

CHAPTER 128.

CINEMATOGRAPH (BRITISH FILMS).

ARRANGEMENT OF SECTIONS.

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SCHEDULE.

CHAPTER 128.

CINEMATOGRAPH (BRITISH FILMS).

An Ordinance to secure the exhibition of a certain proportion of British films, and for purposes connected therewith. 42 of 1933.
16 of 1936.
26 of 1949,
s. 7A and
3rd sch.
33 of 1950.

[1ST JANUARY, 1937.]

1. This Ordinance may be cited as the Cinematograph (British Films) Ordinance. Short title.

2. In this Ordinance unless the context otherwise requires, the following expressions shall have the meanings hereinafter assigned to them :— Interpretation.

“ British company ” means a company constituted under the laws of any part of the British Empire, the majority of the directors of which are British subjects ;

“ British film ” means any film depicting scenes intended for exhibition by a cinematograph apparatus which has been shown to have been registered as a British film under the 33 of 1950,
s. 2.

17 & 18
Geo. 5 c. 29,
1 & 2 Geo. 6,
c. 17.
11 & 12
Geo. 6, c. 23.

Cinematograph Films Act, 1927, or the Cinematograph Films Acts, 1938 and 1948, by the production of a certified copy of the entry relating to such film in the register kept by the Board of Trade under the provisions of the aforesaid Acts ;

“ Commissioner ” means the Commissioner of Police ;

“ exhibitor ” means a person to whom a permit has been issued under the provisions of the Cinematograph Ordinance ;

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

“ length ” means the total length of films as approved by the Commissioner 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 ;

“ prescribed ” means prescribed by regulations made under this Ordinance.

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3. The permit issued by the Chairman of the Board of Film Censors under section 4 of the Cinematograph Ordinance shall state whether the film to which it applies is a British film, and the length thereof approved for exhibition. 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.

4. (1) Every exhibitor who carries on the business of exhibiting films to the public on payment shall exhibit at each premises in respect of which he holds a licence under the Cinematograph Ordinance during the period in any year during which he so exhibits films at those premises at least such proportion of British films (other than British news films) as is mentioned with respect to the year in question in the second column of the schedule to this Ordinance and if the films so exhibited include films of five thousand feet or upward in length, the requirements of this section must be satisfied with regard to the last mentioned films so exhibited, as well as all the films so exhibited. An exhibitor who exhibits news films shall exhibit such proportion of British news films as is shown in the third column of the schedule to this Ordinance in such manner and at such times or periods as the Governor in Council may prescribe.

Schedule.

(2) The proportion of British films so exhibited shall be ascertained by comparing the total number of feet of British films exhibited with the total number of feet of all films

exhibited: Provided that no film or section of film shall be reckoned more than once.

(3) If in any year an exhibitor under this section fails to comply with the requirements of this section in respect of any licensed premises, he shall be guilty of an offence, unless such a certificate as is mentioned in section 6 has been issued by the Commissioner, or unless he proves to the satisfaction of the court that the reasons for non-compliance were reasons beyond his control.

(4) Any person convicted of an offence under subsection (3) hereof who has been previously convicted under that subsection shall be liable, in addition to the penalty therein provided, to have his certificate cancelled by a magistrate.

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(5) The Governor in Council may make regulations providing that such part of the percentage of British news films not exceeding one-fifth of the percentage, shall be apportioned to the exhibition of British West Indian and British Guiana films, and for regulating the price to be charged by the proprietor of such films.

5. (1) Every exhibitor shall keep in respect of each licensed building or place where 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, distinguishing between British and other films.

Records and
returns.

(2) Every exhibitor shall furnish to the Commissioner not later than the 15th January in each year a return giving such particulars as may be prescribed with respect to the films exhibited by him at each licensed place or building under his control during the preceding year ending on the 31st December, and the dates and number of times on which they were exhibited, in order to enable the Commissioner to ascertain whether the provisions of this Ordinance with respect to the exhibitors' quota have been satisfied by him in respect of the place or building during the year to which the return relates :

Provided that, if any exhibitor in the course of any such year ceases to exhibit at any licensed place or building, the return with respect to that place or building shall be made within one month from the time when he so ceases to exhibit thereat.

(3) Any exhibitor who exhibits films in a tent or other movable structure licensed for the purpose shall not be required to keep more than one book in respect of such tent or structure.

(4) The Commissioner or any police constable appointed in writing by him may at all reasonable times enter any building or place licensed for the exhibition of films and call for and examine the book which an exhibitor is required to keep under the terms of this section.

(5) Any person who fails to keep a book and record therein such particulars as are mentioned in subsection (1) of this section, or who fails to make a return in accordance with subsection (2) of this section or who makes any false entry in such book or return, or who obstructs or hinders the Commissioner or any police constable or person authorised by him from entering any place or building or examining any books, shall be guilty of an offence, and on conviction shall be liable to a penalty not exceeding one hundred dollars.

Examination
of returns.

6. (1) The Commissioner shall examine every return furnished to him by an exhibitor and for the purpose of such examination may call on the exhibitor making the return for such information and explanations as he may think necessary, and may authorise any person appointed by him for the purpose to examine the books kept by the exhibitor.

(2) Where on submission by the exhibitor or otherwise it appears to the Commissioner after consultation with the advisory committee (mentioned in section 7) in any case where the Commissioner contemplates the refusal of a certificate that though the requirements of this Ordinance with respect to the exhibitors' quota have not been complied with, the reasons for non-compliance were reasons beyond the control of the exhibitor, he shall issue a certificate to that effect.

(3) Where compliance on the part of an exhibitor with the provisions of this Ordinance as to quota was not commercially practicable by reason of the character of the British films available or the excessive cost of such films, non-compliance with those provisions on that ground shall for the purpose of this Ordinance be treated as due to reasons beyond his control.

Advisory
committee.

7. (1) For the purpose of advising the Commissioner on the administration of subsection (2) of section 6 there shall be constituted an advisory committee consisting of three persons who have no pecuniary interest in any branch of the film industry.

(2) The members of the committee and the chairman shall be appointed by the Governor.

(3) The term of office of each member of the committee shall be such period not exceeding three years as may be fixed at the time of his appointment.

(4) The Governor may grant leave of absence to any member and may appoint to act in his place some person qualified to be appointed a member.

8. The Governor in Council may issue a licence to any person to hold an exhibition of films for charitable, educational or other special purposes exempting him for such period as may be prescribed in the licence and subject to any conditions endorsed thereon from compliance with the provisions of this Ordinance or any of them.

Exemption from compliance with this Ordinance in certain cases.

9. This Ordinance shall apply to all films exhibited to the public when payment for admission is charged, other than—

Application of Ordinance.

(a) films being wholly or mainly commercial advertisements;

(b) films used wholly or mainly for educational purposes and approved as such by the Director of Education;

(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.

10. The Governor in Council may make regulations for prescribing anything which under this Ordinance is to be prescribed, and generally for carrying this Ordinance into effect, and in particular as to—

Regulations.

(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.

11. No prosecution shall be commenced under this Ordinance without the written consent of the Attorney General.

Fiat of Attorney General.

12. Any penalty under this Ordinance shall be recoverable under the Summary Jurisdiction Ordinances.

Recovery of penalties.

SCHEDULE.

(As substituted by 16 of 1936).

s. 4.

	Requisite percentage of British films.	Requisite percentage of British news films.
During the year 1939 and subsequent years	20%	50%