



SAMOA

FILM CONTROL ACT 1978

Arrangement of Provisions

PART I PRELIMINARY

1. Short title and commencement
2. Interpretation
3. Administration
- 3A. Act to bind the Government

PART II FILM CONTROL BOARD

4. Film Control Board
5. Functions of Board
6. Terms of office of appointed members
7. Extraordinary vacancies
8. Meetings of Board
9. Remuneration of Board members

PART III LICENSING OF EXHIBITORS

10. Exhibitor's licence
11. Suspension or revocation of exhibitor's licence
12. Exhibitor's licence may be dispensed within certain cases
13. Duties of licensee

PART IV CENSORSHIP

14. Appointment of Principal Censors
15. Films not to be exhibited unless approved by the Principal Censor
16. Application for approval of film
17. Principal Censor may require film to be exhibited for purpose of censorship
18. Powers of Principal Censor
19. Classification of films
20. Certificates of approval or refusal and register of films
21. Nature of Principal Censor's certificate to be displayed
22. Revocation of certificate of approval
23. Censorship of advertisement of films
24. Principal Censor may retain films and advertisements if approval refused
25. Appeal from decision of Principal Censor
26. Offences

PART V MISCELLANEOUS

27. Appointment of officers
28. Protection from prosecution
29. Powers of entry
30. Regulations
31. Repeal and transitional

FILM CONTROL ACT 1978**1978****No.26**

AN ACT to establish a Film Control Board and to make better provision for the control of the exhibition of films, the censorship of films and matters incidental thereto.

[Assent date: 18 December 1978]

[Commencement date: 12 October 1979]

**PART I
PRELIMINARY**

1. Short title and commencement - This Act may be cited as the Film Control Act 1978, and shall come into force on a date to be appointed by the Head of State, acting on the advice of Cabinet by Order.

2. Interpretation - In this Act, unless the context otherwise requires:

“advertisement” includes any picture, photograph, poster, figure display or other matter or thing, visual or oral, describing or announcing in any manner or form the exhibition or proposed exhibition of a film;

“Board” means the Film Control Board established under section 4 of this Act;

“Principal Censor” means the Principal Censor of films appointed under section 14 of this Act and includes an assistant Principal Censor;

“exhibitor” in relation to any film, means a person who, presents a film by broadcast, cable or satellite television, or who exhibits a film to the public, or to any section of the public or, in other than a private residence, to any group or class of persons, whether or not a charge is made for admission to the premises in which the exhibition is held; and “exhibit” and “exhibition” have corresponding meanings;

“film” includes any cinematograph film, video recording and any other record of visual moving images that is capable of being used for the subsequent display of

- those images by any means, and includes any part of any film, and any copy or part of a copy of the whole or any part of a film;
- “lender” in relation to any film, means a person who sells any film or lends any film by way of hire or otherwise in the course of business; and “lend”, “lent” and “lending” shall have corresponding meanings;
- “premises” means any building, enclosure, ground or open-air space;
- “prescribed” means prescribed by regulations made under this Act;
- “public exhibition” includes the activities of exhibitors in relation to films, and the lending of a film;
- “trailer” means a short film used or intended to be used for the purpose of advertising any other film.

3. Administration - The Minister for Justice is responsible for the due administration of this Act.

3A. Act to bind the Government – This Act binds the Government.

PART II FILM CONTROL BOARD

- 4. Film Control Board** - (1) There shall be a Board to be called the Film Control Board which shall consist of the following members:
- (a) the Chief Executive Officer for the Ministry responsible for Justice, as the Chairperson;
 - (b) the Minister of Education, Sports and Culture;
 - (c) the Commissioner of Police Service;
 - (d) the Comptroller of Customs;
 - (e) the Chief Executive Officer for the Ministry responsible for Women;
 - (f) one person appointed by the Head of State, acting on the advice of Cabinet, to represent religious organisations;
 - (g) two persons appointed by the Head of State, acting on the advice of Cabinet, to represent the public.

(2) If a member of the Board is temporarily incapacitated by illness, absence, or other sufficient cause from attending any meeting of the Board:

- (a) in the case of the Chief Executive responsible for Justice and the Minister of Education, Sports and Culture and the Commissioner of Police Service and the Comptroller of Customs and the Chief Executive responsible for Women Affairs any authorised senior officer of his or her Department; and
- (b) in the case of an appointed member, a person nominated for the purpose by the Minister,-
may attend the meeting as the deputy of such member.

