



**THE CINEMATOGRAPH FILMS (OPEN-AIR THEATRES)
REGULATIONS 1957**

C. W. M. NORRIE, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 3rd day of July 1957

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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 (Open-air Theatres) Regulations 1957.
2. In these regulations, unless the context otherwise requires,—
 - “Auditorium” means any building or enclosure within an open-air theatre, in which individual seating is provided for the use of patrons and which is designedly so situated as to enable all patrons within the building or enclosure to view exhibitions of films in the theatre:
 - “Chief Inspector” means the Chief Inspector of Explosives appointed under the Explosive and Dangerous Goods Amendment Act 1920:
 - “Concession building” means any refreshment room, ice cream stall, milk bar, restaurant, shop, or similar building erected within an open-air theatre:
 - “Control”, in relation to any theatre, has the meaning assigned to that term by regulation 4 of the Cinematograph Films (Issue of Exhibitors’ Licences) Regulations 1937, Amendment No. 2*:
 - “Drive-in theatre” means an open-air theatre within which facilities are provided to enable patrons to view exhibitions of cinematograph film while seated in motor vehicles, whether or not other forms of accommodation are also provided for the audience:
 - “Licensing officer” means the officer appointed to receive applications for and to issue exhibitors’ licences under the Cinematograph Films Act 1928:
 - “Open-air theatre” means any premises used for the purpose of exhibiting cinematograph film to an audience which is wholly or partially accommodated in any manner whatsoever in the open air, and includes a drive-in theatre; and also includes every projection room, screen, convenience, refreshment stall, or other building or structure within the theatre:

*S.R. 1949/140 (Reprinted, S.R. 1954/153)

“Viewing area” means that area or those areas within an open-air theatre, including traffic aisles serving ramps in the case of a drive-in theatre, which are intended to be occupied by patrons while viewing exhibitions of films in the theatre.

3. Subject to the provisions of these regulations, the Cinematograph Films (Storage, Exhibition, and Renting) Regulations 1929* and the Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937† (except regulations 5, 6, 6A, and 7 of the Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937, Amendment No. 2) shall apply with respect to every application for an exhibitor's licence in respect of an open-air theatre and to every exhibitor's licence issued in respect of an open-air theatre.

4. The licensing officer shall advertise in one or more newspapers having a regular circulation in the locality in which the theatre is to be situated a notice of every application for an exhibitor's licence in respect of an open-air theatre, calling upon all persons who consider themselves affected by the application and who desire to object thereto to lodge their objections in writing with the licensing officer within a time to be specified in the notice stating the grounds of their objection and any submissions made in support thereof.

5. (1) Every application for an exhibitor's licence in respect of an open-air theatre shall be accompanied by scaled drawings (in duplicate) showing—

- (a) A ground plan of the site, showing the width of all roads, streets, and motorways which bound the theatre or from which access to the theatre may be obtained or from which the screen may be seen, and specifying which of those roads and streets are main highways;
- (b) The proposed location of the screen, projection room, auditorium (if any), conveniences, and other buildings erected or to be erected in connection with the theatre;
- (c) The proposed situation of ramps and traffic aisles, road entrances and exits, box offices, and traffic lanes leading to and from them;
- (d) The provision proposed to be made for the temporary accommodation of motor vehicles awaiting admission to any session.

(2) A copy of the plans required to be submitted in accordance with this regulation shall, with such modifications as the licensing officer or the Chief Inspector requires or approves, be attached to and form part of the licence.

6. Where more than one screen is installed on the same premises, each screen, together with its viewing area and associated buildings or other structures, shall constitute a separate open-air theatre and a separate licence shall be required in respect of each such theatre:

Provided that, with the approval of the licensing officer, the projection rooms may be situated in a common building and amenities such as conveniences, refreshment stalls, and the like may be so designed and situated as to serve the several theatres on the premises, in which case the plans required to be submitted under regulation 5 hereof shall be suitably modified.

