

Guidance notes



Hypnotism permission

Updated December 2014

Do I need to gain authorisation from North Devon Council?

The Hypnotism Act 1952 states that no person shall give an exhibition, demonstration or performance of hypnotism on any living person at or in connection with an entertainment to which the public are admitted, whether on payment or otherwise, at any place unless the controlling authority have authorised that exhibition, demonstration or performance.

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.

Exemption

Nothing in the Hypnotism Act 1952 shall prevent the exhibition, demonstration or performance of hypnotism (otherwise than at or in connection with an entertainment) for scientific or research purposes or for the treatment of mental or physical disease.

The need to gain authorisation does not apply to an exhibition, demonstration or performance of hypnotism that takes place in the course of a performance of a play (within the meaning of the Theatres Act 1968) given either at premises in respect of which a licence under that Act is in force or under the authority of any such letters patent as are mentioned in section 17(1) of that Act.

The applicant

Applicants must not have been previously refused, or had withdrawn, a consent by any licensing authority or been convicted of an offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition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 a performance of hypnotism on any person at a place licensed for public entertainment.

Refusal of consent by another authority does not necessarily indicate that the particular hypnotist is unacceptable and will not of itself prejudice the application.

How to apply

An application for consent to conduct an exhibition, demonstration or performance of hypnotism shall be made by the applicant or his/her agent. There is no fee associated with this application.

Applications should be made not less than 28 days in advance of the performance concerned. In cases where a hypnotist has performed at the same venue within the last three years without any problems occurring, this period may be reduced.

Notification to responsible authorities

On making application, the applicant must at the same time forward a copy of the application to the Chief Officer of Police. North Devon Council may also copy it to the local Fire Authority where necessary.

How long will it take to process an authorisation?

North Devon Council will endeavour to determine an application within 14 days; less where the hypnotist has previously performed at the same venue.

If you have not heard from us in this time period please check to ensure that your application was correctly made and received.

If we fail to determine your application within the 14 days period, your authorisation will not be deemed to be granted automatically for reasons of public safety.

How long does the authorisation last?

Authorisation will last for the period of performance or performances at that given venue.

What conditions will be attached to an authorisation?

On the 9 February 2010, the Council's Executive approved a set of conditions to be satisfied on authorisation of an exhibition, demonstration or performance of hypnosis. These conditions can be found on the council's website and are modelled around those found within the Home Office Circular 39/1996.

Those seeking application or those holding an authorisation are advised to read these conditions.

Offences and penalties

A person who gives any exhibition, demonstration or performance of hypnotism without gaining authorisation, or undertaking it in such a way as to contravene any conditions attached to an authorisation, may on summary conviction be liable to a fine not exceeding level 3 on the standard scale (currently £1000).

A person who gives an exhibition, demonstration or performance of hypnotism on a person who has not attained the age of eighteen years at or in connection with an entertainment to which the public are admitted, whether on payment or otherwise, shall, unless he had reasonable cause to believe that that person had attained that age, be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000).

Rights of entry

Any Police Constable may enter any premises where any entertainment is held if he has reasonable cause to believe that any act is being or may be done in contravention of the Hypnotism Act 1952.

Appeal

If you wish to appeal a decision made by North Devon Council to refuse to grant an authorisation, you are advised to contact Barnstaple Magistrate's Court, The Law Court's, Civic Centre, North Walk, Barnstaple, EX31 1DX. Telephone 01271 340410.

Fee

There is no fee associated with the application for a hypnotism authorisation. A provision to make such a charge is only available to London Boroughs.

Further information

Copies of the Hypnotism Act 1952 are available from [Her Majesty's Stationery Office](#).

Trade associations

[Agents Association](#)

[Equity](#)

[National Entertainment Agents Council](#)