

THE FILMS AND STAGE PLAYS ACT, 1976

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

<i>Section</i>	<i>Title</i>
1.	Short title and commencement.
2.	Interpretation.

PART II

MAKING OF FILMS

3.	No film to be made without film permit.
4.	Application for film permit.
5.	Film permit.
6.	Alterations and additions to films.
7.	Offences under Part H.
8.	Power to exempt films.

PART III

LINCENSING OF THEATRES

9.	Appointment of licensing authorities.
10.	Theatre licences.
I 1.	Supervision to ensure safety.
12.	Power to exempt premises.

PART IV

EXHIBITION OF FILMS

<i>Section</i>	<i>Title</i>
	13. Appointment of Censorship Boards.
	14. Functions of Censorship Board.
	15. Restriction on exhibitions.
	16. Restriction on display of posters.
	17. Application for certificate of approval.
	18. Certificate of approval.
	19. Validity of certificate of approval.
	20. Effect of adding matter to a film after its approval.
	21. Review of decision of Censorship Board.

PART V

REGULATION OF STAGE PLAYS PERFORMANCES

	22. Appointment of stage plays authorities.
	23. Restriction on performances of stage plays.
	24. Application for certificate of approval.
	25. Certificate of approval.
	26. Effect of failing to alter play, or of adding matter.
	27. Power to exempt stage plays.

PART VI

MISCELLANEOUS PROVISIONS

	28. Appointment of Secretary of Central Censorship Board.
	29. power of Minister to give directions to Censorship Boards and stage plays authorities.
	30. Revocation of licences, etc., by Minister.
	31. Power of Censorship Board to establish committees and to delegate.
	32. Minister may delegate his functions.
	33. Powers of entry, etc.
	34. Penalties.
	35. Offences by corporations, societies, etc.
	36. Appeals.
	37. Repeal and savings.
	38. Regulations.



No. 4 OF 1976

I ASSENT,

Julius K. Nyerere
President

3rd APRIL, 1976

An Act to repeal and replace the Cinematograph Ordinance; to provide for regulating the making of cinematograph films and exhibiting of cinematograph pictures and for the licensing of theatres; to provide for regulating the performance of stage plays and to provide for matters connected with or incidental to the foregoing

[_____]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Films and Stage Plays Act, 1976, and shall come into operation on such date as the Minister may, by notice in *the Gazette*, appoint

2. In this Act, unless the context otherwise requires-
"admitted" means admitted, whether on payment, gratuitously or by invitation;

• amateur" means a person who makes films for his own entertainment and without expectation or hope of reward for the making of the films;

"Central Censorship Board" means the Central Censorship, Board appointed under section 13;

"certificate of approval" means a certificate granted under this Act for the public exhibition of a film or for the public display of a poster or for the public performance of a stage play;

"cinematograph picture" means any picture whether with sound effects or not made by means of a cinematograph or other similar apparatus;

Short title
and
commence-
ment
Interpreta-
tion

"exhibit" means give or make, or cause or permit to be given or made, or take part or assist in the giving or making of, any exhibition;

"exhibition" means the projection of a cinematograph picture and includes the production of any music or other sound effect whatsoever which accompanies the projection;

"film" means a cinematograph film, and includes any commentary (wherever spoken and whether the person speaking appears in the film or not), and any music or other sound effect whatsoever, associated with the film, and any part of a film;

"film permit" means a permit to make the film of a cinematograph picture;

"making of a film" means the act of photographing, performing or otherwise taking part in or arranging any scenes or episodes for the purpose of the production of a film;

"minister" means the Minister for the time being responsible for matters relating to censorship of films and stage plays;

"poster" means any poster or other advertisement advertising a film or exhibition;

"public exhibition" and "public performance" means respectively an exhibition and a performance to which the Public are admitted,

"Regional Censorship Board" means a Regional Censorship Board appointed under section 13;

"stage play" includes tragedy, comedy, farce, opera, barletta, interlude, melodrama, revue, pantomime, dialogue, prologue, epilogue and every other dramatic entertainment and any part thereof-

"theatre" means any building, Premises or place at which a film is Publicly exhibited or a stage play is publicly performed;

"theatre licence" means a licence to use a place as a theatre.