*Gazette, 23 September 1929, p. 2519

(Reprinted with Amendments Nos. 1 to 3, S.R. 1952/50)

Amendment No. 4: S.R. 1953/91

†S.R. 1937/182 (Reprinted with Amendments Nos. 1 to 3, S.R. 1954/153)

7. Every applicant for a licence for an open-air theatre shall satisfy the licensing officer that the use of the site as an open-air theatre would not be likely to contravene any lawful requirement of the local authority in whose district the land is situated.

8. On being so requested by the licensing officer, an applicant for a licence shall furnish satisfactory evidence in regard to the following matters:

- (a) That he will, within a reasonable time, commence to exhibit films under the licence, if granted:
- (b) That he can secure supplies of film which in the opinion of the licensing officer are adequate as to quantity, variety, and entertainment quality, having regard to the number and general quality of the films currently available on the market in New Zealand.

9. No person shall use any premises as an open-air theatre notwithstanding that a licence has been issued authorising the exhibition of films therein, unless the following conditions are complied with to the satisfaction of the licensing officer:

- (a) Sanitary accommodation and access thereto to such standards as the licensing officer requires shall be provided for the use of patrons:
- (b) Except while the projection of films is actually taking place, the whole of the theatre shall be illuminated to a standard approved by the licensing officer during the whole time it is open to the public:
- (c) Concession buildings, conveniences, and other buildings (except auditoriums) to which the public has access shall be continuously lighted at all times while the theatre is open to the public:
- (d) Footpaths and pedestrian aisles shall, if the licence so specifies, be continuously illuminated while the public is on the premises:
- (e) Entrances and exits shall be continuously illuminated to a standard approved by the licensing officer during the whole time that the theatre is open to the public:
- (f) Screens shall not be so placed that they are likely to cause undue hazards to passing traffic or to result in congestion of traffic on a main highway or motorway:
- (g) Screens shall be so located in relation to the viewing area that, under favourable conditions of weather, patrons have at all times a clear and uninterrupted view of the whole of the screen:
- (h) Frames or towers supporting any screen shall be designed and constructed to ensure an ample factor of safety against collapse of the screen or of any part of it from wind pressure or other stresses to which it may be subjected:
- (i) Provision shall be made by the erection of fences or by the planting of trees or hedges or by other means approved by the licensing officer to screen the viewing area from the rays of headlights of vehicles travelling along adjacent public highways:
- (j) In addition to the ventilation required to be provided under regulation 16 (1) (e) of the Cinematograph Films (Storage, Exhibition, and Renting) Regulations 1929,* there shall be

**Gazette*, 23 September 1929, p. 2519
(Reprinted with Amendments Nos. 1 to 3, S.R. 1952/50)
Amendment No. 4: S.R. 1953/91

installed in the projection room of every open-air theatre a ventilating system capable of maintaining reasonable working conditions within the projection room. The design and installation of the system shall be to the approval of the Chief Inspector:

Provided that the Chief Inspector may waive the requirement to provide a ventilating system where in his opinion the heat generated by the arcs of the cinematograph machines is not so great as to create unreasonably high temperatures inside the projection room:

- (k) Where the current drawn by the arc lamps of the cinematograph machines in an open-air theatre exceeds 75 amps., the Chief Inspector may require that each machine be fitted with a special device of a type approved by him, designed to prevent the film being subjected to excessive heat exposure while in the machine.

10. No person shall use any premises as a drive-in theatre, notwithstanding that a licence has been issued authorising the exhibition of films therein, unless, in addition to the conditions specified in regulation 9 hereof, the following special conditions have been complied with to the satisfaction of the licensing officer:

