

CINEMATOGRAPH ACT

CHAPTER 20:10

Act

18 of 1936

Amended by

19 of 1940

32 of 1941

31 of 1948

22 of 1949

25 of 1956

45 of 1979

46 of 1979

47 of 1980

139/1980

4/1985

23/1985

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*See Note on page 2

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LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

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Cinematograph

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Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public offices in this Chapter. The Minister's approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

***Note on Act No. 8 of 1996
(Change of Title of Act and Regulations)**

This Act was originally entitled "Cinematograph Act" and the Regulations were cited as the "Cinematograph Regulations".

The Act and the Regulations were renamed as the Cinematograph and Video Entertainment Act and as the Cinematograph and Video Entertainment Regulations, respectively, by LN 4/1985.

Act No. 8 of 1996 amended the Act and the Regulations by deleting therefrom the words "and Video Entertainment".

Accordingly, the Act and the Regulations have reverted to its former Title and Citation.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015

CHAPTER 20:10

CINEMATOGRAPH ACT

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CHAPTER 20:10

CINEMATOGRAPH ACT

An Act relating to Cinematograph Exhibitions.

1950 Ed.
Ch. 30. No. 10.
18 of 1936.
Commencement.

[17TH DECEMBER 1936]

1. This Act may be cited as the Cinematograph Act.

Short title.
[4/1985
8 of 1996].

2. In this Act—

“Board” means the Board of Film Censors appointed under and for the purposes of this Act, and “censor” means a member of the Board;

Interpretation.
[4/1985
23/1985
8 of 1996
6 of 2014].

“British company” in reference to a British film means a company constituted under the laws of any part of the Commonwealth countries, the majority of the directors of which are Commonwealth citizens;

“British film” means—

(a) any film depicting scenes intended for exhibition by a cinematograph apparatus which has been shown to the satisfaction of the Board to have been registered as a British film under the provisions of the Cinematograph Films Acts 1938 and 1948 of the United Kingdom; and

1 & 2 Geo. 6
c. 17
11 & 12 Geo. 6
c. 23.

(b) any news film, or any film depicting natural scenery, agricultural, industrial or manufacturing processes, or any scientific or natural history film, which is not registered in Great Britain under the Cinematograph Films Acts 1938 and 1948, when the film is shown to the satisfaction of the Board to have been photographed wholly or mainly in the Commonwealth countries and made by a maker who is a Commonwealth citizen or a British company;

- “cinematograph film” or “film” includes inflammable film, non-inflammable film, silent film and phono film;
- “exhibitor” means a person licensed under the provisions of this Act to exhibit films to the public;
- “feature film” means a film other than a news film of not less than 5,000 feet in length;
- “length” means the total length of films as approved by a censor for projection at public exhibitions thereof;
- Ch. 84:10. “Licensing Authority” means a licensing committee established under the Liquor Licences Act;
- “maker” in relation to any film means the person by whom the arrangements necessary for the production of the film are undertaken;
- “news film” means a film depicting wholly or mainly news and current events;
- “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;
- “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” refers to premises other than a building whether or not the place is enclosed or covered in part or whole.

Provisions
against
cinematograph
exhibitions
except in
licensed
premises and by
licensed
persons.
[25 of 1956].

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 under this Act for the control of the exhibitions and for securing safety are complied with, or elsewhere than in a theatre licensed for the purpose under this Act; 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 Act.

3A. (Repealed by Act No. 8 of 1996).

4. (1) For the purpose of granting a licence under this Act, the Licensing Authority shall be—

Licensing Authority. [25 of 1956 6 of 2014].

- (a) in the case of a theatre licence, the licensing committee for the magisterial district within which the theatre is situated; and
- (b) in the case of an exhibitor's licence, the licensing committee for the magisterial district within which the applicant resides or has the principal place of business.

(2) Subject to the provisions of this Act, the Licensing Authority may grant licences—

- (a) to use the theatre specified in the licence; or
- (b) to such persons as he may think fit to hold cinematograph exhibitions throughout Trinidad and Tobago,

on such conditions and under such restrictions as may be laid down in the licence or in any Regulations made under this Act.

4A. (Repealed by Act No. 8 of 1996).

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 *Gazette* and in a daily newspaper circulating in Trinidad and Tobago and to be served on the Commissioner of Police and on the Board of Inland Revenue.