PART II

MAKING OF FILMS

No film to be made without Permit

3.-(1) Subject to the provisions of subsection (2) of this section and of section 8 of this Act, no person shall direct, or take part or assist in, the making of a film, whether intended for exhibition or sale either within or outside Tanganyika except under and in accordance with the terms and conditions of a film permit granted by the Minister under this Part.

(2) A film permit shall not be necessary for the making of a film by an amateur for private exhibition to his family and his friends.

Application for film Permit

4.-(1) Every application for a film permit shall be made to the Minister in writing and shall be accompanied by a full description of the scenes and a synopsis of the spoken parts (if any) of the entire film to be made, notwithstanding that part of the film is made or to be made outside Tanganyika:

provided that the Minister may in his discretion in any particular case accept an application notwithstanding that it is not accompanied by such description and synopsis if he has been given such other information as he requires for the determination of the application.

(2) If any title, sub-title, text, description, synopsis or other part of the film is in a language other than Swahili or English, the Minister May require a translation thereof into Swahili or English, certified to his satisfaction, or may submit the same for the examination and report of such person or persons as he may appoint for the purpose.

(3) where the film is to include any scenes likely to endanger the safety of any person or property or in which animals are to be photographed, the applicant Shall state in his application the precautions proposed to be taken to preserve the safety of any such person or property, or to prevent cruelty or suffering to such animals.

5.-(1) The Minister may, in his discretion, grant or refuse to grant a film permit for which application has been made under this Act, or may issue it subject to the observance of any regulations made under this Act, or to such special conditions and restrictions to be specified in such permit as he may deem fit.

Film
permit

(2) Before granting a film permit the Minister may require the applicant to enter into a bond with or without sureties in such sum as the Minister may require to secure that the film, so far as it is made, is made subject to any regulations or special conditions made by the Minister under subsection (1) and in accordance with the description, synopsis and other information supplied to the Minister, together With any alterations and additions for which permission has been granted under section 6 of this Act.

(3) The Minister may also require as a condition of the grant of a film permit that a public officer duly authorized in that behalf shall be present at the making of the film or any part thereof, and further that any such officer may, in the exercise of his discretion having regard to any special or general directions issued to him, intervene to stop the making of any scene which in his opinion is objectionable or endangers the safety of any person or of any property not being in the possession or disposition of the maker of the film or which is cruel or causes suffering to any animal and, in the event of any such intervention, every such officer is hereby authorized to use such reasonable force as in the circumstances may be necessary to stop the making of the scene.

(4) Where a public officer intervenes to stop the making of a film, he shall forthwith notify the Minister of such intervention and the reasons therefor, and the Minister may either permit the making of the film to be resumed or, having first given the holder of the film permit an opportunity of being heard, permit the making of the film to be resumed on such conditions as he may deem fit or refuse to permit the making of the film to be resumed.

6.-(1) Where it is desired to make any material alteration or addition to the text, synopsis or scenes of a film which is to be made and in respect of which a film permit has been granted, the holder of the permit to

Alterations
and
additions
to films

shall apply in writing to the Minister for permission to make the alteration or addition, and the application shall be accompanied by the film permit and by particulars of the proposed alterations and additions and, if the alterations or additions are in a language other than Swahili or English, and the Minister so requires, a translation thereof into Swahili or English certified to the satisfaction of the minister

(2) The decision of the Minister on the application shall be endorsed on the film permit and if permission is granted there shall also be endorsed any condition which is attached to the permission.

Offences
under
Part II

7.-(1) Where any film is made in contravention of the provisions of subsection (1) of section 3 the producer, proprietor, promoter and photographer thereof, and every other person engaged in the making of the film, shall each be guilty of an offence.

(2) Where any film in respect of which a film permit has been granted is made otherwise than in accordance with the particulars furnished to the Minister or the alteration or addition in respect of which permission has been granted by the Minister under section 6, the producer the proprietor, the promoter and the photographer thereof, and every other person engaged in the making the film, and, where the holder of the film permit is not one of the aforesaid Persons, such holder also, shall each be guilty of an offence.

(3) Any person who obstructs or hinders any public officer in the exercise of his duties under subsection (3) of section 5 shall be guilty an offence.

Power to
exempt
films

8. The Minister may by notice in the *Gazette*, exempt from the provisions of this Part any film, or any class of films, generally of by reference to the person or category of persons making such film or films.

