



BERMUDA

ST. GEORGE'S PUBLIC ENTERTAINMENTS (CONTROL) ORDINANCE 1949

BX 2 / 1949

*[made under section 38 of the Municipalities Act 1923 and brought into operation on 26 September 1949]*

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Citation

1 This Ordinance may be cited as the St. George's Public Entertainments (Control) Ordinance 1949.

Interpretation

2 In this Ordinance—

“Chief Fire Officer” means the person who holds the public office of Chief Fire Officer pursuant to the provisions of the Bermuda Fire and Rescue Service Act 1982 and includes a person appointed to act in such office;

“the Corporation” means the Corporation of St. George's;

“open lot” means a lot of land which is not the site of a building;

“building” means a lot of land which is roofed and enclosed on all sides by walls;

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“entertainment licence” means a licence granted by the Corporation under article 3; and

“public entertainment” includes any theatrical or vaudeville performance, moving picture exhibition, concert or other musical performance, circus or fair, or any boxing contest or boxing exhibition, or other performance or exhibition, to which members of the public are admitted, and includes the provision for members of the public of facilities for dancing, or skittle alleys or roller skating; but does not include games such as cricket, football or tennis or athletic or aquatic sports, or the provision of facilities for such games or sports, or for bathing.

*[Article 2 definition “Chief Fire Officer” inserted by 2014 : 33 s. 55 effective 1 January 2018]*

Licence required for place of public entertainment

3 (1) Except under the authority of a licence (in this Ordinance referred to as “an entertainment licence”) granted by the Corporation, no person shall use, or to cause or allow any other person to use, any building or any open lot within the Town of St. George for the purpose of providing a public entertainment; and any person who contravenes this paragraph commits an offence against this Ordinance.

(2) The Corporation may refuse to consider any application for the grant of an entertainment licence, unless the application is in writing and unless the applicant furnishes such particulars (including plans) and such facilities for inspection of the building or open lot to which the application relates as the Corporation may require in order to enable them to deal satisfactorily with the application.

(3) the Corporation may refuse to grant an entertainment licence—

- (a) on the ground that the use of the building or open lot to which the application relates for the purpose of providing public entertainments of the nature to which the application relates would by reason of excessive noise or by causing the gathering of crowds be likely, having regard to the frequency of use, to interfere to a material extent with the comfort of persons residing or carrying on occupations in the neighbourhood;
- (b) where the application relates to the use of a building on the ground that, having regard to the nature of the public entertainment to which the application relates—
  - (i) the means of entrance to or egress from the building and other measures provided for securing the safety of persons in or about the building in connection with the entertainment are inadequate; or
  - (ii) the building, or any part thereof, is unsafe by reason of its structural character or its state of repair or the weakness of any material of which it is composed or is otherwise unsafe, or any installations, equipment, fixtures or furnishings or defective electrical wiring in or about the building are unsafe;

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- (iii) the building is insufficiently ventilated or is otherwise insanitary or has insufficient or unsuitable sanitary accommodation; or
- (c) where the application relates to the use of an open lot, on the ground that, having regard to the nature of the public entertainment to which the application relates—
  - (i) the means of entrance to or egress from the lot are inadequate; or
  - (ii) any walls, fences or structures enclosing the lot or any stands, seats or structures or equipment within the lot are unsafe; or
- (d) on the ground that there is no accommodation or insufficient accommodation provided for vehicles and that the lack or insufficiency of such accommodation is likely to interfere with traffic along any public road adjacent to the building or open lot.

(4) The Corporation may refuse to issue an entertainment licence under this Ordinance until after it has consulted the Chief Fire Officer regarding fire safety requirements under the Fire Safety Act 2014.

*[Article 3 amended by 2014 : 33 s. 55 effective 1 January 2018]*

Conditions in licence

4 (1) An entertainment licence may be granted subject to such conditions or limitations as the Corporation may think fit to impose, and as are specified in the licence, with respect to—

- (a) the provision and maintenance of adequate and suitable means of entrance to or egress from the building or open lot;
- (b) the provision and maintenance of adequate and proper means of securing the safety of persons in or about the building or open lot in connection with the public entertainment, including fire precautions;
- (c) in the case of a building, the maintenance of the building or any part thereof or any installations, equipment or fixtures in or about the building in a proper and safe state of repair and in a proper sanitary condition and the provision and maintenance of adequate means of ventilation;
- (d) the maximum number of persons that may be allowed at any one time within the building or open lot;
- (e) the provision and maintenance of adequate accommodation for vehicles;
- (f) the exclusion of Sunday and other days of religious observance from the days on which any public entertainment may be provided in the building or open lot; or
- (g) the hours within which any public entertainment may be provided in the building or open lot.

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(2) Any person who, having been granted an entertainment licence, fails without reasonable excuse (the proof of which shall be upon him) to comply with the requirements of any condition or limitation specified in the licence commits an offence against this Ordinance.

(3) An entertainment licence may be limited in validity to any period specified in the licence.

*[Article 4 amended by 2014 : 33 s. 55 effective 1 January 2018]*

Inspection

5 (1) For the purpose of securing compliance with this Ordinance, any member of the Corporation, and any officer or servant of the Corporation authorized by the Corporation in that behalf, may at all reasonable times inspect any building or open lot in respect of which any entertainment licence has been granted; and it shall be the duty of the person in charge of the building or open lot to afford every facility for any such inspection.

(2) Any person who obstructs any member of the Corporation or any duly authorized officer or servant of the Corporation while lawfully acting in pursuance of the power conferred by the foregoing paragraph commits an offence against this Ordinance.

Public morality; public good

6 (1) Where in the opinion of the Corporation of St. George's any public entertainment, contemplated or being held or provided in the Town of St. George, is indecent or obscene or is of such a nature as to be injurious to public morals or the public good, then the Corporation may by order prohibit the holding or provision of the entertainment or (as the case may be) the further holding or provision of the entertainment.

(2) Any person who holds or provides or continues to hold or provide any public entertainment in contravention of an order made by the Corporation under the foregoing paragraph commits an offence against this Ordinance.

Suspension; cancellation

7 (1) Where the Corporation have instituted proceedings for an offence against this Ordinance against any person to whom an entertainment licence has been granted, the Corporation may, if they think fit, suspend the licence pending the determination of the proceedings.

(2) Where a person to whom an entertainment licence has been granted is convicted of an offence against this Ordinance the Corporation may, if they think fit, either suspend the licence for a specified period or may revoke the licence.

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*[Amended by:*

2014 : 33]