(3) No deputy shall act as the Chairperson of the Board.

(4) A person who attends a meeting of the Board pursuant to this section shall for the purposes of that meeting be deemed to be a member of the Board.

5. Functions of Board - (1) The Board shall regulate and control the public exhibition of films and censorship thereof.

(2) The Board shall have such other functions and powers as are conferred on it by this Act.

6. Terms of office of appointed members - (1) Except as otherwise provided by this Act, a member of the Board appointed under section 4(1)(c) shall be appointed for a term of 3 years but may from time to time be re-appointed.

(2) Despite anything to the contrary in this section an appointed member of the Board, unless sooner vacates office under section 7(1), continues in office until the member's successor comes into office.

7. Extraordinary vacancies - (1) An appointed member of the Board may be removed from office by the Head of State for disability, bankruptcy, neglect of duty, or misconduct or may at any time resign his or her office by written notice given to the Minister.

(2) If an appointed member of the Board dies, or resigns, or is removed from office, the office becomes vacant and the vacancy shall be deemed to be an extraordinary vacancy.

(3) An extraordinary vacancy shall be filled by the appointment of a person in the same manner as the appointment of the vacating member.

(4) A person appointed to fill an extraordinary vacancy shall be appointed for the residue of the term for which the vacating member was appointed.

(5) The powers of the Board are not affected by any vacancy in the membership thereof.

8. Meeting of Board - (1) The first meeting of the Board is to be held on a day to be appointed in that behalf by the Chairman.

(2) Subsequent meetings of the Board are to be held at such times and places as the Board appoints.

(3) The Chairperson of the Board, or any 4 members, thereof, may call a special meeting of the Board.

(4) At all meetings of the Board the quorum necessary for the transaction of business shall be 5 members.

(5) The Chairperson shall preside at all meetings of the Board at which he or she is present.

(6) Subject to the provisions of section 4(3), the members present shall elect one of their numbers to preside at any meeting, from which the Chairperson is absent.

(7) All questions arising at any meeting of the Board is decided by a majority of the valid votes recorded thereon.

(8) At a meeting of the Board, the Chairperson or other person presiding shall have a deliberative vote and, in the case of equality of votes, shall also have a casting vote.

(9) A resolution in writing signed or assented to by letter or telegram by all members of the Board shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted.

(10) Subject to the provisions of this Act and of any regulations hereunder, the Board may regulate its procedure in such manner as it thinks fit.

9. Remuneration of Board members –A member of the Board who is not a full time salaried employee of the Government of Samoa is entitled to be paid, out of the funds of the Board, such remuneration and allowance as may be fixed by Cabinet.

PART III
LICENSING OF EXHIBITORS AND LENDERS

10. Licences- (1) Subject to the provisions of subsection (7), no person shall exhibit, or cause or permit or suffer to be exhibited, any film unless he or she is the holder of a licence, issued under the provisions of this section and valid in respect of the exhibition of such film.

(1A) No person shall lend any film unless the person is the holder of a licence issued under the provisions of this section;

(2) A person who exhibits, or causes or permits or suffers to be exhibited, a film in contravention of subsection (1) or in contravention of any of the terms or conditions of a licence issued under this section commits an offence and is liable on conviction to:

- (a) for a company – a fine not exceeding 100 penalty units;
- (b) for an individual – a fine not exceeding 50 penalty units or a term of imprisonment not exceeding one (1) year, or both.

(2A) A person who lends, or causes or permits or suffers to be loaned, a film in contravention of subsection (1A) or in contravention of any of the terms or conditions of a licence issued under this section commits an offence and is liable on conviction to:

- (a) for a company – a fine not exceeding 100 penalty units;
- (b) for an individual – a fine not exceeding 50 penalty units or a term of imprisonment not exceeding 1 year, or both.

(3) Application for a Licence under this section shall be made in the prescribed form to the Board and the Board may determine classes of licences for exhibitors who are:

- (a) broadcast, cable or satellite television service providers;
- (b) picture theatres;
- (c) educational institutions;
- (d) internet or other computer based suppliers; and
- (e) other classes of exhibitors as determined by the Board.

