

CHAPTER 262.**CINEMATOGRAPH.**

(22nd April, 1959.)

4/1959.

1. This Ordinance may be cited as the Cinematograph Ordinance. Short title.

2. In this Ordinance—

Interpretation

“Board” means the Board of Film Censors appointed under and for the purposes of this Ordinance, and
“censor” means a member of the Board;

“cinematograph film” or “film” includes inflammable film, non-inflammable film, silent film and phono film;

“Divisional officer” means the senior police officer in charge of the Division;

“exhibitor” means a person licensed under the provisions of this Ordinance to exhibit films to the public;

“poster” or “film-poster” includes any printed matter, placard, pamphlet, photograph, picture or other device for advertising a film or cinematograph exhibition, but does not include an article in a newspaper or periodical descriptive of, or commenting on a film;

“theatre” means any building or place used or intended to be used for “cinematograph exhibitions,” being exhibitions of pictures or other optical effects by means of a cinematograph or other similar apparatus for the purposes of which cinematograph films are used; and
“place” shall refer to premises other than a building whether or not such place is enclosed or covered in part or whole.

3. (1) An exhibition of pictures or other optical effects by means of a cinematograph or other similar apparatus, for the purposes of which cinematograph films are used, shall not be given unless the regulations made by the Administrator in Council for the control of such exhibitions and for securing safety are complied with or elsewhere than in a theatre licensed

Provisions against cinematograph exhibitions except in licensed premises and by licensed persons.

by the Administrator for the purpose under this Ordinance, and no person shall carry on the business of exhibiting films to the public on payment unless he holds a licence from the Administrator for the purpose in accordance with the provisions of this Ordinance.

(2) Every application for a licence under this section shall be made to the Administrator and shall state the applicant's name, occupation and residence, the situation of the theatre to be licensed and any other relevant facts in support of the application and shall, in any case in which the theatre has not been erected or has not been completed at the date of the application, be accompanied by a plan of the proposed theatre and a specification of the proposed fittings and furnishings thereof to the satisfaction of the Administrator.

(3) The Administrator may refuse to grant any such licence or grant it subject to the regulations made under this Ordinance and subject to such special conditions and restrictions, to be specified in the licence, as to him may seem fit; and any such licence may be revoked by the Administrator at any time.

Appointment of
Board of Film
Censors.

4. There shall be appointed from time to time by the Administrator such fit persons, not less than five in number, as the Administrator deems necessary, as censors, who shall together constitute a Board of Film Censors, for the purpose of censoring cinematograph films and film-posters. The censors shall hold office during the Administrator's pleasure, and the Administrator shall nominate one of the censors as Chairman of the Board. Notice of any such appointment and of any revocation thereof shall be published in the *Gazette*.

Films and
posters to be
censored.

5. (1) It shall not be lawful to exhibit any cinematograph film unless such film has been submitted to and approved by the Board in the manner hereinafter provided.

(2) It shall not be lawful to exhibit, display, publish or distribute any film-poster, unless such poster has either been submitted to and approved by the Board in the manner hereinafter provided or been submitted to and approved by the Chairman of the Board.

Duties of
Censors.

6. (1) Exhibitors shall make applications to the Board for approval to exhibit films or posters in such manner, and shall forward therewith such particulars, as are prescribed by regulations made under this Ordinance.

(2) The Board may grant or refuse such application upon the evidence of the particulars forwarded therewith or may before granting or refusing such application, require the exhibitor to exhibit the film to its members or to any of them at any reasonable time.

(3) The Board's approval shall not be given in the case of any film or any poster which in the opinion of the Board depicts any matter that is against public order and decency, or the exhibition of which for any other reason is in the opinion of the Board undesirable in the public interest.

(4) As regards a film, such approval may be given generally or on condition that any proportion of a film shall be omitted, or may be given subject to a condition that the film or portion of the film shall be exhibited only to persons of a specified age or sex or only at certain times.

(5) Such approval shall be signified by a certificate in the prescribed form. Such certificate may at any time be cancelled by notice in writing.