- (a) The theatre shall be not less than 10 acres in area:
- (b) Adequate provision shall be made in the form of internal traffic lanes or roads or parking areas or such other means as the licensing officer approves to accommodate within the theatre all motor vehicles admitted to the theatre:
- (c) Exit routes and exits shall be so arranged that it will not be necessary for motor vehicles to proceed in reverse gear at any time in order to reach and pass through the exits on to the public highway leading away from the theatre:
- (d) Box offices shall be placed at a sufficient distance back from road entrances to avoid any likelihood of traffic congestion on public highways in the vicinity of the theatre, and entrances and entrance lanes shall be designed and located in accordance with the requirements of the Commissioner of Transport, or of the local authority in any case where the land is situated in a district where the traffic laws are enforced by officers of the local authority:
- (e) Provision shall be made, by means of a bypass route in the vicinity of the box office entrance or by other method approved by the licensing officer, to enable motor vehicles to be diverted in case of necessity from the stream of traffic in the box office approach lanes without obstructing the main flow of traffic:
- (f) Exits and exit ways from the theatre for motor traffic shall be designed and located in accordance with the requirements of the Commissioner of Transport, or of the local authority in any case where the land is situated in a district where the traffic laws are enforced by officers of the local authority, so as to be capable of emptying the theatre of all motor vehicles with reasonable dispatch but without creating congestion of vehicles on public highways in the vicinity:

- (g) All internal roadways, driveways, traffic aisles, ramps, parking areas, and other places over which motor vehicles travel or on which they are accommodated and all footpaths used by the public shall be surfaced to the approval of the licensing officer, and shall be maintained in good order and condition:
- (h) A drainage system adequate to discharge satisfactorily surface and sub-surface waters shall be installed throughout the theatre:
- (i) At all times while the theatre is open to the public, the surface of all vehicular traffic ways within the theatre shall be sufficiently illuminated for purposes of normal traffic movement, and, if so required by the licensing officer, vehicular traffic routes shall be demarcated by means of lights or reflectors placed along the border or by such other method as may be approved by the licensing officer:
- (j) Distances between speaker posts on ramps shall be such as to provide adequate room for entry and departure of cars on to and off the ramps:
- (k) Ramps together with their associated traffic aisles shall be wide enough to afford ample turning space for manoeuvring motor vehicles on to and off ramps:
- (l) A sufficient number of chemical fire extinguishers of a type approved by the Chief Inspector shall be installed and shall be distributed throughout the theatre in accordance with the requirements of the Chief Inspector:
- (m) Where an auditorium is provided in the theatre in addition to car ramps, censorship notices complying with regulations 15 and 17 of the Cinematograph Films and Posters (Censorship and Registration) Regulations 1956* shall be displayed at each entrance through which the public are admitted to that auditorium, unless that entrance is so situated that the notices required under regulations 15 (2) and 17 of those regulations (as amended by regulation 19 hereof) can be plainly seen and read by patrons using that entrance.

11. Every exhibitor's licence issued in respect of a drive-in theatre shall be deemed to contain a condition that the licensee will—

- (a) Refuse admission to the theatre to any person known to be in possession of intoxicating liquor; and
- (b) Take all such steps as may be reasonably within his power to remove or cause to be removed from the theatre any person consuming intoxicating liquor in the theatre.

12. (1) Except in such area or areas and under such conditions as may be approved by the Chief Inspector and stated in the licence, no person shall refuel any motor vehicle, or cause or permit any motor vehicle to be refuelled, within a drive-in theatre.

(2) Every person who commits a breach of this regulation is liable on summary conviction to a fine not exceeding £5.

13. In addition to the matters specified in regulation 3 of the Cinematograph Films (Issue of Exhibitors' Licences) Regulations 1937†, the licensing officer, when considering an application for an exhibitor's licence in respect of an open-air theatre shall have regard to the following matters:

*S.R. 1956/80

†S.R. 1937/182 (Reprinted with Amendments Nos. 1 to 3, S.R. 1954/153)

(a) The likelihood of the creation of abnormal traffic hazards;
 (b) The possibility of detriment to the public health; and
 (c) The possibility of the creation of an undue public nuisance,—
 and, where, by reason of the nature or situation of the site of the proposed theatre or the location of the proposed entrances and exits, the theatre would in his opinion be unsuitable in any of those respects, he may refuse to grant a licence.