PART III

LICENSING OF THEATRES

Appoint-
ment of
licensing
authorities

9. The Minister shall, by notice in the *Gazette*, appoint any Public officer or designate any department of the Government or other Public institution as a licensing authority for the purposes of this Part. for such areas as he shall specify.

Theatre
licences

10.-(1) No person shall use any place as a theatre except under and in accordance with the terms and conditions of a theatre licence granted by a licensing authority under this Part-

(2) An application for a theatre licence shall be made to the licensing authority appointed for the area where the premises are situated.

(3) The licensing authority may refuse to grant a theatre licence or may grant it subject to such terms and conditions as it may think desirable for the protection of public health and for the purpose of ensuring the safety of persons attending the theatre.

(4) if the licensing authority shall consider that public health and the safety of persons attending exhibitions or performances at such theatre are adequately provided for, it may grant a theatre licence either generally or in respect of any single exhibition or performance or for such period not exceeding twelve months as it may think fit.

(5) A theatre licence may at any time be revoked by the licensing authority which granted the licence upon the breach of any of its terms or conditions or if it shall be made to appear to the licensing authority that public health is not adequately protected or that the safety of persons attending the exhibition or performance is or may be endangered.

11. A licensing authority may grant a theatre licence upon condition that the exhibition or performance be conducted under the superintendance of some officer or person designated in the licence, and, in such case, it shall be lawful, at any time, designated to order such exhibition or performance to cease or to give any other direction which he may think necessary for ensuring the safety of the premises at which the exhibition or performance takes place and of the persons attending thereat.

Supervision to ensure safety

12. Notwithstanding the provisions of this Part, a licensing authority may in writing or by notice in the *Gazette*, exempt any premises or class of premises within the area for which it is the licensing authority from the provisions of the Part-

Power to exempt premises

PART IV

EXHIBITION OF FILMS

13.-(1) The Minister shall, by notice in the *Gazette*, appoint a Central Censorship Board.

Appointment of Censorship Boards

(2) The Minister may also appoint, by notice in the *Gazette*, one or more Regional Censorship Boards for such area or areas as he shall specify-

(3) The Central Censorship Board shall have concurrent jurisdiction with every Regional Censorship Board appointed under subsection (2).

(4) Every Censorship Board appointed under this section shall consist of not less than five and not more than thirty members

(5) Each member of a Censorship Board shall hold office for such term as the Minister may determine at the time of his appointment and shall be eligible for reappointment from time to time on the expiration of his term of office.

(6) Where a member of a Censorship Board is absent from the United Republic or is unable to perform his functions for any reason, the Minister may appoint another person to be a temporary member of the Board to perform the functions of such person for the period during which such person is absent or disabled from acting.

(7) Every Censorship Board shall sit on such occasions and at such places as it may in its discretion determine.

Provided that until such procedure has been prescribed a Censorship Board shall conduct its business in such manner as it shall determine.

(8) The business of a Censorship Board shall be conducted in such manner as may be prescribed:

Functions of
Censorship
Board

14.-(1) The Central Censorship Board and every Regional Censorship Board shall perform such duties and exercise such functions as are imposed or conferred upon it by or under this Act.

(2) Without prejudice to the generality of the provisions of subsection (1), it shall be the duty of every Censorship Board to examine every film, and every poster or description thereof, submitted to it under this Act, with a view to deciding whether, and if so in what manner, it should be approved for exhibition:

Provided that, and notwithstanding the provisions of section 18, if the Board so decides, the Board may approve a film or poster for exhibition to the public without having examined it.

Restriction
on
exhibitions

15.-(1) No person shall direct, or assist or take part in. Or Permit in any premises under his control or management, an exhibition of a film unless a certificate of approval in respect thereof approving the film for such exhibition has been granted by a Censorship Board:

Provided that a certificate of approval shall not be necessary for the exhibition of any film-

- (a) owned by or issued or shown on behalf of the Government;
- (b) made by an amateur and exhibited privately to his family and his friends;
- (c) solely for the purpose of censorship;
- (d) during and for the purpose of manufacture;

Provided further that a Censorship Board may in its discretion require any film of the description contained in paragraph (b) or (d) to be produced before it for censoring and such film shall not be exhibited after being so required unless and until a certificate of approval has been granted in respect of such film.

