

TRINIDAD AND TOBAGO.

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No. 18—1936.

A.G. 19-1940.

I ASSENT,

[L.S.]

M. FLETCHER,

Governor.

16th December, 1936

17th December, 1936.

AN ORDINANCE relating to Cinematograph Exhibitions.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Cinematograph Short title. Ordinance, 1936.

2. In this Ordinance—

Interpretation.

"Cinematograph film" or "Film" includes inflammable film, non-inflammable film, silent film and phono film.

"British film" means *> closed in law.*

(a) any film depicting scenes intended for exhibition by a cinematograph apparatus which has been shown to the satisfaction of the Board of Film Censors to have been registered as a British film under the provisions of ~~the Cinematograph Films Act, 1927 (17~~ ¹⁹³⁸ ~~and 18 George V, Chapter 29); and~~

*deleted & insert
Order 32/41
& Sec 2(a)*

“Poster” or “Film-poster” includes any printed matter, placard, illustrated pamphlet, photograph, picture or other device for advertising a film or a cinematograph exhibition.

*Deleted & substituted
Order 3 2/41
Sec 2(c)*

“Prescribed” means prescribed by Regulations made under this Ordinance.

“Theatre” means any building or place used or intended to be used for “cinematograph exhibitions”, being exhibitions of pictures or other optical effects by means of a cinematograph or other similar apparatus for the purposes of which cinematograph films are used; and “place” shall refer to premises other than a building whether or not such place is enclosed or covered in part or in whole.

3. An exhibition of pictures or other optical effects by means of a cinematograph or other similar apparatus, for the purposes of which cinematograph films are used, shall not be given unless the Regulations made by the Governor in Executive Council for the control of such exhibitions and for securing safety are complied with, or elsewhere than in a theatre licensed for the purpose under this Ordinance; and no person shall carry on the business of exhibiting films to the public on payment unless he holds a licence for the purpose, in accordance with the provisions of this Ordinance.

Provisions against cinematograph exhibitions except in licensed premises and by licensed persons.

4.—(1) For the purpose of granting a licence under this Ordinance the Licensing Authority shall be the several Magistrates with jurisdiction within their respective judicial districts and to whom written application for a licence shall be made.

Licensing Authority.

(2) An application may also be made by the owner or lessee of premises, who contemplates erecting thereon a new theatre or converting an existing building into a theatre to be used for cinematograph exhibitions, for a provisional licence pending the completion of such theatre.

Application for a provisional licence.

Repealed and replaced by O. 19-1940 S. 2.

(3) The application shall state the applicant’s name, occupation and residence, the situation of the premises to be licensed, and other relevant facts in support of the application. The application shall not be heard until after the expiration of twenty-one days from the date of its filing

Particulars and notice of application for a licence.

(2) A licence shall not be granted for the purpose of exhibiting films in any theatre unless adequate provisions are made to the satisfaction of the Licensing Authority, to ensure

- (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 grant a licence in respect of any theatre unless they are satisfied by a certificate from a competent engineer or architect approved of by the Inspector-General of Constabulary or by other sufficient evidence that adequate measures have been taken and provisions made for ensuring safety against fire and structural defects and to ensure the safe and proper accommodation of the members of the audience.

7. The Licensing Authority may issue a licence, subject to any conditions laid down therein, to any person to hold an exhibition of cinematograph films for charitable, educational or other special purposes for such period as may be prescribed in the licence and exempting such person from compliance with the provisions of this Ordinance and the Regulations made thereunder or any of them.

Exemption from compliance with this Ordinance in certain cases.

~~8. A licence may be revoked by the Licensing Authority at their discretion at any time upon complaint made by the Inspector-General in respect of any breach or contemplated breach of this Ordinance or of any Regulations made thereunder or of any of the conditions or restrictions contained in the licence. The Licensing Authority may for sufficient cause shewn suspend the licence for such period as the Authority think fit.~~

Revocation or suspension of the licence.

9. A licence shall be in force for not longer than one year, and for such shorter period as the Licensing Authority on the granting of the licence may determine, unless the licence has been previously revoked.

Duration of licence.

Repealed and replaced by
O.19-1940.
S.2

Repealed and replaced by
O.19-1940. S.2

(5) A film to which any matter has been added after it has been approved by the Board shall be again submitted for approval, and until it has been again approved shall be deemed not to have been approved.

13. The certificate given by the Board under the preceding section 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.

Board's certificate to state if film British, and length approved for exhibition.

14. Any person who is aggrieved by any decision of the Board shall have a right of appeal to the Governor in Executive Council.

Appeal.

15. There shall be payable for every licence required under this Ordinance and for every film and poster submitted for approval under this Ordinance such fees as are prescribed.

Fees.