Application for theatre licence. [25 of 1956 6 of 2014].

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

(3) Any owner or occupier of property situated within a quarter of a mile of the premises in respect of which a licence is applied for, the Board of Inland Revenue or any officer of the Department of Inland Revenue, authorised in writing by the Board in that behalf and any member of the Police Service in charge of the Police district in which the premises are situated shall have the right of appearing before the Licensing Authority at the hearing, personally or by his Attorney-at-law, and of objecting to the grant 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 the approval but 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 the 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 apply in writing to a Magistrate for a review of the decision.

(6) For the purposes of this section “any person aggrieved” means the applicant or any person who is entitled under the provisions of this section to object to the grant of the licence and who has appeared before the Licensing Authority and objected to the grant of the licence.

(7) *(Repealed by Act No. 6 of 2014).*

5A. *(Repealed by Act No. 8 of 1996).*

Application for
exhibitor's
licence.
[25 of 1956
6 of 2014].

6. (1) Every application for an exhibitor's licence shall state the applicant's name, occupation and residence. 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 *Gazette* and in a daily newspaper circulating in Trinidad and Tobago and to be served on the Commissioner of Police and on the Board of Inland Revenue.

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

(3) The Commissioner of Police and the Board of Inland Revenue or any person authorised in writing to appear in its stead by either the Commissioner or the Board shall have the right of appearing before the Licensing Authority at the hearing, personally or by his Attorney-at-law, and of objecting to the grant of the licence and of adducing evidence in support of his objection.

(4) Any person aggrieved by any decision of the Licensing Authority approving the grant of a licence or refusing to grant a licence may apply in writing to a Magistrate for a review of the decision.

(5) For the purposes of this section “any person aggrieved” means the applicant or any person who is entitled under the provisions of this section to object to the grant of the licence and who has appeared before the Licensing Authority and objected to the grant of the licence.

(6) *(Repealed by Act No. 6 of 2014).*

6A. A person who is aggrieved by an order of a Magistrate under section 5(5) or 6(4) may appeal against the order to the Court of Appeal.

Appeals from orders of Magistrates. [6 of 2014].

6B. (1) Where an objection to the grant of a licence is made under section 5(3) or 6(3), a Licensing Authority shall meet with the applicant and the objector to assist them in reaching a mutually acceptable resolution.

Role of Licensing Authority with respect to objections. [6 of 2014].

(2) Where the parties fail to agree to a resolution, the matter shall be heard by a Magistrate assigned for duty in the magisterial district and the Magistrate may make an order approving or refusing the grant or renewal of the licence.

(3) Any person aggrieved by a decision of a Magistrate under subsection (2) may appeal from the decision to the Court of Appeal.

(4) The procedure in respect of an appeal under sections 6A and 6B(3) shall be such as is set out in the Summary Courts Act.

Ch. 4:20.

Approving grant
of a licence.
[25 of 1956].

7. (1) Without prejudice to the generality of the discretion vested in the Licensing Authority by section 4, the Licensing Authority shall, before approving the grant of a licence, take into consideration—

- (a) the evidence led and the arguments adduced at the hearing;
- (b) in the case of an application for a theatre licence, 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 private or public institution;
- (c) in the case of an application for an exhibitor's licence—
 - (i) that the applicant has been convicted of any offence under this Act or under the Cinematograph Entertainment Tax Act;
 - (ii) the question whether any duty imposed under the Cinematograph Entertainment Tax Act is due and owing by the applicant;
 - (iii) that the applicant is a person applying in his own name for the purpose of procuring a licence for or to enable the exhibitions to be carried on by or on behalf of some other person.

Ch. 77:03.

(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 the 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 it 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.

(4) The Licensing Authority shall not approve the grant of an exhibitor's licence unless it is satisfied that the applicant has paid all the duty imposed under the Cinematograph Entertainment Tax Act which is due and payable by him at the date on which the Licensing Authority considers the application for the licence.

Ch. 77:03.

7A.)
to } (*Repealed by Act No. 8 of 1996*).
7E.)

8. Notwithstanding anything contained in this Act 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 Act and the Regulations made thereunder or any of them.

Exemption from compliance with this Act in certain cases. [25 of 1956].

Revocation and suspension of licences.

9. If any licensee is convicted of any offence under this Act, the Court, before which the conviction is had, may cancel or suspend his licence for such period as to the Court may seem just.