14. (1) In this regulation the term “first release theatre” means a cinematograph theatre which is situated within one mile and a half of the municipal offices of the City of Auckland, Wellington, Christchurch, or Dunedin and in respect of which there is for the time being in force an exhibitor’s licence for which the licence fee prescribed by clause 9 of the Second Schedule to the Cinematograph Films (Storage, Exhibition, and Renting) Regulations 1929* has been paid.

(2) Every exhibitor’s licence issued in respect of a drive-in theatre shall be deemed to contain a condition prohibiting the licensee from exhibiting any feature film (including any feature film designated as a reissue film in any statement supplied by any renter to the Minister of Internal Affairs under section 7 of the Cinematograph Films Amendment Act 1934) which has not already completed a *bona fide* first release season (using a print on 35 millimetre film stock or wider) in accordance with usual trade practice in a first release theatre in the nearest City of Auckland, Wellington, Christchurch, or Dunedin:

Provided that, where a renter establishes to the satisfaction of the licensing officer that:

- (a) The renter has offered any one or more specified feature films for exhibition in a first release theatre in the nearest City of Auckland, Wellington, Christchurch, or Dunedin, on the terms and conditions usually applicable in the course of the business of the renter and the exhibitor or exhibitors; and
- (b) After the lapse of such period of time as the licensing officer considers is reasonable in the circumstances of the case to enable the exhibitor or exhibitors to make a decision, the renter has been unable to secure the exhibition of that film or those films in a first release theatre in the nearest City of Auckland, Wellington, Christchurch, or Dunedin, as the case may be, on the ground that the film or films are not of sufficiently high quality to warrant that exhibition; and
- (c) That the renter has made reasonable endeavours to secure first release exhibition of that film or those films in the nearest City of Auckland, Wellington, Christchurch, or Dunedin, as the case may be,—

the licensing officer shall, by notice in writing to the renter, declare that the provisions of this subclause shall not apply with respect to that film or those films or to any of them:

Provided further that, where any film is rejected by an exhibitor in the exercise of the rights conferred on him by section 8 of the Cinematograph Films Amendment Act 1934, that film shall, unless the exhibitor satisfies the licensing officer to the contrary, be deemed to have been rejected on the grounds that it is not of sufficiently high quality to warrant first release exhibition.

**Gazette*, 23 September 1929, p. 2519

(Reprinted with Amendments Nos. 1 to 3, S.R. 1952/50)

Amendment No. 4: S.R. 1953/91

(3) Where, on application by a renter to exempt any one or more films from the provisions of subclause (2) of this regulation, the licensing officer considers it necessary to hold an investigation in order to ascertain the facts, the renter shall, on requisition by the licensing officer made either at or after the date of the application, pay an application fee of £10.

15. As a condition precedent to the grant of the licence, the licensing officer may require an applicant for an exhibitor's licence in respect of an open-air theatre to provide to the satisfaction of the licensing officer any specified type of viewing accommodation not proposed in the original application or to dispense with any type or types of viewing accommodation proposed in the original application, and in default of acceptance of any such condition by the applicant the licensing officer may refuse to grant a licence.

16. It shall be deemed to be a condition of every exhibitor's licence issued in respect of a drive-in theatre that, except with the precedent written consent of the licensing officer, it shall not be lawful for the holder of an exhibitor's licence in respect of a drive-in theatre to assign or transfer the licence or to enter into any arrangement, contractual or otherwise, which would in the opinion of the licensing officer result in some other person, firm, or company obtaining control of that theatre.

17. It shall be deemed to be a condition of every exhibitor's licence issued in respect of a drive-in theatre that, 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 a drive-in theatre or increasing the form or extent of any control which that person, firm, or company may already possess in respect of any drive-in theatre.

18. Every application for an exhibitors' licence under the Cinematograph Films Act 1928 in respect of an open-air theatre which was lodged before the date of the making of these regulations shall be subject to the provisions of these regulations.

