

Exhibition of Films Ordinance

Commencement: 4th December 1978

LAWS OF KIRIBATI REVISED EDITION 1979

CHAPTER 31A

EXHIBITION OF FILMS

ARRANGEMENT OF SECTIONS

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An Ordinance to make better provisions for the regulation and the control of the exhibition of films and the censorship thereof and matters incidental thereto

6 of 1978

Commencement: 4th December 1978

**PART I
PRELIMINARY AND LICENSING OF EXHIBITORS**

Short title

1. This Ordinance may be cited as the [Exhibition of Films Ordinance](#).

Interpretation

2. In this Ordinance-

"cinema" means any building of whatever nature which is used or is intended to be used wholly or mainly for the purpose of exhibiting films to the public either gratuitously or for reward;

"film" means a cinematographic or video film and includes any part of such film and any trailer;

"Licensing Authority" means the Local Government Council within whose area of authority premises sought to be specified in an exhibitor's licence are situated or, where there is no such Council, the administrative officer in charge of the district where such premises are situated;

"premises" includes any building, enclosure, ground or open air space.

Prohibition of film exhibition without exhibitor's licence

3. (1) No person shall exhibit, or cause, permit, or suffer to be exhibited, any film for reward to the public in any premises in the area of authority of a Licensing Authority unless he first shall have been granted by the Licensing Authority a licence (hereinafter called an "exhibitor's licence") valid in respect of the exhibition of that film in those premises.

(2) A person wishing to apply for an exhibitor's licence shall apply in writing to the Licensing Authority for the area in which he wishes to exhibit any film.

(3) The Licensing Authority may refuse to grant an exhibitor's licence or, subject to subsections (4) and (5), may grant it in respect of such number of premises and subject to such terms and conditions as it thinks fit and as may be specified in the licence, either for a period not exceeding 12 months or in respect of a specified exhibition or exhibitions.

(4) A Licensing Authority shall not grant an exhibitor's licence in respect of a cinema or specify a cinema therein, unless the Commissioner of Police shall first have certified that,

having regard to possible fire hazards, the building is suitable for exhibiting films or can be made suitable if certain works are carried out. If the Commissioner of Police certifies that a cinema is not suitable for the showing of films unless certain works are carried out, the carrying out of those works shall be made a condition of any exhibitor's licence which the Licensing Authority may grant in respect of that cinema.

(5) It shall be a condition of every exhibitor's licence that the person to whom it has been granted shall ensure that every exhibition in any premises specified therein is conducted in such a manner as to provide for the safety, convenience and good order of persons attending the exhibition and that there is a responsible and competent person operating the projector used in the premises for the purpose of the exhibition.

(6) An exhibitor's licence may be revoked or suspended by the Licensing Authority at any time, either in respect of all or certain of the premises specified therein if, in the opinion of the Licensing Authority, the safety, health and convenience of persons attending any exhibition of a film is not adequately provided for.

(7) On the grant of an exhibitor's licence, the Licensing Authority shall charge a fee up to the maximum prescribed fee for the number of premises specified in the licence:

Provided that the Licensing Authority may direct that no fee shall be chargeable in respect of any exhibition of a film if it is satisfied that such exhibition is to be given for a non-commercial, or a charitable, educational or public, purpose.

(8) Any person who contravenes the provisions of subsection (1) or any condition subject to which an exhibitor's licence is granted shall be liable to a fine of \$500 and to imprisonment for 6 months.

PART II **CENSORSHIP**

Appointment of censor examiners

4. (1) The Minister may appoint such numbers of film censor examiners (hereinafter called examiners) as he may deem expedient.

(2) The examiners shall carry out the duties assigned to them in accordance with such general directions as may from time to time be given to them by the Minister.

Certificate of censorship

5. (1) No film shall be exhibited unless there shall have been granted by an examiner in respect of that film a certificate of censorship (hereinafter called a certificate) in the manner hereinafter provided and such certificate is in force.

(2) Any person who wishes to distribute a film for the purposes of exhibition shall apply

in writing to an examiner for a certificate in respect of such film. Every application shall be accompanied by such particulars and description as may from time to time be determined by the Minister and the prescribed fee.

(3) For the purpose of considering any application for a certificate an examiner may require the applicant to submit to him the film to which the application relates or to project it on to a screen at some convenient place for inspection by the said examiner.

(4) An examiner may in his absolute discretion refuse to grant a certificate for any film or may grant the same subject to such conditions, including a condition that a film shall not be exhibited otherwise than in a cinema at an hour earlier than that specified by the examiner or that a film shall not be exhibited to any person under a specified age, as he may deem fit.

(5) The provisions of this section shall not apply to an exhibition of a film in a private dwelling house to which the public are not admitted, whether on payment or otherwise.

(6) Any person who exhibits or who causes, permits, or suffers to be exhibited any film in contravention of subsection (1) or otherwise than in accordance with the conditions specified in the certificate relating to the film shall be liable to a fine of \$200 and to imprisonment for 3 months.

PART III **GENERAL**

Powers of Minister

6. (1) The Minister may at any time cancel a certificate issued pursuant to section 5(1) without assigning any reasons.

(2) The Minister may by order in respect of the area of a particular Licensing Authority, after consultation with that Authority, fix the maximum charge to be levied for the admission of persons to any exhibition of a film.

Power of entry

7. (1) Any police officer, examiner, officer of or appointed by a Licensing Authority, or other officer appointed for the purpose by the Minister may at all reasonable times enter upon any premises in which he has reason to believe that any film is being or is about to be exhibited with a view to ascertaining whether the provisions of this Ordinance, and any regulations made or the condition of any exhibitor's licence granted hereunder, have been complied with.

(2) In the event of the officer or examiner being satisfied that a film is being exhibited in contravention of the provisions of this ordinance or of any regulations or licence he may order that such exhibition shall stop.

(3) Any person preventing or obstructing the entry of any such officer or examiner or any person refusing or failing to comply with an order to stop an exhibition shall be liable to a fine of \$100 and to imprisonment for 3 months.

Exhibition of posters

8. (1) Where an examiner has imposed a condition in a certificate that a film shall not be exhibited to persons under a specified age, any person proposing to exhibit such film shall indicate that condition on any poster he displays advertising the film.

(2) Any person who contravenes the provisions of subsection (1) shall be liable to a fine of \$100 and to imprisonment for 3 months.

Appeals to Minister

9. An appeal shall lie to the Minister in respect of any act or decision of a Licensing Authority done or made under the provisions of this Ordinance and the Minister may confirm, disallow or vary any act or decision of the Licensing Authority, or may direct the Licensing Authority to act in such a manner as the Minister shall deem fit; and the decision of the Minister shall be final.

Regulations

10. The Beretitenti, acting in accordance with the advice of the Cabinet, may make regulations-

- (a) prescribing the maximum fees to be paid in respect of any premises specified in an exhibitor's licence granted under this Ordinance; and
- (b) prescribing conditions to be observed during the exhibition of films to the public in cinemas and other premises; and
- (c) prescribing penalties for the breach of any regulations made hereunder not exceeding a fine of \$100 or imprisonment for 3 months or both such fine and imprisonment; and
- (d) generally for the carrying into effect of the provisions of this Ordinance.

Commencement 6th February 1979