CAP. LXVIII.

An Act for regulating Theatres. [22d *August* 1843.]

'WHEREAS it is expedient that the Laws now in force for regulating Theatres and Theatrical Performances be repealed, and other Provisions be enacted in their Stead:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords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, That an Act passed in the Third Year of the Reign of King *James* the First, intituled *An Act to restrain the Abuses of Players;* and so much of an Act passed in the Tenth Year of the Reign of King *George* the Second for the more effectual preventing the unlawful playing of Interludes within the Precincts of the Two Universities in that Part of *Great Britain* called *England*, and the Places adjacent, as is now in force; and another Act passed in the Tenth Year of the Reign of King *George* the Second, intituled *An Act to explain and amend so much of an Act made in the Twelfth Year of the Reign of Queen* Anne, *intituled 'An Act for reducing the Laws relating to Rogues, Vagabonds, Sturdy Beggars, and Vagrants into One Act of Parliament, and for the more effectual punishing such Rogues, Vagabonds, Sturdy Beggars, and Vagrants, and sending them whither they ought to be sent,' as relates to common Players of Interludes;* and another Act passed in the Twenty-eighth Year of the Reign of King *George* the Third, intituled *An Act to enable Justices of the Peace to license Theatrical Representations occasionally, under the Restrictions therein contained*, shall be repealed: Provided always, that any Licence now in force granted by the Lord Chamberlain, or granted by any Justices of the Peace under the Provisions of the last-recited Act, shall continue in force for the Times for which the same were severally granted, or until revoked by the Authority by which they were severally granted.

Repeal of 3 Jac. 1. c. 21.

Part of 10 G. 2. c. 19.

10 G. 2. c. 28.

28 G. 3. c. 30.

Proviso as to Licences now in force.

All Theatres for the Performance of Plays must be licensed.

II. And be it enacted, That, except as aforesaid, it shall not be lawful for any Person to have or keep any House or other Place of public Resort in *Great Britain*, for the public Performance of Stage Plays, without Authority by virtue of Letters Patent from Her Majesty, Her Heirs and Successors, or Predecessors, or without Licence from the Lord Chamberlain of Her Majesty's Household for the Time being, or from the Justices of the Peace as herein-after provided; and every Person who shall offend against this Enactment shall be liable to forfeit such Sum as shall be awarded by the Court in which or the Justices by whom he shall be convicted, not exceeding Twenty Pounds for every Day on which such House or Place shall have been so kept open by him for the Purpose aforesaid without legal Authority.

What Licences shall be granted

III. And be it enacted, That the Authority of the Lord Chamberlain for granting Licences shall extend to all Theatres (not

(not being Patent Theatres) within the Parliamentary Boundaries of the Cities of *London* and *Westminster*, and of the Boroughs of *Finsbury* and *Marylebone*, the *Tower Hamlets*, *Lambeth*, and *Southwark*, and also within those Places where Her Majesty, Her Heirs and Successors, shall, in their Royal Persons, occasionally reside: Provided always, that, except within the Cities and Boroughs aforesaid, and the Boroughs of *New Windsor* in the County of *Berks*, and *Brighthelmstone* in the County of *Sussex*, Licences for Theatres may be granted by the Justices as herein-after provided, in those Places in which Her Majesty, Her Heirs and Successors, shall occasionally reside; but such Licences shall not be in force during the Residence there of Her Majesty, Her Heirs and Successors; and during such Residence it shall not be lawful to open such Theatres as last aforesaid (not being Patent Theatres) without the Licence of the Lord Chamberlain. by the Lord Chamberlain

IV. And be it enacted, That for every such Licence granted by the Lord Chamberlain a Fee, not exceeding Ten Shillings for each Calendar Month during which the Theatre is licensed to be kept open, according to such Scale of Fees as shall be fixed by the Lord Chamberlain, shall be paid to the Lord Chamberlain. Fee for Lord Chamberlain's Licence.