(2) Notwithstanding the provisions of subsection (1), where the Minister is of opinion that any film, or any class of film, should not be exhibited at all (that is to say, neither publicly nor privately) without a certificate of approval having been issued in respect thereof, he may, by notice in writing served personally or by registered post on any person who appears to him to be likely to exhibit the film, or a film of that class, as the case may be, or by notice in the *Gazette*, require that such film, or class of film, shall not be exhibited at all, either publicly or privately, unless a Censorship Board has issued a certificate of approval in respect thereof, and thereafter the person who has been given notice as aforesaid shall not, or, where notice has been given in the *Gazette*, no person shall, exhibit the film, or, as the case may be,

any film of that class, at any exhibition whatever unless a Censorship Board has issued a certificate of approval in respect thereof, nor otherwise than in accordance with its terms and conditions.

(3) Any person who exhibits any film in contravention of the provisions of subsection (1) or subsection (2) of this section shall be guilty of an offence.

16.-(1) No person shall display, or cause or permit to be displayed in a public place, or so as to be visible from a public place, any poster of a film unless a Censorship Board has first approved the poster for public display.

Restriction
on display
of posters

(2) Where, under paragraph (b) of subsection (1) of section 17 of this Act, a Censorship Board has directed that a description only of a poster need be furnished, and a poster advertising the film or exhibition is displayed in a public place or so as to be visible from a public place, an authorized person may, if he considers that the poster is objectionable or does not conform to the description furnished under the said paragraph (and on production of his authority if so requested), require any person displaying the poster, or causing or permitting it to be displayed, to remove it or delete, alter or obliterate a specified part thereof

(3) Any person who contravenes the provisions of subsection (1) of this section, or who fails to comply with any requirement of an authorized person under subsection (2) of this section, shall be guilty of an offence.

(4) In this section "authorized person" means a person who is authorized in writing by a Censorship Board for the purposes of this Part.

17.-(1) Every application for a certificate of approval shall be made to a Censorship Board and shall be accompanied by-

- (a) the entire film to which the application relates;
- (b) a copy of every poster intended to be publicly displayed in connection with the film or its exhibition else, where the Board in any particular case so directs, a full description thereof and of the visual and verbal contents thereof.

Application
for
certificate of
approval

(2) If application is made for a certificate of approval in respect of a film, or for the approval of a poster, containing writing or speech in a language other than Swahili or English, the Board may require a translation thereof into Swahili or English, certified to the satisfaction of the Board, or may submit the same for the examination and report of such person or persons as the Board may appoint for the purpose.

18.-(1) Subject to any regulations made in that behalf by the Minister under this Act, on completion of the examination of a film, a Censorship Board may-

- (a) approve it for exhibition to the public; or

Certificate of
approval

- (b) approve for such exhibition subject to such excisions as it thinks proper; or
 - (c) refuse to approve it for such exhibition; or
 - (d) where the film is the subject of a notice under subsection (2) of section 15 of this Act-
 - (i) approve it for exhibition by such persons to such persons or in such places as the Board thinks proper; or
 - (ii) refuse to approve its exhibition.
 - (2) On completion of the examination of a poster the Board may-
 - (a) approve it for public display; or
 - (b) approve it for public display subject to such deletions or alterations as it thinks proper; or
 - (c) refuse to approve it for public display.
 - (3) If a Censorship Board approves a film subject to excisions therefrom, the Board may itself make, or cause to be made, the excisions and retain in its possession the excised parts.
 - (4) No Censorship Board shall-
 - (a) approve any film or poster which in its opinion tends to prejudice the maintenance of public order or offend decency, or the public exhibition or display of which would in its opinion for any other reason be undesirable in the public interest; or
 - (b) grant any certificate of approval in respect of a film which has been refused a certificate of approval by another Censorship Board, or in respect of which an application has been made to another Censorship Board and remains undetermined; or
 - (c) grant a certificate of approval in respect of any film in respect of which a certificate of approval has been cancelled or revoked by the Minister under this Act; or
 - (d) vary any conditions or restrictions specified in a certificate of approval granted by another Censorship Board in respect of a film,
- 'and, any purported grant. of approval or certificate of approval, or variation of conditions or restrictions, in contravention of the provisions of this subsection shall be of no effect.

