

1958/37



THE CINEMATOGRAPH FILMS (ISSUE OF EXHIBITORS' LICENCES) REGULATIONS 1937, AMENDMENT NO. 5

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 17th day of March 1958

Present:

THE HON. C. F. SKINNER, M.C., PRESIDING IN COUNCIL

PURSUANT to the Cinematograph Films Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937, Amendment No. 5, and shall be read together with and deemed part of the Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937* (hereinafter referred to as the principal regulations).

2. The principal regulations are hereby amended by revoking regulation 3, and substituting the following regulations:

“3. (1) Where in any locality—

“(a) No theatre is in existence in which public exhibitions of films are given by an exhibitor licensed under the Cinematograph Films Act 1928; or

“(b) An exhibitor's licence has been granted under that Act but the theatre in respect of which the licence was granted is not yet in operation but will be in operation within a reasonable time; or

“(c) There are one or more theatres in existence and operating,—
and two or more applications are received for an exhibitor's licence or for an additional exhibitor's licence, the licensing officer may refuse to grant licences in excess of the number which he deems adequate, having regard to the general amenities to be provided for the public, the conditions existing in the industry (either locally or generally), the prevention of unreasonable economic waste, or to any other relevant considerations.

“(2) In granting or refusing any licence under the provisions of this regulation the licensing officer may have regard to the proposed site of any theatre, the seating accommodation and general amenities to be

*S.R. 1937/182 (Reprinted with Amendments Nos. 1 to 3, S.R. 1954/153)
Amendment No. 4: S.R. 1957/151

provided, the number of nights per week on which exhibitions are to be given, the prices proposed to be charged for admission, and any other relevant considerations affecting the public interest.

“3A. Where 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, or a licence has been granted under that Act but the theatre in respect of which the licence was granted is not yet in operation but will be in operation within a reasonable time, and an application is received by the licensing officer for a 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 in the building), or for 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 grant such a licence if he is satisfied—

“(a) That the existing theatre or theatres or the theatre not yet in operation provide or will provide adequately for the requirements of the locality, having regard to the seating accommodation and general amenities provided or to be provided, the number of nights per week on which exhibitions are given or are to be given, the prices charged or to be charged for admission, and, in relation to the existing theatre or theatres, the entertainment value and date of release of the films exhibited, and any other relevant considerations affecting the public interest; or

“(b) That, in view of the conditions existing in the industry (either locally or generally) 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 the existing exhibitor or exhibitors or, as the case may be, to the licensee of the theatre not yet in operation, or would result in unreasonable economic waste.”

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

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

The effect of the new regulation 3 of the principal regulations is to allow the licensing officer to discriminate as between applicants for exhibitor's licences in cases where more applications for licences are received than, in the licensing officer's opinion, are adequate for the locality concerned.

The new regulation 3A re-enacts the provisions of the existing regulations as to the powers of the licensing officer where an application for an additional licence is received, the only change being the inclusion of provisions that in refusing a licence he may take into account that a licence has been granted for a theatre not yet in operation which will provide adequately for the requirements of the locality.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 March 1958.

These regulations are administered in the Department of Internal Affairs.