19. (1) Regulation 15 of the Cinematograph Films and Posters (Censorship and Registration) Regulations 1956* is hereby amended by adding to subclause (2) the following proviso:

"Provided that in the case of a drive-in theatre the notice and the lettering shall be of such size and so illuminated as to be plainly legible at a distance of not less than 30 ft. and the notice shall be placed in such a position that it is fully and readily visible for at least that distance from the interior of cars approaching the box office."

(2) Regulation 17 of the Cinematograph Films and Posters (Censorship and Registration) Regulations 1956* is hereby amended by adding the following subclause as subclause (2) thereof:

"(2) Notwithstanding anything in subclause (1) of this regulation and in the Second Schedule to these regulations, the dimensions of the censorship classifications notice required to be provided at drive-in theatres, the size of the lettering used, and the situation of the notice shall conform to the requirements specified in the proviso to regulation 15 (2) hereof."

*S.R. 1956/80

20. Regulation 2 of the Cinematograph Films (Storage, Exhibition, and Renting) Regulations 1929* is hereby amended by omitting from the definition of the term "cinematograph theatre" the words "hall or other".

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

**Gazette*, 23 September 1929, p. 2519
(Reprinted with Amendments Nos. 1 to 3, S.R. 1952/50)
Amendment No. 4: S.R. 1953/91

EXPLANATORY NOTE

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

These regulations prescribe the procedure for applying for an exhibitor's licence under the Cinematograph Films Act 1928 in respect of open-air theatres, and specify the special conditions that must be complied with in respect of such theatres.

Regulation 4 requires notice of an application for a licence to be advertised by the licensing officer calling upon persons affected to lodge their objections in writing with the licensing officer within a time specified in the notice.

Regulations 5 to 8 specify the additional particulars that must be supplied to the licensing officer with every application for a licence.

Regulation 9 prescribes the special conditions that apply with respect to every open-air theatre (including a drive-in theatre) in relation to sanitary accommodation, illumination of buildings, footpaths, entrances, and exits, the avoidance of traffic hazards, the safety of patrons, and ventilation of projection rooms.

Regulation 10 prescribes additional conditions that apply with respect to every drive-in theatre relating to its minimum area, internal traffic lanes and parking places, the avoidance of traffic congestion, the sealing and drainage of the area, the illumination of traffic lanes and other areas, the provision of fire extinguishers, and the display of censorship notices.

Regulation 11 provides that it will be a condition of every exhibitor's licence in respect of a drive-in theatre that the licensee will refuse admission to all persons known to be carrying intoxicating liquor and will take such steps as may be reasonably within his power to remove persons consuming intoxicating liquor in the theatre.

Regulation 12 prohibits the refuelling of motor vehicles in drive-in theatres except where the licence so permits.

Regulation 13 provides that in considering an application in respect of an open-air theatre the licensing officer may have regard to the likelihood of traffic hazards being created, the possibility of detriment to the public health or the creation of a public nuisance.

Regulation 14 provides that an exhibitor's licence for a drive-in theatre will restrict the licence to the exhibition of films that have already had a first release in the nearest City of Auckland, Wellington, Christchurch, or Dunedin. Films which have been offered for first release in the nearest such city but have been rejected as being not of sufficient quality will not be subject to this provision.

Regulation 15 provides that, before granting an application for a licence for an open-air theatre, the licensing officer may require the proposed viewing accommodation to be modified.

Regulation 16 provides that, except with the consent of the licensing officer, the holder of an exhibitor's licence in respect of a drive-in theatre may not assign or transfer the licence or enter into any arrangement that would result in some other person, firm, or company obtaining control of the theatre.

Regulation 17 provides that, except with the consent of the licensing officer, no person may enter into any arrangement that would result in his obtaining control of, or increasing his control of, a drive-in theatre.

Regulation 18 applies the regulations to applications now pending.

Regulations 19 and 20 make consequential amendments to other regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 4 July 1957.

These regulations are administered in the Department of Internal Affairs.