Validity of
certificate of
approval

- 19.**-(1) Where a Censorship Board approves a film or poster it shall grant to the applicant a certificate of approval thereof in the prescribed form and such certificate shall authorize the exhibition or display of the film or poster to which it relates in any part of Tanganyika subject to such conditions and restrictions as may therein be specified.
- (2) Where a Censorship Board approves a film or poster as aforesaid subject to excisions, deletions or alterations, any person who-
- (a) exhibits such film, from which the parts which the Board directed to be excised, deleted or altered have not been excised, deleted or altered in accordance with the Board's direction; or

(b) displays- or causes or permits to be displayed in a public place or so as to be visible from a public place, such poster, from which the parts which the Board directed to be excised, deleted or altered have not been excised, deleted or altered in accordance with the Board's direction, shall be guilty of an offence.

20. If any matter other than the certificate of approval (and the decision of the Board) is added to -a film after it has been approved by a Censor- matter to ship Board, the film shall be deemed, for the Purposes Of this Act, to film after its be a film in respect of which a certificate of approval has not been granted.

21-(1) Where a Censorship Board has granted a certificate of approval in respect of a film, whether with or without special conditions Censorship or restrictions, and the Board, or the Minister is of the opinion that such Board should review its decision in the light of prevailing public opinion or other circumstance the Board may, and shall, if so directed by the Minister, review its decision and on any such review the provisions of this Act relating to an application . for a certificate of approval shall. *mutatis mutandis*, apply to such review.

(2) After reviewing the grant of a certificate of approval pursuant to the provisions of subsection (1), the Board may revoke such certificate of approval or any special conditions or restrictions attached thereto or attach such special conditions and restrictions thereto as it deems fit and such certificate of approval, if revoked, shall cease to have effect or, varied as aforesaid, shall have effect as so varied.

PART V

REGULATION OF STATE PLAYS PERFORMANCES

22. The Minister may, by writing under his hand or by notice in the Gazette, appoint any person or body of persons or designate any department of the Government or other public institution to be a stage plays authority for the purposes of this Part, for such area or areas as he shall specify.

23.-(1) No person shall present, or cause or permit to be presented, or direct or produce, or take part or assist in the direction or production of, any public performance of a stage play, unless a stage plays authority has granted a certificate of approval authorizing such performance.

(2) Any person who contravenes any of the provisions of subsection (1) of this section shall be guilty of an offence.

24.-(1) Every application for a certificate of approval in respect of a stage play shall be made in writing to the stage plays authority in the area in which it is to be staged, and shall be accompanied by a copy approval of the play, which copy may in the discretion of the stage plays authority be returned forthwith or retained during the currency of any certificate of approval granted in pursuance of the application. or for such other period as the stage plays authority may consider necessary for the proper performance of its functions.

Effect of adding matter to a film after its approval

Review of decision of Censorship board

Appointment of stage plays authorities

Restriction on performances of stage plays

Application for certificate of approval

(2) Where the stage play contains writing in a language other than Swahili or English, the stage plays authority may require a translation thereof into Swahili or English, certified to its satisfaction:

Provided that the stage plays authority may, if it thinks fit, dispense with such translation, and instead submit the play, or a part thereof for the examination and report of such person or persons as it may appoint for the purpose.

Certificate of approval

25. A stage plays authority may grant a certificate of approval in respect of a stage play, or may grant it on condition that specified deletions or alterations be made from or to the play, or may refuse to grant a certificate of approval if it considers that the play tends, or would tend, to offend decency or prejudice the maintenance of public order, or that the public performance of the play would for any other reason be undesirable in the public interest.

Effect of failing to alter play, or of adding matter

26. Where-

- (a) a certificate of approval in respect of a stage play has been granted subject to specified deletions or alterations being made from or to the play and the play is performed without all specified deletions or alterations having been made; or
- (b) at any performance of a stage play any other matter beyond that comprised in the copy of the play submitted to the stage plays authority under subsection (1) of section 24 of this Act is included or performed at the performance,

the performance shall be deemed, for the purposes of section 23 of this Act, to be a performance in respect of which a certificate of approval has not been granted.

Power to exempt stage plays

27. Notwithstanding the provisions of this part-

- (a) the Minister may, by notice in the Gazette, exempt from the provisions of this Part, any stage play, or class of stage plays generally, or by reference to the persons or category of persons performing in or producing such stage plays;
- (b) a stage plays authority may in writing similarly exempt any stage play or stage plays performed in the area for which it is appointed.