9A. (Repealed by Act No. 8 of 1996).

Duration of licence.

10. 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.

Appointment of Board of film censors.

11. (1) There shall be appointed by the Minister such fit persons, not less than five in number, as the Minister deems necessary, as censors, who shall together constitute a Board of Film Censors, for the purpose of censoring cinematograph films and film-posters. The censors shall hold office during the Minister's pleasure, and the Minister shall nominate one of the censors as Chairman of the Board. Notice of any such appointment and of any revocation thereof shall be published in the *Gazette*.

(2) The Chairman may, with the approval of the Minister, appoint a secretary to the Board at such remuneration and upon such conditions as he may determine.

Films and posters to be censored.

12. (1) It shall not be lawful to exhibit any cinematograph film unless the 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 the 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.

Duties of censors.

13. (1) It shall be the duty of the censor or censors deputed for the purpose by the Chairman of the Board to examine every cinematograph film and every film-poster submitted to the Board for approval, and to report thereon to the Chairman.

(2) The Board's approval shall not be given in the case of any film or any poster which in the opinion of the Board depicts any matter that is against public order and decency, or the exhibition of which for any other reason is in the opinion of the Board undesirable in the public interest.

(3) As regards a film, such approval may be given generally or on condition that any portion of a film shall be omitted, or may be given subject to a condition that the film or portion of the film shall be exhibited only to persons of a specified age or sex or only at certain times.

(4) Such approval shall be signified by a certificate in the prescribed form. The certificate may at any time be cancelled by notice in writing.

(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.

14. The certificate given by the Board under section 13 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 British film, and length approved for exhibition.

15. Any person who is aggrieved by any decision of the Board shall have a right of appeal to the Minister.

Appeal.

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

Fees.

17. (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.
[6 of 2014].

Monthly return to be furnished.

(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.

Requirements in case of exhibitors using movable structures.

(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 register in respect of the tent or structure.

Power to call for and examine records.

(4) The Commissioner of Police or any member of the Police Service 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.

Penalties.

(5) Any person who fails to keep a register and record therein such particulars as are mentioned in subsection (1) or who fails to make a return in accordance with subsection (2), or who makes any false entry in the register or return, is liable to a fine of three thousand dollars.

Provisions as to British quotas.

18. (1) Every exhibitor who carries on the business of exhibiting cinematograph films to the public in a theatre licensed under this Act, shall exhibit in the theatre such proportion or quota of British films as may be prescribed by Regulations made under section 24 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 Trinidad and Tobago 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 8, 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 is liable on summary conviction to a fine of four thousand dollars.

19. The provisions of section 18 shall not apply to the following: Application of section 18.

- (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 Minister in a Notification.

20. (1) Every person who exhibits any film or any portion of a film in contravention of the provisions of this Act is liable to a fine of four thousand dollars for each occasion on which the offence takes place, and the film may be ordered by the Court to be forfeited to the State. Any film or any portion of a film so forfeited shall be dealt with in such manner as the Commissioner of Police shall direct. Exhibiting unapproved film or poster.

(2) Every person who exhibits, displays, publishes or distributes, or causes to be exhibited, displayed, published or distributed, any film-poster in contravention of section 12(2) is liable on summary conviction to a fine of two thousand dollars.

21. If the owner of a cinematograph or other apparatus 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 the building or place or allows the building or place to be used, in contravention of any of the provisions of this Act, or of the conditions or restrictions upon or subject to which any licence relating to any such building or place has been granted under this Offences generally.

Act, he is liable to a fine of two thousand dollars, and, in the case of a continuing offence, to a further fine of one thousand dollars for each day during which the offence continues.

21A. (Repealed by Act No. 8 of 1996).

Power of entry.

22. The Commissioner of Police or any member of the Police Service appointed by him or the Chief Fire Officer or any member of the Fire Service appointed by him or any censor may at all reasonable times enter any building or place, whether licensed or not, in which he has reason to believe that such an exhibition as aforesaid is being or is about to be given, with a view to seeing whether the provisions of this Act or any Regulations made thereunder, or the conditions of any licence granted under this Act have been complied with, and if any person prevents or obstructs the entry of the Commissioner or any member of the Police Service appointed as aforesaid or the Chief Fire Officer or any member of the Fire Service appointed by him, or any censor, he is liable to a fine of one thousand dollars.

