

CHAPTER 49

THE STAGE PLAYS AND PUBLIC ENTERTAINMENTS ACT.

Arrangement of Sections.

Section

PART I—INTERPRETATION.

1. Interpretation.

PART II—LICENSING OF THEATRES.

2. Licensing of theatres and safety of persons attending them.
3. Supervision to ensure safety.

PART III—PERMITS FOR STAGE PLAYS AND PUBLIC ENTERTAINMENTS.

4. Permit for performance of stage play.
5. Submission of stage play and description of public entertainment for which permit is required.
6. Consideration of applications for entertainment permits by the council.
7. Refusal of permits.
8. Free permits.
9. Exhibition of posters.

PART IV—GENERAL.

10. Duty of owner of theatre.
11. Power of entry.
12. Cruelty to animals.
13. Appeal to Minister.
14. No person to be excluded from public performance on ground of race.
15. Permits for private performances in licensed theatres.
16. Council's power to order surrender of script.
17. Rules.
18. Minister may declare any entertainment to be public.
19. Offences and penalties.

CHAPTER 49

THE STAGE PLAYS AND PUBLIC ENTERTAINMENTS ACT.

Commencement: 30 September, 1943.

An Act to provide for the regulation and control of stage plays and public entertainments.

PART I—INTERPRETATION.

1. Interpretation.

In this Act—

- (a) “council” means the Broadcasting Council established by the Electronic Media Act;
- (b) “licensing authority” means the council of a city or municipality or the council of a town in which a theatre is situated or, in places outside a city, municipality or town, a board consisting of the chief executive officer of the administration, the medical officer of health and an engineer of the Ministry responsible for works and such other persons, if any, as the Minister may appoint;
- (c) “poster” means any picture, drawing, painting, photograph, figure or other device advertising any stage play or public entertainment;
- (d) “public entertainment” includes any concert, animal or circus performance, waxworks, puppet performance, dancing exhibition, picture or art exhibition, games of skill or chance, acrobatics or other exhibitions of skill, professional wrestling and boxing bouts to which the public are admitted either gratuitously or otherwise, but shall not include athletic games or sports;
- (e) “stage play” includes any tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, dialogue, prologue, epilogue or other dramatic entertainment or any part thereof;
- (f) “theatre” means any building, tent or other erection of whatever nature, or any premises or land, open to the public gratuitously or otherwise, where any stage play or public entertainment is performed or presented.

PART II—LICENSING OF THEATRES.

2. Licensing of theatres and safety of persons attending them.

(1) No person shall use, or cause, suffer or permit to be used any theatre for the performance or presentation of any stage play or public entertainment without a licence (hereafter referred to as “a theatre licence”) in writing of the licensing authority previously obtained.

(2) The licensing authority may refuse to grant a theatre licence, or may grant it subject to such terms and conditions as the licensing authority may think desirable in the manner hereafter set out.

(3) If the licensing authority considers that the safety, health and convenience of the persons attending the performance or presentation at a theatre are adequately provided for, and that the structure, equipment and lighting of the theatre conform with all the rules made under this Act, the licensing authority may grant a theatre licence either generally or in respect of any single performance or for such period not exceeding twelve months as the licensing authority may think fit.

(4) A theatre licence may be revoked or suspended if, in the opinion of the licensing authority, the safety, health or convenience of persons attending the performance is not adequately provided for, or if the structure, equipment or lighting has ceased to conform with the rules made under this Act.

(5) The licensing authority, on the application of any interested person, may grant or endorse a theatre licence under this Act, authorising the use of the theatre for the presentation of cinematograph exhibitions in addition to the performance of stage plays and public entertainments, if the licensing authority is satisfied that the theatre also conforms with all the requirements prescribed for theatres by the Electronic Media Act and any rules made under that Act or by any enactment amending or replacing it.

3. Supervision to ensure safety.

(1) The licensing authority may grant a theatre licence upon the condition that the theatre shall not be used for the purposes specified in the licence except under the superintendence of some officer or person designated in the licence, and in that case, at any time, the officer or person so designated may order a stage play or cinematograph exhibition to cease

or give any other direction which he or she may think necessary for ensuring the safety of the theatre and of the audience.

(2) Any owner, licensee, manager or other person in charge of the theatre who fails to comply with any order given under subsection (1) commits an offence against this Act.

PART III—PERMITS FOR STAGE PLAYS AND PUBLIC ENTERTAINMENTS.

4. Permit for performance of stage play.

(1) No person shall present, cause, permit or suffer to be presented or shall take part or assist in any performance or presentation of any stage play or public entertainment to which the public shall be admitted, gratuitously or otherwise, unless a permit (hereafter referred to as “an entertainment permit”) in respect of the performance or presentation shall have previously been obtained from the council in the manner hereafter set out.

(2) The permit shall be in such form as the council may from time to time determine.

(3) No person shall present, cause, permit or suffer to be presented, or shall take part or assist in any public performance of any stage play or public entertainment in respect of which a permit shall have been granted under this Act if any new part shall have been added to the stage play or public entertainment unless a permit covering the new part shall have been previously obtained from the council.

