

CHAPTER 85A**PUBLIC ENTERTAINMENTS**

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SCHEDULE

CHAPTER 85A

PUBLIC ENTERTAINMENTS

An Act to consolidate and revise the laws relating to the keeping of places of public entertainment and relating to the imposition of taxes on entertainment to which the public is admitted on payment of money and to impose a tax on the rental of video cassette tapes and fees payable for membership of video clubs.

1985-8.
1988-10.¹
1996-15.
1999-25.

[1st April, 1985] Commence-
ment.
1988-10.¹

1. This Act may be cited as the *Public Entertainments Act*. Short title.

2. In this Act Interpretation.

"admission to entertainment" includes admission to any premises in which the entertainment is held;

"approved form" means a form approved by the Comptroller; 1999-25.

"Comptroller" means the Comptroller of Customs; 1996-15.

"entertainment area" means any place adjoining the premises where entertainment is given from which it can be seen or heard;

"place of public entertainment" means any premises kept habitually or used for entertainment, whether or not at stated intervals, in which the public may join or at which members of the public may be entertained for payment, directly or indirectly, of money;

"proprietor" includes

- (a) any person on whose behalf payment for admission to an entertainment or a place of public entertainment is received or any person responsible for the management thereof;

¹ Act (1988-10) has effect from 18th April, 1984 and 1st April, 1985.

ss.3-4

- (b) a person acting as agent of a person referred to in paragraph (a);
- (c) a person responsible for the management of any entertainment or place of public entertainment; and
- (d) an owner of a place of public entertainment or an entertainment area.

Licensing of
places of
public
entertain-
ment.

3. No person shall keep a place of public entertainment without a licence issued under this Act.

Application
for licence.
1999-25.

4. (1) A person desiring to keep a place of public entertainment must apply to the Comptroller in the approved form and must produce at the time of the application the following documents:

- (a) a certificate from the Chief Town Planner that the applicant has obtained planning permission in respect of the premises and the activities intended to be held thereon;
- (b) a certificate from the Commissioner of Police that the applicant is a fit and proper person to keep a place of public entertainment; and
- (c) a certificate from the Chief Fire Officer that the premises are provided with sufficient fire exits in relation to the number of persons who are to be accommodated therein.

1988-10.

(1A) A certificate from the Chief Fire Officer referred to under paragraph (c) of subsection (1) expires on the 31st day of January of the year following that in which it is issued.

(2) The authorities mentioned in subsection (1) may within 28 days of the receipt of an application for a certificate grant or refuse the application.

(3) An applicant who is aggrieved by the refusal of a certificate under this section has a right of appeal to a magistrate for the district in whose jurisdiction the premises are situated, whose decision thereon is final.

(4) An applicant for a licence under this Act shall pay such fees for application as are prescribed.

5. (1) On receipt of an application for a licence under this Act, the Comptroller must forthwith give notice of the fact of application in the *Official Gazette* and in a daily newspaper in circulation in Barbados. Notice of application. 1999-25.

(2) The notice must invite objections to the application to be lodged with the Comptroller within a period of 14 days of the publication of the notice. 1999-25.

(3) Upon receipt of an objection the Comptroller shall forward the same to a magistrate for the district in whose jurisdiction the premises are situated, who must hear and determine the objection. 1999-25.

(4) An appeal from the decision of the magistrate lies to a judge in chambers, whose decision thereon is final.

6. (1) Subject to this section, the Comptroller must grant a licence in the approved form, on payment of the prescribed fee, to an applicant who complies with section 4 and in respect of whom Issue of licence. 1999-25.

(a) no objection is lodged under section 5; or

(b) if an objection is lodged, it has been dismissed by the magistrate.

(2) The licence expires on the 31st day of January of the year following that in which it is issued.

(3) The Comptroller may impose such conditions to the issue of a licence in the public interest as he thinks fit. 1999-25.

(4) No licence shall be issued to a person whose premises form part of the premises of a licensed retailer of liquor.

7. (1) A licence may be renewed upon the production of a certificate from the Chief Fire Officer as referred to in paragraph (c) of section 4(1) and upon payment of the prescribed fee; but such a licence is not transferable from one premises to another. Renewal and transfer of licence. 1988-10.

(2) A licence in respect of particular premises may be transferred from one person to another upon presentation of the certificate referred to in section 4(1)(b) and upon payment of the prescribed fee.

1999-25. (3) A person who keeps a place of public entertainment shall display in a conspicuous position on the premises a sign containing the matters approved by the Comptroller and having dimensions specified by him.

Revocation
of licence by
Comptroller.
1999-25.

