



ANALYSIS

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1961, No. 59

An Act to consolidate and amend the law relating to cinematograph films [18 November 1961]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Cinematograph Films Act 1961.

(2) This Act shall come into force on the first day of April, nineteen hundred and sixty-two.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Acquire”, in relation to the acquisition of films by a renter, includes the making or obtaining possession of films for the purpose of renting them:

“Adults” means persons of or over the age of sixteen years:

“Approved film society” means any society incorporated under the Incorporated Societies Act 1908—

(a) The sole object or principal object of which is, in the opinion of the Minister, to exhibit or arrange for the exhibition to members of the society, and (if the rules of the society so provide) to persons introduced by members of the society, of films that are represented to be of special interest from the educational or artistic or technical aspects of film production, or which represent particular aspects of amateur production; and

(b) Which is for the time being approved by the Minister, on the recommendation of the Licensing Authority, as a film society for the purposes of this Act:

- “Censor” means the Censor of Cinematograph Films appointed under this Act:
- “Censorship Board of Appeal” means the Cinematograph Films Censorship Board of Appeal appointed under this Act:
- “Chief Inspector” means the Chief Inspector of Films under this Act:
- “Children” means persons under the age of thirteen years:
- “Cinematograph theatre” or “theatre” means any premises for the time being used or proposed to be used for the exhibition of films by any person engaged in the business of exhibiting films where a charge is made or is intended to be made for admission to any such exhibition:
- “Commonwealth company” means a company that is constituted under the laws of any Commonwealth country and of which the majority of the directors are British subjects:
- “Commonwealth country” means a country that is a member of the Commonwealth of Nations; and includes every territory for whose international relations the Government of any such country is responsible:
- “Commonwealth film” means a film that either—
- (a) Complies with all the following requirements:
 - (i) It was made by a person who was throughout the time during which the film was being made a British subject, or by two or more persons each of whom was during that time a British subject, or by a Commonwealth company; and
 - (ii) The studio scenes were photographed in a studio in a Commonwealth country; and
 - (iii) Not less than seventy-five per cent of the salaries, wages, and payments specifically paid for labour and services in the making of the film (excluding payments in respect of copyright and the salary or payments to one alien actor or actress or director, but including the payments to the author of the scenario) has been paid to British subjects or to persons domiciled in a Commonwealth country; or

(b) Has been registered as a British film by the United Kingdom Board of Trade:

“Current exhibitor’s licence” includes any exhibitor’s licence that the Licensing Authority has decided to grant but has not been issued; and also includes an exhibitor’s licence for the renewal of which application has been made to the Licensing Authority within the prescribed period and in respect of which no decision to refuse to renew the licence has been made by the Licensing Authority:

“Exhibitor”, in relation to any film, means any person who, otherwise than by means of television, exhibits the film to the public, or to any section of the public, or, in other than a private residence, to any group or class of persons, whether or not a charge is made for admission to the premises in which the exhibition is held; and “exhibit” and “exhibition” have corresponding meanings:

“Exhibitor’s licence” means an exhibitor’s licence granted under the provisions of Part IV of this Act; and “licensed exhibitor” means the holder of such a licence:

“Exhibitor’s permit” means an exhibitor’s permit granted under the provisions of Part IV of this Act:

“Exhibitor’s quota”, in relation to the registered films or to any class of registered films exhibited by an exhibitor within any period, means the proportion of Commonwealth films that he is required by this Act to exhibit during that period, computed in accordance with this Act:

“Film” means a cinematograph film; and includes any part of a film, but does not include film of such gauge as may from time to time be declared by regulations made under this Act to be exempt from the operation of this Act or, for the purposes of any provision of this Act, from the operation of that provision:

“Film renting season”, in relation to the business of any renter, means the period during which release is given to the films that the renter, by direct offer or by advertisement in a trade newspaper or trade circular or otherwise howsoever, has represented to exhibitors or to any exhibitor as being available for inclusion in any future film-renting contracts:

- “Foreign film” means a film that is not a Commonwealth film:
- “Length”, in relation to a film, means the total length of film offered for projection at exhibitions thereof:
- “Licensing Authority” means the Cinematograph Films Licensing Authority established under this Act:
- “Licensing Appeal Authority” means the Cinematograph Films Licensing and Registration Appeal Authority appointed under this Act:
- “Local authority” means any City Council, Borough Council, County Council, Town Council, or Road Board:
- “Minister” means the Minister of Internal Affairs:
- “Poster” means any poster, or placard, any pictorial matter in any press book, or any matrix, photograph, lantern slide, or sketch that is intended for use in the advertising or exhibition of any film to the public; and includes a miniature representation of any such poster; and also includes any enlarged representation of any poster or part thereof (whether or not the poster has been previously approved by the Censor):
- “Premises” means any building, enclosure, ground, or open-air space:
- “Projection” means the act of presenting cinematograph film on a screen by means of a cinematograph machine or similar apparatus; and “project” has a corresponding meaning:
- “Projectionists Licensing Board” means the Cinematograph Film Projectionists Licensing Board appointed under this Act:
- “Quota film” has the meaning assigned to that expression by section 50 of this Act:
- “Register” means the register of films under this Act:
- “Registered film” means a film registered in accordance with the provisions of Part III of this Act:
- “Registrar” means the Registrar of Cinematograph Films appointed under this Act:
- “Reissue certificate” means a certificate granted under section 31 of this Act in respect of a copy of a film previously registered, whether or not that copy is in the same gauge of film as the original film:
- “Release”, in relation to any film, means the first occasion on which that film is commercially exhibited to the public in New Zealand:

“Renter” means any person who is required to hold a renter’s licence under the provisions of subsection (1) of section 49 of this Act:

“Renter’s licence” means a renter’s licence granted under the provisions of Part V of this Act; and “licensed renter” means the holder of such a licence:

“Renter’s quota”, in relation to the registered films or to any class of registered films acquired by a renter for the purposes of his business within any period, means the proportion of Commonwealth films that he is required by this Act to acquire during that period, computed in accordance with this Act:

“Renting”, in relation to films, means renting or otherwise issuing films to persons required to hold an exhibitor’s licence at a rent or for other consideration, or making other financial arrangements with such persons for the exhibition thereof; and includes the acquisition for exhibition of films by a person who is required to hold an exhibitor’s licence, otherwise than through the agency of another person who is a licensed renter:

“Serial film” means a film or a series of films that—

(a) Consists of not more than twenty-six separate parts; and

(b) Is designed to disclose at separate showings a subject-matter having a unity of plot and cast:

“Trailer” means a short film used for advertising any forthcoming film:

References in this Act to films of any specified group are references to films classified in that group pursuant to section 26 of this Act.

Cf. 1928, No. 20, ss. 2, 16 (3c); 1934, No. 36, ss. 2 (2), 7 (3); 1953, No. 71, ss. 6 (1), 9, 12; 1956, No. 70, s. 2 (1); 1960, No. 44, s. 2; S.R. 1938/39, regs. 3, 4; S.R. 1952/50, reg. 2; S.R. 1956/80, reg. 2

3. Administration of Act—(1) Subject to the control of the Minister, the Secretary for Internal Affairs shall be charged with the general administration of this Act.

(2) The Censor, the Registrar, and the Chief Inspector shall be under the general direction of the Secretary for Internal Affairs:

Provided that nothing in this subsection shall derogate from any of the powers, duties, and discretions conferred or imposed on the Censor by Part II of this Act.

PART I

CINEMATOGRAPH FILMS LICENSING AUTHORITY

4. Constitution of Licensing Authority—(1) For the purposes of this Act there is hereby established an authority to be called the Cinematograph Films Licensing Authority.

(2) The Licensing Authority shall consist of—

(a) One member, being an officer of the Department of Internal Affairs, who shall be appointed as the Chairman of the Licensing Authority and shall hold office at the pleasure of the Governor-General:

(b) One member to be appointed for his special knowledge of the film industry:

(c) One member to be appointed for his special knowledge of the film industry, being a person who has no financial interest in the exhibition or renting of cinematograph films.

(3) The members of the Licensing Authority shall be appointed by the Governor-General on the recommendation of the Minister.

(4) Except as provided by subsection (5) of this section, every member of the Licensing Authority appointed under paragraph (b) or paragraph (c) of subsection (2) of this section shall hold office for a term of three years, but may from time to time be reappointed or may be at any time removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

(5) If any member of the Licensing Authority to whom subsection (4) of this section refers dies, is removed from office, or resigns, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.

(6) Unless he sooner vacates his office as provided in subsection (5) of this section, every member of the Licensing Authority whose term of office has expired shall continue in office until his successor comes into office.

(7) For the purpose of any hearing, inquiry, or investigation to be held or made by it under this Act, the Licensing Authority shall be deemed to be a Commission under the Commissions of Inquiry Act 1908; and, subject to the provisions of this Act, the provisions of the Commissions of Inquiry Act 1908 shall apply accordingly.

Cf. 1960, No. 44, s. 3 (1)–(7)

5. Functions and powers of Licensing Authority—(1) The general functions and powers of the Licensing Authority shall be—

- (a) To determine applications for the granting, amendment, or renewal of exhibitors' licences:
- (b) To determine applications for the granting, amendment, or renewal of renters' licences:
- (c) To determine applications for the granting or amendment of exhibitors' permits:
- (d) To revoke, suspend, or cancel exhibitors' or renters' licences or exhibitors' permits in accordance with the provisions of this Act:
- (e) To hold such inquiries and make such investigations as it thinks necessary or expedient relating to the matters specified in the foregoing provisions of this subsection:
- (f) To take such action of its own motion as it thinks necessary or expedient, and to give such public notification of that action as it deems necessary, relating to the provision or otherwise of exhibitors' licences or further exhibitors' licences in respect of any locality:
- (g) To require or impose conditions to be complied with as to the provision and maintenance of facilities, amenities, standards, and such other matters as it thinks necessary or expedient relating to any cinematograph theatre within which cinematograph film is exhibited or is intended to be exhibited, having regard to the requirements of the locality:
- (h) To determine any application for classification of any film under section 26 of this Act.

(2) The Licensing Authority may defer the issue for such period, not exceeding eighteen months, as it thinks fit of any exhibitor's or renter's licence or exhibitor's permit.

(3) The Licensing Authority shall have such other functions and powers as are conferred on it by this Act or by any regulations made under this Act.

(4) The Licensing Authority may, for any particular purpose, delegate in writing to any of its members or to any person or persons any of the powers of inquiry or investigation conferred upon it by this Act, and the person or persons to whom any such delegation is made shall possess for the purpose all the powers of the Licensing Authority with respect to the inquiry or investigation, except the power to act as a Commission of Inquiry.

Cf. 1960, No. 44, ss. 3 (1), 5

6. Sittings of Licensing Authority—(1) At all sittings of the Licensing Authority the quorum necessary for the transaction of business shall be two members, including the Chairman or his deputy.

(2) The Chairman or his deputy shall preside at every sitting of the Licensing Authority.

(3) A decision of a majority of the members present at a sitting of the Licensing Authority shall be the decision of the Licensing Authority:

Provided that, if at any sitting two members only are present and are divided in opinion, the decision of the Chairman or his deputy shall be the decision of the Licensing Authority.

(4) Every sitting of the Licensing Authority shall be held in private.

(5) Except as otherwise provided in this section, the Licensing Authority shall determine its own procedure.

Cf. 1960, No. 44, s. 4

7. Preservation of secrecy—(1) Every member of the Licensing Authority and every person engaged or employed in connection with the work of the Licensing Authority shall—

(a) Maintain and aid in maintaining the secrecy of all matters relating to this Act which come to his knowledge, and shall not communicate any such matters to any person, except for the purpose of carrying into effect this Act or any other enactment relating to cinematograph films; and

(b) Before he begins to perform any official duty under this Act, take and subscribe such oath or affirmation of fidelity and secrecy as is prescribed.

(2) Every person commits an offence who wilfully acts in contravention of the true intent of that oath or affirmation, and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds.

Cf. 1960, No. 44, s. 6

8. Deputies of members—(1) Where the Minister is satisfied that the Chairman or any other member of the Licensing Authority is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for the Chairman or for that other member during his incapacity.

(2) Any deputy appointed under this section shall, while he acts as such, be deemed to be a member of the Licensing Authority, and any deputy acting for the Chairman shall have all the powers of the Chairman.

(3) No appointment of a deputy and no acts done by him as such, and no act done by the Licensing Authority while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion of his appointment had not arisen or had ceased.

Cf. 1960, No. 44, s. 7

9. Appointment of Secretary and other officers—There may from time to time be appointed under the provisions of the Public Service Act 1912 a Secretary of the Licensing Authority and such other officers as may be deemed necessary for the purposes of this Part of this Act.

Cf. 1960, No. 44, s. 8

PART II

CENSORSHIP OF FILMS AND POSTERS

10. Censor of Cinematograph Films—(1) There shall be appointed under the provisions of the Public Service Act 1912 a Censor of Cinematograph Films.

(2) The powers conferred on the Censor by this Act may be exercised by any employee of the Public Service duly appointed to act on behalf of or in assistance of the Censor.

Cf. 1928, No. 20, ss. 3, 4

11. Films to be censored—(1) No person shall exhibit any film, unless it has been submitted to the Censor for examination and has been approved for exhibition or exempted from censorship by the Censor in accordance with the provisions of this Part of this Act:

Provided that nothing in this subsection shall be deemed to prohibit the private screening of any film in any premises by the maker, renter, or owner of the film in accordance with normal trade practice before its submission to the Censor for examination.

(2) A film may be submitted to the Censor for examination by the maker or renter thereof or, if there is no maker or renter in New Zealand, may be submitted by the exhibitor or the owner.

(3) Subject to the provisions of subsection (4) of this section, it shall be the duty of the Censor to examine every cinematograph film submitted to him for examination with a view to the film being approved for purposes of exhibition:

Provided that the Censor may exempt from the examination for censorship any film that in his opinion comes within any one of such classes of films as are from time to time exempted from examination for censorship by regulations made under this Act, either absolutely or subject to such conditions as may be specified in the regulations or imposed by the Censor.