V. And be it enacted, That the Justices of the Peace within every County, Riding, Division, Liberty, Cinque Port, City, and Borough in *Great Britain* beyond the Limits of the Authority of the Lord Chamberlain, in which Application shall have been made to them for any such Licence as is herein-after mentioned, shall, within Twenty-one Days next after such Application shall have been made to them in Writing signed by the Party making the same, and countersigned by at least Two Justices acting in and for the Division within which the Property proposed to be licensed shall be situate, and delivered to the Clerk to the said Justices, hold a Special Session in the Division, District, or Place for which they usually act, for granting Licences to Houses for the Performance of Stage Plays, of the holding of which Session Seven Days Notice shall be given by their Clerk to each of the Justices acting within such Division, District, or Place; and every such Licence shall be given under the Hands and Seals of Four or more of the Justices assembled at such Special Session, and shall be signed and sealed in open Court, and afterwards shall be publicly read by the Clerk, with the Names of the Justices subscribing the same. Licences may be granted by Justices.

VI. And be it enacted, That for every such Licence granted by the Justices a Fee, not exceeding Five Shillings for each Calendar Month during which the Theatre is licensed to be kept open, according to such Scale of Fees as shall be fixed by the Justices, shall be paid to the Clerk of the said Justices. Fee for Justices Licence.

VII. And be it enacted, That no such Licence for a Theatre shall be granted by the Lord Chamberlain or Justices to any Person except the actual and responsible Manager for the Time being of the Theatre in respect of which the Licence shall be granted; To whom Licences shall be granted.

granted; and the Name and Place of Abode of such Manager shall be printed on every Play Bill announcing any Representation at such Theatre; and such Manager shall become bound himself in such penal Sum as the Lord Chamberlain or Justices shall require, being in no Case more than Five hundred Pounds, and Two sufficient Sureties, to be approved by the said Lord Chamberlain or Justices, each in such penal Sum as the Lord Chamberlain or Justices shall require, being in no Case more than One hundred Pounds, for the due Observance of the Rules which shall be in force at any Time during the Currency of the Licence for the Regulation of such Theatre, and for securing Payment of the Penalties which such Manager may be adjudged to pay for Breach of the said Rules, or any of the Provisions of this Act.

Rules for the Theatres under the Control of the Lord Chamberlain.

VIII. And be it enacted, That in case it shall appear to the Lord Chamberlain that any Riot or Misbehaviour has taken place in any Theatre licensed by him, or in any Patent Theatre, it shall be lawful for him to suspend such Licence or to order such Patent Theatre to be closed for such Time as to him shall seem fit; and it shall also be lawful for the Lord Chamberlain to order that any Patent Theatre or any Theatre licensed by him shall be closed on such public Occasions as to the Lord Chamberlain shall seem fit; and while any such Licence shall be suspended, or any such Order shall be in force, the Theatre to which the same applies shall not be entitled to the Privilege of any Letters Patent or Licence, but shall be deemed an unlicensed House.

Rules for enforcing Order in the Theatres licensed by the Justices.

IX. And be it enacted, That the said Justices of the Peace at a Special Licensing Session, or at some Adjournment thereof, shall make suitable Rules for insuring Order and Decency at the several Theatres licensed by them within their Jurisdiction, and for regulating the Times during which they shall severally be allowed to be open, and from Time to Time, at another Special Session, of which Notice shall be given as aforesaid, may rescind or alter such Rules; and it shall be lawful for any One of Her Majesty's Principal Secretaries of State to rescind or alter any such Rules, and also to make such other Rules for the like Purpose, as to him shall seem fit; and a Copy of all Rules which shall be in force for the Time being shall be annexed to every such Licence; and in case any Riot or Breach of the said Rules in any such Theatre shall be proved on Oath before any Two Justices usually acting in the Jurisdiction where such Theatre is situated, it shall be lawful for them to order that the same be closed for such Time as to the said Justices shall seem fit; and while such Order shall be in force the Theatre so ordered to be closed shall be deemed an unlicensed House.

Proviso for the Universities of Oxford and Cambridge.