(4) The Board may in its discretion either:

- (a) refuse an application for a licence if it is not satisfied that the proposals for the exhibition or lending of films are suitable for the purpose of which the application is made, or if the applicant is a person who has been convicted of an offence under this Act; or
- (b) grant such a licence either:
 - (i) generally, in which case the licence shall, unless sooner revoked or surrendered, remain in force until the 31st day of December following the day of its issue; or
 - (ii) specially, in respect of such period, not exceeding 7 days as may be specified in the licence.

(5) A Licence under this section is to be in the prescribed form and, on payment of the prescribed fee, may be granted subject to such terms and conditions as the Board considers necessary in the public interest:

PROVIDED THAT the Board may remit or waive any fee payable under the provisions of this subsection in the case of any film exhibition held for any charitable educational or public purpose.

(6) A licence granted under the provisions of this section may, where appropriate be limited in its application so as to authorise the exhibition of films only at such premises or at such times as may be specified in such licence.

(7) Films may be exhibited without a licence under this section:

- (a) *Repealed by section 7(k) of the Film Control Amendment Act 1998*
- (b) in any hospital, nursing home, institution for the care of the aged or of children, or educational institution, where entrance to exhibition, is restricted to the inmates or students and the staff of such hospital, nursing home or institution; or
- (c) by any charitable, philanthropic, religious, educational, social or sporting body or organisation where:
 - (i) the film is exhibited to further the bona fide objects or purposes of the body or organisation, those objects or purposes

- being other than the exhibiting of film;
and
- (ii) admission to the exhibition is restricted to the members of that body or organisation and their families; and
 - (iii) the public generally is not invited by public notice or advertisement, or by any communication of whatever nature addressed to the public at large, to attend that exhibition; and
 - (iv) after meeting actual expenses and charges incurred in that exhibition, any proceeds deriving from the exhibition are applied solely and entirely towards the funds of the body or organisation so exhibiting film, and no portion of those proceeds is payable to a person by way of fee, commission, or other financial reward for acts performed or services rendered by that person in arranging, providing, or carrying out the exhibition except any fee payable to any projectionist for projecting the film.

11. Suspension or revocation of exhibitor's licence- (1)

A licence issued under section 10 may be suspended or revoked by the Board if the holder of the licence has been convicted of any offence under this Act or any other Act relating to the showing or viewing of indecent films, or if in the opinion of the Board, the safety, health or convenience of persons attending any exhibition of films held under the authority of the licence is not adequately provided for.

(2) If the holder of an exhibitor's licence has been convicted of any offence under this Act, the Court may, in addition to any other penalty it may impose, suspend or revoke such licence.

(3) If an exhibitor's licence is suspended or revoked under subsection (1) or (2), the Board shall not grant any further licence to such exhibitor while such suspension or revocation remains in force.

12. Exhibitor's licence may be dispensed with in certain cases –Despite anything contained in this Part, the Board may, if the Principal Censor certifies that any film falls within any of the following categories, authorise in writing any person to exhibit such film in any suitable premises without an exhibitor's licence:

- (a) films depicting wholly or mainly surgical or medical techniques and intended to be used for instructional purpose;
- (b) films intended to be used wholly or mainly by educational institutions for educational purposes;
- (c) films intended to be use wholly or mainly by religious organisations for purposes of religious instruction;
- (d) films depicting wholly or mainly industrial or manufacturing processes;
- (e) films being wholly or mainly commercial advertisements relating to the advertiser's or sponsor's activities;
- (f) scientific films, including natural history films, intended to be used for educational purposes;
- (g) films depicting wholly or mainly cultural, sporting or recreational activities, and intended to be used wholly or mainly by cultural, sporting or recreational organisations for instructional or educational purposes;
- (h) films depicting wholly or mainly natural scenery.

13. Duties of licensee –The holder of a licence shall ensure that an exhibition is conducted in such a manner where appropriate as to provide for the safety, convenience and good order of the persons attending thereat and that there is a responsible and competent person operating the projector used in the premises for the purpose of the exhibition and otherwise in compliance with this Act and any conditions of a licence issued under this Act.

**PART IV
CENSORSHIP**

14. Appointment of Principal Censors - (1) There shall be appointed in accordance with the Public Service Act 2004a Principal Censor of films and such other person as may be necessary, to be known as assistant censors, to assist the Principal Censor or to act in his or her stead:

PROVIDED THAT no member of the Board may be appointed as the Principal Censor or an assistant censor.

(2) Subject to any directions given by the Principal Censor, an assistant censor has and may exercise all or any of the powers, duties, discretions and authorities conferred upon the Principal Censor by or under the provisions of this Act:

PROVIDED THAT a decision of an assistant censor is to be signified in the name of the Principal Censor and is deemed to be a decision of the Principal Censor.