(4) Notwithstanding anything in subsection (3) of this section, the Censor may at any time require any film of a class for which exemption may be or has been granted under that subsection to be submitted to him forthwith for examination, and, if necessary, for subsequent action under subsection (5) of this section.

(5) Where under subsection (4) of this section the Censor requires any film for which exemption has already been granted to be submitted for examination for censorship, the certificates of exemption and registration shall be deemed to be cancelled, and the holder for the time being of those certificates shall, on demand by the Censor, forthwith return those certificates to the Censor.

Cf. 1928, No. 20, ss. 5 (1), 7 (1); 1953, No. 71, s. 3 (1)

12. Powers of Censor—(1) On the completion of the examination of any film, the Censor may—

- (a) Approve the film for exhibition; or
- (b) Refuse to approve the film for exhibition; or
- (c) Approve the film for exhibition subject to such excisions from the film as he thinks proper.

(2) If the approval of the Censor is given subject to the making of any excisions from any film, the Censor may make such excisions therefrom and retain in his possession the excised parts:

Provided that the Censor shall return all such excised parts to the person who submitted the film for examination if the Censor is satisfied that the excised parts are to be sent out of New Zealand.

(3) Every person to whom any excised parts of film have been returned by the Censor on the ground that they are to be sent out of New Zealand commits an offence if he fails without reasonable excuse to send them out of New Zealand within thirty days after the date on which they are so returned

to him or within such longer period as the Censor may allow in any particular case.

Cf. 1928, No. 20, s. 5 (2), (3)

13. Censor's approval may be absolute or qualified—

(1) The approval by the Censor of any film submitted for censorship pursuant to this Act may be—

- (a) Absolute; or
- (b) Absolute, with a recommendation to the effect that the film is suitable for exhibition to persons other than children; or
- (c) Absolute, with a recommendation to the effect that the film is suitable for exhibition to adult audiences only; or
- (d) Absolute, with any other recommendation not specified in paragraph (b) or paragraph (c) of this subsection as to the suitability or unsuitability of the film or any part thereof for exhibition to any specified classes or descriptions of persons; or
- (e) Subject to a condition that the film may be exhibited only by or on behalf of an approved film society; or
- (f) Subject to a condition that the film may be exhibited only to any specified classes or descriptions of persons.

(2) On approving any film, whether absolutely or with such recommendations or such conditions as may be made under this section, the Censor shall issue to the person submitting the film for examination a certificate of approval in the prescribed form, setting out the recommendations and conditions made in respect of the film.

Cf. 1934, No. 36, s. 2 (1)

14. Matters to be considered by Censor—(1) The approval of the Censor shall not be given with respect to any film or to any part of a film which in his opinion depicts any matter that is contrary to public order or decency, or the exhibition of which would for any other reason be undesirable in the public interest.

(2) In the case of a film the exhibition of which is intended to be accompanied by a mechanical reproduction of sound (whether or not the device or arrangement for such reproduction is an integral part of the film), the Censor may take such reproduction of sound into consideration in determining whether or not the film should be approved, or in determining

the kind of certificate of approval to be issued, or in determining what excisions, if any, should be made therefrom.

Cf. 1928, No. 20, s. 5 (4)

15. Re-examination if film altered after approval—(1) If any matter other than the particulars prescribed pursuant to subsection (3) of section 28 of this Act is added to a film after it has been approved by the Censor, the film shall, before exhibition or further exhibition, be again submitted to the Censor for examination, and unless and until it has been again approved by the Censor it shall be deemed not to have been approved.

(2) If any length exceeding five per cent of the total length of the film is deleted from any film after it has been approved by the Censor, the person for the time being entitled to distribute or exhibit the film shall, before the film is exhibited or further exhibited, notify the Censor of the fact and nature of the deletion, and shall, if so requested by the Censor, return the film to the Censor for further examination; and, unless and until that film has been again approved by the Censor, it shall be deemed not to have been approved.

(3) Where any film is exempted from censorship and any matter is added thereto after the Censor has exempted the film from examination for censorship, the film shall, before exhibition or further exhibition, be again submitted to the Censor, and, unless and until it has been again exempted from examination for censorship or approved by the Censor, it shall be deemed not to be exempt from examination for censorship and not to have been approved.

(4) Where any film is exempted from censorship and any matter is deleted therefrom after the Censor has exempted the film from examination for censorship, then, if the Censor so requires, the film shall, before exhibition or further exhibition, be again submitted to the Censor, and in that case, unless and until it has been again exempted from examination for censorship or approved by the Censor, it shall be deemed not to be exempt from examination for censorship and not to have been approved.

Cf. 1928, No. 20, s. 6

16. Offences—(1) Every person commits an offence who—
(a) Exhibits any film or part of a film that has not been approved by the Censor in the form in which it is so exhibited; or

- (b) In the case of a film that has been conditionally approved by the Censor, exhibits that film or any part of that film in contravention of any conditions imposed by the Censor; or
 - (c) In the case of a film that has been exempted from examination for censorship under subsection (3) of section 11 of this Act, exhibits that film or any part of that film in contravention of any conditions attaching to that exemption.
- (2) Every person who commits an offence against subsection (1) of this section is liable to a fine not exceeding one hundred pounds in respect of every occasion on which the film or any part thereof is exhibited in breach of that subsection.

Cf. 1928, No. 20, s. 7 (1); 1934, No. 36, s. 4; 1953, No. 71, s. 3 (3)

17. Forfeiture of film on conviction—Any film in respect of which an offence under this Part of this Act has been committed may, by order of the convicting Court, and whether or not the Court imposes any other penalty in respect of the offence, be forfeited to the Crown, and may be destroyed or otherwise dealt with as the Minister directs.

Cf. 1928, No. 20, s. 7 (2)

18. Censorship of film posters and other advertising matter—(1) The provisions of this Part of this Act as to the censorship and exhibition of films may, to such extent as the regulations prescribe, be applied by regulations made under this Act so as to require the censorship of and to regulate the display of posters and other advertising matter used or intended to be used in relation to any cinematograph film or films. Any such regulations may relate exclusively to any specified class or specified classes of posters or other advertising matter.

(2) Every person commits an offence who uses any posters or other advertising matter in contravention of the provisions of this Part of this Act, as applied in accordance with this section, and is liable to the like penalties as for the offence of exhibiting films without the approval of the Censor.

Cf. 1928, No. 20, s. 8; S.R. 1956/80, reg. 2

19. Publication of Censor's certificate in posters and other advertising matter—(1) In addition to the matters specified in section 18 of this Act, any regulations made pursuant to that

section may make provision in accordance with this section requiring or restricting the publication in posters and other advertising matter of particulars of or in relation to the certificate given by the Censor in respect of any cinematograph film.

(2) In respect of posters or other advertising matter relating to any film specified therein, any such regulations may require that particulars of the Censor's certificate shall, subject to such exceptions (if any) as may be provided for in the order, be included in all such posters and in all other advertising matter relating to that film.

(3) In respect of posters or other advertising matter not relating to any specified film, but relating to an entertainment at which any unspecified film or unspecified films are to be exhibited, the regulations may require that particulars of the certificate given by the Censor in respect of any film proposed to be exhibited at that entertainment shall, subject to such exceptions (if any) as may be provided for in the regulations, be included in all posters and other advertising matter relating to the entertainment.

(4) Any regulations made for the purposes of this section may impose obligations on the printer or the publisher of any poster or other advertising matter, or on the renter or exhibitor of any specified film to which any such poster or other advertising matter relates, or on the exhibitor of any film exhibited at an entertainment referred to in subsection (3) of this section, or on the promoters of any such entertainment, or on any other persons, to publish or refrain from publishing particulars of the certificate of the Censor as required by the regulations, and may prescribe fines, not exceeding one hundred pounds, for failure to comply with any of the requirements of the regulations.

Cf. 1934, No. 36, s. 3 (1)-(4)

PART III

REGISTRATION OF FILMS

20. Registrar of Films—(1) For the purposes of this Part of this Act there shall be appointed under the provisions of the Public Service Act 1912 a Registrar of Cinematograph Films.

(2) The office of Registrar may be held in conjunction with the office of Censor or in conjunction with any other office in the Public Service.

(3) The duties of Registrar may be carried out by any employee of the Public Service duly appointed to act on behalf of or in assistance of the Registrar.

Cf. 1928, No. 20, s. 12

21. Register of Films—(1) The Registrar shall keep in his office a Register of Films, in which shall be entered with respect to each film registered under this Part of this Act the several particulars set out in the certificate of registration and such other particulars as may be prescribed.

(2) The Registrar shall enter in the Register of Films such particulars as may be prescribed with respect to any film which has been submitted for examination for censorship but which the Censor has refused to approve for exhibition.

Cf. 1928, No. 20, s. 21

22. Correction of register—(1) If the Minister believes that any particular in connection with a film has been incorrectly registered, or that any registered particular is no longer correct, he may require the Registrar to make such inquiry into the matter as may be necessary, and if the Registrar finds it necessary as a result of that inquiry he shall correct the register and issue an amended certificate of registration in respect of that film.

(2) For the purposes of any inquiry under this section, the Registrar may call for such evidence as he thinks necessary, or may require that the film be submitted to him for examination, and if default is made by any person in complying with the requirements of the Registrar under this section the Registrar may cancel the existing registration of the film.

(3) On the issue of an amended certificate in respect of any film, the former certificate shall cease to have effect.

Cf. 1928, No. 20, s. 19

23. Inspection of register—(1) The register shall be open to inspection during office hours by any person on payment of the prescribed fee.

(2) Any person on payment of the prescribed fee may require the Registrar to furnish to him a copy of any entry in the register, certified to be a true copy by the Registrar or other person authorised for the purpose by the Secretary for Internal Affairs.

Cf. 1928, No. 20, s. 22

24. Registration of films—(1) No person shall exhibit any film, unless it has been registered in accordance with this Part of this Act:

Provided that nothing in this subsection shall be deemed to prohibit the private screening of any film in any premises by the maker, renter, or owner of the film in accordance with normal trade practice before the film has been registered.

(2) Every person commits an offence who exhibits any film in contravention of this section.

(3) For the purposes of this section the exhibition of any unregistered film or unregistered films in two or more premises on the same day shall constitute a separate offence in respect of every such exhibition.

Cf. 1928, No. 20, s. 13

25. Procedure for registration of films—(1) Application for the registration of any film may be made by the maker or renter thereof, or if there is no renter in New Zealand may be made by the exhibitor or the owner.

(2) Application for the registration of any film may be made simultaneously with the application for its approval by the Censor or for exemption from examination for censorship in accordance with the provisions of Part II of this Act, or may be made at any time thereafter, but the Registrar shall not register any film until it has been approved by the Censor or exempted by the Censor from examination for censorship.

(3) Application for registration shall be made in the prescribed form to the Registrar, and shall be accompanied by the prescribed fee.

(4) Before registering any film, the Registrar may require the applicant to furnish such particulars in addition to the particulars contained in the application as he considers necessary for the purposes of registration.

(5) Where application is made for registration under this Act of any film as a Commonwealth film on the ground that it is registered as a British film by the United Kingdom Board of Trade, the Registrar, if he is satisfied by the applicant for registration that the film has been so registered and has not been altered since its registration to such an extent as to change its character as a Commonwealth film, shall register the film under this Act as a Commonwealth film.

(6) Any film registered as a Commonwealth quota film under this Act shall be deemed to be a Commonwealth quota film only in respect of the original year of registration in

New Zealand, and any reissue certificate issued in respect of that film and any new certificate issued in respect of any copy of that film, whether the copy is in the same gauge or not, shall show thereon the quota classification of that year of registration.

(7) On the registration of any film the Registrar shall assign thereto a registered number, and shall issue to the applicant a certificate of registration in the prescribed form, setting out with respect to the film—

- (a) The registered number of the film:
- (b) Its length:
- (c) Its classification as a Commonwealth film or a foreign film, as the case may be:
- (d) A statement as to whether or not the film is to be taken into account, in accordance with the provisions of Part V of this Act, for the purpose of computing the renter's quota or the exhibitor's quota:
- (e) The grouping of the film as determined by section 26 of this Act:
- (f) Such other particulars as may be prescribed.

Cf. 1928, No. 20, s. 14; 1953, No. 71, ss. 3 (4), 4, 9 (5)

26. Films to be classified as Group 1 or Group 2—(1) The certificate of registration of a film shall classify the film in one of the following groups:

- (a) Group 1 films, being films that exceed a screening time of thirty-three minutes and are not classified as Group 2 films under the provisions of this section:
- (b) Group 2 films, being films that either—
 - (i) Do not exceed a screening time of thirty-three minutes; or
 - (ii) Exceed a screening time of thirty-three minutes and are classified as Group 2 films under the provisions of subsection (3) of this section.

(2) Where application is made for the registration of a film that exceeds a screening time of thirty-three minutes, the Registrar shall classify the film as a Group 1 film, unless the applicant for registration applies for the film to be classified as a Group 2 film, in which case the Registrar shall transmit the application to the Licensing Authority for a decision as to the classification of the film.

(3) On any such application, the Licensing Authority shall direct the Registrar to classify the film as a Group 2 film if it is satisfied that the film comes within one or more of the following classes:

- (a) Films depicting wholly or mainly surgical or medical techniques and intended to be used for instructional purposes:
 - (b) Films intended to be used wholly or mainly by educational institutions for educational purposes:
 - (c) Films intended to be used wholly or mainly by religious organisations for purposes of religious instruction:
 - (d) Films depicting wholly or mainly industrial or manufacturing processes:
 - (e) Films being wholly or mainly commercial advertisements relating to the advertiser's or sponsor's activities:
 - (f) Scientific films, including natural-history films, intended to be used for educational purposes:
 - (g) Films depicting wholly or mainly cultural, sporting, or recreational activities, and intended to be used wholly or mainly by cultural, sporting, or recreational organisations for instructional or educational purposes:
 - (h) Films depicting wholly or mainly natural scenery.
- (4) If the Licensing Authority is not so satisfied, it shall direct the Registrar to classify the film as a Group 1 film.
- (5) Where the Licensing Authority is satisfied on representations being made to it that any film that has been classified as a Group 2 film on the ground that it is a film of a class specified in paragraph (g) or paragraph (h) of subsection (3) of this section is similar in character and subject-matter to a film that is being exhibited in cinematograph theatres and that its classification as a Group 2 film is causing undue hardship to holders of exhibitors' licences, the Licensing Authority may direct the Registrar to reclassify the film as a Group 1 film.
- (6) For the purpose of giving effect to any direction of the Licensing Authority under subsection (5) of this section, the person in possession of the certificate of registration of the film shall on demand by the Registrar surrender the certificate to him, and the Registrar shall cancel the certificate and issue a new one showing the amended classification of the film.
- (7) For the purposes of this section all copies of whatever gauge of any film shall be deemed to be one and the same film.
- (8) Every person commits an offence who rents for exhibition in any premises or exhibits any film in any premises otherwise than in accordance with any provisions of this Act

relating to the renting or exhibition of films of the group in which the film is classified under this section.

27. Films registered before commencement of this Act—

(1) Subject to the provisions of subsection (3) of this section, every film that has been registered in New Zealand before the commencement of this Act and exceeds a screening time of thirty-three minutes shall, for the purposes of this Act, be deemed to be classified as a Group 1 film.

(2) Every film that has been registered in New Zealand before the commencement of this Act and does not exceed a screening time of thirty-three minutes shall, for the purposes of this Act, be deemed to be classified as a Group 2 film.

(3) Where any film has been registered in New Zealand before the commencement of this Act and exceeds a screening time of thirty-three minutes, the person who, if the film had not previously been registered, would be entitled to apply for registration of the film may make application to the Registrar for that film to be classified as a Group 2 film; and in that case the provisions of section 26 of this Act shall apply in respect of the reclassification of that film as if application had been made under that section to classify it as a Group 2 film.

28. Special provisions as to certificates of registration and censorship—(1) If and whenever the office of Registrar is held in conjunction with the office of Censor, the certificate of the Registrar to be given in accordance with this Part of this Act shall be combined in the prescribed manner with the certificate of approval or, as the case may be, the certificate of exemption from examination for censorship given by the Censor pursuant to Part II of this Act.

(2) If and whenever the offices of Censor and Registrar are held by different officers, their certificates to be given in accordance with the foregoing provisions of this Act shall whenever practicable be given on the same document.

(3) Before any film is exhibited, there shall, at the expense of the applicant for registration of the film, be attached thereto in the prescribed form, so as to form an integral part thereof, such particulars of the censorship classification of the film as may be prescribed:

Provided that the provisions of this subsection shall not apply to any film not exceeding a screening time of thirty-three minutes in respect of which the Censor's approval is absolute without any recommendation, or to any film which the Censor has exempted from examination for censorship.

(4) Before any trailer is exhibited, there shall, at the expense of the applicant for registration of the film it advertises, be attached thereto in the prescribed form, so as to form an integral part thereof, such particulars of the censorship classification of the film it advertises as may be prescribed.

(5) The manner in which the particulars of the censorship classification of any film shall be attached to the film, their position in relation to the subject-matter of the film, and the amount of screening time to be occupied in the film by those particulars shall be determined from time to time in accordance with regulations made under this Act.

Cf. 1928, No. 20, s. 16; 1953, No. 71, ss. 3 (5), 5 (1)

29. Issuing or exhibiting film without certificate of Censor—(1) Every person commits an offence who—

(a) Whether a renter or not,—

(i) Issues to any exhibitor for exhibition any film in which particulars of the censorship classification of the film are not incorporated as aforesaid; or

(ii) Issues to any exhibitor for exhibition any trailer in which particulars of the censorship classification of the film which it advertises are not incorporated as aforesaid; or

(b) Exhibits any film in which particulars of the censorship classification of the film are not incorporated and shown at the time of exhibition; or

(c) Exhibits any trailer in which particulars of the censorship classification of the film which it advertises are not incorporated as aforesaid and shown at the time of exhibition.

(2) Nothing in paragraph (a) or paragraph (b) of subsection (1) of this section shall apply with respect to any film that by the proviso to subsection (3) of section 28 of this Act is for the time being exempted from the requirements of that subsection.

(3) Nothing in paragraph (b) or paragraph (c) of subsection (1) of this section shall apply with respect to the private examination or viewing of any film to which the proviso to subsection (1) of section 11 of this Act applies.

Cf. 1928, No. 20, s. 17; 1953, No. 71, s. 5 (2), (3)

30. Provisions as to alterations in length of film—If after the registration of any film its length is altered to the extent of more than five per cent thereof, the person for the time

being entitled to receive the proceeds derivable from the renting of that film shall within one month after the making of the alteration send to the Registrar written notice of the alteration, and if he fails to do so he commits an offence on every day on which that film as altered is so exhibited after the expiration of the said period of one month and before that notice is given.

Cf. 1928, No. 20, s. 18

31. Reissue certificates—(1) Where any film has been registered under this Part of this Act, any person who would be entitled under section 25 of this Act to apply for registration if the copy were an original film may apply for a reissue certificate in respect of a copy of that film, and the Registrar shall issue such a certificate incorporating the particulars as to title and quota set out in the certificate of registration of the original film pursuant to this Act or the corresponding provisions of any former Act, the registration classification of the film, the length of the copy, and the gauge of the copy (if made in a different gauge of film from the original), and also, unless the film is exempt from examination for censorship under subsection (3) of section 11 of this Act, incorporating the censorship classification of the original film:

Provided that the Censor may require the film to be resubmitted to him for examination, and, if on that examination it is found that it contains new matter that has been added since the film was originally registered, the film shall be deemed to be a new film for the purposes of Part II of this Act, and the provisions of that Part shall apply thereto accordingly.

(2) The provisions of section 28 of this Act shall, with the necessary modifications, apply with respect to every reissue certificate as if that certificate were a certificate of registration.

(3) For the purpose of this section, a film shall be deemed to be a copy of a film originally registered notwithstanding that it is in a different gauge of film, if the Registrar is satisfied by such evidence as he thinks sufficient that it is otherwise a true copy of the original film.

Cf. 1928, No. 20, s. 22A; 1953, No. 71, s. 6 (1)

PART IV

EXHIBITION OF FILMS

32. Exhibitors to have licence or permit—(1) No person shall exhibit films in any premises otherwise than in accordance with this Part of this Act.

(2) No holder of an exhibitor's licence or exhibitor's permit shall exhibit films elsewhere than in the premises specified in that licence or permit.

(3) Nothing in this Part of this Act shall apply with respect to the private screening of any film in any premises by the maker, renter, or owner of the film in accordance with normal trade practice.

Cf. 1928, No. 20, s. 32 (1), (5); 1956, No. 70, s. 2 (2)

33. Exhibitors of films in cinematograph theatres to be licensed—(1) No person shall exhibit films in any cinematograph theatre unless he is the holder of an exhibitor's licence.

(2) The holder of an exhibitor's licence may exhibit films of Group 1 or Group 2.

Cf. 1928, No. 20, s. 32 (1)

34. Exhibition of Group 2 films—No exhibitor's licence or exhibitor's permit shall be required for the exhibition of Group 2 films in any premises other than a cinematograph theatre:

Provided that no person shall engage in the business of exhibiting Group 2 films unless he is the holder of an exhibitor's licence.

35. Exhibition of Group 1 films in premises other than cinematograph theatres—(1) No person shall exhibit films of Group 1 in premises other than a cinematograph theatre, except in accordance with the following provisions:

- (a) Group 1 films may be exhibited without an exhibitor's permit in any hospital, rest home, convalescent home, or other institution of a similar nature, or in any boarding school, or in any fire station in which accommodation is provided for staff, where entrance to that exhibition is restricted to the inmates and staff of the institution:
- (b) Group 1 films may be exhibited without an exhibitor's permit by any charitable, philanthropic, religious, educational, sporting, or social body or organisation, but shall not be exhibited to the public or to any section of the public except under the authority of an exhibitor's permit:
- (c) Group 1 films may be exhibited without an exhibitor's permit by the licensee in any premises in respect of which a publican's licence or an accommodation licence or a tourist house licence under the Licensing

Act 1908 is for the time being in force or by the proprietor or manager in any unlicensed accommodation house or guest house or in any private hotel, but shall be exhibited only to persons who are residing on the premises:

- (d) Group 1 films may be exhibited without an exhibitor's permit on any business premises (not being a theatre) by the person, firm, or company carrying on business therein, but shall be exhibited only to persons who are employees in that business:

Provided that on application being made by any such person, firm, or company the Licensing Authority, if it is satisfied that the locality in which the business premises are situated is not adequately served by one or more existing cinematograph theatres, may approve the exhibition of such films to members of the families of those employees:

- (e) Group 1 films may be exhibited without an exhibitor's permit by an approved film society:

Provided that nothing in this paragraph shall apply where any person is present at the exhibition of that film by the society who is not a member of that society or has not been introduced by a member, or where the number of persons so introduced at that exhibition are ten or more or exceed ten per cent of the membership of the society, whichever is the greater:

Provided also that nothing in this paragraph shall apply where the society publicly advertises any proposed screening of Group 1 film otherwise than by public notification for the information of members or intending members of the society of the date, time, and place of the proposed screening of films and the titles of the films to be screened:

- (f) Subject to the provisions of subsection (3) of this section, Group 1 films may be exhibited by an approved film society which has been granted an exhibitor's permit by the Licensing Authority authorising the exhibition of those films to the public, on the ground that they are of special interest from the educational, artistic, or technical aspects of film production, at a film festival arranged by the society for the purpose of bringing those films to public notice:

(g) Subject to the provisions of subsection (4) of this section, a Group 1 film may be exhibited by any person who has been granted an exhibitor's permit in that behalf by the Licensing Authority.

(2) For the purposes of paragraph (b) of subsection (1) of this section, any exhibition of any film by any body or organisation referred to in that paragraph shall not be deemed to be exhibition to the public or any section thereof, where—

(a) The film is exhibited to further the bona fide objects or purposes of the body or organisation, those objects or purposes being other than the exhibiting of film; and

(b) The premises in which the film is exhibited are owned, occupied, or controlled by that body or organisation; and

(c) Admission to that exhibition is restricted to the members of that body or organisation and the members of their families; and

(d) The public generally is not invited by public notice or advertisement, or by any communication of whatever nature addressed to the public at large, to attend that exhibition; and

(e) No charge is made for admission to the premises where the exhibition is held; and

(f) After meeting actual expenses and charges incurred in that exhibition, any proceeds deriving from the exhibition are applied solely and entirely towards the funds of the body or organisation so exhibiting film, and no portion of those proceeds is payable to any person by way of fee, commission, or other financial reward for acts performed or services rendered by that person in arranging, providing, or carrying out the exhibition, except any fee payable to any projectionist for projecting the film.

(3) The grant of a permit under subsection (1) of this section shall be at the discretion of the Licensing Authority, which may in granting any permit impose such conditions as it thinks fit in respect of the nature and extent of any advertising, including the prohibition of advertising, the particular film or films to be exhibited under the authority of the permit, and as to whether any charge may be made for admission and also, in the case of a permit granted under paragraph (f) of that subsection, conditions in respect of the locality and premises in which the film festival is to be held, the duration

of the festival, and the composition of the programme of films.

(4) The Licensing Authority may refuse to grant a permit if, in its opinion, the exhibition of the film would cause unreasonable hardship to any holder of an exhibitor's licence authorising the exhibition of films in the same locality.

36. Applications for licences or permits—Application for an exhibitor's licence or exhibitor's permit shall be made in the prescribed form to the Secretary of the Licensing Authority, and shall be accompanied by the prescribed fee.

Cf. 1928, No. 20, s. 32 (2), (2A); 1960, No. 44, s. 21 (1)

37. Issue of licences and permits—(1) Every exhibitor's licence shall be issued under the hand of the Secretary of the Licensing Authority in the prescribed form, and, unless it is sooner revoked or surrendered, shall remain in force until the thirtieth day of September following the date of its issue, and shall then expire.

(2) Every exhibitor's permit shall be issued under the hand of the Secretary of the Licensing Authority in the prescribed form, and shall remain in force for such period as the Licensing Authority determines in each case, and shall be subject to such conditions and restrictions as may be specified by regulations made under this Act or as may be imposed by the Licensing Authority pursuant to this Act or to any such regulations.

(3) Any exhibitor's licence issued to an itinerant exhibitor may be issued in respect of not more than ten separate cinematograph theatres.

Cf. 1928, No. 20, s. 32 (3)–(5); 1956, No. 70, s. 2 (2)

38. Obligations of licence holder—(1) In granting any exhibitor's licence, the Licensing Authority may prescribe in the licence the maximum and minimum number of days in each week on which the holder of the licence shall exhibit films, and the holder of the licence shall exhibit films as so prescribed.

(2) If any licensed exhibitor fails to exhibit films as prescribed in the licence, the Licensing Authority may revoke the licence, or on its expiration may refuse to renew it or may renew it subject to such conditions in respect of exhibition as the Licensing Authority thinks fit.

(3) Where the Licensing Authority is satisfied that in any cinematograph theatre the conditions existing with respect to—

- (a) The quality or date of release of the films exhibited or of the films which the holder of the exhibitor's licence has contracted to exhibit; or
- (b) The nature of the seating or general conditions or amenities of the cinematograph theatre; or
- (c) The standard of projection and sound reproduction provided; or
- (d) The prices charged for admission to the cinematograph theatre, having regard to the matters specified in the foregoing provisions of this subsection,—

do not provide adequately for the requirements of the locality with regard to public entertainment, it may require the holder of the exhibitor's licence in respect of that cinematograph theatre to improve those conditions to any standard deemed necessary by the Licensing Authority. If the holder of the exhibitor's licence does not comply with that requisition, the Licensing Authority may on the expiration of the existing exhibitor's licence refuse to renew it or to grant a further licence to that exhibitor or in respect of that cinematograph theatre until such time as the conditions are improved to the standard deemed necessary by the Licensing Authority.

(4) The Licensing Authority may decide to grant an exhibitor's licence subject to conditions to be complied with before the issue of the licence, and, if those conditions are not complied with to the satisfaction of the Licensing Authority, the Licensing Authority may revoke its decision to grant the licence and direct the Secretary of the Licensing Authority not to issue the licence.

Cf. S.R. 1937/182, regs. 5, 6

39. Assignment of licences and permits—(1) No person shall assign any exhibitor's licence, or enter into any agreement to assign any exhibitor's licence or the benefit of any such licence, to any other person without the written consent of the Licensing Authority, and no such assignment or agreement shall be of any force and effect until it is consented to in writing by the Licensing Authority.

(2) No person shall assign any exhibitor's permit, or enter into any agreement to assign any exhibitor's permit, to any other person, and any such assignment or agreement shall be of no force or effect.

Cf. S.R. 1949/140, reg. 5

40. Matters to be considered by Licensing Authority on application for exhibitor's licence—In hearing and determining any application for the grant of any exhibitor's licence, the Licensing Authority shall have regard to and shall require to be satisfied concerning the site or proposed site of any cinematograph theatre, the seating accommodation and general amenities provided or to be provided, the number of days in each week on which exhibitions are given or to be given, the entertainment value and date of release of the films exhibited or to be exhibited, and any other considerations it considers relevant affecting the public interest.

Cf. S.R. 1937/182, reg. 3 (2); S.R. 1958/37, reg. 2

41. Licence to issue when no current licence in locality—(1) Where application is made for an exhibitor's licence and in the opinion of the Licensing Authority no current licence is held by any person authorising the exhibition of films in the locality to which the application relates, the Licensing Authority, if it is satisfied as to the matters specified in section 40 of this Act, but subject to the provisions of sections 43 and 48 of this Act, shall grant an exhibitor's licence to the applicant.

(2) Where two or more applications are made for exhibitors' licences for the exhibition of films in the same locality, and in the opinion of the Licensing Authority no current licence is held by any person authorising the exhibition of films in that locality, the Licensing Authority shall, subject to the provisions of subsection (1) of this section, grant an exhibitor's licence to at least one of the applicants, but may in its discretion refuse to grant such number of licences in excess of one as it thinks fit, having regard to the number of licences which in its opinion will provide adequately for the requirements of the locality with respect to the matters specified in section 40 of this Act without resulting in unreasonable economic waste.

42. Application for additional licence where licence already current for same locality—(1) Where one or more applications for exhibitors' licences are received for the exhibition of films in the same locality and one or more such licences are then current authorising the exhibition of films in that locality, the Licensing Authority may, in its discretion—

(a) Grant an additional licence or such number of additional licences as it thinks fit where it is satisfied that—

(i) The licence or licences then current do not provide adequately for the requirements of the locality with respect to the matters specified in section 40 of this Act; or

(ii) The granting of any additional licence or licences would not, in view of the conditions existing generally or locally in the industry or in view of the limited number of films of reasonable exhibition value obtainable in the market, cause undue hardship to the holder or holders of the current licence or licences, or would not result in unreasonable economic waste; or

(b) Where it is not so satisfied, refuse to grant any additional licence or licences.

(2) Where application is made to the Licensing Authority for amendment of a current exhibitor's licence so as to provide for an increase in the number of seats in any cinematograph theatre permitted by the terms of that licence (which increase involves structural alteration of the building), or so as to provide for an increase in the number of days in each week on which exhibitions may be given, then, in any case where there are one or more other current licences authorising the exhibition of films in that locality, the application shall for the purposes of this section be deemed to be an application for an additional licence, and the Licensing Authority shall in determining it have regard to the matters specified in subsection (1) of this section.

Cf. S.R. 1937/182, regs. 3 (1), 3A; S.R. 1958/37, reg. 2

43. Licensing Authority to consider public interest—

(1) Notwithstanding anything in section 40 or section 41 or section 42 of this Act, where an application is received for an exhibitor's licence, not being an application for the renewal of an existing licence, the Licensing Authority in considering the application shall have regard to the question whether or not the grant of a licence to the applicant would be in the public interest in view of the conditions existing generally or locally in the industry.

(2) Where in the opinion of the Licensing Authority the grant of a licence to the applicant would not be in the public interest, the Licensing Authority shall refuse to grant the licence.

Cf. S.R. 1949/140, reg. 8; S.R. 1957/151, reg. 3

44. Application for exhibitor's licence where licence for same theatre in existence—(1) Where any person other than the holder of a current exhibitor's licence in respect of an existing cinematograph theatre applies to the Licensing Authority for the grant of an exhibitor's licence in respect of that theatre, the Licensing Authority, in considering the application, shall require to be satisfied that the grant of the licence to the applicant would not involve unreasonable hardship to the holder of the current licence or would be in the public interest, having regard to the conditions existing generally or locally in the industry.

(2) Where in the opinion of the Licensing Authority the grant of a licence to the applicant would involve unreasonable hardship to the holder of the current licence or would not be in the public interest, the Licensing Authority may refuse to grant the licence.

Cf. S.R. 1937/182, reg. 4; S.R. 1957/151, reg. 2

45. Where theatre destroyed or rendered unusable—Where, through circumstances beyond the control of the holder of the licence, any cinematograph theatre in respect of which an exhibitor's licence is current is destroyed or is in any manner rendered unusable for the exhibition of films, then—

(a) If the holder of that licence gives an undertaking in writing to the Licensing Authority to resume the exhibition of films in the same locality as soon as may be practicable, the Licensing Authority may refuse to grant any further exhibitors' licences in respect of theatres in that locality to any person other than the holder of the current licence during such period as the Licensing Authority thinks fit:

(b) The Licensing Authority may, upon such terms and conditions as it thinks fit, authorise the holder of the licence to exhibit films in the same locality in some place of exhibition other than the cinematograph theatre in respect of which the licence was granted.

46. Where licence holder prevented from exhibiting films in theatre specified in licence—Where the holder of an exhibitor's licence is prevented from exhibiting films in any cinematograph theatre specified in the licence, whether by action of the owner of that theatre or by reason of other circumstances not brought about by voluntary action or by default of the holder of the licence, the Licensing Authority

may authorise the licence holder to exhibit films elsewhere in the same locality, and may refuse to grant any further exhibitor's licence relating to the first-mentioned cinematograph theatre, but in so doing the Licensing Authority shall not act arbitrarily without due regard to any rights possessed by the owner of the cinematograph theatre.

47. Restrictions on acquisition of control of theatres—

(1) Except with the prior written consent of the Licensing Authority, no person, firm, or company appearing to it to control ten or more cinematograph theatres in New Zealand shall enter into any arrangement, contractual or otherwise, that would in the opinion of the Licensing Authority result in that person, firm, or company—

- (a) Increasing the form or extent of his or its control of any of those theatres; or
- (b) Obtaining control of any additional theatre.

(2) Except with the prior written consent of the Licensing Authority, no person, firm, or company shall enter into any arrangement, contractual or otherwise, which would in the opinion of the Licensing Authority result in that person, firm, or company obtaining control of ten or more cinematograph theatres in New Zealand.

(3) Where any application is received for an exhibitor's licence in respect of any cinematograph theatre from any person, firm, or company, not being an application for the renewal of an existing licence, the Licensing Authority may in its discretion refuse to grant a licence to the applicant if in its opinion any person, firm, or company who or which already controls ten or more cinematograph theatres in New Zealand would, if the licence were granted, obtain control of an additional cinematograph theatre.

(4) For the purposes of this section, a person, firm, or company shall be deemed to control a cinematograph theatre if that person, firm, or company—

- (a) Holds an exhibitor's licence granted under this Act in respect of that theatre; or
- (b) Holds any legal or beneficial share or interest in any exhibitor's licence granted in respect of that theatre;
or
- (c) Holds any legal or beneficial estate or interest in the land on which that theatre is erected, whether that estate or interest is as owner, lessee, mortgagee, or otherwise howsoever; or

- (d) Has the right or privilege to acquire or book films for exhibition in that theatre; or
 - (e) Is a party to any pooling arrangement or any other arrangement for joint adventure or sharing of profits in respect of the operations of that theatre; or
 - (f) Holds any legal or beneficial estate or interest in or any mortgage or charge over any undertaking which in relation to that theatre has any of the estates, interests, rights, or privileges aforesaid or is a party to any of the arrangements aforesaid; or
 - (g) Has any right to control or direct or limit in any degree or in any way whatsoever the exhibition of films in that theatre; or
 - (h) Holds or is in any way (either directly or through any other person, firm, or company) interested in any share or shares in any firm or company which is the holder of any such licence, share, interest, right, or privilege, or is a party to any such arrangement, as is specified in the foregoing paragraphs of this subsection.
- (5) Every arrangement entered into in breach of the provisions of this section shall be of no force or effect.

Cf. S.R. 1949/140, regs. 4, 6, 6A, 7; S.R. 1953/120, reg. 2

48. Suitability of premises intended for exhibition of films—(1) The Licensing Authority shall not grant or issue any exhibitor's licence or exhibitor's permit in respect of the exhibition of films of gauge greater than sixteen millimetres and having effect before the first day of October, nineteen hundred and sixty-four, unless it is satisfied that, in the opinion of the Chief Inspector, the premises in respect of which the licence or permit is applied for are suitable for the exhibition of such films.

(2) Before granting or issuing any exhibitor's licence or exhibitor's permit the Licensing Authority may, in its discretion, require the applicant for the licence or permit to produce evidence to the effect that the premises in relation to which the licence or permit is applied for conform or will conform to the provisions of any Act, or of the bylaws of the local authority in whose district the premises are situated, relating to premises used for the purposes of a theatre.

PART V

RENTING OF FILMS AND PROVISIONS AS TO COMMONWEALTH
QUOTA

49. Renters' licences—(1) No person shall—

- (a) Carry on the business of renting films to persons required to hold an exhibitor's licence; or
- (b) Being a person required to hold an exhibitor's licence, acquire, otherwise than through the agency of another person who is a licensed renter, any films for exhibition,—

unless he is a holder of a renter's licence granted in accordance with this Part of this Act.

(2) Application for a renter's licence shall be made in the prescribed form addressed to the Secretary of the Licensing Authority, and shall be accompanied by the prescribed fee.

(3) No renter's licence shall be issued to any person, unless that person has a place of business in New Zealand.

(4) The Licensing Authority shall not grant any renter's licence having effect before the first day of October, nineteen hundred and sixty-four, unless the Chief Inspector has given a certificate to the effect that the building or other place in which the applicant for a licence stores or proposes to store film is suitable for the storage of film.

(5) Every renter's licence shall be in the prescribed form, and shall be issued under the hand of the Secretary of the Licensing Authority, and shall, unless it is sooner revoked or surrendered, remain in force until the thirty-first day of December of the year in respect of which it is issued, and shall then expire.

(6) Every person commits an offence who carries on business as a renter of films or acquires films contrary to the provisions of this section or the terms and conditions of any licence issued under this section:

Provided that a renter shall not be deemed to commit an offence against this section if, being the holder of an expired renter's licence, he has applied to the Licensing Authority within the prescribed period for a renewal of that licence and no decision to refuse the renewal has been made by the Licensing Authority.

Cf. 1928, No. 20, s. 28; 1960, No. 44, s. 20

50. Meaning of "quota film"—(1) For the purposes of this Part of this Act the term "quota film" includes all films registered under this Act, except films of the following classes:

- (a) Films depicting wholly or mainly news and current events:
- (b) Films depicting wholly or mainly natural scenery:
- (c) Films being wholly or mainly commercial advertisements:
- (d) Films used wholly or mainly by educational institutions for educational purposes:
- (e) Films depicting wholly or mainly industrial or manufacturing processes:
- (f) Scientific films, including natural-history films:
- (g) Films not exceeding a screening time of thirty-three minutes.

(2) Notwithstanding anything in subsection (1) of this section, the Minister may at any time direct that any specified film of any of the classes referred to in that subsection shall be deemed to be a quota film.

(3) If any direction under subsection (2) of this section is given by the Minister after the registration of the film to which that direction relates, the Registrar shall make all necessary amendments in the register and in the certificate of registration.

Cf. 1928, No. 20, s. 27; 1953, No. 71, ss. 9 (5), 10

51. Minimum requirements as to acquisition of Commonwealth films by renters—(1) Subject to the provisions of subsections (2) and (3) of this section, every renter shall ensure that of the total number of registered quota films acquired for the purposes of his business in any year ending with the thirty-first day of December not less than twenty per cent shall be Commonwealth films.

(2) The Minister, if he is satisfied that any renter is or has been unable to comply with the provisions of subsection (1) of this section by reason of the character of the Commonwealth films available, or the excessive cost of such films in relation to foreign films, may modify the requirements of that subsection in relation to any year to such extent as in the circumstances he considers reasonable.

(3) In addition to the authority conferred on him by subsection (2) of this section, the Minister, on the application of any renter, may modify the requirements of subsection (1) of this section for any specified year in their application to that renter, if the Minister is satisfied that no exhibitor will as the result of any such modification be prevented from or unduly prejudiced in complying with the requirements of this Part of this Act in relation to any exhibitor's quota.

(4) The Minister shall publicly notify any modification made under subsection (2) or subsection (3) of this section by notice published in the *Gazette*.

(5) Notwithstanding anything in subsection (1) of this section, the Minister may review quota percentages at intervals of not less than three years commencing from the date of the commencement of this Act. Any determination of the Minister in relation to quota percentages shall be publicly notified by notice published in the *Gazette*.

(6) For the purpose of this section any film shall be deemed to be acquired by a renter in the year in which it is first registered in New Zealand, and no film shall be taken into account by more than one renter for the purpose of computing the quota specified in this section.

(7) Any renter commits an offence who, without reasonable excuse or unless the reasons for non-compliance were beyond his control, fails to comply with the provisions of this section, and is liable to a fine not exceeding one hundred pounds.

(8) Upon conviction of any renter for an offence under this section, the Court, if it is of opinion that the offence was committed with intent to defeat the purposes of this Part of this Act, may, whether or not it imposes any other penalty in respect of the offence, make an order for the cancellation of that renter's licence or for the suspension thereof for such period as the Court thinks fit, that order to take effect as from a date to be therein specified.

Cf. 1928, No. 20, s. 29; 1953, No. 71, ss. 9 (5), 11 (1),

(2)

52. Renters to supply particulars to Licensing Authority—

(1) Every renter, before entering into any contract with an exhibitor for the exhibition of any film acquired or proposed to be acquired by the renter for release in any film-renting season, shall give to the Licensing Authority a statement in writing with respect to all the films which he intends to release during that film-renting season.

(2) Every statement under the provisions of subsection (1) of this section shall be in the prescribed form, and shall give—

(a) Particulars as to the number of Commonwealth quota films and the number of foreign quota films that the renter proposes to release during that film-renting season; and

(b) A general or particular description of the quota films that the renter proposes to release during that film-renting season.

(3) The description given pursuant to paragraph (b) of subsection (2) of this section of films proposed to be released in any film-renting season shall be not less complete than the description of those films given by or on behalf of that renter to any exhibitor in the course of negotiations for a film-renting contract or given before or contemporaneously with those negotiations in any advertisement published in any trade newspaper or trade circular or other document supplied to or circulating among exhibitors.

(4) Every renter shall, as and when required by the Minister and at the intervals prescribed by regulations made under this Act, furnish to the Minister such returns in respect of the films rented or acquired as may from time to time be prescribed.

Cf. 1928, No. 20, s. 31 (3); 1934, No. 36, s. 7 (1), (2); 1953, No. 79, s. 9 (5)

53. Renters may combine for quota purposes in certain cases—(1) On application by any number of renters, none of whom or not more than one of whom during any year ending with the thirty-first day of December acquires for the purposes of his business more than six quota films, the Licensing Authority may consent to those renters combining for the purpose of satisfying the requirements of subsection (1) of section 51 of this Act.

(2) In every such case all the renters who have so combined shall for the purposes of that subsection be regarded as one renter only, and shall accordingly be deemed to have complied with the requirements of that subsection to the same extent as one renter in such circumstances would have complied, but in the event of non-compliance all those renters shall each be deemed to have committed an offence against this Act.

Cf. 1928, No. 20, s. 30; 1953, No. 71, s. 11 (3)

54. Renter to furnish particulars to exhibitor as to quota—For the purpose of enabling the holder of an exhibitor's licence to comply with the requirements of this Part of this Act, every renter who supplies any quota film to any such licence holder shall furnish to him, before or within seven days of the delivery of the film, a statement setting forth with respect to that film the following particulars:

(a) The title of the film:

(b) Its registered number and total length, as appearing in the certificate of registration:

- (c) Its classification, as appearing in the certificate of registration, as a Commonwealth film or a foreign film, as the case may be.

Cf. 1928, No. 20, s. 35

55. Minimum requirements as to exhibition of Commonwealth films—(1) Of the total number of registered quota films exhibited in any year ending with the thirtieth day of September by the holder of an exhibitor's licence, he shall exhibit not less than twenty per cent of Commonwealth films.

(2) In computing for the purposes of this section the proportion of Commonwealth films exhibited by any exhibitor in any year, every exhibition of a quota film (whether Commonwealth or foreign) shall be deemed to be the exhibition of a separate film.

(3) If the Licensing Authority is satisfied that in any year compliance with the provisions of this section by any exhibitor is not or was not commercially practicable by reason of the character of Commonwealth films available or the excessive cost of such films in relation to foreign films, the Licensing Authority may modify those requirements to such extent as in the circumstances it considers reasonable.

(4) Every holder of an exhibitor's licence commits an offence who in any year fails, without reasonable excuse or unless the reasons for non-compliance were beyond his control, to comply with the requirements of this section or with those requirements as modified under subsection (3) of this section, and is liable to a fine not exceeding one hundred pounds.

(5) The Court by which any person is convicted of an offence against this section, whether or not it imposes any other penalty for the offence, may, if it is of the opinion that the offence was committed with intent to defeat the purposes of this section, make an order for the cancellation of the exhibitor's licence or for its suspension for such period as the Court thinks fit, that order to take effect as from a date to be therein specified in that behalf.

Cf. 1928, No. 20, s. 33; 1953, No. 71, ss. 9 (5), 11 (4), (5)

56. Returns to be made by exhibitors—(1) Every holder of an exhibitor's licence shall keep a record in which, within seven days after the exhibition of any registered quota film, he shall enter or cause to be entered such particulars as may be prescribed for the purpose of providing evidence as to whether or not the provisions of section 55 of this Act have been complied with.

(2) The record required to be kept by exhibitors pursuant to this section shall in the case of itinerant exhibitors be kept at such place as may be specified in the exhibitor's licence in that behalf, and in all other cases shall be kept in the cinematograph theatre in respect of which the licence is issued.

(3) Every record kept pursuant to this section shall be open at all reasonable times to inspection by an Inspector of Films or by any person authorised in that behalf by the Secretary for Internal Affairs.

(4) Every exhibitor to whom this section applies shall send to the Minister, as and when required by the Minister, such returns in respect of the exhibition of quota films as may from time to time be prescribed.

Cf. 1928, No. 20, s. 34; 1953, No. 71, s. 9 (5)

57. Restrictions on contracts for advance bookings—(1) No person shall enter into an agreement for the supply to any holder of an exhibitor's licence of films to be exhibited in any cinematograph theatre during any period longer than twelve months, and no person shall enter into such an agreement more than nine months before the date fixed for the commencement of the supply of films in terms thereof:

Provided that an agreement for the supply of films for exhibition in a number of cinematograph theatres in succession may be made at any time within the nine months preceding the commencement of that supply:

Provided also that in the case of an agreement for the supply of a serial film the said period of twelve months shall apply only in respect of the supply of the first three parts.

(2) Every party to any agreement entered into in contravention of this section commits an offence, and is liable to a fine not exceeding one hundred pounds.

(3) The provisions of subsection (1) of this section, so far as they limit the time within which agreements for the supply of films may be entered into, shall not apply with respect to any agreement for the supply of films if in terms of that agreement the supply is to be completed within eighteen months after the date of the making of the agreement.

Cf. 1928, No. 20, s. 37; 1929, No. 26, s. 3

58. Relief of exhibitors from block bookings—(1) Notwithstanding anything in any contract entered into by any holder of an exhibitor's licence, whether before or after the commencement of this Act, for the supply to him for exhibition of

any quota films exceeding four in number, the holder of an exhibitor's licence shall, subject to the provisions of this section and without incurring any liability for breach of contract, have the right to reject up to twenty-five per cent of the total number of quota films proposed to be delivered to the exhibitor in terms of that contract.

(2) Where for the purposes of subsection (1) of this section twenty-five per cent of any number of films is not a whole number, any fraction not less than a half shall be deemed to be the succeeding whole number.

(3) The number of quota films that may be rejected by any holder of an exhibitor's licence pursuant to this section shall be inclusive of and not in addition to the number of quota films (if any) that may be rejected by the holder of the exhibitor's licence in terms of any contract with the renter, but no contract between the holder of the exhibitor's licence and the renter shall be effective to restrict the licence holder's choice of quota films that may be rejected by him within the limits hereinbefore prescribed by this section.

(4) For the purpose of determining the extent of the right of rejection exercisable by the holder of an exhibitor's licence under this section, all contracts made between a renter and the holder of an exhibitor's licence shall be deemed to be one contract, if those contracts provide for the supply to the holder of the exhibitor's licence for exhibition in any one cinematograph theatre, or in any one of a number of specified cinematograph theatres, of films released or to be released by the renter during any film-renting season.

Cf. 1934, No. 36, s. 8 (1)–(4)

59. Notice of intention to exercise contractual right—

(1) Notice of his intention to reject any film pursuant to any right of rejection conferred on any holder of an exhibitor's licence by section 58 of this Act or by any contract shall not have any effect unless it is given by him to the renter within twenty-one days after the receipt by the exhibitor of a notification from the renter that the film will be available for exhibition by the exhibitor in terms of his contract:

Provided that in the case of a film that has not been released when the notification is given by the renter, the exhibitor may give notice of his intention to reject the film at any time within twenty-one days after its release, or within twenty-one days after the film has been otherwise made available for viewing by the exhibitor, or by some person nominated by him to view it on his behalf, at a screening arranged by the renter.

(2) Any notification given by a renter to an exhibitor for the purposes of this section with reference to a film that has been released before the notification is given shall specify the cinematograph theatre in which the film was released and such other particulars (if any) relating to prior exhibitions of the film as may be prescribed.

(3) For the purposes of this section and of section 58 of this Act, the right to select any film or films from any number of films the subject-matter of a film-renting contract shall be deemed to be a right to reject any unselected film or films.

Cf. 1934, No. 36, s. 9

60. Restriction on conduct of business by renters—(1) Every renter commits an offence who, on application by the holder of an exhibitor's licence who is otherwise unable to obtain an adequate supply of films on usual trade terms and conditions, refuses to rent any released film to that exhibitor on the terms and conditions usually applicable in the circumstances of the business of that exhibitor and that renter respectively, unless, when that application is made, the film is the subject-matter of a film-renting contract with a competitive exhibitor in the same locality and has not been rejected by him, or is the subject-matter of bona fide negotiations for renting with a competitive exhibitor in the same locality.

(2) Every person who commits an offence against this section is liable to a fine not exceeding one hundred pounds.

(3) No prosecution for an offence against this section shall be instituted except with the consent of the Minister of Internal Affairs given with the concurrence of the Minister of Industries and Commerce.

Cf. 1934, No. 36, s. 12 (1)

61. Restriction on conduct of business by exhibitors—(1) Every holder of an exhibitor's licence commits an offence who hires any films in excess of the number of films reasonably required by him for exhibition in any cinematograph theatre or theatres in respect of which he is licensed.

(2) Every person who commits an offence against this section is liable to a fine not exceeding one hundred pounds.

(3) No prosecution for an offence against this section may be instituted except with the consent of the Minister of

Internal Affairs given with the concurrence of the Minister of Industries and Commerce.

Cf. 1934, No. 36, s. 12 (2)

62. Film-renting contracts to be in standard form—(1) In this section the term “standard contract” means the form of standard film-hiring contract approved by the Minister of Internal Affairs under the provisions of the Cinematograph Films Amendment Act 1934 on the twenty-third day of October, nineteen hundred and forty (a copy of which is published in the *Gazette* of the twenty-fourth day of October, nineteen hundred and forty, at page 2747), or any form of standard film-renting contract for the time being prescribed in its place by the Minister pursuant to the provisions of subsection (2) of this section; and includes any modification thereof made under that subsection.

(2) The Minister may from time to time, by notice in the *Gazette*, prescribe a new form of standard film-renting contract or modify any of the terms or conditions of the standard contract for the time being in force.

(3) The prescribing by the Minister of any new standard contract in accordance with this section shall be effective for such period, not exceeding two years, as the Minister specifies in the notice prescribing the form:

Provided that the standard form of contract may be at any time varied with the approval of the Minister given on a joint application made by or on behalf of a majority of the holders of renters’ licences and a majority of the holders of exhibitors’ licences for the time being:

Provided also that if on the expiration of the period so prescribed a new standard contract has not been prescribed the standard contract in force before the expiration of that period shall, unless the Minister otherwise directs, continue to be in force until it is superseded on the prescribing of a new standard contract.

(4) Before prescribing any new form of standard contract or any modification of the standard contract, the Minister shall consult with such body as appears to him to be representative of holders of renters’ licences and holders of exhibitors’ licences, and shall take into consideration any recommendations in relation thereto made by that body.

(5) All film-renting contracts (whether made before or after the commencement of this Act) with reference to films to be exhibited by a licensed exhibitor after the commencement of this Act shall be read subject to the standard contract

for the time being in force, and, so far as the terms and conditions of any such contract purport to negative or are inconsistent with any of the terms or conditions of the standard contract, they shall not be binding either on the exhibitor or the renter.

(6) No film-renting contract entered into while a prescribed or approved standard form of contract is in force shall be affected by any variation thereafter made in that standard form or by the prescribing of a new standard contract.

Cf. 1934, No. 36, s. 10

63. Film-renting contracts exempt from stamp duty—No stamp duty shall be payable on any film-renting contract to which the provisions of section 62 of this Act apply.

Cf. 1935, No. 41, s. 12; 1961, No. 55, s. 9 (3)

64. Offences—(1) Every renter commits an offence who knowingly rents to any exhibitor for the purposes of exhibition in any premises any film in respect of the exhibition of which that exhibitor is required under Part IV of this Act to be the holder of an exhibitor's licence or an exhibitor's permit unless the exhibitor holds such a licence or permit.

(2) It shall be a sufficient defence to a charge of an offence against this section if the defendant proves that the exhibitor by contract with the renter has bound himself to obtain all necessary licences or permits under this Act, or that the defendant believed on reasonable grounds that the exhibitor held all necessary licences or permits under this Act.

Cf. S.R. 1952/50, reg. 24

65. Limitation of time for proceedings—Notwithstanding anything to the contrary in section 14 of the Summary Proceedings Act 1957, proceedings against any person for failure in any year to comply with the provisions of this Part of this Act as to the renter's quota or as to the exhibitor's quota may be commenced within one year from the end of that year.

Cf. 1928, No. 20, s. 36; 1934, No. 36, s. 12 (4)

PART VI

SAFETY PROVISIONS

66. Duration of this Part—This Part of this Act (except this section, section 67, and subsections (1), (2), and (4) of section 70) and any regulations made pursuant to section 69

of this Act shall expire with the thirtieth day of September nineteen hundred and sixty-four.

67. Use of highly inflammable film prohibited—(1) No person shall on or after the first day of October, nineteen hundred and sixty-four, import into New Zealand or manufacture, rent, transport, or exhibit any cinematograph film that is of a highly inflammable nature as determined by tests prescribed by regulations made under this Act.

(2) Every person who commits a breach of this section is liable to a fine not exceeding one hundred pounds.

(3) On the conviction of any person for an offence against this section the film in respect of which the offence was committed shall be deemed to be forfeited to the Crown, and may be destroyed or otherwise dealt with as the Minister directs.

68. Persons storing, transporting, or projecting film to comply with regulations—(1) No person shall store any cinematograph film of gauge greater than sixteen millimetres in any premises (not being a private dwelling), or transport any such film from one place to another by any means whatsoever, or project any such film in any place where film is exhibited, otherwise than in accordance with regulations made pursuant to section 69 of this Act:

Provided that the Chief Inspector may, where he is satisfied that the film proposed to be stored, transported, or projected is not of a highly inflammable nature, authorise in writing any person to store, transport, or project any film otherwise than in accordance with any such regulations.

(2) Any written authorisation given by the Chief Inspector under subsection (1) of this section shall be subject to such conditions as the Chief Inspector considers necessary for the public safety, and the Chief Inspector may apply, exclude, or modify to such extent as is stated in the authorisation the provision of any regulations made pursuant to section 69 of this Act.

(3) No written authorisation given by the Chief Inspector under this section shall be deemed to limit the powers of an Inspector of Films under section 70 of this Act.

Cf. S.R. 1952/50, regs. 3, 29

69. Regulations as to storage, transport, and projection of films—For the purpose of conserving the safety of persons and property, regulations may be made under section 113 of this Act for all or any of the following purposes:

- (a) Prescribing the situation, construction, and equipment of storage places for film, and the conditions under which film may be stored and handled therein:
- (b) Prescribing rules to be observed by persons employed or engaged in places where film is stored or handled:
- (c) Prescribing the method of packing and labelling to be used in connection with the transport of film from one place to another, whether within a building or to any other place:
- (d) Prescribing the situation, construction, and maintenance of projection rooms in any premises:
- (e) Prescribing rules to be observed by all persons in any projection room in any premises at any time when any film is therein, whether being exhibited or not:
- (f) Prescribing the requirements to be complied with in respect of the construction, fitting up, maintenance, and use of cinematograph machines used in the projection of films in any premises:
- (g) Prescribing conditions with respect to the installation and maintenance of the electrical equipment in any premises:
- (h) Providing for the notification of accidents by way of fire or explosion arising from the storage, transport, or projection of films, and the holding of inquiries as to the cause of such accidents:
- (i) Providing for the inspection of places and equipment used in connection with the storage and projection of film:
- (j) Prescribing the fire-protection equipment to be provided in places where cinematograph film is projected, stored, or handled.

Cf. 1928, No. 20, s. 24

70. Powers of Inspectors—(1) Every Inspector of Films shall for the purposes of this Part of this Act have the like powers with respect to cinematograph films and the premises in which films may be stored or projected and with respect to any matter incidental thereto as he has under the Dangerous Goods Act 1957 with respect to dangerous goods.

(2) The Chief Inspector may at any time by writing under his hand authorise any person to act as an Inspector of Films for the purpose of securing the effective inspection of premises and equipment, and any person so appointed shall for the purposes of this Part of this Act have the powers of an Inspector of Films.

(3) For the purposes of effective inspection of electrical apparatus and electrical equipment in any premises in which film is stored or exhibited, and for enforcement in connection therewith of the conditions in respect of the installation and maintenance of electrical equipment prescribed by regulations made pursuant to section 69 of this Act, every Inspector of electrical wiring registered under the Electricians Act 1952, shall, for the purposes of this Part of this Act and in respect only of the inspection of electrical apparatus and equipment, have the powers of an Inspector of Films.

(4) Every person commits an offence who obstructs an Inspector in the exercise of his powers under this Part of this Act, or who fails to comply with any requisition in writing made by an Inspector in the performance of his duties under this Part, or who fails to give to an Inspector any information that the Inspector may reasonably require of him for the purposes of this Part of this Act.

Cf. 1928, No. 20, s. 26

71. Accidents—Where any accident, by way of fire or explosion involving cinematograph film, occurs, the person for the time being authorised or entitled to distribute that film in New Zealand and any person who had that film in his possession at the time of the accident for the purpose of exhibiting it under the authority of an exhibitor's licence or exhibitor's permit shall forthwith send or cause to be sent to the office of the Chief Inspector at Wellington a written report of the accident and of any loss of life, personal injury, or damage to property occasioned thereby, and shall answer all such inquiries into the cause and result of the accident as may be made by any Inspector of Films.

Cf. S.R. 1952/50, reg. 31

PART VII

CINEMATOGRAPH FILM PROJECTIONISTS

72. Cinematograph Film Projectionists Licensing Board—

(1) For the purposes of this Act there is hereby established a Board to be known as the Cinematograph Film Projectionists Licensing Board.

(2) The Board shall consist of—

- (a) An officer of the Department of Internal Affairs, who shall be the Chairman of the Board:
- (b) One member representing the Motion Picture Distributors Association of New Zealand:

- (c) One member representing the New Zealand Federated Motion Picture Projectionists Industrial Association of Workers, being an "A" grade licensed projectionist:
 - (d) One member representing the New Zealand Motion Picture Exhibitors Association:
 - (e) One member, being an electrical engineer who has no financial interest in the making or selling of cinematograph machines or equipment, or the making, selling, renting, or exhibiting of cinematograph films.
- (3) The members of the Board shall be appointed by the Minister, and shall hold office during his pleasure.
- (4) The Board is hereby declared to be the same Board as the Cinematograph Film Operators' Licensing Board constituted under the Cinematograph Operators Licensing Regulations 1938, and the members of that Board holding office at the date of the commencement of this Act shall continue in office as if they had been appointed under this section.

Cf. S.R. 1938/39, reg. 6; S.R. 1955/214, reg. 2

73. Functions of Board—The functions of the Projectionists Licensing Board shall be—

- (a) To receive and determine applications for the grant of projectionists' licences under this Part of this Act:
- (b) To prescribe the syllabus for and conduct written, oral, and practical examinations for the purposes of this Part of this Act:
- (c) To prepare and approve written examination papers for the examination of applicants for projectionists' licences:
- (d) To appoint examiners for the holding of written, oral, and practical examinations and to make such payments to those examiners as the Board, with the approval of the Minister, determines:
- (e) To consider reports of Inspectors relating to breaches of good practice by licensed projectionists:
- (f) To revoke, endorse, or suspend projectionists' licences in accordance with this Part of this Act.

Cf. S.R. 1938/39, reg. 8

74. Secretary of the Board—The Secretary for the time being of the Licensing Authority shall also be the Secretary of the Projectionists Licensing Board.

Cf. S.R. 1938/39, reg. 7

75. Meetings of Board—(1) The Projectionists Licensing Board shall meet for the conduct of its business at such times and places as it considers necessary.

(2) Notice of the time and place for every such meeting, signed by the Secretary, shall be sent to every member of the Board at least three clear days before the time appointed for that meeting.

(3) The Chairman shall preside at every meeting of the Board at which he is present.

(4) In the absence of the Chairman from any meeting of the Board, he may authorise any other officer of the Department of Internal Affairs to attend the meeting in his stead, and while so attending that officer shall be deemed to be the Chairman of the Board. The fact that any person attends and acts as the Chairman of the Board at any such meeting shall be conclusive proof of his authority to do so.

(5) At all meetings of the Board the quorum necessary for the transaction of business shall be three members, including the Chairman or the person attending the meeting in his stead under subsection (4) of this section.

(6) Every question before the Board shall be determined by a majority of the votes of the members present at the meeting.

(7) The Chairman of any meeting of the Board shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

(8) Except as otherwise provided in this section, the Board shall determine its own procedure.

Cf. S.R. 1938/39, reg. 9

76. Projectionists to be licensed—(1) No person shall—

(a) Project cinematograph film or assist in the projection of cinematograph film in any cinematograph theatre;

or

(b) Project or assist in the projection of cinematograph film of a highly inflammable nature in any premises other than a private residence,—

unless he is the holder of a cinematograph film projectionist's licence issued under this Part of this Act (such a licence being referred to in this Part as a projectionist's licence) which is appropriate to that projection in accordance with regulations made under this Act:

Provided that nothing in this subsection shall derogate from the provisions of section 79 of this Act.

(2) No person shall employ any other person to project cinematograph film or assist in the projection of cinematograph film in any cinematograph theatre who is not the holder of a projectionist's licence.

(3) The projection of film by or employment of an unlicensed projectionist shall not be an offence under this section in the case of sickness or other emergency affecting the person normally employed where no other licensed projectionist is available, provided the projection by an unlicensed projectionist does not extend over a period in excess of fourteen days or such longer period, not exceeding four weeks, as the Film Projectionists Board authorises, having regard to the circumstances of the particular case.

(4) The holder of an exhibitor's licence in respect of any theatre shall ensure that, when film is being projected in that theatre for the purposes of a public performance, a projectionist holding a projectionist's licence which is appropriate to that projection in accordance with regulations made under this Act is in charge of the projection room throughout the performance.

(5) Except in the case of illness or emergency, the projectionist in charge of the projection room as aforesaid shall not absent himself from the projection room while the projection apparatus is in use at a public performance.

Cf. S.R. 1938/39, reg. 5; S.R. 1946/99, reg. 3; S.R. 1952/50, reg. 18

77. Projectionists' licences—(1) Application to the Projectionists Licensing Board for a projectionist's licence shall be made to the Secretary of the Board, and shall be in the prescribed form and be accompanied by the prescribed examination fee.

(2) Projectionists' licences shall be of such classes and grades and shall be subject to such conditions and limitations in respect of the type of film to be projected, or of the type of premises in which projection may be carried out, or of the frequency of projection, as may be prescribed.

(3) Where regulations made under this Act provide that the issue of any particular class or grade of projectionist's licence shall be dependent on the passing of an appropriate written, oral, or practical examination or on the possession of specified training or practical experience in the projection of cinematograph films by an applicant for a projectionist's licence, the Board shall not issue such a licence to any person,

unless it is satisfied that the applicant has passed an examination appropriate in the opinion of the Board to the class or grade of the projectionist's licence applied for or that he possesses the required training or practical experience in the projection of cinematograph film.

(4) Where an applicant for a projectionist's licence fails to pass the necessary examination, he shall not be competent to sit for a further examination for a period of twelve months:

Provided that he may, on application to the Board within one month from the date of receipt by him of notification of his failure and on payment of such special examination fee as may be prescribed, be submitted to a further examination, which shall be carried out by an examiner and two licensed projectionists appointed by the Board.

(5) The Board may, if it thinks fit, require that any applicant for any class or grade of projectionist's licence who already holds or has previously held a projectionist's licence shall pass such written, oral, and practical examination as the Board specifies on matters affecting any alteration in projection technique which may have taken place since the licence was issued or on other matters which may from time to time be determined by the Board.

(6) Every projectionist's licence issued under this Part of this Act shall, unless previously revoked or suspended by the Board, expire with the thirty-first day of May, nineteen hundred and sixty-two, and thereafter shall, if renewed, expire with the thirty-first day of May in every second year.

(7) Application for the renewal of any projectionist's licence shall be made in the prescribed form to the Secretary of the Board not less than one month before the day on which the licence expires.

(8) For the purposes of this Part of this Act, any operator's licence issued under the Cinematograph Operators' Licensing Regulations 1938 before the date of the commencement of this Act and in force on that date shall be deemed to be a projectionist's licence issued under the provisions of this Part of this Act.

(9) There shall be payable in respect of projectionist's licences such licence fees as may be prescribed.

Cf. S.R. 1938/39, regs. 13, 14, 17; S.R. 1941/146, reg. 7

78. Disciplinary powers of Board—(1) Where it appears to the Projectionists Licensing Board that there is reason to believe that—

- (a) The holder of a projectionist's licence has been convicted of an offence against this Act or any regulations made under this Act; or
- (b) The holder of a projectionist's licence has failed to observe such standards of good practice in projection of film as may be prescribed or (if no such standards are prescribed) as may be reasonably necessary for the safe and effective projection of cinematograph film; or
- (c) For any reason the holder of such a licence is no longer competent to hold the licence; or
- (d) Any such licence has been issued through fraud, misrepresentation, error, or mistake,—

the Board may, by notice in writing signed by the Secretary, call upon the holder of the licence forthwith to produce his licence to the Board and to attend before the Board personally or by his representative at such place and time as are specified in the notice to show cause why his licence should not be revoked or otherwise dealt with.

(2) If the Board, after hearing any evidence and representations submitted in support of the matter of complaint and any evidence and representations submitted by the licence holder or his representative, considers any such matter of complaint to be proved, the Board may, in its discretion and according to the nature of the complaint,—

- (a) Revoke the licence; or
- (b) Revoke the licence and issue in its place a licence of another grade; or
- (c) Suspend the licence for such period as the Board thinks fit; or
- (d) Direct that a memorandum of the matter of complaint and the finding of the Board be endorsed on the licence.

(3) Any decision of the Board to revoke, suspend, or endorse any projectionist's licence shall forthwith be communicated to the holder of the licence in writing signed by the Secretary of the Board.

(4) Every decision of the Board to revoke or suspend a licence shall forthwith take effect as a suspension of the licence, but shall not have any other effect until twenty-eight days after the date of the decision, and shall, upon the expiration of the said period of twenty-eight days, unless an appeal is then pending, take full effect according to its tenor.

(5) If any licence holder affected by any decision made under this section appeals against the decision to the Licensing Appeal Authority under section 86 of this Act, he shall forthwith notify the Secretary of the Projectionists Licensing Board in the form prescribed that the appeal has been made.

(6) If within twenty-eight days after any decision by the Board under this section the licence holder affected by the decision does not give notification of appeal as provided in subsection (5) of this section, or having given such a notification does not proceed with the appeal, or if the Licensing Appeal Authority confirms the decision of the Board or modifies it so that the licence is revoked, suspended, or endorsed, the Secretary of the Board shall—

- (a) Cause to be published in the *Gazette* particulars of the revocation, suspension, or endorsement, as the case may be:
- (b) If the licence is revoked, cancel the licence:
- (c) If the licence is suspended, retain the licence for the period of suspension:
- (d) If the licence is to be endorsed, make thereon the appropriate memorandum and verify it with his signature.

Cf. S.R. 1938/39, regs. 19–23

79. Projection of highly inflammable film—No person, whether a licensed projectionist or not, shall on or after the first day of October, nineteen hundred and sixty-four, project in any premises other than a private residence any cinematograph film that is of a highly inflammable nature as determined by tests prescribed by regulations made under this Act.

80. Offences—Every holder of a projectionist's licence commits an offence who—

- (a) Fails to produce his licence on demand by an Inspector of Films; or
- (b) Lends his licence to any other person for the purpose of enabling that person to project cinematograph film; or
- (c) On receipt of a notice purporting to be issued under subsection (1) of section 78 of this Act, fails to produce his licence to the Board forthwith.

Cf. S.R. 1938/39, reg. 24

PART VIII

APPEAL PROVISIONS

Cinematograph Films Licensing and Registration Appeal Authority

81. Cinematograph Films Licensing and Registration Appeal Authority—(1) The Governor-General may from time to time appoint a suitable person to be the Cinematograph Films Licensing and Registration Appeal Authority.

(2) The person appointed to be the Licensing Appeal Authority shall be a barrister or solicitor of the Supreme Court of not less than seven years' practice, whether or not he holds or has held any judicial office.

(3) Any person appointed under this section to be the Licensing Appeal Authority may hold that office concurrently with any other office held by him.

(4) The person appointed to be the Licensing Appeal Authority shall hold office for a term of four years, but may from time to time be reappointed, or may be at any time removed from office by the Governor-General in Council for disability, bankruptcy, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

(5) Where the person who is the Licensing Appeal Authority becomes from any cause incapable of acting or where that person deems it not proper or desirable that he should adjudicate at any specified appeal, the Governor-General in Council may appoint a suitable person to be the Deputy Cinematograph Films Licensing and Registration Appeal Authority. The person so appointed shall, subject to the conditions or limitations and for the period specified in his appointment, have all the powers, duties, and functions of the Licensing Appeal Authority.

(6) The fact that any person is acting as the Deputy Licensing Appeal Authority shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion for his appointment had arisen or ceased.

(7) No person shall be appointed the Deputy Licensing Appeal Authority under this section unless he is eligible for appointment as the Licensing Appeal Authority.

(8) There shall be payable to the Licensing Appeal Authority and to the Deputy Licensing Appeal Authority out of the Consolidated Fund, without further appropriation than this section, such remuneration by way of fees, salary, and

allowances as is fixed from time to time by the Minister of Finance:

Provided that nothing in this subsection shall apply with respect to any Licensing Appeal Authority or Deputy Licensing Appeal Authority who for the time being receives out of public money a salary in respect of any office that he holds concurrently with his office as the Licensing Appeal Authority or Deputy Licensing Appeal Authority.

(9) The person holding office at the commencement of this Act as the Cinematograph Films Licensing Appeal Authority shall be deemed to have been appointed as the Cinematograph Films Licensing and Registration Appeal Authority under this Act, and shall hold office as such for the residue of the term for which he was originally appointed.

Cf. 1960, No. 44, s. 10

82. Functions of Licensing Appeal Authority—The functions of the Licensing Appeal Authority shall be to sit as a judicial authority for the determination of appeals from any decision of—

- (a) The Licensing Authority:
- (b) The Registrar in respect of the registration of any film:
- (c) The Cinematograph Film Projectionists Licensing Board.

Cf. 1960, No. 44, s. 11

83. Evidence in appeals before Licensing Appeal Authority—(1) The Licensing Appeal Authority may receive as evidence any statement, document, information, or matter that may in his opinion assist him to deal effectually with the matters before him, whether or not the same would be otherwise admissible in a Court of law.

(2) Subject to the foregoing provisions of this section, the Evidence Act 1908 shall apply to the Licensing Appeal Authority and to all proceedings before the Licensing Appeal Authority in the same manner as if the Licensing Appeal Authority were a Court within the meaning of that Act.

(3) The Licensing Appeal Authority shall within the scope of his jurisdiction be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and, subject to the provisions of this Act, all the provisions of the Commissions of Inquiry Act 1908 shall apply accordingly.

Cf. 1960, No. 44, s. 12

84. Proceedings before Licensing Appeal Authority not to be appealed against—Proceedings before the Licensing Appeal Authority shall not be held bad for want of form; and no appeal shall lie from any order of the Licensing Appeal Authority; and, except on the ground of lack of jurisdiction, no proceeding or order of the Licensing Appeal Authority shall be liable to be challenged, reviewed, or called in question in any Court.

Cf. 1960, No. 44, s. 13

85. Sittings of Licensing Appeal Authority—(1) Every sitting of the Licensing Appeal Authority shall be held in public and at such place as he deems convenient having regard to the nature of the matter to be decided:

Provided that the Licensing Appeal Authority may in any case, if he considers it is in the interests of the parties or of any of them and is not contrary to the interests of other persons concerned, order that the hearing or any part thereof shall be held in private.

(2) Any sitting of the Licensing Appeal Authority may be adjourned from time to time and from place to place.

(3) The Licensing Appeal Authority may make an order prohibiting the publication of any report or description of the proceedings or of any part of the proceedings in any appeal before him:

Provided that no such order shall be made prohibiting the publication of the names and descriptions of the parties to the appeal, or particulars of any licence or permit or certificate thereby affected, or of any decision of the Licensing Appeal Authority.

(4) Except as otherwise provided in this Act, the Licensing Appeal Authority shall determine his own procedure.

Cf. 1960, No. 44, s. 14

86. Appeals to Licensing Appeal Authority—(1) There shall be a right of appeal within twenty-eight days after the date of the decision appealed against from—

(a) The whole or any part of any decision of the Licensing Authority in respect of any exhibitor's licence or exhibitor's permit, including any terms or conditions which may have been attached thereto by the Licensing Authority, or in respect of any application to the Licensing Authority for an exhibitor's licence or exhibitor's permit, or for variation of the terms

of any existing exhibitor's licence or exhibitor's permit, or for its consent to an assignment of an exhibitor's licence:

- (b) The whole or any part of any decision of the Licensing Authority in respect of any renter's licence, including any terms or conditions which may have been attached thereto by the Licensing Authority, or in respect of any application to the Licensing Authority for a renter's licence, or for variation of any of the terms of an existing renter's licence:
 - (c) The whole or any part of any decision of the Licensing Authority in respect of the classification of a film under section 26 of this Act:
 - (d) The whole or any part of any decision of the Cinematograph Film Projectionists Licensing Board in respect of any projectionist's licence or in respect of any application to the Board for a projectionist's licence:
 - (e) The whole or any part of any decision of the Registrar made in respect of the registration of any film.
- (2) The following persons and no others may exercise a right of appeal as specified in subsection (1) of this section:
- (a) The holder of or applicant for the exhibitor's licence in respect of which the decision of the Licensing Authority was given; and the holder of any current or expired exhibitor's licence in respect of a cinematograph theatre in the locality affected by the application in respect of which the decision was given:

Provided that the holder of an expired exhibitor's licence may not appeal under this paragraph unless he has applied within the prescribed time for the renewal thereof and either he has not received advice of any final decision in respect of the renewal of the licence or has been advised of a decision not to renew his licence within twenty-eight days of the date of the decision against which he appeals under this paragraph:

Provided also that no appeal shall lie under this paragraph against any decision to renew an existing exhibitor's licence:

- (b) The holder of or applicant for the renter's licence in respect of which the decision of the Licensing Authority was given:
- (c) The holder of or applicant for the exhibitor's permit in respect of which the decision of the Licensing

Authority was given, and the holder of any exhibitor's licence in respect of a theatre in a locality affected by a decision of the Licensing Authority in respect of that permit:

- (d) The holder of any projectionist's licence in respect of which the decision of the Cinematograph Film Projectionists Licensing Board was given, and the person in respect of whose application for a projectionist's licence any decision of that Board was given:
- (e) The person in respect of whose application for the classification of any film under section 26 of this Act the decision of the Licensing Authority was given:
- (f) The person in respect of whose application for the registration of any film the decision of the Registrar was given:
- (g) Either party to an assignment of an exhibitor's licence aggrieved by any decision of the Licensing Authority in respect of an application for its consent to the assignment:
- (h) The person in respect of whose application for consent to an arrangement referred to in section 47 of this Act the decision of the Licensing Authority was given.

Cf. 1928, No. 20, s. 20; 1960, No. 44, s. 15; S.R. 1956/80, reg. 26

87. Procedure on appeal—(1) Every appeal to the Licensing Appeal Authority shall be in the prescribed form and shall be forwarded to the Secretary for Internal Affairs together with the prescribed fee.

(2) Every such appeal shall forthwith be referred to the Licensing Appeal Authority for determination in accordance with the provisions of this Act.

(3) For the purpose of every such appeal the Secretary for Internal Affairs shall furnish to the Licensing Appeal Authority a copy of any notes of evidence taken by the original authority in connection with the subject-matter of the appeal.

(4) As soon as conveniently may be after the receipt of any appeal, the Licensing Appeal Authority shall fix a time and place for the hearing of the appeal, and shall give not less than fourteen clear days' public notice of the time so fixed, and shall also give not less than fourteen clear days' notice

in writing to the appellant and to the holder of or applicant for any licence or permit or certificate in respect of which the appeal is made.

Cf. 1960, No. 44, s. 16

88. Hearing and determination of appeal—(1) At the hearing of any appeal, the Licensing Appeal Authority shall hear all the evidence tendered and all representations made by or on behalf of the appellant and other persons which he deems relevant to the subject-matter of the appeal.

(2) In his determination of any appeal the Licensing Appeal Authority may confirm, modify, or reverse the decision appealed against.

Cf. 1960, No. 44, s. 17

89. Licensing Appeal Authority may refer appeals back for reconsideration—(1) Notwithstanding anything in section 88 of this Act, the Licensing Appeal Authority may in any case, instead of determining any appeal under that section, direct the authority whose decision is appealed against to reconsider the matter in respect of which the appeal was made.

(2) In any case where the Licensing Appeal Authority issues a direction under subsection (1) of this section, the decision appealed against shall have no effect, and the authority whose decision is appealed against shall again consider the matter as if no decision had previously been made, and the provisions of this Act shall apply as if that authority had received an original application in respect of the matter to which the direction relates.

(3) Whenever the Licensing Appeal Authority directs under this section that any matter be reconsidered, he shall advise the authority whose decision is appealed against of his reasons for so doing; and that authority in reconsidering the matter shall have regard to those reasons.

Cf. 1960, No. 44, s. 18

90. Notice of decision on appeal—The determination of the Licensing Appeal Authority in any appeal shall be communicated by him to the Secretary for Internal Affairs, who shall thereupon notify that determination to the authority whose decision was appealed against and to every other person who in the opinion of the Secretary for Internal Affairs is directly concerned, and the original authority shall forthwith

take all necessary steps to carry into effect the decision of the Licensing Appeal Authority.

Cf. 1960, No. 44, s. 19

Cinematograph Films Censorship Board of Appeal

91. Cinematograph Films Censorship Board of Appeal—(1) For the purposes of this Act, there is hereby established a Board of Appeal to be known as the Cinematograph Films Censorship Board of Appeal.

(2) The Censorship Board of Appeal shall consist of three persons to be appointed by the Minister, each of whom shall be appointed for a term of not more than three years, but shall be eligible for reappointment, and may be at any time removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

(3) One of the members of the Censorship Board of Appeal shall be appointed by the Minister as the Chairman of the Board.

Cf. S.R. 1956/80, reg. 23 (1)–(3)

92. Functions of Censorship Board of Appeal—The functions of the Censorship Board of Appeal shall be to hear and determine appeals against the whole or any part of any decision of the Censor under this Act.

Cf. S.R. 1956/80, reg. 23 (1)

93. Sittings of Censorship Board of Appeal—(1) The Censorship Board of Appeal shall sit for the conduct of its business at such times and places as it considers necessary.

(2) The Chairman or his deputy shall preside at every sitting of the Board of Appeal.

(3) Subject to the provisions of section 94 of this Act, the decision of not less than two members of the Board of Appeal shall constitute the decision of the Board.

(4) The Minister may appoint any person to act as the deputy for any member of the Board of Appeal who may, through illness or any other cause, be unable to be present at any sitting of the Board. Every such appointment shall be subject to such conditions as the Minister may impose.

(5) No appointment of a deputy and no acts done by him as such, and no act done by the Board of Appeal while any deputy is acting as such, shall in any proceedings be questioned

on the ground that the occasion of his appointment had not arisen or had ceased.

(6) Subject to the provisions of this section, the Board of Appeal shall determine its own procedure.

Cf. S.R. 1956/80, reg. 23 (4), (6)

94. Appeals from decision of Censor in respect of newsreels—On any appeal from any decision of the Censor in respect of a newsreel, the appeal authority may, if the Minister so directs, consist of one or more of the members of the Censorship Board of Appeal or some other person or persons appointed for that purpose by the Minister, who shall for the purposes of this section be deemed to be the Censorship Board of Appeal. Where the appeal authority under this section consists of one person, the decision of that person shall constitute the decision of the Censorship Board of Appeal.

Cf. S.R. 1956/80, reg. 23 (5)

95. Proceedings before Censorship Board of Appeal not to be appealed against—Proceedings before the Censorship Board of Appeal shall not be held bad for want of form; and no appeal shall lie from any order of the Board of Appeal; and, except on the ground of lack of jurisdiction, no proceeding or order of the Board of Appeal shall be liable to be challenged, reviewed, or called in question in any Court.

Cf. S.R. 1956/80, reg. 23 (4)

96. Right of appeal from decision of Censor—(1) Any person who submits any film to the Censor for examination shall have a right of appeal to the Censorship Board of Appeal from every decision of the Censor in relation to that film.

(2) The Minister or any person authorised by the Minister in that behalf shall have a right of appeal against the Censor's approval of any film, whether that approval is absolute (whether with or without any recommendation) or conditional or has been given before or after the commencement of this Act.

Cf. 1928, No. 20, s. 9; 1934, No. 36, s. 6 (1)

97. Procedure on appeal—(1) Every appeal against a decision of the Censor, not being an appeal by the Minister or by a person authorised by the Minister, shall be lodged with the Secretary for Internal Affairs in the prescribed form within thirty days after notification of the decision of the

Censor to the person submitting the film for examination for censorship.

(2) Every notice of appeal against the decision of the Censor, not being an appeal by the Minister or by a person authorised by the Minister, shall be accompanied by the prescribed fee, and the film in respect of which the appeal is made shall be delivered by the appellant to such address as the Secretary for Internal Affairs directs.

(3) On receipt of any notice of appeal against the decision of the Censor, the Secretary for Internal Affairs shall forthwith transmit that notice to the Chairman of the Censorship Board of Appeal, who shall arrange for the hearing of the appeal.

(4) Every such appeal shall be determined as soon as practicable.

(5) Every party to an appeal against a decision of the Censor may be represented by counsel or a solicitor.

