New Zealand.

ANALYSIS.

CINEMATOGRAPH FILMS ACT 1928.

AMENDMENT ACTS:—

1929 No. 26

AFFECTED BY ACTS:—

1930 No 6 (Film-hire tax)

REGULATIONS:—

Censorship and Regstn of Films: Gaz. 1928 p. 3527.
~~Temp Regs for Renters' Licenses: Gaz. 1929 p. 263.~~
Under Explosive and Dangerous Goods Act: Gaz. 1928 p. 861.

1928 p. 244.

Regs.

Storage, transport & marking of films; Projection; Renters' & Exhibitors' Licenses; Incidental Matters: Gaz. 1929 p. 2519; 1930, p. 2877.
Censorship of Posters: Gaz. 1930 p. 2876.
Sound Films Censorship: Gaz. 1930 p. 2877.

1928, No. 20.

AN ACT to provide for the Censorship and Registration of Cinematograph-films, and for their Storage, Transport, and Projection; to regulate the Business of the Renting and Exhibition of such Films for the Purpose of securing the Exhibition of a certain Proportion of British Films; and to make other Provisions in relation to Cinematograph-films. [*9th October, 1928.* Title.

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

1. This Act may be cited as the Cinematograph Films Act, 1928, and except as otherwise provided herein shall come into force on the first day of January, nineteen hundred and twenty-nine. Short Title and commencement.

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

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

"British company" means a company which is constituted under the laws of any part of the British Empire and of which the majority of the directors are British subjects:

"British Empire" includes territories under His Majesty's protection and territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty:

"British film" means a film which complies with all the following requirements:—

(i) It must have been made by a person who was at the time the film was made a British subject, or by two or more persons each of whom at such time was a British subject, or by a British company;

(ii) The studio scenes must have been photographed in a studio in the British Empire;

(iii) The author of the scenario must have been a British subject at the time the film was made;

(iv) Not less than seventy-five per centum of the salaries, wages, and payments specifically paid for labour and services in the making of the film (exclusive of payments in respect of copyright and of the salary or payments to one foreign actor or actress or producer, but inclusive of the payments to the author of the scenario) has been paid to British subjects or to persons domiciled in the British Empire:

"Censor" means the Censor of Cinematograph Films appointed under this Act:

"Exhibitor," in relation to films, includes every person who exhibits any film or films to the public, or to any section of the public, whether or not a charge is made for admission to the premises in which the exhibition is held; and "to exhibit" has a corresponding meaning:

"Exhibitors' 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 British 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:

"Foreign film" means a film which is not a British film as herein defined:

"Length," in relation to a film, means the total length of film as offered for projection at public exhibitions thereof:

"Maker," in relation to any film, means the person by whom the arrangements necessary for the production of the film are undertaken:

"Minister" means the Minister of Internal Affairs:

"Producer," in relation to any film, means the person responsible for the organization and direction of the scenes to be depicted in the film:

"Register" means the Register of Films under this Act:

"Registered film," means a film registered in accordance with the provisions of Part II of this Act:

"Registrar" means the Registrar of Cinematograph Films appointed under this Act:

"Renter," in relation to films, means a person for the time being engaged in the business of renting films:

"Renters' quota," in relation to the registered films or to any class of registered films acquired by a renter for the purposes of his business, in any period, means the proportion of British 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 exhibitors at a rent or for other consideration, or making other arrangements with exhibitors for the exhibition thereof:

"Serial film" means a film or a series of films which—

(*a*) Consists of not more than twenty-six separate parts, none of which exceeds two thousand feet in length; and

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

PART I.

Censorship of Films and Posters.

Appointment of Censor.

3. (1) There shall from time to time as required be appointed an officer of the Public Service to be the Censor of Cinematograph Films.

(2) The Censor appointed under the Cinematograph-film Censorship Act, 1916, and in office at the commencement of this Act shall be deemed to have been appointed to the like office under this Act, and shall continue to hold office accordingly.

(3) The service of the aforesaid officer for the purposes of the Public Service Superannuation Fund shall not be deemed to have been interrupted by his appointment as Censor under the Cinematograph-film Censorship Act, 1916, or by his holding office as provided in that Act.

Exercise of powers of Censor by other officers.

4. The powers conferred on the Censor by this Act may be exercised by any person duly appointed to act on behalf of or in assistance of the Censor.