(6) A film to which any matter has been added after it has been approved by the Board shall be again submitted for approval, and until it has been again approved shall be deemed not to have been approved.

(7) Any exhibitor who in making any application under this section in respect of any film conveys or allows to be conveyed to the Board any false particulars or any misleading information concerning such film, shall be guilty of an offence against this Ordinance and shall be liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment with or without hard labour for a term not exceeding three months.

7. Any person who is aggrieved by any decision of the Board shall have a right of appeal to the Administrator in Council.

Appeal.

8. There shall be payable for every licence required under this Ordinance and for every film and poster submitted for approval under this Ordinance such fees as are prescribed.

Fees.

9. (1) Every person who exhibits any film or portion of a film in contravention of the provisions of this Ordinance shall be guilty of an offence against this Ordinance and shall be liable on

Exhibiting
unapproved
film or poster.

(2) The Board may grant or refuse such application upon the evidence of the particulars forwarded therewith or may before granting or refusing such application, require the exhibitor to exhibit the film to its members or to any of them at any reasonable time.

(3) The Board's approval shall not be given in the case of any film or any poster which in the opinion of the Board depicts any matter that is against public order and decency, or the exhibition of which for any other reason is in the opinion of the Board undesirable in the public interest.

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(5) Such approval shall be signified by a certificate in the prescribed form. Such certificate may at any time be cancelled by notice in writing.

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Appeal.

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Fees.

9. (1) Every person who exhibits any film or portion of a film in contravention of the provisions of this Ordinance shall be guilty of an offence against this Ordinance and shall be liable on

Exhibiting
unapproved
film or poster.

summary conviction to a fine of four hundred and eighty dollars for each occasion on which such offence takes place, and the film may be ordered by the court to be forfeited to the Crown. Any film or any portion of a film so forfeited shall be dealt with in such manner as the Divisional officer shall direct.

(2) Every person who exhibits, displays, publishes or distributes, or causes to be exhibited, displayed, published or distributed, any film-posters in contravention of subsection (2) of section 5 shall be guilty of an offence against this Ordinance and shall be liable on summary conviction to a fine of two hundred and forty dollars.

Offences
generally.

10. If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used or if any person supplies light for any cinematograph or other apparatus which he has reasonable grounds for believing is being, or is to be used, or if the licensee or the owner or occupier of any building or place uses such building or place or allows such building or place to be used in contravention of any of the provisions of this Ordinance, or of the conditions or restrictions upon or subject to which any licence relating to any such building or place has been granted under this Ordinance, he shall be guilty of an offence against this Ordinance and shall be liable on summary conviction to a fine of two hundred and forty dollars, and, in the case of a continuing offence, to a further fine of one hundred dollars for each day during which the offence continues.

Power of entry.

11. The Divisional officer or any police officer appointed by him, or the Officer in Charge of the Fire Brigade or any member of the Fire Brigade appointed by him or any censor may at all reasonable times enter any building or place, whether licensed or not, in which he has reason to believe that any cinematograph exhibition is being or is about to be given, with a view to seeing whether the provisions of this Ordinance or any regulations made thereunder, or the conditions of any licence granted under this Ordinance have been complied with, and if any person prevents or obstructs the entry of the Divisional officer or any police officer appointed as aforesaid or the Officer in Charge of the Fire Brigade or any member of the Fire Brigade appointed by him, or any censor, he shall be guilty of an offence against this Ordinance and shall be liable on summary conviction to a fine of one hundred dollars.

12. All offences under this Ordinance (or under any regulations made under this Ordinance) may be prosecuted, and all penalties incurred may be imposed or recovered, in the manner provided by the Magistrate's Code of Procedure Act.

Recovery of penalties.

Cap. 46.

13. (1) The Administrator in Council may make regulations for prescribing anything which under this Ordinance is to be prescribed, generally for carrying this Ordinance into effect, and determining offences against any of the said regulations and penalties therefor and in particular as to—

Regulations.

