

## HYPNOTISM ACT 1952

### NOTES FOR GUIDANCE

- 1 Permits for Exhibitions, etc. of Hypnotism in terms of the Hypnotism Act 1952, no person shall give an exhibition, demonstration or performance of hypnotism on any living person at or in connection with any entertainment to which the public are admitted, whether on payment or otherwise, at any place in relation to which a Theatres of Public Entertainment Licence is not in force unless the Council have authorised that exhibition, demonstration or performance.
- 2 The application must be submitted to the Council not less than fourteen days before the date on which the exhibition is to be given and if the Council notify the licensee in writing of any objection to anything contained in that description, such matter shall not thereafter be included in the exhibition.
- 3 Completed application forms must be accompanied by a sketch plan of the premises and cheques/ postal orders made payable to Midlothian Council or cash. Copies of any posters, advertisements or programmes must be submitted with application forms. If application forms are delivered by hand, applicants or their agents should deliver them to Reception, Midlothian House, 40 – 46 Buccleuch Street, Dalkeith.
- 4 All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction.
- 5 **The fee is £161.00.**
- 6 The Council will consult the Chief Constable, Firemaster and Planning Manager.
- 7 It should be understood that any Licence does not carry with it the necessary consent or approval to any proposed development which may be required under Planning or Building Control legislation or under any other Statutes and Enactments.
- 8 If the property to which the application relates is owned by the Council, landlords' consent for the proposed use should be obtained.
- 9 The following standard conditions will be applied to all permits:-
  - (1) A detailed description of the proposed exhibition (including copies of any poster, advertisements or programmes) shall be furnished to the Council not less than fourteen days before the date on which the exhibition is to be given and if the Council notify the licensee in writing of any objection to anything contained in that description, such matter shall not thereafter be included in the exhibition;

- (2) The exhibition shall conform to the description submitted to the Council unless the Council have in writing required, or expressly authorised, a modification;
  - (3) Any modification in the exhibition subsequently required by the Council shall be made immediately upon notice thereof being given in writing by the Council to the licensee;
  - (4) No inducements shall be offered to members of the public to subject themselves to the influence of a hypnotist;
  - (5) No person shall be caused, while under the influence of hypnotism, to say or do anything offensive to the public;
  - (6) No person shall be subjected to any hypnotic act or process or suggestion which shall influence or control that person's future behaviour on any occasion following the exhibition;
  - (7) No poster, advertisement or programme relating to the exhibition shall be displayed, sold or supplied by or on behalf of the licensee, either at the premises or elsewhere, which is likely to be injurious to morality or otherwise offensive to public feeling. If the Council notify to the licensee, in writing, an objection to a poster, advertisement or programme so displayed, sold or supplied, that poster, advertisement or programme shall not thereafter be displayed, sold or supplied;
  - (8) Every poster, advertisement or programme relating to the exhibition displayed, sold or supplied, at the premises shall draw attention in a clear and legible manner to the prohibition of the hypnotising of persons under the age of 18, imposed by Section 3 of the Hypnotism Act 1952.
- 10 There is attached a statement that has been provided by Scottish Fire and Rescue Service about the responsibility of the person who has responsibility for the premises to ensure that a fire risk assessment is carried out by a competent person and to record outcomes.

#### Business Gateway Midlothian

If you are starting a business, or if you already run your own business and could use some extra support and advice please email [BG@midlothian.gov.uk](mailto:BG@midlothian.gov.uk) to register, an Adviser will then be allocated to provide a range of support services for businesses including support from a network of partners.

If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website [www.midlothian.gov.uk](http://www.midlothian.gov.uk) to access our online Privacy notice