PART VI

MISCELLANEOUS PROVISIONS

Appointment of Secretary of Central Censorship Board

28.-(1) The Minister may appoint a public officer to be the Secretary of the Central Censorship Board.

(2) The Secretary shall perform such functions as may be conferred upon him by or under this Act, or as may be assigned to him from time to time by the Minister or the Central Censorship Board.

Power of Minister to directions to Censorship Boards and stage plays authorities

29. The Minister may give the Central Censorship Board, a Regional Censorship Board or a stage plays authority directions of a general or specific character as to the performance of any functions or duties conferred or imposed by or under this Act upon the Central Censorship Board, a Regional Censorship Board or a stage plays authority, and directions so given shall be given effect accordingly.

30.-(1) Whenever it is made to appear to the Minister that the public interest so requires, he may revoke any permit, licence, certificate of approval, approval, permission or other authorization issued or granted under this Act.

Revocation of licences etc by Minister

(2) Every revocation made pursuant to the provisions of subsection (1) shall be by notice in the *Gazette* or by notice in writing served personally or by registered post on the person to whom the permit, licence, certificate of approval, approval or other authorization, as the case may be, was issued or granted.

31.-(1) The Central Censorship Board and every Regional Censorship Board may, from time to time, appoint committees of members of the Board for the better carrying out of its functions under this Act and, subject to the provisions of this section, may delegate, subject to such terms, conditions and restrictions as it may specify, to any such committee all or any of its functions, powers or duties conferred or imposed upon the Board by or under this Act and where any delegation is so made the delegated function, power or duty may be exercised or, as the case may be, performed by the committee subject to the terms, conditions and restrictions specified by the Board.

Power of censorship board to appoint committees and to delegate

(2) A Censorship Board may revoke any delegation made by it under this section, and no delegation made under this section shall prevent the Board from itself exercising or performing the function, power or duty delegated.

(3) A Censorship Board shall not have power under this section to delegate its power of delegation.

32. The Minister may, by writing under his hand or by notice in the *Gazette*, delegate to any public officer any of his functions under this Act.

Minister may delegate his functions Powers of entry etc

33.-(1) A police officer, a member of a Censorship Board or any person authorized by the Minister in writing in that behalf, may, if he has reasonable cause to believe that an exhibition of a film or performance of a stage play is being or is about to be made or given on any premises, demand that the person in charge of those premises shall allow him free entry to the premises and afford him all reasonable facilities to ascertain whether such exhibition or performance is being or is about to be made or given and whether the provisions of this Act and of the regulations thereunder, and the terms and conditions of any certificate of approval, approval or permission issued or granted thereunder, are being, or as the case may be, will be, observed.

(2) If any such police officer, member of the Board or person authorized by the Minister, after production of his authority to any person reasonably requiring the same, is unable to obtain entry to the premises without unreasonable delay, he may without warrant enter the premises and inspect the same to ascertain the matters specified under subsection (1).

(3) Where any such officer, member or person as aforesaid is satisfied that an exhibition or performance is being made or given in contravention of any of the provisions of this Act or of any regulations thereunder, or the terms and conditions of any certificate of approval, approval or Permission issued or granted thereunder, he may order that the exhibition or performance shall stop and shall not be further made or given until all the said provisions, terms and conditions are complied with to his satisfaction.

(4) Any person who prevents or obstructs any police officer, member of a Censorship Board or person authorized by the Minister acting under this section in the performance of his duties or who fails to comply with an order given by him under subsection (3) of this section, shall be guilty of an offence.

Penalties

34.-(1) Any person who is guilty of an offence under this Act shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

(2) Where any person is convicted of an offence under this Act or any regulations made thereunder, then, in addition to or in lieu of any other penalty, the court by which such person is convicted may-

- (a) where the offence relates to the making of a film, order the confiscation and destruction of the film and negative (if any) or any part thereof in respect of which the offence was committed, and may revoke the film permit (if any) relating to the making of the film, whether the person convicted is the holder thereof or not;
- (b) where the offence relates to exhibition, order the confiscation and destruction of the film or any part thereof in respect of which the offence was committed, and may, in addition, or instead, revoke any certificate of approval, approval or permission granted under this Act.