16.—(1) Every exhibitor shall keep in respect of each licensed theatre where he carries on the exhibition of films a register in the prescribed form, and shall as soon as practicable after the conclusion of each exhibition of films record therein the title, origin, length, and other particulars required, of each film or section of a serial film as exhibited on the occasion in question.

Records and returns.

(2) Every exhibitor shall furnish to the Chairman of the Board of Film Censors not later than the 15th day of each month a return in the prescribed form showing the title, length, origin and other particulars required of each film or section of a serial film exhibited by him at each licensed theatre under his control during the preceding calendar month.

Monthly return to be furnished.

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

Requirements in case of exhibitors using moveable structures.

(4) The Inspector-General or any member of the Constabulary Force appointed by him may at all reasonable times enter any licensed theatre and call for and examine the register which an exhibitor is required to keep under the terms of this section.

Power to call for and examine records.

18.—(1) The provisions of the preceding section shall apply only to licensed theatres in the City of Port-of-Spain and the Borough of San Fernando, and to licensed theatres in such other areas in the Colony as the Governor in Executive Council may by proclamation declare the said section to apply. Extent of the application of section 17.

(2) 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 of Film Censors;
- (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 does not exceed two thousand feet.

19.—(1) Every person who exhibits any film or any portion of a film in contravention of the provisions of this Ordinance shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding four hundred and eighty dollars for each occasion on which such offence takes place, and the film may be ordered by the Court to be forfeited to the Crown. Any film or any portion of a film so forfeited shall be dealt with in such manner as the Inspector-General of Constabulary shall direct. Exhibiting unapproved film or poster.

(2) Every person who exhibits or causes to be exhibited any poster or who publishes or causes to be published any advertising material in respect of a film in contravention of the provisions of this Ordinance shall be guilty of an offence and liable on summary conviction to a penalty not exceeding two hundred and forty dollars.

20. If the owner of a cinematograph or other apparatus Offences uses the apparatus or allows it to be used, or if any person supplies light for any cinematograph or other apparatus which he has reasonable grounds for believing is being or is to be used, or if the licensee or the owner or occupier of any building or place uses such building or place or allows such building or place to be used, in contravention of the

(2) Regulations made under this Ordinance shall not have any force or effect until they have been approved by resolution of the Legislative Council, and when so approved they shall be published in the *Royal Gazette* and from the date of such publication, or from the date specified therein, such Regulations shall have the same force and effect as if they were contained in and formed part of this Ordinance: Provided that, until varied or revoked by any such Regulations, the Regulations and Forms contained in the Second Schedule to this Ordinance shall be in force.

24. The First Schedule hereto may be amended by a ^{Amendment of 1st Schedule.} resolution of the Legislative Council, published in the *Royal Gazette*.

25. The following enactments are hereby repealed:— Repeal.
- (a) The Cinematograph Ordinance. Cap. 253.
 - (b) The Cinematograph (Amendment) Ordinance, No. 22 of 1931. 1931.
 - (c) The Cinematograph (British Films) Ordinance, No. 41 of 1932. 1932.
 - (d) The Cinematograph (British Films) (Amend- No. 13 of 1933. ment) Ordinance, 1933.
 - (e) The Cinematograph (British Films) (Amend- No. 33 of 1934. ment) Ordinance, 1934.
 - (f) All Regulations made under the above-mentioned Ordinances.

FIRST SCHEDULE.

(Vide sections 17 and 24).

Requisite minimum percentages of films to be exhibited.

1. Annual period.	2. British films to total films exhibited. (Excluding news films.)	3. British news films (including B.W.I. films) to total news films exhibited.	4. B.W.I. films to total British news films exhibited.	5. Local films to total B.W.I. films.
1937	15 per cent.	50 per cent.	10 per cent.	50 per cent.
1938	17½ per cent.	50 per cent.	10 per cent.	50 per cent.
Subsequent years	20 per cent.	50 per cent.	10 per cent.	50 per cent.

(d) Openings not larger than is necessary for effective projection and not exceeding two for each lantern, shall be permitted in the front face of the enclosure. Each opening shall be fitted with a screen of fire-resisting material, which on being released from either inside or outside the enclosure shall close automatically with a smoke-proof joint.

(e) The necessary pipes and cables shall enter through efficiently bushed openings.

(f) Where the Licensing Authority is of opinion that it is impracticable, or, in the circumstances, unnecessary to safety, that the enclosure should be of a permanent nature or should be erected outside the building or auditorium, the licence may by express words dispense with these requirements. In any such case the enclosure shall be effectually ventilated direct to the outside air; and the floor, if of wood shall be completely covered with fire-resisting material.

7. Every licence granted under the Ordinance shall contain specific conditions for the carrying out of Regulations 3 to 6 in the building or place for which the licence is granted. Conditions of licence.

