

CHAPTER 363

PUBLIC PERFORMANCES

Ordinances AN ORDINANCE TO MAKE PROVISION FOR THE BETTER REGULATION OF PUBLIC
 Nos. 7 of 1912, PERFORMANCES AND CARNIVALS, AND FOR MATTERS CONNECTED THEREWITH
 7 of 1919, OR INCIDENTAL THERETO.

Acts
 Nos. 23 of 1951,
 40 of 1961,
 26 of 1964,
 11 of 1969.

[24th May, 1912.]

Short title. **1.** This Ordinance may be cited as the **Public Performances Ordinance.** boxing contest, circus, concert, or other stage entertainment,

Interpretation. **2.** In this Ordinance, unless the context otherwise requires— but does not include any carnival or any performance on private premises to which the public are not admitted whether on payment or otherwise.

"carnival" includes any fete, fancy fair, and any other similar entertainment to which the public are admitted, whether on payment or otherwise, but does not include any public performance;

3. (1) The Minister may make rules for the regulation of public performances, and in particular, without prejudice to the generality of the power so granted, for the following purposes;— Power of Minister to make rules for the regulation of public performances.

[§ 3, II of 1969.] "cinema" means any place ordinarily used for the exhibition of pictures or optical effects by means of a cinematograph, magic lantern, or other similar apparatus;

(a) for the issue of licences for buildings or erections to be used for public performances, or for any particular public performance, and for the withdrawal, suspension, or modification of the conditions of such licences;

[§ 3, 11 of 1969.] "club" means any body of persons, whether corporate or unincorporate, associated together for a common purpose ;

(b) for the payment of fees for such licences;

[§ 3, 40 of 1961.] "local authority" includes any Urban Council, Town Council, or Village Council; and

(c) for the regulation of the character of public performances;

[§ 3, 40 of 1961.] "public performance " includes—

(d) for the submission to the prescribed authority of a description of any public performance intended to be exhibited, and in such cases as such authority thinks fit to require, for the exhibition before such authority of any such performance before the same shall be advertised or exhibited ;

(a) every public dramatic representation;

(b) every exhibition of pictures or optical effects by means of a cinematograph, magic lantern, or other similar apparatus;

(e) for the issue of permits for the exhibition of such performances, and for the withdrawal, suspension, and modification of the conditions of such permits;

(c) every exhibition of dancing, conjuring, juggling, or acrobatic performances, every

(f) for the regulation of the structural condition of licensed buildings or erections, and for the protection of the public against fire, overcrowding, disorder, or other dangers;

(g) for the inspection of licensed buildings and erections and of performances therein;

(h) for the prohibition and prevention of public performances in unlicensed buildings and erections, or of unauthorized performances in licensed buildings or erections.

(2) All rules when made as aforesaid shall be laid as soon as conveniently may be before Parliament; and if a resolution is passed by Parliament within forty days of their being so laid praying that any rule shall be annulled, such rule shall thenceforth be void, but without prejudice to anything done thereunder.

Prohibition of holding of carnival without licence. [§4.40 of 1961.]

3A. (1) No person shall hold any carnival in any area within the administrative limits of any local authority except under a licence issued in that behalf by that authority.

(2) A licence under subsection (1) shall not be issued by a local authority except with the concurrence of the Inspector-General of Police.

(3) It shall be a condition of every such licence that the licensee shall not promote or permit gambling of any kind whatsoever within the premises in which the carnival is held, and that he shall not conduct or promote any lottery within such premises or in connexion with such carnival.

(4) A licence issued by a local authority to any person may be suspended or cancelled by such authority if it is satisfied that such person has contravened any condition of such licence or any provision of this Ordinance or of any by-law made thereunder.

3B. No person shall promote, or participate in, gambling of any kind whatsoever within the premises in which any carnival is held, or conduct or promote any lottery within such premises or in connexion with such carnival.

Prohibition of gambling in premises where carnivals are held, and of lotteries in connexion with such carnivals. [§ 4, 40 of 1961.]

3C. (1) A local authority may make by-laws for the regulation, inspection, and control of carnivals, and in particular, without prejudice to the generality of the power so conferred, in respect of all or any of the following matters :—

Power of focal authority to make by-laws for the regulation of carnivals. [§ 4, 40 of 1961.]

(a) the fees to be paid for the issue of licences relating to carnivals ;

(b) the conditions of such licences ; and

(c) the protection of the public against fire, overcrowding, disorder, or other dangers.

(2) Every by-law made by a local authority shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the by-law.

(3) Every by-law made by a local authority shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Any by-law which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything done thereunder.

4. Any person contravening the provisions of section 3A or section 3B or of any rule or by-law made under this Ordinance shall be guilty of an offence, and liable to a fine not exceeding one thousand rupees, or to simple imprisonment for any period not exceeding six months-

Penally for offences against Ordinance. [§ 5, 40 of 1961.]