(3) The Board may give the Principal Censors directions as to the policy to be adopted in the exercise of the power and the duties conferred upon them by or under the provisions of this Act and the Principal Censors shall at all times act in compliance with such directions.

15. Films not to be exhibited or lent unless approved by Principal Censor - (1) No person shall exhibit or lend any film, other than a film exempted under the provisions of subsection (2) from the operation of this Part, unless and until such film has been approved by the Principal Censor for public exhibition.

(2) The Board may by certificate in the prescribed form, exempt any film or any class of films from the operation of this Part, and by notice to be served on the holder of any such certificate may revoke such certificate if satisfied that such revocation is in the public interest.

16. Application for approval of film – Subject to section 20(2), an application for the approval of a film by the Principal Censor is to be made in the prescribed form and accompanied by the prescribed fee.

17. Principal Censor may require film to be exhibited for purpose of censorship - (1) The Principal Censor may require any film in respect of which his or her approval is sought under this Part to be exhibited before him or her for the

purpose of censorship, at such time and place mutually convenient to him or her and to the applicant, at the expense and risk of the applicant.

(2) The Principal Censor's decision shall be final as to:

- (a) the eligibility of a person to be present at any exhibition held under the provisions of this section; and
- (b) the number of persons to be present at any such exhibitions:

PROVIDED THAT the applicant and his or her barrister and solicitor shall be entitled to attend any such exhibition.

18. Powers of Principal Censor - (1) Without unreasonable delay the Principal Censor shall, in respect of any film for which his or her approval is sought under this Part, either:

- (a) approve the film for public exhibition; or
- (b) refuse to approve the film for public exhibition, either unconditionally, or until such alterations or excisions as he or she may specify have been made to the film:

PROVIDED THAT the Principal Censor shall not refuse to approve a film for public exhibition without the film having first been exhibited to him or her under the last preceding section.

(2) In determining whether to approve a film for exhibition, the Principal Censor shall consider the following matters:

- (a) the extent and degree to which, and the manner in which:
 - (i) the film describes, depicts or otherwise deals with matters including sex, horror, crime, cruelty, violence, offensive language or anti-social behaviour;
 - (ii) the film degrades, demeans or dehumanises a person or group of persons;
 - (iii) the film represents members of any particular class of the public as inferior to other members of the public by reason of any characteristic of members of that class on grounds of descent, sex, language, religion, political or other

- opinion, social origin, race, place of birth, family status, or any of them;
- (b) whether the film is contrary to public order or undesirable in the public interest.

19. Classification of films - (1) The Principal Censor shall, in approving a film for public exhibition under the provisions of section 18, classify it in any of the following categories:

- (a) approved for general exhibition; or
- (b) approved for exhibition to a specified class or description of persons only (being persons of or over the age of 5 years), or for specified purposes only, or on one or more specified occasions only.

(1A) In approving films under subsection (1), the Principal Censor may determine the titles to be given to classes of film classification; including symbols or abbreviated styles representing those classes.

(2) No person shall exhibit or cause to be exhibited any film approved under the provisions of subsection (1) contrary to any such approval.

20. Certificates of approval or refusal and register of films –(1) The Principal Censor shall:

- (a) signify his or her approval of a film and the category into which he or she has classified it or his or her refusal to approve a film by a certificate in the appropriate prescribed form;
- (b) keep in his or her office a register of films in which shall be entered with respect to each film the several particulars set out in the certificate issued under this section and such other particulars as may be prescribed;
- (c) arrange from time to time, as he or she sees fit, to publish in the Savali lists of approved films and their classifications.

(2) *Repealed by section 7 of the Film Control Amendment Act 2010.*

21. Nature of Principal Censor's certificate to be displayed – (1)The owner, manager or occupier of any premises in which any film other than a film exempted from the operation of this Part, is exhibited or any other person responsible for the exhibition of any such film in such premises, shall display in a conspicuous position in the lobby or entrance to such premises, at all times whilst such premises are open to the public, a notice of such dimensions and in such form as may be prescribed notifying, for public information, the nature of the certificate which has been issued by the Principal Censor in respect of that film.

(2) A lender shall fix to each film being lent, a label in a form acceptable to the Principal Censor, indicating the classification given to the film under this Act.