Duties of Censor.

5. (1) It shall be the duty of the Censor to examine every cinematograph-film duly submitted to him for examination with a view to such film being approved for purposes of exhibition to the public.

(2) On the completion of the examination of any film the Censor—

(*a*) May approve the same for exhibition as aforesaid; or

(*b*) May refuse to approve the same; or

(*c*) May agree to approve the same subject to such excisions from the film as he thinks proper.

(3) If the approval of the Censor is given subject to the making of any excisions from the film as aforesaid, the Censor shall have authority to make such excisions and to retain in his possession the excised parts.

(4) 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. 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 what excisions, if any, should be made therefrom.

(5) The approval by the Censor of any film may be absolute, or may be given subject to a condition that the film may be exhibited only to a specified class or to specified classes of persons.

If matter added to film after approval, film to be again submitted to Censor.

6. If any matter other than a certificate of approval or a certificate of registration 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.

Offence to exhibit film that has not been approved by Censor.

7. (1) Every person who, in any place for admission to which a charge is made in respect of any person or persons, or in any place to which the public are admitted, whether or not a charge is made for admission, 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, commits an offence and is liable to a fine of fifty pounds in respect of every occasion on which such film or any part thereof has been so exhibited.

(2) Any film in respect of which an offence under this Part of this Act has been committed may, by order of the convicting Court made in addition to any other penalty, be forfeited to the Crown, and may be destroyed or otherwise dealt with as the Minister may direct.

Censorship of film posters and other advertising matter.

8. (1) The foregoing provisions of this Act as to the censorship and exhibition of films may, to such extent as the Governor-General

by Order in Council determines, be applied so as to require the censorship of and to regulate the exhibition of posters and other advertising matter used or intended to be used in relation to any cinematograph-film or films. Any such Order in Council may relate exclusively to any specified class or specified classes of posters or other advertising matter.

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

Right of appeal from decisions of Censor.

9. There shall be a right of appeal from every decision of the Censor under this Part of this Act to such person or persons, and in such manner and subject to such conditions, as may be prescribed by regulations under this Act.

Fees.

10. There shall be payable in respect of the censorship of cinematograph-films and of posters and other advertising matter under this Part of this Act, and in respect of appeals from decisions of the Censor, such fees as may from time to time be prescribed by regulations under this Act.

Repeals.

11. (1) The Cinematograph-film Censorship Act, 1916, and the Cinematograph-film Censorship Amendment Act, 1926, are hereby repealed.

Saving of existing appointments, &c.

(2) All Orders in Council, regulations, certificates, appointments, and other acts of authority which originated under any of the enactments hereby repealed and are subsisting on the coming into operation of this Act shall enure for the purposes of this Act as if they had originated under the provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

PART II.

Registration of Films.

Registrar of Films.

12. (1) For the purposes of this Part of this Act there shall from time to time as required be appointed an officer of the Public Service to be called the 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 person duly appointed to act on behalf of or in assistance of the Registrar.

Registration of films.

13. (1) Except as provided in subsection three of this section, no film shall after the commencement of this Act be exhibited to the public unless it has been registered in accordance with this Part of this Act.

(2) Every person who exhibits any film in contravention of this section commits an offence and is liable to a fine of twenty pounds for every day on which such offence is committed in respect of one or more films. For the purposes of this subsection the exhibition of any unregistered film or unregistered films in two or more theatres or other places on the same day shall constitute a separate offence in respect of each such place.

(3) This section shall not apply so as to require the registration of any film that has been exhibited to the public in New Zealand at any time before the commencement of this Act.

Procedure for registration of films.

14. (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. Application for the registration of any film may be made simultaneously with the application for its approval by the Censor in accordance with the provisions of Part I 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.

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

(3) 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.

(4) Where application is made for the registration under this Act of any film theretofore registered by the Board of Trade as a British film pursuant to the Cinematograph Films Act, 1927 (Imperial), the Registrar shall without further inquiry register the film as a British film under this Act if he is satisfied that the film has not been altered since its registration to such extent as to change its character as a British film within the meaning of that Act.

(5) On the registration of the 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 British 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 IV of this Act, for the purpose of computing the renters' quota or the exhibitors' quota :

(*e*) Such other particulars as may be prescribed by regulations under this Act.

Special provisions authorizing the registration of films that have been exhibited before commencement of Act.