8. (1) The Comptroller may revoke a licence if the licensee

(a) fails to comply with a condition of the licence;

(b) is in breach of any duty or obligation imposed by this Act or commits an offence under this Act;

(c) ceases to carry on business under his licence; or

(d) is directed so to do by the court under section 9.

1999-25. (2) Where the Comptroller intends to revoke a licence under this section, it is his duty to give the licensee notice of his intention to do so and reasonable opportunity to show cause why the licence should not be revoked.

1999-25. (3) It is the duty of the Comptroller to give the licensee notice of the suspension or revocation of the licence.

(4) A person who is aggrieved by the revocation of a licence under this section may within 14 days of the giving of the notice of revocation appeal against the revocation to a judge in chambers, whose decision thereon is final.

Direction by
magistrate to
revoke.

9. (1) A person residing within 300 metres of any place of public entertainment may make a complaint before a magistrate for District "A" against a licensee for disturbing the peace and quiet of the neighbourhood.

1999-25. (2) If on the hearing of a complaint the magistrate is satisfied that the continued keeping of the place of public entertainment is prejudicial to the peace and quiet of the neighbourhood, he may, notwithstanding section 8, direct the Comptroller to revoke the licence or to permit the

licence to be retained subject to such conditions as the magistrate imposes; and the Comptroller shall comply with the magistrate's directions. 1999-25.

(3) Subject to subsection (4), the hearing of a complaint under this section may not be adjourned beyond a period of 42 days from the bringing of the complaint except with the consent of the complainant.

(4) The magistrate may grant a further adjournment if he is satisfied that no entertainment that may give rise to any further complaint under subsection (1) will be held during the period of adjournment.

(5) An appeal from the decision of the magistrate lies to a judge in chambers, whose decision thereon is final.

10. – 16. *Repealed by 1996-15.*

17. The Minister responsible for Finance may make regulations Regulations.

(a) to (d) Repealed by 1996-15;

(e) for securing safety at any showing of motion pictures and works on film, videotape or other means of reproduction for use in connection with the cinema or television;

(f) prescribing anything that is required by this Act to be prescribed.

18. (1) The fees contained in the *Schedule* are payable in respect of the categories of places of public entertainment appearing opposite thereto. Fees and forms of entertainment. Schedule. 1996-15.

(2) Repealed by 1996-15.

(3) The Minister may by order amend the *Schedule*. 1996-15.

(4) An order made under this section is subject to negative resolution.

19. (1) No person shall be discriminated against in the admission or refusal to admit him to any place of public entertainment. Discrimination.

(2) A proprietor who is charged with an offence under this section is entitled, upon a charge being duly made by him and on giving to the prosecution not less than 3 days' notice in writing of his intention, to have any other person whom he charges as the actual offender (whether or not that person is his servant or agent) brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the proprietor proves to the satisfaction of the court

- (a) that he used all due diligence to enforce the execution of this section; and
- (b) that the other person had committed the offence in question without his consent, connivance or wilful default,

that other person may be convicted of the offence and liable to the penalty specified in this section and the proprietor acquitted.

(3) Where the proprietor avails himself of the defence specified in subsection (2), the prosecution and the person against whom the proprietor brings a charge may

- (a) if the proprietor gives evidence, cross-examine him and any witnesses called by him; and
- (b) call evidence in rebuttal.

(4) For the purposes of this section discrimination is effected if different treatment is meted out to different persons attributable wholly or mainly as a result of their descriptions by race, place of origin, political opinions, colour or creed, whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are awarded privileges or advantages that are not afforded to persons of another such description.

20. A person authorised by the Comptroller in writing for the purpose may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of public entertainment, for the purpose of preventing or detecting the commission of an offence under this Act.

21. *Repealed by 1996-15.*

22. (1) A person who contravenes section 3 is guilty of an offence and liable on summary conviction to a fine of \$5 000 or imprisonment for 2 years or both and in the case of a continuing offence to a further fine of \$500 for each day or part thereof during which the offence continues after a conviction is obtained. Offences.

(2) – (5) *Repealed by 1996-15.*

(6) A proprietor who contravenes section 19(1) is guilty of an offence and liable on summary conviction to a fine of \$5 000 or imprisonment for 2 years.

23. A court before whom a person is convicted for any offence specified in section 22 may declare that person to be disqualified from obtaining a licence for such period as the court thinks fit. Disqualification.

SCHEDULE

s. 18.
1996-15.

*Categories of Places of
Public Entertainment*

Fees Per Annum

		\$
1.	Bingo halls	500
2.	Cinemas	500
3.	Concert halls	200
4.	Discos	500
5.	Public dance halls	200
6.	Theatres	200
7.	Roller skating halls	200
8.	Places for vehicle racing	500
9.	Amusement park	5 000