup>20</sup>

“**licensing court**” and “**licensing district**” [Repealed]<sup>21</sup>

## 16 Application of Fire Precautions Act 1975

It is hereby declared that nothing in this Act shall prejudice the application of the *Fire Precautions Act 1975*, or any regulations made or having effect as if made under, or applied to the Isle of Man by virtue of, that Act, to any premises in which any cinematograph exhibition is being given.

## 17 Expenses

The expenses of the High Bailiff, the licensing authorities and the court of appeal in carrying out their duties under this Act shall be deferred out of monies provided by Tynwald.

## 18 Savings

(1) [Repealed]<sup>22</sup>

(2) Any licence granted under the *Cinematograph Act 1925* and in force on the coming into operation of this Act shall continue to have effect as if granted under this Act and such licence shall continue in force until it expires or is revoked.

## 19 Short title and commencement

(1) This Act may be cited as the Cinematograph Act 1977.

(2) This Act shall come into operation on such day as the Governor may by order appoint.<sup>23</sup>



## SCHEDULE<sup>24</sup>



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Para (a) amended by SD155/10 Sch 8.

<sup>2</sup> S 2 amended by SD155/10 Sch 8.

<sup>3</sup> S 3 amended by SD155/10 Sch 8.

<sup>4</sup> Subs (1) amended by GC192/86, by Licensing Act 1995 Sch 3 and by SD155/10 Sch 8.

<sup>5</sup> Subs (4) amended by Summary Jurisdiction Act 1988 Sch.

<sup>6</sup> Subs (5) amended by SD963/10, by SD2014/50 and by SD2017/0101.

<sup>7</sup> Subs (6) amended by Treasury Act 1985 Sch 2 and by SD155/10 Sch 8.

<sup>8</sup> Subs (7) amended by Treasury Act 1985 Sch 2.

<sup>9</sup> Subs (1) amended by Licensing Act 1995 Sch 4.

<sup>10</sup> Subs (2) amended by SD155/10 Sch 8.

<sup>11</sup> Subs (1) amended by GC192/86, by Summary Jurisdiction Act 1988 Sch and by SD155/10 Sch 8.

<sup>12</sup> Para (b) amended by Summary Jurisdiction Act 1988 Sch.

<sup>13</sup> Subs (2) amended by Licensing Act 1995 Sch 4. Para (c) amended by SD155/10 Sch 8.

<sup>14</sup> Subs (2) amended by Licensing Act 1995 Sch 3.

<sup>15</sup> Subs (1) amended by Licensing Act 1995 Sch 3.

<sup>16</sup> Subs (1) amended by SD155/10 Sch 8.

<sup>17</sup> Definition of “Board” inserted by SD155/10 Sch 8.

<sup>18</sup> Definition of “court of appeal” inserted by Licensing Act 1995 Sch 3.

<sup>19</sup> Definition of “Department” repealed by SD155/10 Sch 8.

<sup>20</sup> Definition of “police area” repealed by Summary Jurisdiction Act 1988 Sch.

<sup>21</sup> Definitions of “licensing court” and “licensing district” repealed by Licensing Act 1995 Sch 4.

<sup>22</sup> Subs (1) repealed by Statute Law Revision Act 1983 Sch 2.

<sup>23</sup> ADO (whole Act) 1/5/1980 (GC48/80).

<sup>24</sup> Sch repealed by Statute Law Revision Act 1983 Sch 2.