15. (1) The Minister may by writing under his hand authorize the registration of any films that have been exhibited to the public in New Zealand before the commencement of this Act.

(2) Any films registered pursuant to this section may in accordance with the direction of the Minister be available for computation in relation both to the renters' quota and the exhibitors' quota, or may be available only for computation in relation to the exhibitors' quota.

REFER: S. 1929 No.

Special provisions as to certificate of registration.

16. (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 given by the Censor pursuant to Part I 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) A photographic reproduction of the certificates of the Censor and the Registrar in relation to any film shall be made at the expense of the applicant for its registration, and copies of such photographic reproduction shall be attached to the film so as to form an integral portion thereof, before the film is exhibited to the public.

(4) The manner in which reproduction of the certificates aforesaid shall be attached to the film, their position in relation to the subject-matter of the film, and the amount of space to be occupied in the film by such photographic reproductions shall be determined from time to time in accordance with regulations under this Act.

REFER: S. 2 1929 No. 26

Offence to issue film to exhibitor, or to exhibit film, if certificates under this Act have not been incorporated therein.

17. (1) Every renter or other person who issues to any exhibitor for exhibition any film in which the certificates of the Censor and the Registrar are not incorporated as aforesaid commits an offence and is liable to a fine of twenty pounds.

(2) Every person who exhibits any film in respect of which certificates as required by this Act have been given by the Censor and the Registrar as aforesaid, but in which such certificates are not incorporated and shown at the time of exhibition, commits an offence and is liable to a fine of twenty pounds for every day on which such film is so exhibited.

Provisions as to alterations in length of film.

18. If after the registration of any film its length is altered to the extent of more than five per centum thereof, it shall be the duty of the renter for the time being entitled to receive the proceeds derivable from the renting thereof to send to the Registrar written notice of the alteration, and if he fails to do so he shall be guilty of an offence and liable to a fine of twenty pounds in respect thereof for every day on which such film as altered is exhibited before such notice is given and after the expiration of one month from the making of such alteration.

Correction of register.

19. (1) If the Minister has at any time reason to believe 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 as a result of such inquiry the Registrar shall, if necessary, correct the register and issue an amended certificate of registration in respect of the 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 he 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.

Appeals from decisions of Registrar.

20. (1) If any person is aggrieved by any decision of the Registrar with respect to the registration of a film he shall have a right of appeal, in such manner and subject to such conditions as may be prescribed, to a Stipendiary Magistrate, who shall have jurisdiction to hear and determine any such appeal accordingly.

(2) The decision of the Magistrate in any appeal under this section shall be final and conclusive.

21. 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. Register of Films.

22. (1) The register shall be open to inspection during office hours by any person on payment of the prescribed fee, and any person inspecting the register may make copies of or extracts from the same. Inspection of register.

(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 authorized person.

PART III.

STORAGE, TRANSPORT, AND PROJECTION OF FILMS.

23. This Part of this Act shall come into force on the first day of October, nineteen hundred and twenty-nine. Commencement of this Part of Act.

24. (1) For the purpose of conserving the safety of persons and property, the Governor-General in Council is hereby empowered to make all such regulations as he thinks proper with respect to the storage, transport, and projection of cinematograph-film, and with respect to matters incidental thereto. Power to make regulations in interests of public safety.

(2) Without limiting the generality of the foregoing provisions of this section, regulations may be made thereunder for all or any of the following purposes:—

(*a*) For the licensing of premises in which cinematograph-film may be stored or exhibited, prescribing the conditions subject to which such licenses may be held, and making all necessary provisions with respect to the issue, transfer, amendment, duration, and determination of such licenses:

(*b*) Prescribing the method of packing and labelling to be adopted in connection with the transport of film from one place to another, whether within a building or to other premises:

(*c*) Prescribing the situation, construction, and equipment of storage-places for film, and the conditions under which film may be stored and handled therein:

(*d*) Prescribing rules to be observed by persons employed or engaged in places where film is stored or handled:

(*e*) Prescribing the situation, construction, and maintenance of projection-rooms on premises licensed for the exhibition of films; and prescribing also rules to be observed by all persons in any such projection-room 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:

(*g*) Prescribing conditions with respect to the installation and maintenance of the electrical equipment in premises where film is exhibited:

(*h*) Providing for the notification of accidents arising from the storage, transport, or projection of film, and the holding of inquiries as to the cause of such accidents:

(*i*) Prescribing fees to be paid in respect of the issue, transfer, or amendment of licenses:

(*j*) Providing for the inspection of premises and equipment used in connection with the exhibition of films:

(*k*) Prescribing penalties for the breach of any regulations made under the authority of this section, not exceeding a fine of twenty pounds for any offence, or, in the case of a continuing offence, not exceeding a fine of twenty pounds for every day on which such offence is committed or continues.

