

No. 32—1941.

Cinematograph.

AN ORDINANCE to amend the Cinematograph
Ordinance, Ch. 30. No. 10.

Commencement.

[1st January, 1942.]

Short title.
Construction.
Ch. 30 No. 10.

1. This Ordinance may be cited as the Cinematograph (Amendment) Ordinance, 1941, and shall be construed as one with the Cinematograph Ordinance, hereinafter referred to as the Principal Ordinance.

Section 2 of
the Principal
Ordinance
amended.

2. Section 2 of the Principal Ordinance is hereby amended—

- (a) by deleting in paragraphs (a) and (b) of the definition of "British film" the words and figures "the Cinematograph Films Act, 1927 (17 and 18 Geo. V, Chapter 29)" and "the Cinematograph Films Act, 1927" respectively and by substituting in each case the words and figures "the Cinematograph Films Acts, 1927 and 1938";
- (b) by deleting the definitions of "British West Indian film" and "Local film";
- (c) by deleting the definition of "poster" and "film-poster" and by substituting therefor the following—

"poster" or "film-poster" includes any printed matter, placard, pamphlet, photograph, picture or other device for advertising a film or cinematograph exhibition, but does not include an article in a newspaper or periodical descriptive of, or commenting on, a film.

3. Section 11 of the Principal Ordinance is hereby repealed and replaced by the following section:—

Films and posters to be censored.

11. (1) It shall not be lawful to exhibit any cinematograph film unless such film has been submitted to and approved by the Board in the manner hereinafter provided.

(2) It shall not be lawful to exhibit, display, publish or distribute any film-poster, unless such poster has either been submitted to and approved by the Board in the manner hereinafter provided or been submitted to and approved by the Chairman of the Board.

Section 11 of the Principal Ordinance repealed and replaced.

4. Section 17 of the Principal Ordinance is hereby repealed and replaced by the following section:—

Provisions as to British quotas.

17. (1) Every exhibitor who carries on the business of exhibiting cinematograph films to the public in a theatre licensed under this Ordinance, shall exhibit in such theatre such proportion or quota of British films as may be prescribed by regulations made under section 23 and may be applicable to his theatre.

(2) Any such regulations may prescribe the method of calculating the proportion or quota of British films exhibited, and may be made in respect of films generally or in respect of specified classes or descriptions of films, and may be made in respect of all cinemas throughout the Colony or in respect of cinemas of specified classes or descriptions or in respect of cinemas in specified areas, and may prescribe different proportions or quotas of British films in the different cases or combinations of cases above-mentioned.

(3) Except as provided in section 7, any exhibitor who fails to comply with the provisions of this section shall, unless he proves to the satisfaction of the Court that the reasons for non-compliance were reasons beyond his control, and that he had exhibited as much of the appropriate proportion or quota of British films as was reasonably available be guilty of an offence and shall be liable on summary conviction to a fine of four hundred and eighty dollars.

Section 17 of the Principal Ordinance repealed and replaced.

Section 18 of the Principal Ordinance repealed and replaced.

5. Section 18 of the Principal Ordinance is hereby repealed and replaced by the following section:—

Application of section 17.

18. The provisions of the preceding section shall not apply to the following, namely—

- (a) films being wholly or mainly commercial advertisements ;
- (b) films used wholly or mainly for educational purposes and approved as such by the Chairman of the Board ;
- (c) films consisting only of announcements or notices not accompanied by pictorial illustrations ;
- (d) films exhibited at a performance or exhibition where the total length of film exhibited does not exceed two thousand feet ;
- (e) any class or description of film specified by the Governor in Council in a notification published in the *Royal Gazette*.

Section 19 of the Principal Ordinance amended.

6. Section 19 of the Principal Ordinance is hereby amended by substituting the following for subsection (2) thereof:—

(2) Every person who exhibits, displays, publishes or distributes, or causes to be exhibited, displayed, published or distributed, any film-poster in contravention of subsection (2) of section 11 shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred and forty dollars.

Section 23 (1) of the Principal Ordinance added to.

7. Subsection (1) of section 23 of the Principal Ordinance is hereby amended by adding at the end thereof the following—

- (i) the storage of cinematograph films in theatres or elsewhere.

Repeal of section 24 and the First Schedule.

8. (1) Section 24 and the First Schedule of the Principal Ordinance are hereby repealed.

(2) The heading of the Second Schedule of the Principal Ordinance is hereby amended to read "The Schedule" and the word "Second" immediately before the word "Schedule" in section 23 (2) of the Principal Ordinance is hereby deleted.

9. (1) The Cinematograph Regulations are hereby amended— Amendment
of the
Regulations.

(a) by inserting therein, immediately after regulation 26, a new regulation 26A as follows:—

Storage of
films.

26A. All inflammable cinematograph films shall be stored in a fireproof vault or in a room on premises approved of by the Commissioner of Police and in such manner as he shall direct.

(b) by deleting regulations 45 and 45A and substituting therefor the following:—

Regulations
as to British
quotas.

45. (1) For the purposes of sections 17 and 18 of the Ordinance the proportions and quotas of British films to be exhibited in each theatre shall be in accordance with this regulation.

(2) In the case of films other than news films, the proportion of British films to be exhibited to the public on payment, during each half year in which any films other than news films are exhibited to the public on payment in the theatre, shall be at least fifteen per centum, and if such films so exhibited include feature films (being films, other than news films, of not less than 5,000 feet in length) there shall, in addition, be maintained in relation to such feature films the same proportion of British films.

(3) In the case of news films, the quota of British films to be exhibited to the public on payment, during each complete month in which films are exhibited to the public on payment in the theatre, shall be at least 8,000 feet,

(4) In this regulation—

“half-year” means a period commencing on the 1st of January and ending on the following 30th of June and a period commencing on the 1st of July and ending on the following 31st of December ;

“month” means any one of the twelve calendar months of the year.

(5) Paragraph (2) of this regulation shall apply in relation to all licensed theatres in the City of Port-of-Spain and the Borough of San Fernando.

(6) Paragraph (3) of this regulation shall apply in relation to all licensed theatres throughout the Colony.

Method of
ascertaining
compliance
with
regulation 45.

45A. The method of calculating the proportion or quota of British films exhibited in any theatre shall be as follows:—

(a) as regards feature films, the number of British feature films exhibited shall be compared with the number of all feature films exhibited ;

(b) as regards films, other than feature films and news films, the aggregate number of feet of British films exhibited shall be compared with the aggregate number of feet of all films exhibited ;

- (c) a film exhibited outside the hours approved by the Board as being the normal hours of the ordinary programme of the theatre shall be deemed, for the purposes of this regulation, not to have been exhibited on that occasion ;
- (d) a film exhibited more than once at a theatre during a half-year (which expression shall have the same meaning as in regulation 45) shall be deemed, for the purposes of this regulation, to have been exhibited during that half year only on the first occasion on which it was exhibited.

(c) by deleting the heading " Feature, news, B.W.I. or local " in Forms A, B and C contained in Part V and by substituting therefor the heading—

" Feature, news or other type."

(2) The Cinematograph Regulations, as amended by this section, shall be in force until varied or revoked by regulations made under section 23.