(a) the duties of the Board of Film Censors, and the mode of conducting its business;

(b) the duties of exhibitors in respect of censoring of their films;

(c) the safety of persons attending a cinematograph exhibition;

(d) the fees to be paid for licences under this Ordinance;

(e) the hours during which any cinematograph exhibition shall not take place;

(f) the form and duration of licences issued under this Ordinance and the conditions or restrictions subject to which a licence may be issued.

Provided that no penalty for an offence against any of the said regulations shall exceed a fine of one thousand dollars or imprisonment for twelve months with or without hard labour: Provided further that in the case of a continuing offence any such regulations may provide for a further penalty of one hundred dollars for each day during which the offence continues.

(2) Regulations made under this Ordinance shall have no force or effect until they have been approved by the Legislative Council: Provided that, until varied or revoked by any such regulations, the regulations and forms contained in the Schedule hereto shall be in force.

THE SCHEDULE.

CINEMATOGRAPH REGULATIONS.

1. These Regulations may be cited as the Cinematograph Relations.

Definitions.

2. In these regulations—

“building” means any structure used or intended to be used for the exhibition of films to the public, and includes any yard, external passageway or open space connected therewith;

“enclosure” means that part of a building in which cinematograph apparatus is installed and operated;

“exit” includes emergency exit and any passageway;

“new building” means any building erected or adapted for use for the exhibition of films to the public, and put into use after the commencement of these regulations;

“re-winding room” means a room designed and constructed with the approval of the Superintendent of Public Works and used for the re-winding of film;

“theatre” means a building or place licensed under the Cinematograph Ordinance;

“vault” means a vault designed and constructed with the approval of the Superintendent of Public Works.

PART I

PROVISIONS FOR THE SAFETY OF THE AUDIENCE AND PREVENTION OF FIRE.

Design and construction of new buildings.

3. (1) The design and construction of all new buildings shall be subject to the approval of the Superintendent of Public Works.

(2) All buildings used for the exhibition of films to the public on the 1st November, 1958, shall within a period of eighteen months from that date conform to the provisions of these regulations.

4. (1) All exits from a building provided for members of the public or the staff employed in connection with the building or with cinematograph exhibitions in the building shall be suitably indicated by notices bearing the word "EXIT" in six-inch letters and all such notices shall be tinted green and illuminated with green lights.

Exits.

(2) All other doors or openings leading from the auditorium gallery or any passageway into a dead end or such other places as are unsafe or unsuitable for the purpose of egress shall be indicated by notices bearing the words "NO THOROUGHFARE" in six-inch letters. Such notices shall be tinted red and illuminated by red lights.

(3) Where doubt may arise as to the direction of exit, or where persons might unwittingly move into danger, a notice bearing the words "TO EXIT" in six-inch letters and tinted green or illuminated with green lights shall be provided.

(4) All notices required by the three foregoing paragraphs shall be illuminated in such manner as may be specified by the Manager of the Electricity Department.

(5) Wherever possible such notices shall be placed above the doors to which they relate, but in any case they shall not be less than 6 feet 9 inches above floor level.

5. No chairs, seats or other obstructions shall be placed or allowed to remain in gangways or in any place used for the safe and speedy egress by the public or members of the staff employed in connection with any building or cinematograph exhibition in a building.

No chairs, etc.
in gangways.

6. No standing of members of the audience shall be permitted in any theatre during any cinematograph exhibition other than for the purpose of gaining access to vacant seating or egress from the theatre during or at the conclusion of an exhibition. Any person who shall continue to stand when requested not to do so shall be guilty of an offence under this regulation and liable on summary conviction to a fine of twenty-five dollars.

No standing
permitted.

7. Whenever the public is present at any cinematograph exhibition exits shall be kept free of inflammable tapestries or any other object likely to restrict egress by the public from the building in which such cinematograph exhibition is being held.

Provisions in
connection with
cinema
exhibitions.

8. All sliding or folding shutters or roller or collapsible gates of a building shall be left fully open whilst the public is present at any cinematograph exhibition.