X. Provided always, and be it enacted, That no such Licence shall be in force within the Precincts of either of the Universities of *Oxford* or *Cambridge*, or within Fourteen Miles of the City of *Oxford* or Town of *Cambridge*, without the Consent of the Chancellor or Vice Chancellor of each of the said Universities

versities respectively; and that the Rules for the Management of any Theatre which shall be licensed with such Consent within the Limits aforesaid shall be subject to the Approval of the said Chancellor or Vice Chancellor respectively; and in case of the Breach of any of the said Rules, or of any Condition on which the Consent of the Chancellor or Vice Chancellor to grant any such Licence shall have been given, it shall be lawful for such Chancellor or Vice Chancellor respectively to annul the Licence, and thereupon such Licence shall become void.

Penalty on Persons performing in unlicensed Places.

XI. And be it enacted, That every Person who for Hire shall act or present, or cause, permit, or suffer to be acted or presented, any Part in any Stage Play, in any Place not being a Patent Theatre or duly licensed as a Theatre, shall forfeit such Sum as shall be awarded by the Court in which or the Justices by whom he shall be convicted, not exceeding Ten Pounds for every Day on which he shall so offend.

No new Plays or Additions to old ones to be acted until submitted to the Lord Chamberlain.

XII. And be it enacted, That One Copy of every new Stage Play, and of every new Act, Scene, or other Part added to any old Stage Play, and of every new Prologue or Epilogue, and of every new Part added to an old Prologue or Epilogue, intended to be produced and acted for Hire at any Theatre in *Great Britain*, shall be sent to the Lord Chamberlain of Her Majesty's Household for the Time being, Seven Days at least before the first acting or presenting thereof, with an Account of the Theatre where and the Time when the same is intended to be first acted or presented, signed by the Master or Manager, or One of the Masters or Managers, of such Theatre; and during the said Seven Days no Person shall for Hire act or present the same, or cause the same to be acted or presented; and in case the Lord Chamberlain, either before or after the Expiration of the said Period of Seven Days, shall disallow any Play, or any Act, Scene, or Part thereof, or any Prologue or Epilogue, or any Part thereof, it shall not be lawful for any Person to act or present the same, or cause the same to be acted or presented, contrary to such Disallowance.

Fees to be paid for Examination of Plays, &c.

XIII. And be it enacted, That it shall be lawful for the Lord Chamberlain to charge such Fees for the Examination of the Plays, Prologues, and Epilogues, or Parts thereof, which shall be sent to him for Examination, as to him from Time to Time shall seem fit, according to a Scale which shall be fixed by him, such Fee not being in any Case more than Two Guineas, and such Fees shall be paid at the Time when such Plays, Prologues, and Epilogues, or Parts thereof, shall be sent to the Lord Chamberlain; and the said Period of Seven Days shall not begin to run in any Case until the said Fee shall have been paid to the Lord Chamberlain, or to some Officer deputed by him to receive the same.

The Lord Chamberlain may forbid any Play.

XIV. And be it enacted, That it shall be lawful for the Lord Chamberlain for the Time being, whenever he shall be of opinion that it is fitting for the Preservation of good Manners, Decorum, or of the public Peace so to do, to forbid the acting or presenting any Stage Play, or any Act, Scene, or Part thereof,

or any Prologue or Epilogue, or any Part thereof, anywhere in *Great Britain*, or in such Theatres as he shall specify, and either absolutely or for such Time as he shall think fit.

Penalty for acting Plays before they are allowed or after they have been disallowed.

XV. And be it enacted, That every Person who for Hire shall act or present, or cause to be acted or presented, any new Stage Play, or any Act, Scene, or Part thereof, or any new Prologue or Epilogue, or any Part thereof, until the same shall have been allowed by the Lord Chamberlain, or which shall have been disallowed by him, and also every Person who for Hire shall act or present, or cause to be acted or presented, any Stage Play, or any Act, Scene, or Part thereof, or any Prologue or Epilogue, or any Part thereof, contrary to such Prohibition as aforesaid, shall for every such Offence forfeit such Sum as shall be awarded by the Court in which or the Justices by whom he shall be convicted, not exceeding the Sum of Fifty Pounds; and every Licence (in case there be any such) by or under which the Theatre was opened, in which such Offence shall have been committed, shall become absolutely void.