8. In every case where a licence has been granted under the Ordinance in respect of a building or structure of a moveable character, or of a place other than a building, a plan and description of the building, or structure, or place, certified with the approval of the Licensing Authority, shall be attached to the licence. Such a licence may provide that any of the conditions or restrictions contained therein may be modified by the Licensing Authority. The licence and plan and description shall be produced on demand to any constable or to any person authorised by the Licensing Authority. Plan and description of theatre to be supplied.

9. Every licence granted under the Ordinance shall contain a clause providing for its lapse, or, alternatively, for its revocation by the Licensing Authority if any alteration is made in the building or the enclosure without the sanction of the Licensing Authority; or if at any time the Licensing Authority consider a place for which a licence was granted is no longer suitable for the purpose. Alterations in theatre to be approved.

10. The lantern shall be placed on firm supports of fire resisting construction. The lantern shall be provided with a metal shutter which can be readily inserted between the source of light and the film gate. Lantern.

11. The film gate shall be of massive construction and provided with ample heat radiating surface, and the passage for the film shall be sufficiently narrow to prevent flame travelling upwards or downwards from the light opening. Film gate.

12. Where electric light is reasonably available for use, no other illuminant shall be used for the purpose of the exhibition. In any case no illuminant other than electric light or limelight shall be used for such purpose. Electric light or limelight to be used.

13.—(a) Within the enclosure the insulating material of all electric cables including "leads" to lamps in the enclosure shall be covered with fire-resisting material. Electric light.

Proof pressure in hydraulic test, after annealing, 224 atmospheres, or 3,360 lb. per square inch.

Permanent stretch shown by water jacket not to exceed 10 per cent. of elastic stretch.

One cylinder in 50 to be subjected to a statical bending test, and to stand crushing nearly flat between rounded knife-edges without cracking.

Regulations applicable to all Cylinders.

Cylinders to be marked with a rotation number, a manufacturer's or owner's mark, an annealing mark with date, a test mark with date. The marks to be permanent and easily visible.

Testing to be repeated at least every two years, and annealing at least every four years.

A record to be kept of all tests.

Cylinders which fail in testing to be destroyed or rendered useless.

Hydrogen and coal gas cylinders to have left-handed threads for attaching connections and to be painted red.

The compressing apparatus to have two pressure gauges, and an automatic arrangement for preventing overcharging. The compressing apparatus for oxygen to be wholly distinct and unconnected with the compressing apparatus for hydrogen and coal gas.

Cylinders not to be refilled till they have been emptied.

If cylinders are sent out unpacked the valve fittings should be protected by a steel cap.

A minimum weight to be fixed for each size of cylinder in accordance with its required thickness. Cylinders of less weight to be rejected.

16. All cinematograph projectors shall be fitted with two metal film boxes of substantial construction, and not more than fifteen inches in diameter, inside measurement, to and from which the films shall travel. Such boxes shall be made to close in a manner which will prevent the ingress of fire, and shall be fitted with a film-slot so constructed as to prevent the passage of flame to the interior of the film box. All films when not in the machine, and while still in the enclosure, shall be contained in closed metal boxes. Protection of projectors.

17.—(a) No inflammable article unnecessary for the purposes of the exhibition shall be taken into or allowed to remain in the enclosure. Inflammable articles prohibited in the enclosure.

(b) No smoking shall at any time be permitted within the enclosure.

18. The Inspector-General of Constabulary may order that Fire-fighting appliances suitable to the character of the building and adequate to deal with an outbreak of fire be provided, and these shall be provided by the proprietor and maintained in good working order. During any exhibition such appliances shall be in charge of a person specially nominated for that purpose who shall see that they are kept constantly available for use. Fire-fighting appliances.

25. Such attendants shall remain on duty during the whole time that the premises are open to the public. Attendants to be on duty.

26. The Licensee or the person nominated by him in writing as aforesaid shall see that the operators and every other person who may be called upon to handle inflammable film on the premises for any purpose are fully instructed as to the dangers arising from the use of inflammable film, the precautions to be observed to prevent risk of ignition and the steps to be taken in the event of film smouldering or catching fire. Instructions to operators.

PART II.—CENSORSHIP.

27. In the following Regulations the " Board " means the Board of Definition. Film Censors and " Chairman " means the Chairman of such Board.

28. The Chairman shall keep—

(1) A book in which shall be entered particulars of all films submitted for examination ; such particulars to include the names of such films, the names of the owners, renters and/or exhibitors of such films, the number of persons advertising such films and the names of the censors by whom such films were examined and their decision regarding them. The Board's records and accounts.

(2) Accounts of—

- (a) All moneys received in respect of fees payable for films submitted for examination ;
- (b) Payments made for the use of any theatre for the purpose of examining films ;
- (c) Any disbursements made in carrying out the duties of the censors.