22. Revocation of certificate of approval - The Board, may at any time by notice published in the Savali, or in any other publication that the Board determines to be appropriate, revoke a certificate if satisfied that such revocation is in the public interest or that any condition subject to which such certificate was issued has not been complied with and may issue a certificate of a different classification in its place:

PROVIDED THAT the Board shall not revoke any such certificate without the film to which it relates first having been exhibited to it and the provisions of section 25(4) shall apply as if an appeal had been brought under the provisions of that section.

23. Censorship of advertisements of films - (1) No person shall announce, print, publish, distribute, exhibit, display or otherwise disseminate in any manner whatsoever or cause to be so announced, printed, published, distributed, exhibited, displayed or disseminated any advertisement of or with respect to any film or portion of a film (other than a film exempted under section 10 from the operation of this Part) unless:

- (a) such advertisement has been approved by the Principal Censor; and
- (b) such advertisement includes or is accompanied by a statement, clearly displayed or announced, as to the nature of the certificate which has been issued by the Principal Censor in respect of the film to which such advertisement refers, or

otherwise than in the form in which such advertisement was approved by the Principal Censor:

PROVIDED THAT this subsection does not apply to any advertisement announcing only the title or titles of any film or films whether accompanied by a statement as to proposed times or dates of exhibition thereof or not.

(2) The Principal Censor shall in respect of any advertisement for which his or her approval is sought under the provisions of this section either:

- (a) approve such advertisement or any part thereof; or
- (b) refuse to approve such advertisement or any part thereof absolutely or until such alteration as he or she may specify has been made thereto.

(3) The approval or refusal of approval by the Principal Censor of any advertisement or any part thereof for which his or her approval is required under the provisions of this section shall be signified in such form and in such manner as may be prescribed.

(4) A prototype copy of any advertisement is, for the purposes of this section, deemed to be the same advertisement.

24. Principal Censor may retain films and advertisements if approval refused - Any film or advertisement to which the Principal Censor has refused approval under this Part of this Act may be retained by the Principal Censor until such time as the applicant has made arrangements to the satisfaction of the Principal Censor for the export of such film or advertisement from Samoa or for the disposal thereof in such manner as the Principal Censor may direct:

PROVIDED THAT if no such arrangements are made to the satisfaction of the Principal Censor within a period of 3 months after the date of his or her signification of his or her refusal of approval of such film or advertisement the Principal Censor may cause such film or advertisement to be destroyed at the expiration of one month after the date of notification to the applicant of the intention to destroy it.

25. Appeal from decision of Principal Censor - (1) An applicant who is dissatisfied with the decision of the Principal Censor in relation to any film or advertisement in respect of which

his or her approval is sought under this Part may, within 21 days after notification to him or her of the decision of the Principal Censor appeal against that decision to the Board by delivering or posting to the Secretary of the Board a notice of appeal in the prescribed form accompanied by the prescribed fee:

PROVIDED THAT such fee shall be refunded if the appeal is allowed.

(2) On receipt of any notice of appeal under the provisions of subsection (1), the Secretary of the Board shall arrange a time, date and place for the hearing of the appeal and shall cause notice of such time, date and place to be given to the appellant not less than 24 hours before the time so appointed.

(3) In an appeal brought under the provisions of this section the appellant, his or her barrister and solicitor, and the Principal Censor shall have the right to be present at the hearing thereof and may make representation either orally or in writing to the Board:

PROVIDED THAT the Board may require the appellant, his or her barrister and solicitor, and the Principal Censor to retire while it considers its decision.

(4A) The Board shall require any film or advertisement in respect of which such appeal has been brought to be exhibited before it or submitted for its inspection, as the case may be, at such time and place as may be mutually convenient to the Board and to the appellant and at the expense and risk of the appellant.

(4B) No person other than the appellant, his or her barrister and solicitor, his or her projectionist, and the Principal Censor shall be present at such exhibition except at the invitation of the Board.

(5) Upon consideration of an appeal the Board shall:

- (a) uphold the decision of the Principal Censor absolutely; or
- (b) vary or reverse the decision of the Principal Censor and, within the limits imposed upon the Principal Censor under this Part, make such other order in relation to such film or advertisement as it considers appropriate.

(6) In any case where the Board varies or reverses any decision of the Principal Censor it shall, in writing, direct the Principal Censor to approve or refuse approval of such film or advertisement in accordance with the decision of the Board, and

the Principal Censor shall, where necessary, cancel any previous certificate or signification or refusal and issue such other certificate or signification as are necessary to accord with the decision of the Board.