Provisions in
connection with
cinema
exhibitions.

Provisions in connection with floor coverings and curtains.

9. (1) Floor coverings of buildings shall be fixed in such a way as to prevent rucking or obstruction, and shall be sunk to floor level. All floors shall be maintained in a non-skid condition.

(2) All curtains shall be hung not less than 2 inches clear of floors, and shall slide freely.

Enclosures.

10. (1) Ventilation in enclosures shall be as approved by the Superintendent of Public Works.

(2) Two openings for each projector in an enclosure shall be provided and the construction thereof shall be subject to the approval of the Superintendent of Public Works.

(3) All furniture and fittings within an enclosure shall be of non-combustible material.

(4) No film cement shall be kept in an enclosure.

(5) No winding or rewinding of films shall take place in an enclosure whilst members of the public are present on the premises or the projectors are in use. In new buildings separate re-winding rooms shall be provided and shall be subject to the approval of the Superintendent of Public Works.

(6) No smoking shall be permitted in enclosures or re-winding rooms. Notices to this effect shall be permanently affixed in a prominent position.

(7) Films other than those being projected, and being prepared for projection, shall be kept in a non-combustible container.

(8) Barriers and notices shall be provided to prevent members of the public coming into contact with enclosures.

Apparatus and installations.

11. All electrical apparatus and installations shall be of a standard and specification approved by the Manager of the Electricity Department.

Projectors.

12. Projectors shall be of a type approved by the Manager of the Electricity Department, and shall be placed on firm fire-resisting supports.

Films exceeding 100,000 feet to be stored in vault.

13. Not more than 500 lbs. (100,000 feet) of film shall be permitted to be kept in any buildings unless stored in a vault and in any case not more than 125 lbs. (25,000 feet) shall be exposed at any one time.

14. (1) No collodion, amyl acetate or other similar flammable substance for the cementing of film shall be kept other than in re-winding rooms, or approved fire-resisting cabinets or safes, or in any quantity exceeding one Imperial pint.

(2) Splices in film shall be made by a cutting and splicing machine approved by the Officer in charge of the Fire Brigade.

15. The auditorium and the exits therefrom to the outside of a building, including any external courts, passageways, stairways, or ramps, the notices indicating position of exits, and all parts of the building to which the public is admitted shall throughout be adequately illuminated during the whole time the public is present at a cinematograph exhibition. In the event of the failure of the main lighting, provision shall be made for auxiliary lighting of the auditorium until the members of the public have left the premises.

16. No person shall be permitted to reside in any building.

17. All fires occurring in a building during the holding of any cinematograph exhibition shall be immediately reported by the exhibitor to the nearest Fire or Police Station.

18. Fire equipment shall be provided and maintained throughout buildings in accordance with the directions of the Officer in charge of the Fire Brigade.

19. (1) In order to secure the safety of the audience the exhibitor or some responsible person designated by him shall be in attendance throughout cinematograph exhibitions. He shall be assisted by such staff as the Divisional officer shall deem necessary.

(2) During cinematograph exhibitions at which children are present the number of attendants shall be such as may be required by the Divisional Officer.

20. There shall be in the enclosure, re-winding room, pay office and Manager's office of every building a prominent notice detailing action in the event of fire or any other unusual occurrence.

21. The Divisional officer or officer in charge of the Fire Brigade may at any time and without prior notice require a cinematograph exhibition which is being held in a building to be stopped if in his opinion circumstances exist which would constitute a danger to the public should a fire or other unusual happening occur.

Cementing of films.

Auditorium—provisions as to lighting.

Residence in building prohibited.

Fires to be reported.

Fire equipment to be provided.

Attendants at exhibitions.

Notices to be affixed in building for action in event of fire.

Exhibition of film may be stopped by police.

Person
aggrieved may
appeal to
Administrator
in Council.