Restriction of application of Explosive and Dangerous Goods Act.

25. On and after the commencement of this Part of this Act, nothing in the Explosive and Dangerous Goods Act, 1908, shall, except as otherwise provided herein, have any application with respect to cinematograph-film, and any regulations made under the said Act with reference to cinematograph-film and in force immediately prior to the commencement of this Part of this Act shall thereupon be deemed to be revoked.

Inspectors appointed under Explosive and Dangerous Goods Act to have powers of inspection for purposes of this Part.

26. (1) Every officer of the Public Service for the time being holding office as an Inspector under the Explosive and Dangerous Goods Amendment Act, 1920, shall for the purposes of this Part of this Act have the like powers with respect to cinematograph-film and the premises on which such film may be stored or exhibited and with respect to any matters incidental thereto as he has under the said Act with respect to dangerous goods.

(2) Every person 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, commits an offence and is liable to a fine of twenty pounds.

PART IV.

Provisions for securing Quota of British Films.

Application of this Part of Act.

27. (1) This Part of this Act applies to all films registered in accordance with the provisions of Part II of this Act, except films of the following classes, namely:—

(*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*) British films of which the date of release in the country of origin is more than two years prior to the date of registration in New Zealand:

(*h*) British films in respect of which the Minister has directed that this Part of this Act shall not apply on the ground that they are of insufficient artistic or photographic merit to warrant their being taken into account for the purpose of computing

the renters' quota or the exhibitors' quota, in accordance with this Part of this Act:

(*i*) Films not exceeding three thousand feet in length.

(2) Notwithstanding anything in the last preceding subsection, the Minister may at any time direct that this Part of this Act shall apply to any specified film of any of the classes mentioned in that subsection.

(3) If any direction under paragraph (*h*) of subsection one hereof, or under the last preceding subsection, is given by the Minister after the registration of the film to which it relates, the Registrar shall make all necessary amendments in the register and in the certificate of registration, and shall require the delivery of the film to him for that purpose.

(4) Films to which this Part of this Act applies are hereinafter referred to as "quota" films.

Renters' Quota.

Renters' licenses.

28. (1) It shall not be lawful after the commencement of this Act for any person to carry on the business of renting films unless he is the holder of a renter's license granted in accordance with this Part of this Act.

(2) Application for a renter's license shall be made in the prescribed form to the Minister, or to an officer of the Public Service to be appointed to receive applications for and to issue such licenses, and shall be accompanied by the prescribed fee.

(3) No person shall be qualified to hold a renter's license unless he has a place of business in New Zealand.

(4) Every license issued under this section shall unless 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.

(5) Every such license shall be in the prescribed form or to the effect thereof:

Provided that a renter's license under this section may in any case be issued in combination with a license under Part III of this Act in respect of the storage of film, and in such case the prescribed forms of licenses under the said Part III and this section shall be modified accordingly.

(6) If any person carries on business as a renter in contravention of the provisions of this section or of the terms of any license issued under this section, he commits an offence and is liable to a fine of twenty pounds for every day on which he so carries on business.

Minimum requirements as to acquisition by renters of British films.

29. (1) Of the total number of registered "quota" films acquired by a licensed renter for the purposes of his business in any of the years mentioned in the First Schedule hereto, it shall be his duty to acquire not less than the proportion of British films specified in the table set out in the said Schedule.

(2) If the Minister is satisfied that in any year compliance with the requirements of this Part of this Act by any renter is not or was not commercially practicable by reason of the character of the British films available, or the excessive cost of such films in relation to foreign films, he may modify those requirements to such extent as in the circumstances he considers reasonable.

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

(4) Public notification of every modification of the renters' quota made by the Minister pursuant to either of the two last preceding subsections shall be given in the *Gazette*.

(5) For the purpose of enabling the Minister to exercise the powers conferred on him by the foregoing provisions of this section, every licensed renter shall not later than the thirtieth day of September in each year give to the Minister a statement in writing of the number of British quota films and the number of foreign quota films that he proposes to acquire during the next succeeding year.

