



## TRINIDAD AND TOBAGO.

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No. 19 — 1940,

[L.S.]

I ASSENT,

HUBERT YOUNG,

*Governor.*

28th December, 1940

AN ORDINANCE to amend the Cinematograph  
Ordinance, 1936.

Commencement.

[31st December, 1940.]

**E**NACTED by the Governor of Trinidad and Tobago  
with the advice and consent of the Legislative Council  
thereof.

Short title.

No. 18—1936.

1. This Ordinance may be cited as the Cinematograph  
(Amendment) Ordinance, 1940, and shall be read as one  
with the Cinematograph Ordinance, 1936, hereinafter referred  
to as the Principal Ordinance.

2. Sections 4, 5, 6, and 8 of the Principal Ordinance are hereby repealed and replaced by the following—

Sections 4, 5,  
6 and 8 of  
Principal  
Ordinance  
replaced.

Licensing  
Authorities.

4. (1) For the purpose of granting a theatre licence under this Ordinance the Licensing Authority shall be the Magistrate for the district within which the theatre is situate, and for the purpose of granting an exhibitor's licence under this Ordinance the Licensing Authority shall be the Magistrate of the district in which the applicant for a licence resides or has his principal place of business.

(2) The Licensing Authority may grant licences to such persons as he may think fit to hold cinematograph exhibitions throughout the Colony or to use the theatre specified in the licence, on such conditions and under such restrictions as may be laid down in the licence and in any regulations made under this Ordinance.

Application  
for theatre  
licence.

5. (1) Every application for a theatre licence 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 Licensing Authority. The application shall not be heard until after the expiration of twenty-one days from the date of its filing with the Licensing Authority, who shall at least fourteen days before the date fixed for the hearing, cause notice of the application and of the time and place fixed for the hearing to be published in the *Royal Gazette* and in a daily newspaper circulating in the Colony and to be served on the Commissioner of Police.

(2) The applicant shall have the right of appearing before the Licensing Authority at the hearing, personally or by his counsel or solicitor, and of being heard, and of adducing evidence, in support of his application.

(3) Any owner or occupier of property situate within a quarter of a mile of the premises in respect of which a licence is applied for and any member of the Police Force in charge of the Police district in which such premises are situate shall have the right of appearing before the Licensing Authority at the hearing, personally or by his counsel, or solicitor, and of objecting to the granting of the licence and of adducing evidence in support of his objection.

(4) The Licensing Authority may, at the hearing, approve the grant of a licence and the conditions and restrictions to be attached thereto notwithstanding that the theatre has not been erected or completed at the time of such approval: Provided that the licence shall not be issued until the Licensing Authority is satisfied that the theatre has been completed, fitted and furnished in accordance with the plans and specification filed in support of the application for the licence or after such period as the Licensing Authority shall, in his discretion, allow for such completion, fitting and furnishing.

(5) Any person aggrieved by any decision of the Licensing Authority approving the grant of a licence or refusing to grant a licence may appeal from such decision to the Full Court: Provided that for the purposes of this section "any person aggrieved" shall mean the applicant or any person who is entitled under the provisions of this section to object to such licence and who shall have appeared before the Licensing Authority and objected to such licence.

(6) The procedure in respect of any application or of any appeal in respect of such application shall be such as is laid down in the Summary Conviction (Offences Procedure) Ordinance.

Cap. 24.

6. (1) Without prejudice to the generality of the discretion vested in the Licensing Authority by section 4 of this Ordinance, the Licensing Authority shall, before approving the grant of a licence, take into consideration the arguments adduced and the evidence led at the hearing and the situation of the premises in relation to the amenities of the district such as its location in a residential area or in close proximity to any hospital, school, religious establishment, or public or private institution.

Restrictions  
on the  
granting of a  
theatre  
licence.

(2) A theatre licence shall not be approved unless the Licensing Authority is satisfied that adequate provisions have or will be made for ensuring—

- (a) that the sound of performances held therein shall not be a source of undue annoyance to or interference with the comfort of occupiers of buildings in the neighbourhood;
- (b) that there are sufficient means of access to the theatre and sufficient car parking facilities in the vicinity so as to avoid undue congestion of traffic;
- (c) that any exhibition or performance in such theatre shall not in any other manner constitute a nuisance of a public nature.

(3) The Licensing Authority shall not approve the grant of a theatre licence unless he is satisfied by a certificate of a competent engineer or architect or by other sufficient evidence that adequate measures have or will be taken and that adequate provisions have or will be made for ensuring safety against fire and structural defects and for ensuring the safe and proper accommodation of the members of the audience.

Revocation  
and suspen-  
sion of  
licences.

8. If any licensee shall be convicted of any offence under this Ordinance or any regulations made thereunder, it shall be lawful for the Court before which the conviction is had to cancel his licence, or to suspend his licence for such period as to the Court may seem just.

Passed in Council this twentieth day of December, in the year of Our Lord one thousand nine hundred and forty.

W. J. BOOS,  
*Clerk of the Council.*