Recovery of penalties.
Ch. 4:20.

23. All offences under this Act or under any Regulations made under this Act may be prosecuted, and all penalties incurred may be imposed or recovered, in the manner provided by the Summary Courts Act.

Regulations.

24. (1) The Minister may make Regulations for prescribing anything which under this Act is to be prescribed, generally for carrying this Act into effect, and determining offences against any of the Regulations and penalties therefor and in particular as to—

- (a) the duties of the Licensing Authority;
- (b) the duties of the Board of Film Censors;
- (c) the safety of persons attending a cinematograph exhibition;
- (d) the particulars and evidence necessary for establishing the British nature of a film;
- (e) the fees to be paid for licences under this Act;
- (f) the hours during which any cinematograph exhibition shall not take place;

- (g) the form and duration of licences issued under this Act and the conditions or restrictions subject to which a licence may be issued;
- (h) the form of the returns to be made, and of the records to be kept under this Act.

(2) No penalty for an offence against any of the Regulations shall exceed a fine of forty thousand dollars or imprisonment for twelve months and in the case of a continuing offence any such Regulations may provide for a further penalty of one thousand dollars for each day during which the offence continues.

(3) Regulations made under this Act shall have no force or effect until they have been approved by Parliament.

(4) The Cinematograph Regulations (formerly contained in the Schedule to this Act) shall be deemed to be made under subsection (1) and may be amended or revoked under that subsection.

25. (Repealed by Act No. 8 of 1996).

SUBSIDIARY LEGISLATION

CINEMATOGRAPH REGULATIONS

ARRANGEMENT OF REGULATIONS

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**PROVISIONS FOR THE SAFETY OF THE
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UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015

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FIRST SCHEDULE

SECOND SCHEDULE—*(Revoked by Act No. 8 of 1996).*

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

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Chap. 20:10

Cinematograph

[Subsidiary]

Cinematograph Regulations

18 of 1936*.

CINEMATOGRAPH REGULATIONS

deemed to be made under section 24(1)

Citation. **1.** These Regulations may be cited as the Cinematograph Regulations.

Interpretation. [45/1950]. **2.** In these Regulations—
“building” means any structure used or intended to be used for the exhibition of films to the public, and includes any yard, external passageway or open space connected therewith;
“enclosure” means that part of a building in which cinematograph apparatus is installed and operated;
“exit” includes emergency exit and any passageway;
“new building” means any building erected or adapted for use for the exhibition of films to the public, and put into use after the commencement of these Regulations;
“re-winding room” means a room designed and constructed with the approval of the Chief Technical Officer (Works) and used for the re-winding of films;
“theatre” means a building or place licensed under this Act;
“vault” means a vault designed and constructed with the approval of the Chief Technical Officer (Works).

PART I

PROVISIONS FOR THE SAFETY OF THE AUDIENCE AND PREVENTION OF FIRE

Design and construction of new buildings. **3.** (1) The design and construction of all new buildings shall be subject to the approval of the Chief Technical Officer (Works).

(2) All buildings used for the exhibition of films to the public on 2nd March 1950, shall within a period of eighteen months from that date conform to the provisions of these Regulations.

Exits. **4.** (1) All exits from a building provided for members of the public or the staff employed in connection with the building

*These Regulations have been amended by 45/1950; 25 of 1956; 45 of 1979, 46 of 1979; 139/1980; 4/1985, 23/1985, 7 of 1985; 27/1990; 6 of 1993; 3 of 1994; 8 of 1996; 207/2001 and 6 of 2014.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015

or with cinematograph exhibitions in the building shall be suitably indicated by notices bearing the word “EXIT” in six-inch letters and all such notices shall be tinted green and illuminated with green lights.

(2) All other doors or openings leading from the auditorium gallery or any passageway into a dead end or such other places as are unsafe or unsuitable for the purpose of egress shall be indicated by notices bearing the words “NO THOROUGHFARE” in six-inch letters. The notices shall be tinted red and illuminated by red lights.

(3) Where doubt may arise as to the direction of exit, or where persons might unwittingly move into danger, a notice bearing the words “TO EXIT” in six-inch letters and tinted green or illuminated with green lights shall be provided.

(4) All notices required by subregulations (1), (2) and (3) shall be illuminated in such manner as may be specified by the Government Chief Electrical Inspector.