5. Submission of stage play and description of public entertainment for which permit is required.

(1) One copy of every stage play, and of every new part added to a stage play for which a permit has already been granted, and a full description in writing of any public entertainment intended to be performed in a theatre shall be sent to the council with an account of the theatre where, and in the time when, it is intended to be performed.

(2) If any stage play or any new part of the stage play sent to the council is not in the English language, it may require, in addition to the original script, a true translation in English certified to its satisfaction; but the council, in its discretion, may dispense with that translation and may

submit the original script to such person or persons as it may appoint for examination and report, and the council may act upon a report in the same manner as if the examination of the material submitted had been conducted by the council.

6. Consideration of applications for entertainment permits by the council.

(1) Applications for entertainment permits shall be considered by the council in the same manner as applications for film permits, and the Minister and the council shall have the same powers in regard to the issue, refusal and cancellation of those permits *mutatis mutandis* so far as the same shall be applicable, as in the case of film permits under the Electronic Media Act.

(2) For the purpose of considering any application for an entertainment permit, the council may permit the applicant to cause the stage play or public entertainment to be performed or presented for its inspection.

7. Refusal of permits.

The council may in its absolute discretion refuse to grant any entertainment permit or may grant the permit subject to any terms and conditions to be specified in the permit as the council may deem fit.

8. Free permits.

The council may direct that an entertainment permit be issued free in cases where the stage play or public entertainment is to be given for any charitable, educational or public purpose.

9. Exhibition of posters.

It shall be unlawful for any person publicly to exhibit any poster or advertisement containing any illustration or scenic description of any stage play or public entertainment unless the poster or advertisement has been approved by the council.

PART IV—GENERAL.

10. Duty of owner of theatre.

(1) Where the owner of any theatre has leased the premises to any

other person, he or she shall give notice to the Inspector General of Police, or to the officer in charge of the nearest police station, if and so soon as he or she has reason to believe that there is an intention to proceed with any stage play or public entertainment in the theatre either without the requisite licences or permits, or without everything having been done which may be required under the licences or permits or under any rules made under this Act to be done previous to the stage play being presented.

(2) In this section, “owner” includes any sublessor.

11. Power of entry.

(1) Any police officer, member of the council or other officer appointed for the purpose by the Minister, may at all reasonable times enter upon any premises or places in which he or she has reason to believe that any stage play or public entertainment is being or is about to be presented with a view to seeing whether the provisions of this Act or any rules made under this Act and the conditions of any licences or permits granted under this Act have been complied with.

(2) Any person preventing or obstructing the entry of any officer or member mentioned in subsection (1) commits an offence against this Act.

(3) If such officer or member is satisfied that a stage play or public entertainment is being performed or presented contrary to the provisions of this Act or of any rules, licences or permits issued under this Act, he or she may order that the stage play or public entertainment shall stop.

12. Cruelty to animals.

Any person who maltreats any animal taking part in any stage play or public entertainment commits an offence.

13. Appeal to Minister.

(1) An appeal shall lie to the Minister in respect of any act or decision of the licensing authority or the council done or made or omitted to be done or made under this Act, and the Minister may confirm, disallow or vary any act or decision of the licensing authority or council or may direct the authority or council to act in such manner as the Minister shall deem fit.

(2) The decision of the Minister shall be final.

14. No person to be excluded from public performance on ground of race.

No person shall be excluded from the public performance or presentation of any stage play or public entertainment on the ground of race.

15. Permits for private performances in licensed theatres.

(1) No person shall use a theatre licensed under this Act for the private performance or presentation of any stage play or public entertainment without a permit in writing from the council.

(2) The permit shall be in such form and subject to such conditions as the council may determine.

16. Council's power to order surrender of script.

(1) The council may by order in writing direct that any script of, or article used in, any stage play or public entertainment shall be surrendered to it.

(2) On the surrender of any script or article to the council under this section, the council may apply to the High Court for an order authorising the forfeiture of the script or article or may release the script or article subject to such conditions as it deems fit.

17. Rules.

The Minister may in his or her discretion make rules—

- (a) prescribing the fees for any licence or permit granted under this Act;
- (b) prescribing conditions subject to which the licensing authority shall issue licences, or the council shall issue permits;
- (c) prescribing conditions to be observed in reference to the erection, alteration and equipment of any theatre;
- (d) prescribing conditions to be observed in reference to the safety from fire or otherwise of any theatre, or for the safety and control of persons attending the theatre;
- (e) prescribing fees to be paid for the attendance of any officer or other person required to superintend the presentation of any stage play;

(f) generally for better carrying into effect this Act.

18. Minister may declare any entertainment to be public.

The Minister may by statutory instrument declare any entertainment, other than stage plays and cinematograph exhibitions, to which the public are admitted, to be a public entertainment for the purposes of this Act.

19. Offences and penalties.

Every omission or neglect to comply with, and every act done or attempted to be done contrary to this Act, or of any rules or order made under this Act, or in breach of the conditions and restrictions, subject to or upon which any licence or permit has been issued under this Act or any rules made under this Act, shall be deemed to be an offence against this Act; and for every such offence the offender shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

History: Cap. 267; S.I. 156/1966; S.I. 135/1968, s.2.

Cross Reference

Electronic Media Act, Cap. 104.