What shall be Evidence of acting for Hire.

XVI. And be it enacted, That in every Case in which any Money or other Reward shall be taken or charged, directly or indirectly, or in which the Purchase of any Article is made a Condition for the Admission of any Person into any Theatre to see any Stage Play, and also in every Case in which any Stage Play shall be acted or presented in any House, Room, or Place in which distilled or fermented Exciseable Liquor shall be sold, every Actor therein shall be deemed to be acting for Hire.

Proof of Licence in certain Cases to lie on the Party accused.

XVII. And be it enacted, That in any Proceedings to be instituted against any Person for having or keeping an unlicensed Theatre, or for acting for Hire in an unlicensed Theatre, if it shall be proved that such Theatre is used for the public Performance of Stage Plays, the Burden of Proof that such Theatre is duly licensed or authorized shall lie on the Party accused, and until the contrary shall be proved such Theatre shall be taken to be unlicensed.

Proceedings begun before the passing of this Act may be discontinued.

XVIII. And be it enacted, That after the passing of this Act it shall be lawful for any Person against whom any Action or Information shall have been commenced, for the Recovery of any Forfeiture or pecuniary Penalty incurred under the said Act of the Tenth Year of the Reign of King *George* the Second, to apply to the Court in which such Action or Information shall have been commenced, if such Court shall be sitting, or if such Court shall not be sitting to any Judge of either of the Superior Courts at *Westminster*, for an Order that such Action or Information shall be discontinued, upon Payment of the Costs thereof incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Court; and every such Court or Judge (as the Case may be), upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Informer, or to his Attorney, of the Application, shall make such Order as aforesaid; and upon

upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Action or Information shall be forthwith discontinued.

Penalties how to be recoverable.

XIX. And be it enacted, That all the pecuniary Penalties imposed by this Act for Offences committed in *England* may be recovered in any of Her Majesty's Courts of Record at *Westminster*, and for Offences committed in *Scotland* by Action or summary Complaint before the Court of Session or Justiciary there, or for Offences committed in any Part of *Great Britain* in a summary Way before Two Justices of the Peace for any County, Riding, Division, Liberty, City, or Borough where any such Offence shall be committed, by the Oath or Oaths of One or more credible Witness or Witnesses, or by the Confession of the Offender, and in default of Payment of such Penalty together with the Costs, the same may be levied by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to such Offender, if any there be above the Penalty, Costs, and Charge of Distress; and for Want of sufficient Distress the Offender may be imprisoned in the Common Gaol or House of Correction of any such County, Riding, Division, Liberty, City, or Borough for any Time not exceeding Six Calendar Months.

Appeal.

XX. And be it enacted, That it shall be lawful for any Person who shall think himself aggrieved by any Order of such Justices of the Peace to appeal therefrom to the next General or Quarter Session of the Peace to be holden for the said County, Riding, Division, Liberty, City, or Borough, whose Order therein shall be final.

Appropriation of Penalties.

XXI. And be it enacted, That the said Penalties for any Offence against this Act shall be paid and applied in the first instance toward defraying the Expences incurred by the Prosecutor, and the Residue thereof (if any) shall be paid to the Use of Her Majesty, Her Heirs and Successors.

Limitation of Actions.

XXII. Provided always, and be it enacted, That no Person shall be liable to be prosecuted for any Offence against this Act unless such Prosecution shall be commenced within Six Calendar Months after the Offence committed.

Interpretation of Act.

XXIII. And be it enacted, That in this Act the Word "Stage Play" shall be taken to include every Tragedy, Comedy, Farce, Opera, Burletta, Interlude, Melodrama, Pantomime, or other Entertainment of the Stage, or any Part thereof: Provided always, that nothing herein contained shall be construed to apply to any Theatrical Representation in any Booth or Show which by the Justices of the Peace, or other Persons having Authority in that Behalf, shall be allowed in any lawful Fair, Feast, or customary Meeting of the like Kind.

Limits of the Act.

XXIV. And be it enacted, That this Act shall extend only to *Great Britain*.

Act may be amended, &c.

XXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.