(5) Wherever possible the notices shall be placed above the doors to which they relate, but in any case they shall not be less than 6 feet 9 inches above floor level.

5. No chairs, seats or other obstructions shall be placed or allowed to remain in gangways or in any place used for the safe and speedy egress by the public or members of the staff employed in connection with any building or cinematograph exhibition in a building.

No chairs, etc., in gangways.

6. No standing of members of the audience shall be permitted in any theatre during any cinematograph exhibition other than for the purpose of gaining access to vacant seating or egress from the theatre during or at the conclusion of an exhibition. Any person who continues to stand when requested not to do so is liable on summary conviction to a fine of two hundred dollars.

No standing permitted.

7. Whenever the public is present at any cinematograph exhibition exits shall be kept free of inflammable tapestries or any other object likely to restrict egress by the public from the building in which the cinematograph exhibition is being held.

Provisions in connection with cinema exhibitions.

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Provisions in connection with cinema exhibitions.

8. All sliding or folding shutters or roller or collapsible gates of a building shall be left fully open whilst the public is present at any cinematograph exhibition.

Provisions in connection with floor coverings and curtains.

9. (1) Floor coverings of buildings shall be fixed in such a way as to prevent rucking or obstruction, and shall be sunk to floor level. All floors shall be maintained in a non-skid condition.

(2) All curtains shall be hung not less than 2 inches clear of floors, and shall slide freely.

Enclosures.

10. (1) Ventilation in enclosures shall be as approved by the Chief Technical Officer (Works).

(2) Two openings for each projector in an enclosure shall be provided and the construction thereof shall be subject to the approval of the Chief Technical Officer (Works).

(3) All furniture and fittings within an enclosure shall be of non-combustible material.

(4) No film cement shall be kept in an enclosure.

(5) No winding or re-winding of films shall take place in an enclosure whilst members of the public are present on the premises or the projectors are in use. In new buildings separate re-winding rooms shall be provided and shall be subject to the approval of the Chief Technical Officer (Works).

(6) No smoking shall be permitted in enclosures or re-winding rooms. Notices to this effect shall be permanently affixed in a prominent position.

(7) Films other than those being projected, and being prepared for projection, shall be kept in a non-combustible container.

(8) Barriers and notices shall be provided to prevent members of the public coming into contact with enclosures.

Apparatus and installations.

11. All electrical apparatus and installations shall be of a standard and specification approved by the Government Chief Electrical Inspector.

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12. Projectors shall be of a type approved by the Government Chief Electrical Inspector and shall be placed on firm fire-resisting supports. Projectors.

13. Not more than 500 lb. (100,000 feet) of film shall be permitted to be kept in any building unless stored in a vault and in any case not more than 125 lb. (25,000 feet) shall be exposed at any one time. Films exceeding 100,000 feet to be stored in vault.

14. (1) No collodion, amyl acetate or other similar flammable substance for the cementing of film shall be kept other than in re-winding rooms, or approved fire-resisting cabinets or safes, or in any quantity exceeding one Imperial pint. Cementing of films. [139/1980].

(2) Splices in film shall be made by a cutting and splicing machine approved by the Chief Fire Officer.

(3) Motion picture projectors shall be operated by and be in the charge of a person authorised by the Government Chief Electrical Inspector to be the holder of—

- (i) a projectionist licence; or
- (ii) a learner's permit to operate a motion picture projector; or
- (iii) a duplicate projectionist's licence, or learner's permit.

15. The auditorium and the exits therefrom to the outside of a building, including any external courts, passageways, stairways or ramps, the notices indicating position of exits, and all parts of the building to which the public is admitted shall throughout be adequately illuminated during the whole time the public is present at a cinematograph exhibition. In the event of the failure of the main lighting the auditorium shall be at once illuminated by a secondary lighting service, and remain so illuminated until the main lighting is repaired, or until all members of the public have left the premises. Auditorium—provisions as to.

16. No person shall be permitted to reside in any building. Residence in building prohibited.

17. All fires occurring in a building during the holding of any cinematograph exhibition shall be immediately reported by the exhibitor to the nearest Fire or Police Station. Fires to be reported.

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Fire equipment to be provided.

18. Fire equipment shall be provided and maintained throughout buildings in accordance with the directions of the Chief Fire Officer.

Attendants at exhibitions.

