

PART II—FIRE-PROTECTION WATCHMEN

Theatres Affected

10. This part of the by-law applies to every theatre which—

- (i) Has seats for not less than 450 persons; or
 - (ii) Has seats for less than 450 persons but not less than 300 persons, and to which this part is for the time being applied by the Council by a notice in writing issued to the licensee; or
 - (iii) Has seats for less than 450 persons and to the licence for which a condition is attached requiring the provision at public entertainments of a duly qualified fireman, —
- if, in respect of any such theatre, an exhibitor's licence or a licence for the projection of cinematograph-film under the Cinematograph Films Act, 1928, is held or required to be held, or if, during any performance therein, but in respect of such performance only, scenery or temporary stage lighting is used or changed.

Fire-protection Watchman

11. (a) It shall be the duty of the licensee and of the manager of every theatre to which this Part applies to arrange that a qualified person employed by or on behalf of the licensee as a fire-protection watchman is present at the theatre—

- (i) Throughout every evening performance held in the theatre;
- (ii) Throughout every afternoon performance on a Saturday or a holiday; and
- (iii) Throughout every other performance at which not less than two-thirds of the seats in the theatre are occupied.

(b) Where, pursuant to a condition attached to the licence for any theatre to which this Part of this by-law applies, any duly qualified fireman is provided for any performance in the theatre, such fireman shall be deemed for the purposes of this by-law to be employed as a fire-protection watchman for that performance.

Qualifications of Fire-protection Watchman

12. (a) No person shall be qualified to be employed as a fire-protection watchman if he is the manager or licensee of the theatre and unless he is a member of a fire brigade or the holder of a certificate of proficiency issued for the purposes of this by-law by the proper officer.

(b) The proper officer may at any time cancel any such certificate of proficiency if the holder fails in any respect to carry out his duties and obligations under this by-law, or if the proper officer is of opinion that he is not fully capable of carrying out those duties and obligations.

(c) Every fire-protection watchman shall at all times while he is on duty wear a uniform or other distinctive indication of his position approved by the proper officer.

Execution of Duties

13. Every fire-protection watchman, at every performance for which he is employed, shall carry out the duties specified in the First Schedule hereto, and shall be present in the theatre throughout the performance, and shall also give the manager of the theatre all the assistance in his power in relation to the public safety and the prevention of fire or other emergencies.

PART III—BREACHES OF BY-LAW

Breaches of By-law

14. Every person commits a breach of this by-law who—

- (i) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of this by-law or any direction given under this by-law;
- (ii) Wilfully destroys or mutilates or renders illegible any entry in any log-book under this by-law, or wilfully makes or signs a false or fraudulent entry in or makes an omission from a log-book;
- (iii) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under this by-law.

Liability for Breaches of By-law

15. Where any provision of this by-law or any direction given under this by-law is contravened or not complied with in the case of any theatre, then (without prejudice to any proceedings that may be taken against any other person) the licensee and the manager of the theatre shall each be deemed to have committed a breach of this by-law: Provided that in any proceedings that by virtue of this clause are taken against any person in respect of a contravention of or non-compliance with any such provision or direction on the part of another person it shall be a sufficient defence for the defendant to prove that the contravention or non-compliance occurred without his knowledge and that he exercised all due diligence to secure compliance with the provisions or directions.