Offences by corporations, societies etc

35. Where any offence under this Act or any regulations made thereunder is committed by a company or other body corporate, or by a society, association or body of persons, every person charged with or concerned or acting in the control or management of the affairs or activities of such company, body corporate, society, association or body of persons shall be guilty of that offence and shall be liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part he was not aware that the offence was being or was intended or about to be committed, or that he took all reasonable steps to prevent its commission.

Appeals

36. Any person who is aggrieved by a decision of the Central Censorship Board, a Regional Censorship Board, a licensing authority or stage plays authority under this Act may, appeal within the prescribed period and in the prescribed manner to the Minister, who may, subject to the provisions of this Act, confirm, vary or reverse

the decision, and may give such directions in the matter as he deems fit and the Central Censorship Board, Regional Censorship Board, licensing authority or stage plays authority, as the case may be, shall comply with the directions so issued.

37.-(1) The Cinematograph Ordinance is hereby repealed.

Repeal and
savings
Cap. 230

(2) Notwithstanding the repeal of the Cinematography Ordinance by this Act-

- (a) all subsidiary legislation made under the Cinematograph Ordinance and in force immediately before the commencement of this Act shall continue in force and be deemed to have been lawfully made under this Act until it is revoked. and may be varied or amended accordingly;
- (b) until new appointments are made under this Act, any appointment made under the Cinematograph Ordinance shall deemed to have been made under this Act;
- (c) all authorities, licences and permits issued or granted under the Cinematograph Ordinance and which are valid immediately before the commencement of this Act shall be deemed to have been lawfully issued or granted under the corresponding provision of this Act and shall continue in force until they are revoked or canceled and may be varied or amended accordingly.

38. The Minister may make regulations generally for the better carrying out of the purposes and provisions of this Act, and, without prejudice to the generality of the foregoing, may make regulations-

Regulations

- (a) prescribing fees to be paid for any certificate of approval, film permit or theatre licence under this Act;
- (b) prescribing charges for, or for matters incidental to the attendance of any public officer at the making of a film under section 5 of this Act, or the attendance of any officer or other person, designated for that purpose, at an exhibition or performance under section 11 of this Act;
- (c) prescribing the conditions to be observed with regard to the erection, alteration and equipment of any theatre
- (d) prescribing the conditions to be observed with regard to the safety of theatres from fire or other danger, or the oft and control of persons attending at theatres;
- (e) prescribing the conditions to be observed for the purpose of protecting the health of persons attending at theatres; purpose
- (f) regulating the duties, functions, proceedings and the conduct of the business of Censorship Boards appointed under section 13 of this Act and the manner in which the censorship of films and posters shall be conducted-
- (g) regulating the constitution, duties, functions, proceedings and the conduct of the business of stop plays authorities appointed, under, section, 21 of this Act and the manner which the censorship of stage plays shall be conducted:

- (h) Prescribing forms for and the manner of making applications for certificates of approval, film permits and theatre licences under this Act-
- (i) making provision with regard to the form and manner in which applications for exemptions under section 8. 12 or 27 of this Act shall be made;
- (j) Prescribing the conditions subject to which certificates of approval film permits and theatre licences under this Act be granted;
- (k) providing for the classification of films by Censorship Boards and the manner in which such classification shall be made;
- (l) prohibiting or restricting the exhibition of any class of cinematograph picture before persons below any age which may be specified or prohibiting or restricting such exhibition before any Person below such age, unless he is accompanied by a parent or guardian or such other conditions as may be specified are complied with;
- (m) making provision with regard to the giving of notice to intending viewers of any conditions and restrictions attached to the exhibition of any cinematograph picture or any class thereof and the manner in which such notice shall be given;
- (n) Prescribing the conditions to be observed with respect to the conduct of any person or persons charged with, or acting in, the control or management of the admission, on payment, of persons to any public exhibition or public performance;
- (o) prohibiting or restricting the participation by any person or category of persons in the sale or distribution of any tickets or other authorities for admission of persons to any public exhibition or public performance, and making provision with regard to the manner in which and the places and times at which the sale or distribution of such tickets or authorities shall be made;
- (p) prescribing the periods for which certificates of approval under this Act shall be granted;
- (q) prescribing the procedure for appeals to the Minister under this Act;
- (r) prescribing anything which under this Act is to be or may be prescribed.

Passed in the National Assembly on the sixteenth day of March, 1976.



Clerk of the National Assembly