(7) Subject to the provisions of this section, the Board in determining any appeal brought thereunder may regulate its own procedure.

26. Offences - (1) A person who:

- (a) exhibits, or cause or permits or suffers to be exhibited, any film in contravention of any of the provisions of this Part of this Act; or
 - (aa) lends any film in contravention of any obligation in this Part; or
 - (b) exhibits, or causes or permits or suffers to be exhibited, any film in respect of which the Principal Censor's certificate of approval has been revoked; or
 - (bb) lends any film in respect of which the Principal Censors certificate of approval has been revoked; or
 - (c) announces, prints, publishes, distributes, exhibits, displays or otherwise disseminates in any manner whatsoever or causes to be so announced, printed, published, distributed, exhibited, displayed or disseminated any advertisement in contravention of any of the provisions of this Part, -
- commits an offence and is liable on conviction to a fine for each offence not exceeding 20 penalty units in the case of an individual and 50 penalty units in the case of a company.

(2) In addition to any penalty imposed for an offence against the provisions of subsection (1), the Court may order that any film or advertisement in respect of which such offence was committed be confiscated and disposed of in such manner as the Court may direct.

**PART V
MISCELLANEOUS**

27. Appointment of officers - (1) There shall be appointed in accordance with the Public Service Act 2004a Secretary of the Board and such other officers as may be necessary for the administration of this Act.

(2) An officer of the Public Service may be appointed under this section notwithstanding that he or she holds any other office in the Public Service, and any such officer may hold office under this section in conjunction with any other office in the Public Service.

28. Non-liability of Government - The Board or any other member, officer, employee or agent of the Board, and the Principal Censor shall not be personally liable for any act done or purported to be done or omitted to be done in good faith in the exercise or the performance of the powers, functions or duties under this Act.

29. Powers of entry - A member of the Board, Principal Censor or police service officer, or a person duly authorised in writing in that behalf by the Board may, at all reasonable times, enter any premises to which the public have access on payment or otherwise in which any film is being exhibited or in which he or she has reason to believe that any film is being or is about to be exhibited or premises where films are lent to the public, for the purpose of ensuring that the provisions of this Act or of any licence or certificate issued under this Act are being complied with, and any person who prevents or obstructs the entry of any such person into such premises commits an offence and is liable on conviction to a fine not exceeding 2 penalty units.

29A. Seizure of films-(1) Without limiting section 29, where the Principal Censor or a Police officer discovers any person (hereinafter referred to as “affected person”) offering for public supply, or exhibiting to the public, a film, not being a film that is exempted by section 15, and the Principal Censor or Police officer believes, on reasonable grounds, that the film is supplied or exhibited in contravention of this Act, the Principal Censor or Police officer may seize the film and any case or other container in or on which that film is kept or offered for public supply (hereinafter referred to as “seized material”) from that affected person.

(2) A Police officer who seizes the seized material under subsection (1) must deliver the seized material to the Principal Censor within 24 hours from the time of seizure.

(3) Upon receipt of the seized material, the Principal Censor shall:

(a) carry out an investigation confirming whether the affected person was offering for public supply, or exhibiting to the public, the film in contravention of the Act; and thereafter

(b) notify the affected person of his or her determination and the steps to be taken to comply with subsections (4), (5) and (6) where applicable.

(4) If the Principal Censor determines that the affected person has acted in contravention of the Act, the Principal Censor shall give the affected person 2 months from the date of the notice under subsection (3)(b) to comply with the Act in relation to the seized material.

(5) If the affected person complies with the Act in relation to the seized material in accordance with the notice in subsection (3)(b), the Principal Censor may return the seized material to that affected person.

(6) If the affected person does not comply with the Act in relation to the seized material in accordance with the notice in subsection (3)(b), the Principal Censor may dispose of the seized material.

30. Regulations - The Head of State, acting on the advice of Cabinet, may make regulations for the carrying out of the provisions of this Act and in particular, but without prejudice to the generality of the foregoing, for all or any of the following purposes namely:

(a) the censorship of films and advertisements and the fees to be paid and the forms to be used in respect thereof;

(b) the conduct of appeals from decisions of the Principal Censor;

(c) regulating the exhibition of films and prescribing the conditions to be observed in relation to the safety from fire or otherwise of any premises in which films are or are intended to be exhibited and the

- safety and conduct of persons attending and exhibition of films therein; and
- (d) the licensing of exhibitors and lenders and prescribing the fees to be paid and the forms to be used in relation thereto.