22. Whenever any person shall withhold his approval of the doing of or omission to do anything in connection with a building, or the furniture, fittings, electrical apparatus of installations thereof, which is subject to his approval under these regulations, the person aggrieved by his decision may, within seven days of the date of receipt or notification that such approval has been withheld, appeal against such decision to the Administrator in Council who may in his discretion, authorise the doing of or the omission to do such thing either unconditionally or subject to such conditions as he may think fit to impose or may confirm such decision :

Provided that if the person whose approval is withheld is of the opinion that the doing of or omission to do any such thing would constitute a danger to persons attending any cinematograph exhibition in such building he shall notify the person seeking his approval and forward a certificate to that effect to the Administrator in Council, and thereupon such building shall cease to be used for the holding of any cinematograph exhibition until the Administrator in Council shall so authorise, and, if the Administrator in Council shall so authorise, such building shall only be used for the holding of cinematograph exhibitions subject to such conditions as the Administrator in Council may impose.

Unauthorised
person not
allowed in
enclosure.

23. No unauthorised person shall be allowed in an enclosure.

Contraventions
by licensee.

24. If the holder of the theatre licence granted in respect of any building shall contravene any of the provisions of regulation 3 (1) or any exhibitor shall contravene any of the provisions of regulations 5, 8, 10(6), 13 or 15, such holder or exhibitor, as the case may be, shall be guilty of an offence against these regulations and liable on summary conviction to a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, and, in the case of a continuing offence, to a further fine of fifty dollars for each day during which the offence continues.

Contraventions
by licensee.

25. If the holder of the theatre licence granted in respect of any building shall contravene any of the provisions of regulations 3(2), 4, 9, 10(1), 10(2), 10(3), 10(5), 10(8), 11 or 12, or any exhibitors shall contravene any of the provisions of regulations 6, 7, 10(4), 10(5), 10(7), 14, 16, 17, 18, 19, 20 or 23, such holder or exhibitor, as the case may be, shall be guilty of an offence against these regulations and be liable on summary conviction to a fine not exceeding two hundred and fifty dollars, and, in the case of a continuing offence, to a further fine of fifty dollars for each day during which the offence continues.

PART II.

CENSORSHIP.

26. In the following regulations the "Board" means the Board of Film Censors and "Chairman" means the Chairman of such Board.

Definition.

27. The Chairman shall keep a book in which shall be entered particulars of all films submitted for examination, such particulars to include the names of such films, the names of the owners, renters and/or exhibitors of such films and the names of the censors by whom such films were examined and their decision regarding them.

The Board's records and accounts.

28. The undermentioned fees shall be payable in advance to the Chairman of every film submitted for examination, that is to say :

Examination Fees.

Phono films	...	...	25c.
Silent Films	...	...	15c.

The Chairman shall in due course deposit all fees received with the Treasurer.

29. (a) Distributors shall send to the office of the Board complete lists of all films and posters to be submitted for examination.

Lists of films to be sent by distributor.

(b) Every list shall contain a column in which shall be entered the Board's decision, together with any conditions imposed.

(c) In cases where a separate film used for advertising purposes and commonly called "a trailer" (whether it is part of the original film or not) accompanies a film, this fact shall be stated.

(d) the signature of a censor at the end of any list shall be deemed to be in authentication of every entry in the column showing the Board's decision.

(e) The list shall be in the Form A hereto, and may be on a loose sheet or in a book.

Form A.

(f) In this regulation, "Distributor" means a person who carries on the business of importing and distributing films in the Colony.

30. All "trailers" referred to in the preceding regulation, must be submitted for examination and shall be subject to the provisions of the Cinematograph Ordinance.

Trailers.

Time and place
of exhibition
for censorship.

31. (1) The Chairman of the Board may give general special directions to any exhibitor as to the day, hour and place when and where his films are to be exhibited for censorship.

(2) The Administrator and the Chairman and members of Board and their officers and servants shall not be responsible any loss, damage or injury arising out of the exhibition of any film for censorship purposes.

Custody of
films.

32. Parts of any film not allowed to be exhibited shall, on request of the Chairman, be deposited at the office of the Board and shall be returned when the film is about to be exported.