5. (1) Sections 3 and 4 of this Ordinance shall not apply in any Municipal area in respect of which by-laws for the regulation of public performances or carnivals have been or shall hereafter be made under the powers granted to Municipal Councils by paragraph 18 of section 272 of the Municipal Councils Ordinance, but the by-law-making powers

Sections 3 and 4 not to apply in Municipal areas. [§ 6, 40 of 1961.]

granted to Municipal Councils by the said paragraph shall be deemed to include all the powers conferred upon the Minister by this Ordinance, and any person committing any offence against any by-law under the said paragraph shall be liable to the same punishment as if the said by-law had been a rule made under this Ordinance, and may be tried before a Municipal Magistrate.

[§ 2, 26 of 1964.]

(2) Notwithstanding the provisions of paragraph (18) of section 272 of the Municipal Councils Ordinance read with subsection (1), or of any by-laws made thereunder for the regulation of carnivals, no Municipal Council shall issue a licence for the conduct of a carnival within the administrative limits of such Council, except with the concurrence of the Inspector-General of Police.

Certification of performances as suitable for public exhibition. [§4, 11 of 1969.]

6. (1) (a) Subject to the provisions of subsection (9), no public performance shall, unless it has been certified by a certifying authority as suitable for public exhibition and such certificate remains unrevoked, be exhibited or presented either—

- (i) to the public in any premises, whether public or private; or
- (ii) to the members of any club in any cinema, building, erection or other premises authorized, for the time being, to be used for public performances under a licence or permit issued by a Municipal Council or other local authority.

(b) No exhibition of pictures or optical effects, by means of a cinematograph, magic lantern or other similar apparatus, which has not been submitted to or viewed by a certifying authority, shall be exhibited or presented either—

- (i) to the public in any premises, whether public or private; or
- (ii) to the members of any club in any cinema, building, erection or other premises authorized, for the time being, to be used for public performances under a licence or permit issued by a Municipal Council or other local authority.

(2) The Minister may by Order published in the Gazette appoint any person or persons, by name or by office, to be for the purposes of this section the certifying authority for the whole of Sri Lanka or for any specified area in Sri Lanka; and in the exercise of the powers and functions under this section, a certifying authority shall act in accordance with such directions as may be issued in that behalf by the Minister.

(3) A certifying authority shall have the discretion—

- (a) to grant or refuse a certificate to the effect that any proposed public performance is suitable for public exhibition; and
- (b) by order to revoke any such certificate previously granted under paragraph (a).

Every such order of revocation shall be served in the prescribed manner upon the person on whose application the certificate was granted, and shall take effect upon the date of such service.

(4) Where a certifying authority refuses to grant a certificate under subsection (3) in respect of any public performance or makes order revoking any such certificate, any person aggrieved by the refusal or revocation may, in the prescribed manner, appeal against such refusal or revocation to the Minister; and the decision of the Minister upon such appeal shall be final and conclusive.

(5) For the purposes of the exercise of the powers and functions conferred or imposed by this section, a certifying authority or the Minister may require the exhibition or presentation, before it or him or before any other specified persons, of any proposed public performance.

(6) Where any film is certified under the preceding provisions of this section as suitable for public exhibition, the certifying authority may cause the film to be marked in the prescribed manner; and no film which has been so certified shall be exhibited or presented with any alterations or additions made after being so marked.

(7) The preceding provisions of this section shall have effect in addition to and notwithstanding anything in any rules made under section 3 or any by-laws referred to in section 5 ; and the certification under this section of any proposed public performance as being suitable for public exhibition shall not be deemed or construed to authorize its exhibition or presentation in contravention of such rules or by-laws.

(8) Where any public performance is exhibited or presented in contravention of the provisions of this section, the person for the time being entitled to occupy the premises at which the performance is exhibited or presented and every other person responsible for, or participating or otherwise concerned in, the presentation or exhibition of that performance, shall be guilty of an offence and liable, after summary trial before a Magistrate, to a fine not exceeding one thousand rupees or to imprisonment of either description for any period not exceeding six months.

(9) The preceding provisions of this section shall not apply—

- (a) to any exhibition of conjuring or juggling or to any boxing contests; or
- (b) to any other performance of any class or description of performances which may be exempted from those provisions by Order made under subsection (10).

(10) The Minister may by Order published in the Gazette—

[§4,11 of 1969.]

- (a) prescribe a fee or charge to be paid in respect of any public performance submitted to and viewed by the certifying authority;
- (b) provide for the collection or recovery of such fee or charge and the disposal thereof upon collection or recovery;
- (c) make such provision as he may consider necessary for carrying out or giving effect to the principles and purposes of this section, including provision for or in respect of any matter authorized or required by this section to be prescribed.

(11) In this section, "Minister" means the Minister in charge of the subject of Defence.

7. Any person who, without the previous sanction of a certifying authority, prints, publishes, distributes or posts up, or causes to be printed, published, distributed or posted up, any newspaper advertisement, handbill, placard or poster which contains any reference to any order or decision of such certifying authority or any part thereof in respect of any public performance, shall be guilty of an offence, and shall be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding one thousand rupees or to imprisonment of either description for any period not exceeding six months.

Reference to the order of a certifying authority in advertisements relating to a film. [§5,11 of 1969.]