

To be construed with Ord. 5 of 1930; 42 of 1933
22 of 1938

CHAPTER 105.

CINEMATOGRAPH.

[No. XI of 1912.]

[1st June, 1912.]

Short title.

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

Interpretation.

2. In this Ordinance, "exhibition" means an exhibition of a public nature of pictures or other optical effects by means of a cinematograph or similar apparatus.

Cinematograph displays not to be held without permit.

3.—(1) No one shall advertise, present, or carry on any exhibition, or cause it to be advertised, presented, or carried on, unless a description of every scene intended to be presented or produced at the display has been first furnished to the Inspector General of Police, who may in his discretion issue a permit for the exhibition, and without that permit the exhibition shall not be advertised, presented, or carried on.

Penalty.

(2) Anyone who advertises, presents or carries on any exhibition, or causes it to be advertised, presented, or carried on, without the permit aforesaid shall be guilty of an offence and on summary conviction thereof be liable to a penalty not exceeding five hundred dollars.

Regulations.

4. The Governor in Council may make regulations as to the apparatus to be used for and in connection with exhibitions for the prevention of accidents and generally for securing the safety of the public at those exhibitions, and may annex to the breach of any of the regulations a penalty not exceeding five hundred dollars.

Provision against cinematograph exhibition except in licensed premises.

5.—(1) An exhibition for the purposes of which inflammable or non-inflammable films are used, shall not be given unless the regulations made by the Governor in Council for securing safety are complied with, or, save as otherwise provided by this Ordinance, elsewhere than in premises licensed for the purpose in accordance with the provisions of this Ordinance.

(2) A Board of the district in which the premises are situate, consisting of the chairman or deputy chairman of the Local Government Board, a magistrate, and the chairman of the local authority, may grant licences to any persons it thinks fit to use the premises specified in the licence for the purposes aforesaid on the terms and conditions and under the restrictions which, subject to regulations of the Governor in Council, the Board by the respective licences determines.

Licences.

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(3) A licence shall be in force for one year or for any shorter period the Board on the grant of the licence determines, unless the licence has been previously revoked as hereinafter provided.

(4) A Board may transfer any licence granted by it to any other person it thinks fit.

(5) An applicant for a licence or transfer of a licence shall give not less than seven days' notice in writing to the clerk of the magistrate and to the chief officer of the police district in which the premises are situate of his intention to apply for a licence or transfer, and shall publish the notice of his application once in a daily newspaper circulating in the locality, but it shall not be necessary to give any notice where the application is for the renewal of an existing licence held by the applicant for the same premises.

(6) It shall be competent for the officer of the police force on receiving the notice and for any five persons resident in the district in which the premises are situate, to lodge objections to the grant or renewal of the licence, and those objections shall be lodged by the objectors with the clerk of the magistrate within ten days of the receipt or publication of the notice, and at the same time a copy of the objections shall be sent by them to the person applying for the grant or renewal of a licence.

(7) (a) The Board shall, upon a date to be fixed by the magistrate, hear parties upon the application and the objections, and may order any inquiry he thinks fit, and thereafter grant or refuse the application. (b) Two members of the Board shall form a quorum. (c) An appeal shall lie to the Governor in Council from the decision of a Board with regard to the grant or refusal of an application.

(8) Upon the grant of an application, the Board shall issue a licence in the form set out in the schedule hereto, with any variations circumstances require, and shall cause the entries required by the licence to be made in a register to be kept for the purpose.

Schedule;
form of
licence.

(9) The Board shall have power to order costs and expenses to be paid by the unsuccessful party, where objections have been taken to the grant or renewal of a licence, in the same manner as in any case of summary jurisdiction where an order is made for payment of money which is not in the nature of a penalty for an offence.

(10) Any premises so kept or used, although licensed, shall not be opened for the purpose aforesaid except on the days and between the hours stated in the licence, and the observance of the days and hours of opening and closing shall be inserted in, and made a condition of, every licence, but for any special reason the Inspector General, or the senior police officer in charge of the district, may grant special permission for any period not exceeding one week at a time to open for one hour longer.

