

Sex Establishment plain English descriptions:

What is a Sexual Entertainment Venue?

The law says:

(1)... “sexual entertainment 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).

What this means:

Any place where there is a performance primarily intended to sexually stimulate a live audience is likely to require a licence. An audience might be one person. Examples are lap/pole dancing and strip clubs.

A burlesque show might not require a licence, depending on the nature of the performance. If its primary purpose is not to sexually stimulate the audience, as in many burlesque shows, then it is not likely to need a licence, even if there is some nudity.

Are there exemptions?

Any premises which has a licence to sell alcohol on the premises may provide relevant entertainment as defined above up to 11 times in a 12 month period, no more than once a month. Some premises have a condition stating that this type of entertainment can't take place, and therefore they wouldn't be able to use the exemption.

What is a sex shop?

The law says:

(1)... “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.

(3) In this Schedule “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;
and

(b) anything to which sub-paragraph (4) below applies.

(4) This sub-paragraph applies—

(a) to 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) to 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.

What this means:

Any shop which mainly sells sex articles, including items for sexual stimulation, or films intended to sexually stimulate, commonly known as R-Rated films, would need a licence.

Shops which sell some sex articles, but primarily sell other items are unlikely to need a licence. For example some high street lingerie stores or health and beauty retailers which sell a small selection of sex articles alongside their main offer would be unlikely to need a licence.

What is a sex cinema?

The law says:

(1)... “sex cinema” means 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

(b) 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.

What this means:

Any premises which shows films intended to sexually stimulate, commonly known as R-Rated films, would need a licence. Cinemas which only show films rated U, PG, 12A, 15 or 18 do not require a licence under this regime.