

Serial Number 1949/140

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

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

* Statutory Regulations 1937, Serial number 182/1937, page 691.

- (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.

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.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 8th day of September, 1949.

These regulations are administered in the Department of Internal Affairs (Office of the Chief Inspector of Films).