29. The undermentioned fees shall be payable in advance to the Chairman for every film submitted for examination, that is to say :— Examination Fees.

Phono films :—

For each reel of a sound length up to and including	
1,000 feet	\$1.00
For every 100 feet or part of 100 feet over 1,000 feet	.12

Silent films :—

For each reel of a length up to and including 1,000 feet	.65
For every 100 feet or part of 100 feet over 1,000 feet	.08

The Chairman shall in due course deposit all fees received with the Treasurer.

30. All payments are to be made by the Treasurer on vouchers certified by the Chairman. Payment by Treasurer

31. The Chairman may arrange with the owner or any representative of the owner of a cinema for the use of his theatre, operating room and necessary appliances on payment of twenty-five cents per reel. Payment for use of theatre.

40. The Governor may grant leave of absence to any Censor and may temporarily fill the vacant place or places during such absence. Leave to Censors.

41. The office of the Board shall be such room or place as the Governor may from time to time specify in the *Royal Gazette*. Board's office.

42. The Register required to be kept by the Exhibitor in respect of films submitted and exhibited shall be in the form B hereto. Register Form B.

43.—(a) Certificates of approval may at any time be cancelled by the Board provided that the reasons for such cancelling shall be given to the exhibitor in writing. Certificate of approval.

(b) A certificate of approval may, subject to the conditions to be imposed, be in the form following:—

We certify having examined on the _____ day of Form, 19____ a film entitled _____ submitted to the Board of Film Censors and have approved of the same being exhibited within the Colony subject to the following conditions:—

for Board of Film Censors.

PART III.—BRITISH FILMS AND QUOTAS.

44. The book to be kept by the exhibitor, and the return to be furnished under section 16 of the Ordinance shall be in Form C hereto. Record of quotas. Subject to the provisions of section 16 (3) of the Ordinance a separate book shall be kept by the Exhibitor in respect of each theatre in which he exhibits films.

45.—(a) In every year every exhibitor shall, at each theatre in which he exhibits British News films, exhibit B.W.I. films (including Local films) to the extent prescribed in the First Schedule to the Ordinance. Percentage of B.W.I. and Local films to be exhibited.

(b) If in any year any exhibitor fails to comply with the requirements of this regulation in respect of any theatre he shall be liable on conviction to the penalty prescribed by the Ordinance unless such a certificate as is hereinafter mentioned has been issued by the Chairman of the Board of Film Censors, or unless he proves to the satisfaction of the Court that the reasons for non-compliance were reasons beyond his control.

(c) Where on submission by an exhibitor it appears to the Board of Film Censors that though the requirements of this Regulation have not been complied with the reasons for non-compliance were reasons beyond the control of the exhibitor, the Chairman shall issue his certificate to that effect.

PART V.—FORMS.

FORM A.

LIST OF FILMS SUBMITTED FOR CENSORSHIP UNDER REGULATION 32.

Date Film submitted.	By whom submitted.	Title of Film.	Phono or Silent.	Feature, news B.W.I. or Local.	Number of Reels.	Length of Film in feet.	Number of Posters.	Whether British.	Decision of Board of Censors and conditions.	Date Examined.	Date of certificate of approval.	Signatures of Censors.

NOTE.—Names of Censors by whom the film was examined to be endorsed hereon or written hereunder.

FORM C.

Form of Book to be kept by Cinema Proprietor and Return to be furnished by Exhibitor under Section 16 of the Ordinance.

Date.	Place of Exhibition.	Title of Film.	Phono or Silent.	Feature, news, B.W.I. or Local.	BRITISH.		Other Nationality.	No. of reels.	Length in feet.	Percentage British.	Signature of person in Charge.
					No. of reels.	Length in feet.					

No. 18.

Cinematograph.

FORM E.

The Cinematograph Ordinance, 1936.

LICENCE FOR AN EXHIBITOR.

Under Section 5 of the Cinematograph Ordinance, 1936,
(A.B.).....of.....
is hereby licensed to carry on the business of exhibiting films to the public
during the year 19 , subject to the following conditions and restrictions,
that is to say :

- (1) The fee of \$ is payable in respect of this licence to the Treasury, the receipt for which amount must be furnished to the Licensing Authority before this licence can be used or becomes valid.
- (2) No film shall be exhibited unless the provisions of the Cinematograph Ordinance and Regulations have been complied with.

This Licence expires on the day of 19 , unless sooner revoked.

Dated this day of 193

Licensing Authority.
Magistrate District.

*(Insert here any other conditions to be imposed).

Passed in Council this fourth day of December,
in the year of Our Lord one thousand nine hundred and
thirty-six.

J. O'CONNOR,
Clerk of the Council.