19. (1) In order to secure the safety of the audience the exhibitor or some responsible person designated by him shall be in attendance throughout cinematograph exhibitions. He shall be assisted by such staff as the Commissioner of Police shall deem necessary.

(2) All such persons shall be fully instructed in their duties and all attendants shall wear a distinctive uniform or arm-band.

(3) During cinematograph exhibitions at which children are present the number of attendants shall be such as may be required by the Commissioner of Police.

Notices to be affixed in building for action in event of fire.

20. There shall be in the enclosure, re-winding room, pay office and Manager's office of every building a prominent notice detailing action in the event of fire or any other unusual occurrence.

Exhibition of film may be stopped by police.

21. The Commissioner of Police or the Chief Fire Officer may at any time and without prior notice require a cinematograph exhibition which is being held in a building to be stopped if in his opinion circumstances exist which would constitute a danger to the public should a fire or other unusual happening occur.

Person aggrieved may appeal to Minister.

22. (1) Whenever any person withholds his approval of the doing of or omission to do anything in connection with a building, or the furniture, fittings, electrical apparatus or installations thereof, which is subject to his approval under these Regulations, the person aggrieved by his decision may, within seven days of the date of receipt of notice that the approval has been withheld, appeal against the decision to the Minister who may, in his discretion, authorise the doing of or the omission to do such thing either unconditionally or subject to such conditions as he may think fit to impose or may confirm the decision.

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(2) If the person whose approval is withheld is of the opinion that the doing of or omission to do any such thing would constitute a danger to persons attending any cinematograph exhibition in such building he shall so notify the person seeking his approval and forward a certificate to that effect to the Minister; and thereupon the building shall cease to be used for the holding of any cinematograph exhibition until the Minister so authorises and, if the Minister so authorises, the building shall only be used for the holding of cinematograph exhibitions subject to such conditions as the Minister may impose.

23. No unauthorised person shall be allowed in an enclosure. Unauthorised person not allowed in enclosure.

24. If the occupier of the theatre contravenes any of the provisions of regulation 3(1), or any exhibitor contravenes any of the provisions of regulation 5, 8, 10(6), 13 or 15, the occupier or exhibitor, as the case may be, is guilty of an offence and is liable on summary conviction to a fine of twenty thousand dollars. Contraventions by occupier of theatre or exhibitor. [25 of 1956 6 of 2014].

25. If the occupier of the theatre contravenes any of the provisions of regulation 3(2), 4, 9, 10(1), 10(2), 10(3), 10(5), 10(8), 11 or 12, or any exhibitor contravenes any of the provisions of regulation 6, 7, 10(4), 10(5), 10(7), 14, 16, 17, 18, 19, 20 or 23, the occupier or exhibitor, as the case may be, is liable on summary conviction to a fine of twenty thousand dollars. Contraventions by occupier of theatre or exhibitor. [25 of 1956 6 of 2014].

PART II

CENSORSHIP

26. In the following Regulations the “Board” means the Board of Film Censors and “Chairman” means the Chairman of the Board. Definition.

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The Board's records and accounts.

27. The Chairman shall keep—

- (a) a book in which shall be entered particulars of all films submitted for examination; the particulars to include the names of the films, the names of the owners, renters and/or exhibitors of the films, the number of persons advertising the films and the names of the censors by whom the films were examined and their decision regarding them;
- (b) accounts of—
 - (i) all moneys received in respect of fees payable for films submitted for examination;
 - (ii) payments made for the use of any theatre for the purpose of examining films;
 - (iii) any disbursements made in carrying out the duties of the censors.

Examination fees. [51/1980 6 of 1993].

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

Phono films—	\$
For each reel of a sound length up to and including 1,000 feet	10.00
For every 100 feet or part of 100 feet over 1,000 feet	2.00
Silent films—	
For each reel of a length up to and including 1,000 feet	5.00
For every 100 feet or part of 100 feet over 1,000 feet	2.00

The Chairman shall in due course deposit all fees received with the Comptroller of Accounts.

Payment by Comptroller of Accounts.

29. All payments are to be made by the Comptroller of Accounts on vouchers certified by the Chairman.

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30. (1) For the purpose of censoring films, the Chairman may arrange with the owner or any representative of the owner of any cinema or projection room for the use generally or specially of the cinema or projection room and of any necessary appliances and for the services of the necessary staff (to be provided by the owner of the cinema or projection room or his representative) required for the exhibiting of films in the cinema or projection room, on payment of four dollars per reel.