Censor's right
of entry.

33. The censors shall have the right of entry into all cinemas during performances, free of charge, and it shall be their duty to make such surprise visits as they may think fit. Accommodation must in every case be reserved for a possible visit by the censors.

Leave to
censors.

34. The Administrator may grant leave of absence to any censor and may temporarily fill the vacant place or places during such absence.

Board's
office.

35. The office of the Board shall be such room or place as the Administrator may from time to time specify in the *Gazette*.

Certificate of
approval.

36. (a) Certificates of approval may at any time be cancelled by the Board provided that the reasons for such cancelling shall be given to the exhibitor in writing.

(b) A certificate of approval, may, subject to the condition to be imposed, be in the form following :—

Form.

We certify having examined on the _____ day _____, 19____, a film entitled _____ submitted to the Board of Film Censors and have approved of the same being exhibited within the Colony subject to the following conditions :—

for Board of Film Censors

PART III.

LICENCES AND FEES.

37. (a) The following fees shall be paid annually to the Treasurer in advance for the following licences, namely :—

In respect of a theatre in Plymouth	...	...	\$24.00
In respect of a theatre elsewhere	...	...	\$ 6.00
In respect of an exhibitor	...	...	\$ 5.00

Provided that in respect of any application made on or after the first day of July in any year, the fee payable shall be one-half of the aforesaid annual fee.

(b) All licences shall commence on the first day of January or from the date of issue if issued subsequent to the first day of January in any year, and shall expire on the thirty-first day of December in that year unless previously revoked.

(c) A licence for a theatre shall be in the form "B" hereto, and a licence for an exhibitor shall be in the form "C" hereto, subject to such modifications or other conditions as may be required in the circumstances of each particular licence.

FORM A.

List of films and posters submitted for examination under Regulation 3 at
approximate running time minutes.

theatre on

Title of film	No. of Prints	Phone or Silent	No. of Reels	Footage	Posters or Press Book	Country of Origin	Decision of Board of Censors and Conditions	Date Examined	Signature of Censors

Date

19

Signature of Distributor.

FORM B.

THE CINEMATOGRAPH ORDINANCE.

LICENCE FOR A THEATRE.

Cap. 262.

Under section 3 of the Cinematograph Ordinance, A.B. is hereby licensed of to use the theatre situate and known as for the period in the said Ordinance, subject to the following conditions and restrictions, that is to say:—

(1) The fee of \$ is payable in respect of this licence to the Treasury, the receipt for which amount must be furnished to the Administrator before this licence can be used or becomes valid.

(2) No film shall be exhibited unless the provisions of the Cinematograph Ordinance, and the Cinematograph Regulations have been complied with.

(3) The theatre shall not be used for exhibiting films before 3 p.m. on Sundays, Good Friday, Corpus Christi, and Christmas Day.

If any of the above-mentioned terms, conditions or restrictions is not complied with, or if, without the sanction of the Administrator, any alteration is made in the said theatre or in the enclosure containing the cinematograph apparatus, or if at any time the Administrator considers the place for which this licence is granted no longer suitable, this licence will be revoked.

This Licence expires on the 31st day of December, 19 , unless sooner revoked.

Dated the day of 19 ,

Administrator.

*Insert here any other conditions to be imposed.

FORM C.

THE CINEMATOGRAPH ORDINANCE.

LICENCE FOR AN EXHIBITOR.

Cap. 262.

Under section 3 of the Cinematograph Ordinance, A.B. is hereby licensed of to carry on the business of exhibiting films to the public during the year 19 subject to the following conditions and restrictions, that is to say :—

(1) The fee of \$ is payable in respect of this licence to the Treasury, the receipt for which amount must be furnished to the Administrator before this licence can be used or becomes valid.

(2) No film shall be exhibited unless the provisions of the Cinematograph Ordinance, and the Cinematograph Regulations have been complied with.

§

This licence expires on the , 19 day of
revoked. unless sooner

Dated this day of
19 .

Administrator.

§ Insert here any other conditions to be imposed.
