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CHAPTER 298

CINEMATOGRAPH (BRITISH FILMS)

An Act to secure the exhibition of a certain proportion of British films, and for purposes connected therewith. 1935-4.
1951-50.
L.N. 168/
1970.

[1st January, 1936]

Commence-
ment.

1. This Act may be cited as the Cinematograph (British Films) Act.

Short title.

2. For the purposes of this Act, the expression—

Inter-
pretation.

“British film” means—

(a) any film depicting scenes intended for exhibition by a cinematograph apparatus which has been shown to the satisfaction of the Board of Censors appointed under the Cinematograph Film Censorship Act (in this Act called the Board) to have been registered as a British film under the Films Act, 1960 of the United Kingdom;¹

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(b) any film depicting wholly or mainly news and current events (in this Act called news films) or any films depicting natural scenery, industrial or manufacturing processes and any scientific film including natural history films which is not registered in Great Britain under the Films Act, 1960, of the United Kingdom, where such film is shown to the satisfaction of the Board to have been photographed wholly or mainly in the Commonwealth and made by a maker who is a Commonwealth citizen, or a Commonwealth company;

“Commonwealth company” means a company constituted under the laws of any part of the Commonwealth, the majority of the directors of which are Commonwealth citizens;

“exhibitor” means a person who exhibits films in the presence of one or more persons who has or have paid money

¹ This Act replaced the Cinematograph Films Acts of 1927 and 1938.

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directly or indirectly for the right or privilege of seeing an animated picture or cinematograph display;

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

“ length ” means the total length of films as approved by the Board for projection at public exhibitions thereof;

“ maker ” in relation to any film means the person by whom the arrangements necessary for the production of the film are undertaken;

“ Minister ” means the Minister responsible for Education.

Board to specify whether film is British, and length thereof.

3. (1) The approval given by the Board under the Cinematograph Film Censorship Act shall specify whether the film to which it applies is a British film, and the length thereof approved for exhibition.

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(2) For the purposes of this section each part of a film intended to be shown on one occasion as a single part of a consecutive series shall be deemed to be a complete film.

Proportion of British films to be exhibited.

4. (1) Every exhibitor who carries on the business of exhibiting cinematograph films shall exhibit at each place in which he carries on the exhibition of films in any year in which he so exhibits films at least such proportion of British films (exclusive of news films) as is shown in the first column of the Schedule, and if the films so exhibited include films of three thousand feet or upwards in length the requirements of this section shall be satisfied both in respect of the last-mentioned films so exhibited as well as in respect of all films so exhibited.

Schedule.

(2) An exhibitor who exhibits news films shall exhibit such proportion of British news films as is shown in the second column of the Schedule in such manner and at such times or periods as the Minister may prescribe.

1951-50.

(3) The proportion of British films so exhibited shall be ascertained in such manner as may be prescribed.

(4) Any exhibitor who fails to comply with this section shall be guilty of an offence, except as provided by section 6, and shall be liable on summary conviction to a fine of four

hundred and eighty dollars for each occasion on which he has failed to comply with the section.

(5) Any person convicted of an offence under subsection (4) who has been previously convicted under that subsection shall be liable, in addition to the penalty therein provided, to have his licence cancelled.

5. (1) Every exhibitor shall keep in respect of each place in which he carries on the exhibition of films a book in the prescribed form and shall as soon as practicable after the conclusion of each exhibition of films record therein the title and length of such film or section of film as exhibited on the occasion in question.

Record to be kept of films exhibited.

(2) Every exhibitor shall furnish the Commissioner of Police not later than the fifteenth day of January in every year with a return showing the title and length of each film or section of serial film exhibited by him at each place under his control throughout the period of one year ending on the preceding thirty-first day of December.

(3) The Commissioner of Police or any member of the Police Force appointed by him may at all reasonable times enter any place in which films are exhibited and call for and examine the book which an exhibitor is required to keep under the terms of this section.

(4) Any person who fails to keep a book and record therein such particulars as are mentioned in subsection (1), or who fails to make a return in accordance with subsection (2), or who wilfully makes any false entry in such book or return, shall be guilty of an offence and on summary conviction shall be liable to a fine of ninety-six dollars.

6. The Minister may grant permission to any person to hold an exhibition of cinematograph films for charitable, educational or other special purposes, exempting such person, for such period as may seem fit to him, and subject to any conditions, from compliance with the provisions of this Act or any of them.

Exemptions.

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Application of Act.

7. This Act shall apply to all cinematograph films exhibited by any exhibitor other than—

- (a) films, being wholly or mainly commercial advertisements;
- (b) films used wholly or mainly for educational purposes and approved as such by the Minister;
- (c) films consisting only of announcements or notices not accompanied by pictorial illustrations;
- (d) films exhibited at a performance where the total length of film does not exceed two thousand feet.

Power of Minister to make regulations.

8. (1) The Minister may make regulations for prescribing anything which under this Act is to be prescribed, and generally for carrying this Act into effect, and in particular as to—

- (a) the particulars and evidence necessary for establishing the British nature of a film;
- (b) the form of the returns to be made, and of the records to be kept under this Act.

(2) All such regulations shall be published in the *Official Gazette*.

Fiat of Director of Public Prosecutions.

9. No prosecution shall be commenced under this Act without the written consent of the Director of Public Prosecutions.

SCHEDULE

s. 4.

	Requisite Percentage of British Films.	Requisite Percentage of British News Films.
1951-50.	15%	50%