

THE CINEMATOGRAPH ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Establishment of Cinematograph Authority.
4. Exhibition by mutoscope, etc., unlawful without written permission of Authority.
5. Officer designated by the Authority may order exhibition to cease, etc.
6. Contravention of provisions, an offence.
7. Duty of occupier of premises where exhibition to be held. Offence.
8. When any officer, etc., appointed by the Authority may enter premises.
9. Rules by Minister.
10. Posters and advertisements to be approved.
11. Duties of Authority.
12. Punishment for offences.
13. Onus of proof on defendant.
14. Private premises.

SCHEDULE

THE CINEMATOGRAPH ACT

[25th July, 1913.]

Cap. 56.
Law
48 of 1960.
Act
42 of 1969
3rd Sch.

1. This Act may be cited as the Cinematograph Act. Short title.
2. In this Act— Interpreta-
tion.
48/1960
S. 2.
 “the Authority” means the Authority constituted under section 3;
 “film” includes phono-film;
 “poster” includes illustrated pamphlets, photographs and pictures.
- 3.—(1) There is hereby constituted a body to be called the Cinematograph Authority. Establish-
ment of
Cinematog-
raph
Authority.
48/1960
S. 3.
Schedule.
 (2) The provisions of the Schedule shall have effect as to the constitution, operation and expenses of the Authority and otherwise in relation thereto.
- 4.—(1) It shall not be lawful for any person to conduct or allow to be presented or given by means of a mutoscope, cinematograph, or other similar apparatus, any exhibition of pictures or other optical effects, without the written permission of the Authority, in accordance with the rules made under this Act. Exhibition
by muto-
scope, etc.,
unlawful
without
written per-
mission of
Authority.
48/1960
S. 5.
 (2) The Authority may refuse to grant such permission, or grant it subject to the rules made under this Act and subject to such special conditions and restrictions, to be specified in the permission, as to the Authority may seem fit; and any such permission may be revoked by the Authority at any time.
 (3) No such permission shall be granted unless a description of every scene intended to be presented, produced or given has been first furnished to the Authority. It

shall be lawful for such Authority after such description has been furnished, and before permission has been granted or refused, to demand that any exhibition of pictures or other optical effects which any person proposes to conduct, allow to be presented or give as aforesaid be first made to or viewed by such Authority in private at the sole cost and expense of the person proposing to conduct, allow to be presented, or give such exhibition, and the permission referred to in this section shall not be granted if it shall appear fit to the Authority, after such exhibition shall have been made to or viewed by the Authority, to refuse or withhold the same.

Officer designated by the Authority may order exhibition to cease, etc.

5. Where the Authority grants any such permission as aforesaid upon condition that the exhibition be conducted under the superintendence of some officer or person designated in the permission, then it shall be lawful at any time for such officer or person so designated to order such exhibition to cease and to give any other directions which he may think necessary for ensuring the safety from fire of the premises at which the exhibition takes place and of the people attending the exhibition.

Contravention of provisions, an offence.

6. Any person who conducts or who in any way assists in conducting any such exhibition as aforesaid in contravention of the provisions of this Act, or the rules made thereunder, or of any condition or restriction specified in a permission granted under this Act shall be guilty of an offence against this Act.

Duty of occupier of premises where exhibition to be held.

7.—(1) It shall be the duty of the occupier or the person in charge of any premises at which it may be proposed to conduct any such exhibition as aforesaid, to ascertain whether the requisite permission of the Authority shall have been obtained and, if so, the terms of such permission; and it shall also be the duty of such occupier or person to

give notice to the Authority if and so soon as he has reason to believe that there is an intention to proceed with the exhibition either without the permission of the Authority, or with such permission but without having everything done which may be required under such permission to be done, previous to the exhibition taking place.

(2) Any occupier or person referred to in this section who fails to comply with the provisions of this section shall be guilty of an offence against this Act. Offence.

8. Any constable and any member of the Authority, or any other person appointed for the purpose by the Authority, may at all reasonable times enter any premises in which he has reason to believe that such an exhibition as aforesaid is being or about to be given, with a view to seeing whether the provisions of this Act or any rules made thereunder, and the conditions of any permission granted under this Act, have been complied with; and if any person prevents or obstructs the entry of any such constable, or of any member of the Authority or any person appointed as aforesaid, he shall be guilty of an offence against this Act. When any officer, etc., appointed by the Authority may enter premises.