(11) No commissary of taxation shall issue any licence required by the Tax Ordinance for a cinema theatre unless and until there is produced to him a licence granted by a Board under this Ordinance.

(12) There shall be paid in respect of the grant or renewal of a licence a fee of five dollars and in respect of a transfer a fee of five shillings.

(13) In Georgetown and New Amsterdam licences may only be granted by a Board consisting of the Mayor and two magistrates appointed by the Governor, and the senior magistrate shall fix the date of hearing. In other respects the provisions of this section shall apply to that Board.

(14) A licence under sub-section (1) of this section shall not authorise the licensee to open the premises for the purpose of any entertainment on Sunday or Good Friday, but the Board may for any reason which seems sufficient, issue a special licence for a single entertainment to be held on the premises for a charitable or religious purpose on any Sunday, but no greater number than one licence per month in all shall be issued for any district or for Georgetown or New Amsterdam; except as in this sub-section provided no entertainment shall be held on the premises on Sunday or Good Friday.

(15) There shall be paid to the Chief Commissary, within one week from the end of each month, the percentage fixed from time to time by any tax Ordinance, of the total receipts for the preceding month from the sale of admission tickets to any exhibition, or to any theatrical entertainment given in the premises for which a licence has been

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issued hereunder, and the books or accounts kept by any licence-holder for the purpose of an exhibition or entertainment shall be open at all times for inspection to any commissary of taxation or officer of the audit department.

(16) The holder of a licence shall enter into a bond to the satisfaction of the Chief Commissary for the due payment of the percentage referred to in the preceding sub-section as follows:—

	\$
for premises in Georgetown	5,000;
for premises in New Amsterdam	1,000;
for premises elsewhere	500.

6. If the owner of a cinematograph or other apparatus uses the apparatus, or allows it to be used, or if the occupier of any premises allows them to be used, in contravention of the provisions of this Ordinance, or the regulations made under it, or of the conditions or restrictions upon or subject to which any licence relating to the premises has been granted under this Ordinance, he shall be liable, on summary conviction, to a fine not exceeding fifty dollars and, in the case of a continuing offence, to a further penalty of twenty-five dollars for each day during which the offence continues, and the licence (if any) shall be liable to be revoked by the magistrate.

Use of
apparatus in
contravention
of Ordinance.

Penalty.

7. Any police constable, or any officer appointed for that purpose by any Inspector General, may at all reasonable times enter any premises, whether licensed or not, in which he has reason to believe that an exhibition is being or is about to be given, in order to see whether the provisions of this Ordinance, or any regulations made hereunder, and the conditions of any licence granted hereunder have been complied with, and, if any person prevents or obstructs the entry of the constable or that officer, he shall be liable on summary conviction to a penalty not exceeding one hundred dollars.

Power of
entry.

Penalty for
obstruction.

8. In any prosecution under this Ordinance, the onus of proof that he has complied with the law shall lie on the defendant.

Burden of
proof.

9. This Ordinance shall not apply to an exhibition given in a private dwelling-house to which the public are not admitted whether on payment or otherwise.

Performances
in private
dwelling-
houses.

SCHEDULE.

FORM OF LICENCE.

(Section 5.)

The Cinematograph Ordinance.

A licence is hereby granted to (1)

(1) *Insert name of person to whom licence is granted.*

(2) *Describe premises to be licensed.* to keep and use (2) situate

(3) *Where premises are situate.* at (3)

(4) *Town, or village, or district, where premises are situate.* in (4)

(5) *Purpose for which premises licensed.* for the purpose of (5)

(6) *Duration of licence.* for (6) from the date hereof upon the following terms and conditions and subject to the following restriction(s), namely, that the premises hereby licensed shall be opened for the purpose for which this licence is granted on (7)

(7) *Day or days.* only and between the hours of
