

**HYPNOTISM ACT - CONDITIONS**

**Executive Summary**

Wiltshire Council (as the Licensing Authority) must authorise any public performance of a hypnotist carried out in the Wiltshire Council area.

**Recommendations**

**It is recommended:**

- **The Licensing Committee adopt the Conditions (attached at Appendix 1 to this report) so that they can be applied by the Licensing Authority to any future applications under the Hypnotism Act.**
- **The Licensing Committee delegate authority to the Licensing Manager to determine any future applications under the Hypnotism Act 1952 and to authorise proceedings under the Act.**

**Reason for Proposal**

The Hypnotism Act 1952 empowered licensing authorities for public entertainments under the Local Government (Miscellaneous Provisions) Act 1982 to attach conditions to a public entertainments licence regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at the place for which the public entertainment licence had been granted.

Concern over the content of some performances of stage hypnotism prompted the issue of the Home Office Circular No. 42/1989, which proposed, revised and updated guidance for local authorities whilst exercising their licensing responsibilities.

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## **Purpose of Report**

1. The Licensing Committee adopt the Conditions (attached at Appendix 1 to this report) so that they can be applied by the Licensing Authority to any future applications under the Hypnotism Act.
2. The Licensing Committee delegate authority to the Licensing Manager to determine any future applications under the Hypnotism Act 1952 and to authorise proceedings under the Act.

## **Background**

3. The Council previously controlled the performance of hypnotism by imposing standard conditions on all public entertainment licences. Under the Licensing Act 2003, a premises licence which licences regulated entertainment does not permit the performance of hypnotism, unless specifically stated. It is therefore necessary for an application to be made to the Council for authority to do so under the Hypnotism Act 1952.
4. Under the Hypnotism Act, no person shall give an exhibition, demonstration or performance of hypnotism on any person at or in connection with entertainment to which the public are admitted whether on payment or otherwise at any place, unless the authority has authorised that exhibition demonstration or performance. Any authorisation may be subject to conditions.
5. Hypnotism includes hypnotism, mesmerism and any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased, but does not include hypnotism, mesmerism or any such similar act or process which is self induced.
6. It is an offence to hypnotise any person under the age of 18.

## **Risk Assessment**

7. In order for the Council to properly carry out its legal duties, it should adopt standards for the performance of hypnotism under the Hypnotism Act 1952. The attached conditions are based on model conditions produced by the Home Office. (Appendix 1).

## **Financial Implications**

8. The statutory requirement to pay a fee under Section 2a of the Hypnotism Act only applies to the London Boroughs.
9. Wiltshire Council may consider a charge for the authorisation under discretionary services, however for the amount of applications we are likely to receive it may not be worth considering such a charge.

## **Legal Implications**

10. It is an offence to give an exhibition, demonstration or performance of hypnotism on any person at or in connection with entertainment to which the public are admitted whether on payment or otherwise at any unless the authority has authorised that exhibition, demonstration or performance.
11. It is also an offence to give such an exhibition in contravention of any conditions that have been imposed on an authorisation that has been granted.
12. The maximum fine for contravention of the Act or any authorisation granted is £1,000.

## **Conclusion**

It is recommended:-

- The Licensing Committee adopt the Conditions (attached at Appendix 1 to this report) so that they can be applied by the Licensing Authority to any future applications under the Hypnotism Act.
- The Licensing Committee delegate authority to the Licensing Manager to determine any future applications under the Hypnotism Act 1952 and to authorise proceedings under the Act.

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## **Background Papers**

- **Hypnotism Act 1952**
- **Home Office Circular No. 42/1989**
- **Home Office Circular No. 39/1996**
- **Licensing Act 2003**

## **Appendices**

- **Appendix 1 – Conditions for the Performance of Stage Hypnotism**