Use of cinemas and projection rooms for censorship purposes. [51/1980].

(2) The owner of a cinema or projection room and his representative and staff shall not be responsible for any loss, damage or injury in respect of any film arising out of the exhibiting thereof in pursuance of arrangements made under this regulation.

31. (1) Distributors shall send to the office of the Board complete lists of all films and posters to be submitted for examination.

Lists of films to be sent by distributor.

(2) Every list shall contain a column in which shall be entered the Board's decision, together with any conditions imposed.

(3) In cases where a separate film used for advertising purposes and commonly called "a trailer" (whether it is part of the original film or not) accompanies a film, this fact shall be stated.

(4) The signature of a censor at the end of any list shall be deemed to be in authentication of every entry in the column showing the Board's decision.

(5) The list shall be in the form set out as Form A in the First Schedule, and may be on a loose sheet or in a book.

Form A. First Schedule.

(6) In this regulation, "distributor" means a person who carries on the business of importing and distributing films in Trinidad and Tobago.

32. All "trailers", referred to in regulation 31, must be submitted for examination and shall be subject to the provisions of the Act.

Trailers.

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Examination of films by censors.

33. (1) For the purpose of examining films or film posters submitted for approval, the Chairman shall depute not more than three censors and if any of the censors deputed have not attended the meeting for the purpose he shall accept the report of the censor or censors as did in fact attend. On occasions when the Board meets for other purposes five members shall form a quorum.

Attendance of censors.

(2) Unless he has been absent through ill-health or with the leave or under the direction of the Minister, any censor shall be considered to have vacated his post as censor who has not on the last day of any quarter attended at least one-third of the censorship meetings for the examination of films or film posters which he had been deputed by the Chairman to attend, or who has not on the last day of any year attended at least one-third of the censorship meetings of the Board for other purposes held during the preceding twelve months or during his tenure of office during such months.

Review of film by the Board.

34. When a film has been examined by any number of censors representing less than a majority of the Board and these censors are in doubt as to approving or rejecting the film or any part thereof, or if so requested by the exhibitor who is not satisfied with their decision, they shall call the other censors into consultation and the decision of the majority of the Board shall prevail, subject to the right of appeal to the Minister as provided by the Act.

Time and place of exhibition for censorship. [G. 1942, p. 810].

35. (1) The Chairman of the Board may give general or special directions to any exhibitor as to the day, hour and place when and where his films are to be exhibited for censorship.

(2) The Minister and the Chairman and members of the Board and their officers and servants shall not be responsible for any loss, damage or injury arising out of the exhibition of any film for censorship purposes.

Custody of films.

36. Parts of any film not allowed to be exhibited shall, on request of the Chairman, be deposited at the office of the Board and shall be returned when the film is about to be exported.

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37. The censors shall have the right of entry into all cinemas during performances, free of charge; and it shall be their duty to make such surprise visits as they may think fit. Accommodation must in every case be reserved for a possible visit by the censors.

Censor's right of entry.

38. The Chairman shall render monthly accounts to the Comptroller of Accounts showing the balance of cash in hand, and shall pay over same against a receipt in due form.

Board's accounts to be sent to the Comptroller of Accounts.

39. The Minister may grant leave of absence to any censor and may temporarily fill the vacant place or places during the absence.

Leave to censors.

40. The office of the Board shall be such room or place as the Minister may from time to time specify in the *Gazette*.

Board's office.

41. (1) Certificates of approval may at any time be cancelled by the Board provided that the reasons for the cancelling shall be given to the exhibitor in writing.

Certificate of approval.

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

We certify having examined on the day of, 20.... a film entitled submitted to the Board of Film Censors and have approved of the same being exhibited within Trinidad and Tobago subject to the following conditions:

Form.

for Board of Film Censors.

42. The form set out in the First Schedule as Form D has been prescribed for the purposes of section 17 of the Act.

Form prescribed. Form D. First Schedule.

PART III

BRITISH FILMS AND QUOTAS

43. The book to be kept by the exhibitor, and the return to be furnished under section 17 of the Act shall be in the form set out as Form C in the First Schedule. Subject to the provisions of section 17(3) of the Act a separate book shall be kept by the exhibitor in respect of each theatre in which he exhibits films.

Record of quotas.

Form C First Schedule.

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Regulations as to British quotas.

