

Definitions

'Sex Cinema' (paragraph 3, schedule 3)

- 1) A sex cinema is any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which—
 - a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage—
 - i) sexual activity; or
 - ii) acts of force or restraint which are associated with sexual activity; or
 - iii) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

But does not include a dwelling-house to which the public is not admitted.

- 2) No premises shall be treated a sex cinema by reason only—
 - a) If they may be used for an exhibition of a film (within the meaning of paragraph 15 of schedule 1 of the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation; or
 - b) Of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6 (6) of the Cinemas Act 1985.

'Sex Encounter Establishment' (paragraph 3A, schedule 3)

In this schedule 'sex encounter establishment' means—

- (a) Premises at which performances which are not unlawful are given by one or more persons present and performing, which wholly or mainly comprise the sexual stimulation of persons admitted to the premises (whether by verbal or any other means); or
- (b) Premises at which any services which are not unlawful and which do not constitute sexual activity are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs at any time while they are providing the service; or
- (c) Premises at which entertainments which are not unlawful are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs during the entertainment; or
- (d) Premises (not being a sex cinema) at which pictures are exhibited by whatever means (and whether or not to the accompaniment of music) in such circumstances that it is reasonable for the appropriate authority to decide that the principal purpose of the exhibition, other than the purpose

of generating income, is to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity;

Provided that no premises which are-

- (i) For the time being, being used for the provision of regulated entertainment (within the meaning of the Licensing Act 2003), or in circumstances where that use is authorised under that Act; or
- (ii) For the time being, being used for the purposes of late night refreshment (within the meaning of that Act) in circumstances where that use is so authorised; or
- (iii) A private dwelling house to which the public are not admitted.

'Sex Shop' (paragraph 4, schedule 3)

- 1) A sex shop means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—
 - a) sex articles; or
 - b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
 - i) sexual activity; or
 - ii) acts of force or restraint which are associated with sexual activity.
- 2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

Sex Article

- 3) A sex article means—
 - a) anything made for use in connection with, or for the purpose of stimulating or encouraging—
 - i) sexual activity; or
 - ii) acts of force or restraint which are associated with sexual activity;
 - b) anything to which sub-paragraph 4 below applies.
- 4) This sub-paragraph applies to—
 - a) any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
 - b) any recording of vision or sound which—

- i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
- ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

'Sex Encounter Venue' (paragraph 2A, schedule 3) (as proposed under section 25 of the Policing & Crime Bill)

- 1) In this schedule, 'sex encounter venue' means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.
- 2) In this paragraph relevant entertainment means-
 - a) any live performance; or
 - b) any live display of nudity;which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- 3) The following are not sex encounter venues: -
 - a) sex cinemas and sex shops;
 - b) premises at which relevant entertainment is provided as mentioned in subparagraph (1) less frequently than once a month; or
 - c) premises specified or described in an order made by the relevant national authority
- 4) The relevant national authority may by order provide for descriptions of performances, or of displays of nudity, which are not to be treated as relevant entertainment for the purposes of this Schedule.
- 5) ...
- 6) ...
- 7) ...
- 8) For the purposes of this paragraph relevant entertainment is provided if, and only if, it is provided, or permitted to be provided, by or on behalf of the organiser.
- 9) For the purposes of this Schedule references to the use of any premises as a sex encounter venue are to be read as references to their use by the organiser.
- 10) Other definitions:

'audience' includes an audience of one;

"relevant entertainment" means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

"display of nudity" means—

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus;

"the organiser", in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of—

- (a) the relevant entertainment; or
- (b) the premises;

"premises" includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

"relevant national authority" means— in relation to England, the Secretary of State;

and for the purposes of sub-paragraphs (1) and (2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity."