

Serial Number **1954/153**



*Reprint under section 7 of the Regulations Act 1936 of the Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937 (Serial No. 1937/182), as amended by the following enactments:*

- The Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937, Amendment No. 1 (Serial No. 1938/61):
- The Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937, Amendment No. 2 (Serial No. 1949/140):
- The Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937, Amendment No. 3 (Serial No. 1953/120).

**THE CINEMATOGRAPH FILMS (ISSUE OF EXHIBITORS' LICENCES) REGULATIONS 1937 (REPRINT)**

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GALWAY, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 10th day of June 1937

Present:

THE HON. P. FRASER, PRESIDING IN COUNCIL

IN pursuance and exercise of the power and authority conferred upon him by section 26 of the Board of Trade Act 1919, the Cinematograph Films Act 1928, and section 13 of the Cinematograph Films Amendment Act 1934, and of every other power and authority enabling him in this behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council, doth hereby, on the recommendation of the Minister of Industries and Commerce, revoke the Board of Trade (Cinematograph Films) Regulations 1935 published in the *New Zealand Gazette*, 1935, Vol. I, page 1025, and doth make the following regulations relating to the regulation and control of the exhibition of cinematograph films.

## REGULATIONS

1. These regulations may be cited as the Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937, and shall come into force on the date following the publication hereof in the *Gazette*.

2. In these regulations, if not inconsistent with the context,—

“Licensing officer” means the officer appointed to receive applications for and to issue exhibitors' licences under the Cinematograph Films Act 1928:

“Theatre” means a cinematograph theatre as defined in the Cinematograph Films (Storage, Exhibition, and Renting) Regulations 1929.\*

3. If in any locality there are one or more theatres where public exhibitions of films are given by an exhibitor or exhibitors licensed under the Cinematograph Films Act 1928, and an application is received by the licensing officer for licence for an additional theatre, or for an increase in the number of seats in any existing licensed theatre, which increase involves a structural alteration to the building, or an increase in the number of nights per week on which exhibitions of film are licensed to take place, the licensing officer may refuse to issue such licence where he is satisfied:

- (a) That the existing theatre or theatres provide adequately for the requirements of the locality having regard to the entertainment value and date of release of the films exhibited, the seating accommodation and general amenities provided, the number of nights per week on which exhibitions are given, the prices charged for admission, and any other relevant considerations affecting the public interest; or
- (b) That in view of the conditions existing in the industry or the limited number of films of reasonable exhibition value obtainable in the market, the granting of further licences in the locality or the licensing of additional seating accommodation or of exhibition on additional nights would cause undue hardship to such existing licensed exhibitor or exhibitors or would result in unreasonable economic waste.

4. If any application is received by the licensing officer for a licence for an existing licensed theatre from any person other than the existing holder or, in the case of an expired licence, the previous holder, he may refuse to issue such licence where he is satisfied that the issue would involve an unreasonable hardship on such existing or previous holder, or where in his opinion the issue is not in the public interest, having regard to the conditions existing in the industry.

5. Every exhibitor's licence issued under the Cinematograph Films Act 1928 shall, for the purposes of these regulations, be deemed to involve an obligation on the licensed exhibitor to carry out exhibitions of films on the number of nights set out in the licence. In the event of failure by any licensed exhibitor to carry out such exhibitions the licensing officer may, on the expiration of the existing licence, refuse to issue a further licence, or may issue a further licence in accordance with the normal practice of the exhibitor during the six months preceding the application for such licence.

\* *Gazette*, 23 September 1929, Vol. III, page 2519.

(Reprinted with Amendments Nos. 1 to 3: Statutory Regulations 1952, Serial number 1952/50, page 179.)

Amendment No. 4: Statutory Regulations 1953, Serial number 1953/91, page 373.

6. Where the licensing officer is satisfied that in any licensed theatre the conditions existing with respect to—(i) The quality or date of release of the films exhibited or of the films which the licensee has contracted to exhibit; or (ii) the nature of the seating or general conditions or amenities of the theatre; or (iii) the standard of projection and sound reproduction provided; or (iv) the prices charged for admission to the theatre—do not provide adequately for the requirements of the locality with regard to public entertainment, he may require the licensed exhibitor to improve such conditions to any standard deemed necessary by him, and in default of compliance with such requisition he may on expiration of the existing licence refuse to issue a further licence in respect of that theatre.

7. Every applicant for a licence under the Cinematograph Films Act 1928 in respect of whose application an investigation into the matters referred to in these regulations is deemed necessary by the licensing officer shall, on requisition by the licensing officer, issued at or subsequent to the date of application, pay an application fee in accordance with the scale set out below:

- (a) Where the application refers to a theatre to be used for first-run exhibition in the cities of Auckland, Wellington, Christchurch, or Dunedin, £25:
- (b) Where the application refers to a theatre to be used for exhibitions on six nights per week in a city other than those set out in paragraph (a) of this clause or in a borough having a population exceeding 10,000, £15:
- (c) In the case of any other application, £10.

8. Every application for an exhibitor's licence under the Cinematograph Films Act 1928 received prior to the date of these regulations and in respect of which a licence has not yet been issued shall be deemed to be subject to the conditions contained in these regulations.

A. W. MULLIGAN,  
Acting Clerk of the Executive Council.

**THE CINEMATOGRAPH FILMS (ISSUE OF EXHIBITORS'  
LICENCES) REGULATIONS 1937, AMENDMENT NO. 1  
(REPRINT)**

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GALWAY, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 11th day of May 1938

Present:

THE RIGHT HON. M. J. SAVAGE PRESIDING IN COUNCIL

PURSUANT to the Board of Trade Act 1919, the Cinematograph Films Act 1928, and section 13 of the Cinematograph Films Amendment Act 1934, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby, on the recommendation of the Minister of Industries and Commerce, make the following regulations.

## REGULATIONS

1. These regulations may be cited as the Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937, Amendment No. 1.

2. These regulations shall come into force on the date following notification hereof in the *Gazette*.

3. In these regulations unless inconsistent with the context—

“Exhibition area” in respect of any licensed premises means any area in which such premises are situate and which is from time to time for the time being generally recognized by persons engaged in the trade of hiring and exhibiting cinematograph film as constituting a single locality so as to produce the result that if film has at any time been publicly exhibited anywhere in that area it is no longer regarded as first-run film when exhibited anywhere else in that area:

“First-run film” in respect of any exhibition area means hired film which has not previously been publicly exhibited in that exhibition area:

“First-price film” means film which is for the time being offered for hire by any renter at the highest price which he is charging for the hire of film; “second-price film” means film which is for the time being offered for hire by any renter at the next to highest price which he is charging for the hire of film; and “third-price film” means all film offered for hire which is not “first-price film” or “second-price film”:

“Separate film” means a length of film in respect of which a separate approval has been given by the Censor or on appeal from the Censor.

4. Notwithstanding anything contained in the Cinematograph Films (Storage Exhibition and Renting) Regulations 1929,\* any exhibitor's licence hereafter issued under the Cinematograph Films Act 1928 may contain a condition specifying the maximum quantity or proportion of first-run film or number of separate first-run films or (in either case) of first-run film being first-price film, second-price film, or third-price film respectively that may during the currency of the licence be exhibited pursuant to the licence or may specify that no first-run film or no first-run film being first-price film or second-price film or either may be so exhibited.

5. In any exhibitor's licence hereafter issued for any premises first licensed prior to the 1st day of October 1937, the said condition relating to first-run film shall be in accordance with the practice of those premises with respect to the quantity and number of first-run films exhibited during the two years immediately prior to that date, or during the period of licence if less than two years.

\* *Gazette*, 23 September 1929, Vol. III, page 2519.

(Reprinted with Amendments Nos. 1 to 3: Statutory Regulations 1952, Serial number 1952/50, page 179.)

Amendment No. 4: Statutory Regulations 1953, Serial number 1953/91, page 373.

6. In any exhibitor's licence hereafter issued for any premises first licensed on or after the 1st day of October 1937, the said condition relating to first-run film shall be in such terms as the Licensing Officer thinks proper.

7. Any exhibitor's licence current at the coming into force of these regulations may be amended by the Licensing Officer of his own motion by adding thereto a condition relating to first-run film in the same terms as might be inserted pursuant to the preceding provisions of these regulations in any exhibitor's licence hereafter issued.

8. Any application for amendment of the condition in any licence relating to first-run film may be declined by the Licensing Officer where he is satisfied that in view of the conditions existing in the industry or the limited number of films of reasonable exhibition value obtainable in the market such amendment would cause undue hardship to any person already holding a licence in respect of premises in the neighbourhood or would result in excessive economic waste.

C. A. JEFFERY,  
Clerk of the Executive Council.

**THE CINEMATOGRAPH FILMS (ISSUE OF EXHIBITORS'  
LICENCES) REGULATIONS 1937, AMENDMENT NO. 2  
(REPRINT)**

B. C. FREYBERG, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington this 7th day of  
September 1949

Present:

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to the Board of Trade Act 1919, the Cinematograph Films Act 1928, and section 13 of the Cinematograph Films Amendment Act 1934, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby, on the recommendation of the Minister of Industries and Commerce, make the following regulations.

**REGULATIONS**

1. These regulations may be cited as the Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937, Amendment No. 2.

2. These regulations shall be read together with and deemed part of the Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937.

3. These regulations shall come into force on the day following notification hereof in the *Gazette*.

4. In these regulations, unless inconsistent with the context, a person, firm, or company shall be deemed to control a theatre if such person, firm, or company—

- (a) Holds an exhibitor's licence granted under the Cinematograph Films Act 1928 in respect of that theatre; or
- (b) Holds any legal or beneficial share or interest in the exhibitor's licence granted in respect of that theatre; or
- (c) Holds any legal or beneficial estate or interest in the land whereon that theatre is erected, whether such estate or interest is as owner, lessee, mortgagee, or otherwise howsoever; or
- (d) Has the right to exhibit films, or the right to control or direct the exhibition of films, at that theatre; or
- (e) Has the right or privilege to buy or book films for exhibition at that theatre; or
- (f) 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
- (g) Holds any legal or beneficial share or interest in or any mortgage or charge over any undertaking which in relation to that theatre has any of the estates, interests, shares, rights, or privileges or is a party to any of the arrangements aforesaid; or
- (h) Is in any other way so connected with that theatre as to direct or limit in any degree, or have the right to direct or limit in any degree, the operation of that theatre or the exhibition of films at that theatre; or
- (i) Holds or is in any way (either directly or through any other person, firm, company, or companies) interested in any share or shares in any firm or company which is the holder of any such licence, share, estate, interest, right, or privilege, or is party to any such arrangement, or is so connected as is specified in any of the foregoing subparagraphs.

5. Except with the precedent written consent of the licensing officer, it shall not be lawful for any person, firm, or company holding an exhibitor's licence to assign or transfer, or enter into any agreement to assign or transfer, such licence, or the benefit of such licence, to any other person, firm, or company.

6. Except with the precedent written consent of the licensing officer, it shall not be lawful for any person, firm, or company appearing to him to control ten or more theatres in New Zealand to enter into any arrangement, contractual or otherwise, which would in his opinion result in that person, firm, or company increasing the form or extent of his or its control of any of those theatres, or obtaining control of any additional theatre.

**[6A. Except with the precedent written consent of the licensing officer, it shall not be lawful for any person, firm, or company to enter into any arrangement, contractual or otherwise, which would in the opinion of the licensing officer result in that person, firm, or company obtaining control of ten or more theatres in New Zealand.]**

Regulation 6A was inserted by regulation 2 of the Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937, Amendment No. 3.

7. If any application is received by the licensing officer for a licence for any theatre from any person, firm, or company other than the existing holder or, in the case of an expired licence, the previous holder, the licensing officer may refuse such application if in his opinion any person, firm, or company who or which already controls ten or more theatres in New Zealand would, if such application were granted, acquire control of an additional theatre.

T. J. SHERRARD,  
Clerk of the Executive Council.

*Certified for the purposes of section 7 of the Regulations Act 1936, this 21st day of September 1954.*

T. CLIFTON WEBB,  
*Attorney-General.*

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Issued under the authority of the Regulations Act 1936.  
Date of notification of principal regulations in *Gazette*: 17 June 1937.  
Date of notification of Amendment No. 1 in *Gazette*: 12 May 1938.  
Date of notification of Amendment No. 2 in *Gazette*: 8 September 1949.  
Date of notification of Amendment No. 3 in *Gazette*: 1 October 1953.  
These regulations are administered in the Department of Internal Affairs (office of the Chief Inspector of Films).