9. The Minister may make such rules as he may deem expedient for— Rules by Minister.

- (a) regulating and controlling mutoscope cinematograph and other similar exhibitions; and
- (b) for regulating the granting of permission by the Authority under section 4; and
- (c) for prescribing the fees to be paid to the Accountant-General for any view or inspection by the Authority of any pictures or other optical effects which any person proposes to conduct or give or allow to be presented.

Posters and advertisements to be approved.

10. It shall not be lawful—

- (a) to exhibit, display, publish or distribute any poster;
- (b) to print or publish or cause to be printed or published any advertisement,

advertising the nature of any film or cinematograph exhibition unless such poster or advertisement has been approved in the manner hereinafter provided.

Duties of Authority.

11.—(1) It shall be the duty of the Authority to examine every poster or advertisement advertising a film or a cinematograph exhibition submitted to the Authority for approval.

(2) Such approval shall not be given in the case of any poster or advertisement which in the opinion of the Authority depicts or advertises any matter that is against public order and decency or the exhibition of which, or the advertisement, for any other reason is, in the opinion of the Authority, undesirable in the public interest.

(3) Such approval shall be signified by a certificate under the hand of the Authority and such certificate may at any time be cancelled by notice in writing.

(4) Any person who is aggrieved by any decision under this section shall have a right of appeal to the Minister whose decision shall be final.

Punishment for offences. 42/1969 3rd Sch.

12. Any person guilty of an offence against this Act, or against any provision of the rules made thereunder, shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty dollars, and in default of payment to imprisonment with or without hard labour for a term not exceeding one month, and in the case of a continuing offence to a further penalty of ten dollars for each day during which the offence continues, and in default

of payment of such penalty to imprisonment with or without hard labour for a term not exceeding fourteen days.

13. In any prosecution under this Act, the onus of proving that he has complied with the Act shall lie on the defendant. Onus of proof on defendant.

14. This Act shall not apply to an exhibition given in private premises to which the public are not admitted, whether on payment or otherwise. Private premises.

SCHEDULE

(Section 3) 48/1960
S. 4.

1. The Authority shall consist of five persons to be appointed by the Minister. Appointment of members.

2. The Minister may appoint any person to act temporarily in the place of any member of the Authority in the case of the absence or inability to act of such member. Temporary appointment.

3. (1) The Minister shall appoint one of the members of the Authority to be the chairman thereof. Chairman.

(2) The Minister shall appoint one of the members of the Authority to be the deputy chairman thereof.

(3) In the case of the absence or inability to act of the chairman the deputy chairman shall exercise the functions of the chairman.

(4) In the case of the absence or inability to act at any meeting of both the chairman and the deputy chairman the remaining members of the Authority shall elect one of their number to act as chairman at that meeting.

4. (1) A member of the Authority shall, subject to the provisions of this Schedule, hold office for a period not exceeding three years. Tenure of office.

(2) Nothing in this paragraph shall preclude the reappointment of a member.

(3) The Minister may at any time revoke the appointment of any member of the Authority.

5. (1) Any member of the Authority other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Authority. Resignation.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

Publication of membership.

6. The names of all members of the Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Authentication of documents.

7. All documents made by and all decisions of the Authority may be signified under the hand of the chairman or any member authorized to act in that behalf.

Procedure and meetings.

8. (1) The Authority shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Authority shall determine.

(2) The chairman or in the absence or inability to act of the chairman the deputy chairman or the person elected to act as chairman in accordance with the provisions of sub-paragraph (4) of paragraph 3 shall preside at the meetings of the Authority and when so presiding the chairman, deputy chairman or the person elected as aforesaid to act as chairman, as the case may be, shall have an original and a casting vote.

(3) The quorum of the Authority shall be three including the chairman or the deputy chairman or the person elected to act as chairman as aforesaid.

(4) Subject to the provisions of this Schedule, the Authority may regulate its own proceedings.

(5) The validity of any proceeding of the Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Remuneration of members.

9. There shall be paid to the chairman and other members of the Authority out of sums provided by the Legislature such remuneration, if any (whether by way of salaries or travelling or other allowances) as the Minister may determine.

Funds of the Authority.

10. The funds of the Authority shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by the Legislature and such other moneys as may lawfully be paid to the Authority.