44. (1) For the purposes of sections 18 and 19 of the Act, 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 cent, and if the 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 the 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 1st January and ending on the following 30th June and a period commencing on 1st July and ending on the following 31st December;

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

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

(6) Subregulation (3) shall apply in relation to all licensed theatres throughout Trinidad and Tobago.

Method of ascertaining compliance with regulation 44.

45. 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;

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- (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 44) 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.

PART IV

LICENCES AND FEES

46. (1) There shall be payable annually in advance to the Comptroller of Accounts in respect of a theatre or exhibitor a licence fee of one thousand five hundred dollars; but where an application for a licence is made on or after 1st July in any year, the fee payable shall be seven hundred and fifty dollars.

Fees.
[46 of 1979
3 of 1994].

(2) All licences shall commence on 1st January or from the date of issue if issued subsequent to 1st January in any year, and shall expire on 31st December in that year unless previously revoked.

Duration.

(3) A licence for a theatre shall be in the form set out as Form B in the First Schedule, and a licence for an exhibitor shall be in the form set out as Form C in the First Schedule, subject to such modifications or other conditions as may be required in the circumstances of each particular licence.

Forms B and C.
Schedule.

47. The following fees shall be payable for a projectionist's licence, a learner's permit and a duplicate to operate a projector—
Learner's permit—\$5.00 valid for six months.
Projectionist's licence—\$10.00 valid for twelve months.
Duplicate learner's permit—\$5.00 valid for six months.
Duplicate projectionist's licence—\$10.00 valid for twelve months.

Licence and
permit fees for
Projectionists
and learners.

48. (*Revoked by Act No. 8 of 1996*).

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FIRST SCHEDULE

FORM A

Regulation 31(5).

List of films and posters submitted for examination under Regulation 31 at theatre on
 approximate running time Minutes

Title of film	No. of Prints	Phono or Silent	No. of Reels	Footage	Posters or Press Book	Country of Origin	Decision of Board of Censors and Conditions	Date Examined	Signature of Censors
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Date, 20.....

.....
 Signature of Distributor

FORM B
CINEMATOGRAPH ACT

Regulation
46(3).
[207/2001].

LICENCE FOR A THEATRE

Under section 5 of the Cinematograph Act the building/place situated at and known as is hereby licensed for the use as a theatre for the period for the purposes mentioned in the Act, subject to the following conditions and restrictions, that is to say:

- (1) The fee of \$..... is payable in respect of this licence to the Comptroller of Accounts 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 Act and Regulations have been complied with.
- (3) *(Deleted by LN 207/2001).*

*

If any of the above-mentioned terms, conditions or restrictions is not complied with, or if, without the sanction of the Licensing Authority, any alteration is made in the said theatre or in the enclosure containing the cinematograph apparatus, or if at any time the Licensing Authority considers the place for which this licence is granted no longer suitable, this licence will be revoked.

This Licence expires on the 31st of December, 20..... unless sooner revoked.

Dated the of, 20.....

.....
Licensing Authority

Magistrate.....District

*Insert here any other conditions to be imposed.

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Regulation
46(3).
[207/2001].

FORM C

CINEMATOGRAPH ACT

LICENCE FOR AN EXHIBITOR

Under section 5 of the Cinematograph Act (A.B.) of
is hereby licensed to carry on the business of exhibiting films to the public
during the year 20....., subject to the following conditions and restrictions, that
is to say:

(1) The fee of \$..... is payable in respect of this licence to the
Comptroller of Accounts, 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 Act and Regulations have been complied with.

*

This Licence expires on the day of 20....., unless sooner
revoked.

Dated this day of 20.....

.....
Licensing Authority

Magistrate.....District

*Insert here any other conditions to be imposed.

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Regulation 42.

FORM D

Form of Register to be kept by Cinema Proprietor and Return to be furnished by Exhibitor under section 17(1) and (2) of the Act

RETURN of Films exhibited at the Theatre in during the month of, 20.....

Date of Exhibition	Title of film	BRITISH		OTHER NATIONALITY		Initials of Person in charge
		No. of Reels	Footage	No. of Reels	Footage	

Date, 20.....

.....
Signature of Exhibitor

NOTE—Exhibitions taking place before 4.30 p.m. to 5.00 p.m. are not to be included.

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SECOND SCHEDULE

(Revoked by Act No. 8 of 1996).

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