

HYPNOTISM ACT 1952
HOME OFFICE CIRCULAR NO. 42/1989
HOME OFFICE CIRCULAR NO. 39/1996

GUIDANCE INFORMATION

Background Information

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 Home Office Circular No. 42/1989, which proposed revised and updated guidance for local authorities whilst exercising their licensing responsibilities.

Effect of the Hypnotism Act 1952

The Act contains the following provisions:

1. The effect of section 1(1) of the Act enables any licensing authority in England and Wales that has the power to grant licences for the regulation of places kept or ordinarily used for public dancing, singing, music or other public entertainment of a similar kind, to include in the conditions that the licensing authority attaches to such licences, conditions regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person.
2. Section 2(1) of the Act prohibits the giving of an exhibition of hypnotism at or in connection with public entertainment other than at a place licensed for public music and dancing, etc., unless the exhibition has been authorised by the licensing authority.
3. Section 3 of the Act, as amended by the Family Law Reform Act 1969, makes it an offence to give, at or in connection with public entertainment, an exhibition of hypnotism on a person under the age of 18 unless the person giving the exhibition had reasonable cause to believe that the person was aged 18 or over.
4. Section 4 of the Act gives any police officer the power to enter premises where any entertainment is held if he/she has reasonable cause to believe that the Hypnotism Act is being or may be contravened.
5. Section 5 of the Act provides an exemption in respect of an exhibition of hypnotism given (other than at or in connection with an entertainment) for scientific or research purposes or for the treatment of mental or physical disease.
6. Section 6 of the Act defines hypnotism as follows:

'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 be increased but does not include hypnotism, mesmerism or any such similar act or process which is self-induced.

Hypnotism Act 1952 and the Licensing Act 2003

1. Under Section 1(1) of the 1952 Act a licensing authority had the power to include in the conditions that it attached to a public entertainment licence issued under the Local Government (Miscellaneous Provisions) Act 1982, conditions regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person.
2. Under the Licensing Act 2003 only those conditions specified by the applicant in their operating schedule or as agreed at a licensing hearing can be attached to a premises licence or club premises certificate. No conditions can be attached by the licensing authority to a temporary event notice (TEN). As 'blanket conditions' are also not permitted under the Licensing Act 2003, licensing authorities are no longer able to regulate hypnotism in the same way as under public entertainment licensing
3. Although Section 4 of the Hypnotism Act gave power of entry to police officers only, the Licensing Act 2003 does permit entry to authorised officers of licensing authorities and responsible authorities to all premises where a premises licence has been granted. However, under the Licensing Act 2003 power of entry is restricted in those premises where a club premises certificate has been granted or a temporary event notice (TEN) has been authorised.
4. Individual exhibitions, demonstrations or performances of hypnotism in premises that have been granted a premises licence, club premises certificate or with an authorised temporary event notice (TEN) under the Licensing Act 2003 will be licensed in accordance with the procedure below.

Hypnotism Act 1952 – Regulation of Exhibitions, Demonstrations or Performances of Hypnotism in Premises licensed under the Licensing Act 2003 (Annex to Home Office Circular NO. 42/1989)

1. No exhibition, demonstration or performance of hypnotism as defined in Section 6 of the Hypnotism Act 1952 shall be given on any person at the licensed premises or under the provision of a temporary event notice (TEN) except with the express written consent of the licensing authority and in accordance with any conditions attached to such a consent.
2. An application for consent to hold an exhibition, demonstration or performance of hypnotism shall be in writing and signed by the holder of the premises licence, club premises certificate or the person serving the TEN or his/her agent and shall be made not less than 28 days in advance of the exhibition. A copy of the application shall at the same time be sent to the chief officer of police and the fire authority. The application shall contain the following particulars:
 - a. the full name and address of the person ('the hypnotist') who is to give the exhibition, demonstration or performance;
 - b. a description of the proposed exhibition, demonstration or performance;
 - c. a statement as to whether the hypnotist has been previously refused or had withdrawn a consent by any licensing authority, giving full details of the reasons why a consent has been refused or withdrawn; and
 - d. a statement as to whether the hypnotist has been convicted of an offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at a place licensed for public entertainment.
3. In relation to any consent given the following conditions shall apply:
 - a. The exhibition shall be so conducted as not to be likely to cause harm to any person attending it.
 - b. No person shall be caused, while under the influence of hypnotism, to say or do anything offensive to the public. If the licensing authority notifies the licence holder in writing that it objects to anything said or done in the course of the exhibition, such thing shall not thereafter be included in the exhibition.

- c. No exhibition, demonstration or performance shall include:
- i. any experiment involving the age regression of the subject;
 - ii. the giving of hypnotherapy or any other form of treatment;
 - iii. any experiment in which the subject is suspended between two supports (so called 'catalepsy');
 - iv. the giving of suggestions to the subject that he/she should perform any act or behave in any manner that is likely to be interpreted as indecent, offensive or harmful, nor that he/she should consume any substance that is either noxious or harmful.
- d. All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects (including those of the audience) before they leave the room or place in which the performance takes place. Likewise any post-hypnotic suggestions given shall take place only in the presence of the hypnotist and shall not continue after the performance or away from the room or place in which the performance takes place.
- e. The exhibition shall conform to the description submitted to the licensing authority unless the authority has required or expressly authorised a modification.
- f. Any modifications in the exhibition subsequently required by the licensing authority shall be made immediately upon notice thereof being given by the authority to the licence holder.
- g. No inducements shall be offered to member of the public to subject themselves to the influence of the hypnotist.
- h. No poster, advertisement or programme relating to the exhibition shall be displayed, sold or supplied, by or on behalf of the licence holder either at the premises or elsewhere, which is likely to be injurious to morality or otherwise offensive to the public feeling. If the licensing authority notifies the licence holder in writing that it objects to a poster, advertisement or programme so displayed, sold or supplied, that poster, advertisement or programme shall not thereafter be displayed, sold or supplied.
- i. 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 on the hypnotising of persons under the age of 18 as imposed by Section 3 of the Hypnotism Act 1952.

Power of Entry for Enforcement

In relation to premises not licensed for public entertainment, such as a premises holding a club premises certificate or premises operating under a temporary event notice (TEN), but where Section 2 of the Hypnotism Act applies, an additional condition will be attached to an authorisation to permit an authorised officer of the licensing authority entry to the premises during a demonstration of hypnotism authorised under this section of the Act.

This would not amount to power of entry, but breach of conditions constitutes an offence under the 1952 Act.

Prohibition of an Exhibition of Hypnotism

Under Section 1(1) of the Hypnotism Act 1952 licensing authorities have the power to prohibit absolutely an exhibition of hypnotism in premises licensed for public entertainment.

If a licensing authority decides to exercise this power the following wording will be used for this purpose:

'No person shall give at the premises (otherwise than as provided by Section 5 of the Hypnotism Act 1952) any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other 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'.