Cf. S.R. 1956/80, reg. 24 (1)-(3)

98. Hearing and determination of appeal—(1) On any appeal against the Censor's decision in relation to any film, the Censorship Board of Appeal shall take into consideration the matters required to be considered by the Censor under section 14 of this Act, and may—

- (a) Uphold that decision; or
- (b) Reverse it; or
- (c) Vary any recommendation, or any condition attached to a conditional approval of the film, or the alterations or excisions that the Censor has required to be made in the film; or
- (d) Itself require excisions or alterations to be made in the film.

(2) On any appeal by the Minister or by any person authorised by the Minister under subsection (2) of section 96 of this Act,—

- (a) The approval of the Censor may be upheld or disallowed; or
- (b) An absolute approval without any recommendation may be varied by the addition of any recommendation specified in subsection (1) of section 13 of this Act; or
- (c) An absolute approval with any recommendation may be varied by the substitution of any other recommendation specified in that subsection; or

- (d) An absolute approval may be made conditional; or
- (e) A conditional approval may be made absolute (whether with or without any recommendation specified in the said subsection (1)); or
- (f) The conditions attached to any conditional approval may be varied within the limits specified in that subsection.

(3) Where the Censorship Board of Appeal varies or reverses any decision of the Censor, the Board shall direct the Censor in writing to issue a new certificate of approval in accordance with its decision or to cancel the existing certificate, as the case may be, and the Censor shall whenever necessary issue a new certificate accordingly and shall in all such cases cancel the previous certificate.

(4) Where the Censor's approval of any film is disallowed on appeal by the Minister or by a person authorised by the Minister, the renter of that film and any exhibitor with whom the renter has entered into any contract with reference to the exhibition of the film shall be mutually relieved from their liabilities under the contract in respect of that film, except so far as those liabilities are in respect of exhibitions of the film that have taken place before that withdrawal.

Cf. 1934, No. 36, s. 6 (2), (3); S.R. 1956/80, reg. 24 (4)-(5)

99. Censorship Board of Appeal may refer appeals back for reconsideration—(1) Notwithstanding anything in section 98 of this Act, the Censorship Board of Appeal may in any case, instead of determining any appeal under that section, direct the Censor to reconsider the matter in respect of which the appeal was made.

(2) In any case where the Censorship Board of Appeal issues a direction under subsection (1) of this section, the decision appealed against shall have no effect, and the Censor shall again consider the matter as if no decision had previously been made, and the provisions of this Act shall apply as if the Censor had received an original application in respect of the matter to which the direction relates.

(3) Whenever the Censorship Board of Appeal directs under this section that any matter be reconsidered, it shall advise the Censor of its reasons for so doing; and the Censor in reconsidering the matter shall have regard to those reasons.

100. Appeals against Censor's decisions in respect of posters—The provisions of sections 96 to 99 of this Act shall apply with respect to posters as if references in those sections to a film were references to a poster, but the Censorship Board of Appeal may, if it considers it necessary, require any film to which any such poster relates to be delivered to the Board for viewing.

Cf. S.R. 1956/80, reg. 25

PART IX

INSPECTORS OF FILMS

101. Appointment of Inspectors of Films—(1) There may from time to time be appointed under the Public Service Act 1912 such number of Inspectors of Films as may be considered necessary.

(2) The Chief Inspector of Dangerous Goods under the Dangerous Goods Act 1957 shall be the Chief Inspector of Films.

(3) The Deputy Chief Inspector of Explosives appointed under the Explosives Act 1957 shall be deemed to be an Inspector of Films.

(4) Subject to the control of the Chief Inspector, the Deputy Chief Inspector of Explosives shall have and may exercise all the powers, duties, and functions of the Chief Inspector under this Act.

(5) Every employee of the Public Service for the time being holding office as an Inspector under the Dangerous Goods Act 1957 shall be deemed to be an Inspector of Films under this Act.

Cf. 1928, No. 30, s. 26 (1)

102. Powers of Inspectors—(1) In addition to the powers, duties, and functions conferred or imposed on Inspectors of Films by Part VI of this Act and by regulations made pursuant to section 69 of this Act, every Inspector of Films may—

(a) Enter upon at any reasonable time any premises (not being a private dwellinghouse) in which film is exhibited or in which he has reason to believe that film is being exhibited, for the purpose of ensuring that the provisions of Part II of this Act and of regulations made under this Act with respect to the censorship of films, posters, and other advertising

matter, and any conditions or decisions imposed or made by the Censor in respect of any particular film, poster, or other advertising matter are being complied with:

- (b) Enter upon at any reasonable time any premises (not being a private dwellinghouse) in which film is exhibited or in which he has reason to believe that film is being exhibited, for the purpose of ensuring that the provisions of Parts III and IV of this Act and of regulations made under this Act with respect to the registration and exhibition of films are being complied with:
- (c) Enter upon at any reasonable time any premises in which film is exhibited under the authority of an exhibitor's licence or exhibitor's permit or in which he has reason to believe that film is being so exhibited, for the purpose of ensuring that any conditions or restrictions prescribed or imposed in respect of the licence or permit are being complied with, or for the purpose of inquiring into any matter in relation to the premises or licence or permit considered to be relevant by the Licensing Authority:
- (d) Enter upon at any reasonable time the place of business of any person who is the holder of a renter's licence or of an exhibitor's licence, for the purpose of inquiring into any matter concerning the renting of films which is regulated by the provisions of Part V of this Act and by regulations made under this Act:
- (e) Enter at any reasonable time any cinematograph theatre for the purpose of ensuring that the provisions of Part VII of this Act and of regulations made under this Act with respect to the licensing of cinematograph film projectionists are being complied with.

(2) In the exercise of the powers conferred on him by subsection (1) of this section,—

- (a) An Inspector shall not enter upon any of the places specified in that subsection at any time when those places are not open to the public, unless accompanied by or with the knowledge of the holder of the exhibitor's licence or exhibitor's permit or renter's licence, as the case may be, issued in respect of the place into which entry is intended, or the representative or agent or servant of that person, or,

where there is no such licence or permit, the occupier of that place or by his representative or agent or servant:

(b) An Inspector may require the production for his inspection of any licence, permit, or certificate issued under this Act, and may require the holder of any such licence or permit or certificate to give such information as the Inspector may reasonably require for the proper performance of his duties.

(3) Every person commits an offence who obstructs an Inspector in the performance of his duties under this Act or who fails to comply with any requirement of an Inspector under paragraph (b) of subsection (2) of this section.

PART X

MISCELLANEOUS

103. Holder of exhibitor's or renter's licence entitled to renewal—Subject to the provisions of section 38 of this Act, the holder of any exhibitor's licence or renter's licence who has complied with every condition of his licence and with the provisions of this Act in relation thereto shall, on making application in that behalf within the prescribed period, be entitled to a renewal of his licence.

104. Minister may withdraw approval of film society—The Minister may at any time, on the recommendation of the Licensing Authority, withdraw his approval of any society as an approved film society under this Act.

105. Members of Licensing Authority and Boards not personally liable—No member of the Licensing Authority or of the Projectionists Licensing Board or of the Censorship Board of Appeal shall be personally liable for any act done or omitted by that Authority or Board or by any member thereof in good faith in pursuance of the powers and authority of the Authority or Board.

Cf. 1960, No. 44, s. 3 (8)

106. Fees and travelling allowances—(1) There may be paid to the members of the Licensing Authority or of the Projectionists Licensing Board or of the Censorship Board of Appeal remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the

Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

(2) The Licensing Authority and those Boards are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

Cf. 1960, No. 44, s. 9; S.R. 1956/80, reg. 23 (7)

107. Misrepresentation—Every person commits an offence who makes any statement or gives any information or enters or causes to be entered any matters which are false or misleading in any material particular or respect—

- (a) In connection with any application for the registration of any film under this Act; or
- (b) For the purpose of obtaining a licence or permit or certificate or consent under any provision of this Act, either for himself or for any other person; or
- (c) In or in connection with any return required to be furnished by or for the purposes of this Act, or in any record required to be kept for the purposes of this Act.

Cf. 1928, No. 20, s. 42

108. Offences generally—Every person commits an offence who acts in contravention of or fails to comply with any provision of this Act or of any regulations made under this Act.

109. General penalty for offences—Every person who commits an offence against this Act or against any regulations made under this Act for which no penalty is provided elsewhere than in this section is liable to a fine not exceeding fifty pounds and, if the offence is a continuing one, to a further fine not exceeding ten pounds for every day on which the offence has continued.

110. Offences to be punishable on summary conviction—Every offence against this Act or against any regulations made under this Act shall be punishable on summary conviction.

111. Cancellation of licence or permit on conviction—On the conviction of the holder of any licence or permit granted under this Act for any offence against this Act or against any regulations made under this Act, the Court, whether or not it imposes any other penalty in respect of the offence, may cancel

that licence or permit, and may direct that the defendant shall not be qualified to receive a new licence or permit of any sort for such period, not exceeding twelve months, as the Court thinks fit.

Cf. 1934, No. 36, s. 14

112. Modification of provisions as to censorship and registration of films due to technical changes—Where the Governor-General considers that, by reason of any technical change or development in the production, projection, or screening of films, it is not practicable to comply with any requirement of this Act relating to the censorship or registration of films or to any certificate of the Censor or the Registrar, or full effect cannot be given to any such requirement according to the true intention thereof, regulations may from time to time be made under section 113 of this Act making such provisions as the Governor-General considers necessary to enable the requirements to be complied with, or to enable full effect to be given to the true intention of this Act. Regulations made pursuant to this section shall have effect according to their tenor, notwithstanding any provision of this Act to the contrary.

Cf. 1928, No. 20, s. 42A; 1953, No. 71, s. 8

113. Regulations—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing the procedure relating to the censorship of films, posters, and other advertising matter pursuant to Part II of this Act:
- (b) Prescribing the procedure relating to the registration of films in accordance with Part III of this Act:
- (c) Prescribing the forms of registers to be kept for the purposes of this Act:
- (d) Prescribing the forms required for the purposes of this Act, the records to be kept, and the returns to be furnished for the purposes of this Act:
- (e) Prescribing the fees to be paid in respect of applications, licences, permits, certificates, consents, appeals, or other matters under this Act:
- (f) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

(2) All regulations made under this Act shall be laid before Parliament.

Cf. 1928, No. 20, s. 43; 1929, No. 26, s. 2 (4); 1934, No. 36, s. 3 (5); 1953, No. 71, s. 9 (5); 1956, No. 70, s. 3; 1960, No. 44, s. 22

114. Amendments—The enactments specified in the First Schedule to this Act are hereby amended in the manner indicated in that Schedule.

115. Repeals—The enactments specified in the Second Schedule to this Act are hereby repealed.

SCHEDULES

Section 114

FIRST SCHEDULE

ENACTMENTS AMENDED

Title	Amendment
1930, No. 6— The Finance Act 1930 (1957 Reprint, Vol. 2, p. 88)	<p>By repealing section 42, and substituting the following section: “42. Interpretation— In this Part of this Act, unless the context otherwise requires,— “‘Sound picture film’ means any film that is made to be accompanied by a mechanical reproduction of sound: “Provided that nothing in this Part of this Act shall apply with respect to sound picture films made wholly in New Zealand: “Expressions defined in the Cinematograph Films Act 1961 have the meanings so defined.”</p> <p>By omitting from subsection (1) of section 44 the words “Part IV of the principal Act”, and substituting the words “Part V of the Cinematograph Films Act 1961”.</p> <p>By omitting from subsection (3) of section 44 the words “the principal Act and this Act”, and substituting the words “the Cinematograph Films Act 1961”.</p> <p>By omitting from subsection (3) of section 49 the words “Any allocation made by a renter for the purposes of paragraph (f) of subsection one of section thirty-one of the principal Act, or”.</p> <p>By omitting from section 51 the words “The power to make regulations conferred on the Governor-General by section forty-three of the principal Act shall include power to”, and substituting the words “The Governor-General may from time to time, by Order in Council”.</p>

FIRST SCHEDULE—continued
ENACTMENTS AMENDED—continued

Title	Amendment
1954, No. 90— The Finance Act 1954 (1957 Reprint, Vol. 2, p. 92)	<p>By omitting from the definition of “renting” in subsection (1) of section 23 the words “to exhibitors”, and substituting the words “to persons required to hold exhibitors’ licences under the Cinematograph Films Act 1961”.</p> <p>By omitting from the same definition the words “with exhibitors”, and substituting the words “with such persons”.</p> <p>By adding to the same subsection the following definition: “Other expressions defined in the Cinematograph Films Act 1961 have the meanings so defined.”</p>

SECOND SCHEDULE

Section 115

ENACTMENTS REPEALED

- 1928, No. 20—The Cinematograph Films Act 1928. (1957 Reprint, Vol. 2, p. 55.)
- 1929, No. 26—The Cinematograph Films Amendment Act 1929. (1957 Reprint, Vol. 2, p. 99.)
- 1930, No. 6—The Finance Act 1930: Section 41. (1957 Reprint, Vol. 2, p. 99.)
- 1931, No. 44—The Finance Act (No. 4) 1931: Section 14. (1957 Reprint, Vol. 2, p. 100.)
- 1934, No. 36—The Cinematograph Films Amendment Act 1934. (1957 Reprint, Vol. 2, p. 100.)
- 1935, No. 41—The Finance Act (No. 2) 1935: Section 12. (1957 Reprint, Vol. 2, p. 86.)
- 1936, No. 58—The Statutes Amendment Act 1936: Section 18. (1957 Reprint, Vol. 2, pp. 72, 101.)
- 1953, No. 71—The Cinematograph Films Amendment Act 1953. (1957 Reprint, Vol. 2, p. 102.)
- 1954, No. 90—The Finance Act 1954: Section 21. (1957 Reprint, Vol. 2, p. 104.)
- 1956, No. 70—The Cinematograph Films Amendment Act 1956. (1957 Reprint, Vol. 2, p. 105.)
- 1960, No. 44—The Cinematograph Films Amendment Act 1960.
- 1961, No. 55—The Stamp Duties Amendment Act 1961: Subsection (3) of section 9.

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This Act is administered in the Department of Internal Affairs.

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