30A. Liability of officers of companies - Where a company is convicted of an offence against this Act, a director and an officer concerned with the management of that company shall be guilty of the offence, where it is proved that the act or omission that constituted the offence took place with that person's knowledge, authority, permission or consent.

31. Repeal and transitional - (1) The Censorship of Films Ordinance 1960 (hereinafter referred to as the repealed Ordinance) is repealed.

(2) Despite subsection (1), any certificate or licence issued under the provisions of the repealed Ordinance is deemed to have been issued under the corresponding provisions of this Act:

PROVIDED THAT the provisions of section 16 apply to a film introduced into Samoa from abroad after the commencement of this Act despite any certificate issued in relation to such film under the repealed Ordinance.

SCHEDULE 1

TABLE OF FEES

Item	Types of fees:	Frequency / unit	ST\$
	LICENCES		
1	Establishment fee for an exhibitor's licence	first application	1,000.00
2	Exhibitor's licence	per year	500.00
3	Special exhibitor's licence	per day	20.00

4	Lender's licence	per year	400.00
	CLASSIFICATION		
5	Reels	per reel	56.25
6	Titles	per title	22.50
7	Copies	per copy	5.60
	APPEAL		
8	Appeal of Principal Censor's decision	per appeal	20.00

REVISION NOTES 2008-2011

This Act has been revised under section 5 of the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (b) Amendments have been made to up-date references to offices, officers and statutes. ("Secretary for Justice" changed to "CEO of the Ministry responsible for Justice" and "Secretary for Women Affairs" changed to "CEO of the Ministry responsible for Women")
- (c) Insertion of the commencement date
- (d) References to the male gender made gender neutral ("Chairman" changed to "Chairperson")
- (e) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
 - (i) "Any" changed to "a" where appropriate
 - (ii) "shall be" and "has been" changed to "is" or "are" and "shall be deemed" changed to "is taken"
 - (iii) "shall have" changed to "has"
 - (iv) "shall be guilty" changed to "commits"
 - (v) "notwithstanding" changed to "despite"
 - (vi) Numbers in words changed to figures
 - (vii) "hereby" and "from time to time" (or "at any time" or "at all times") removed
 - (viii) Unnecessary words (e.g. reference to the provisions of subsections or section, or reference to regulations or Notices, etc. made pursuant to the Act) are deleted.

The following amendments have been made to specific sections of the Act to incorporate amendments made by Acts of Parliament passed since the publication of the *Consolidated and Revised Statutes of Samoa 2007* –

By the Miscellaneous Fees Amendment Act 2008 commenced on 19 June 1998

- Schedule 1** - A new Schedule 1 has been inserted at the end of the Act to provide for certain fees payable to government under this Act by section 2.

By the Film Control Amendment Act 2010 (No. 17) commenced 16 August 2010

- Section 2** - The definition of “Film” has been deleted and substituted a new definition.
- The term and definition for “scenario” is deleted.

- Section 3A** - A new section 3A was inserted after section 3.

- Section 10(2) & (2A)** - Subsections (2) and (2A) were deleted and substituted new subsections (2) and (2A).

- Section 16** - Section 16 has been deleted and substituted a new section 16.

- Section 18(2)** - Subsection (2) has been deleted and substituted a new subsection (2).

- Section 20(2)** - Subsection (2) has been deleted.

- Section 28** - Section 28 has been deleted and substituted a new section 28.

- Section 29A** - A new section 29A was inserted after section 29.

- Section 30A** - A new section 30A was inserted after section 30

- Section 31(3)** - Subsection (3) has been deleted.

This Act has been consolidated and revised in 2008, 2009, 2010 and 2011 by the Attorney General under the authority of the *Revision and Publication of Laws Act 2008* and is the official version of this Act as at 31 December 2011. It is an offence to publish this Act without approval or to make any unauthorised change to an electronic version of this Act.



Aumua Ming Leung Wai

Attorney General of Samoa

Revised and consolidated in 2008 by the Legislative Drafting Division under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel)

Revised in 2009, 2010 and 2011 by the Legislative Drafting Division under the supervision of Papalii Malietau Malietoa (Parliamentary Counsel).

The Film Control Act 1978 is administered by the Ministry of Justice and Courts Administration.