(6) If in any of the years specified in the First Schedule hereto a renter fails to comply with the requirements of this Part of this Act, or with those requirements as modified in accordance with subsection two, he shall be guilty of an offence and liable to a fine of one hundred pounds, unless he proves to the satisfaction of the Court that the reasons for non-compliance were beyond his control. In addition to any other penalty that may be imposed for any offence as aforesaid the convicting Court may in any case, if it is of opinion that the offence was committed with intent to defeat the purposes of this Part of this Act, make an order for the cancellation or suspension of the renter's license, such order to take effect as from a date to be therein specified in that behalf.

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

Special provisions as to quota requirements in the case of renters carrying on small business.

30. Any number of renters, none of whom or of whom not more than one during any of the years specified in the First Schedule hereto acquires for the purposes of his business more than six quota films, may with the consent of the Minister combine for the purpose of satisfying the quota requirements of this Part of this Act for that year, and in any such case all the renters who have so combined shall for the said purpose be regarded as one renter only, and shall accordingly be deemed to have complied with the aforesaid requirements to the same extent as one renter in such circumstances would have complied with those requirements.

Returns to be furnished by renters.

31. (1) Every licensed renter shall in manner approved by the Minister keep a book or other record in which shall as soon as practicable be entered with respect to each registered film acquired by him the following particulars, namely :—

(*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 British film or a foreign film, as the case may be :

(*d*) Whether or not the film is a quota film within the meaning of this Part of this Act:

(*e*) The places at which the film has been exhibited to the public, and the date or dates of exhibition at each such place:

(*f*) The rent or other consideration paid or agreed to be paid by any exhibitor in respect of such film or (where one charge is made in respect of two or more films without apportionment to the exhibitor), the amount of such charge, and the allocation of the amount of such charge among the several films made by the renter for the purposes of his business:

(*g*) Such other particulars as may from time to time be prescribed by regulations under this Act.

(2) Every record kept pursuant to this section shall be open at all reasonable times to inspection by an Inspector under Part III of this Act or by any other person authorized in that behalf by the Minister.

(3) Every licensed renter as and when required by the Minister, being not less than once in each year, shall furnish to the Minister such returns in respect of his business as a renter as may from time to time be prescribed.

(4) Every person who fails to comply with any of the requirements of this section commits an offence and is liable to a fine of twenty pounds, and to a further fine of five pounds for every day on which such default continues.

Exhibitors' Quota.

Exhibitors' licenses.

32. (1) It shall not be lawful after the thirtieth day of September, nineteen hundred and twenty-nine, for any person to exhibit films unless he is the holder of an exhibitor's license granted in accordance with this Part of this Act.

(2) Application for an exhibitor's license shall be made in the prescribed form to the Minister, or to any officer of the Public Service to be appointed to receive applications for and to issue such licenses, and shall be accompanied by the prescribed fee.

(3) Every license issued under this section shall, unless sooner revoked or surrendered, remain in force until the thirtieth day of September following the date of its issue, and shall then expire.

(4) Every such license shall be in the prescribed form or to the effect thereof:

Provided that an exhibitor's license under this section may in any case be issued in combination with a license under Part III of this Act in respect of the storage and projection of film, and in such case the prescribed forms of licenses under the said Part III and this section shall be modified accordingly.

(5) Every license issued under this section shall be limited in its application so as to authorize the exhibition of film only in such premises as may be therein specified. Any license issued under this section to an itinerant exhibitor may be issued in respect of not more than ten separate premises; in all other cases a separate license shall be required under this section in respect of each building in which film is to be exhibited.

(6) If any person exhibits any film or films in contravention of this section, or of the terms of any license issued under this section, he

commits an offence and is liable to a fine of twenty pounds for every day on which such offence is committed.

Minimum requirements as to exhibition of British films.

33. (1) This section shall have no application to any licensed exhibitor with respect to whom the Minister is satisfied that he is not engaged in carrying on business as an exhibitor, or to any other licensed exhibitor whom the Minister by writing under his hand for special reasons exempts from the operation of this section.

(2) Of the total number of registered quota films exhibited by an exhibitor to whom this section applies in any of the years mentioned in the Second Schedule hereto, it shall be his duty to exhibit not less than the proportion of British films specified in the table set out in the said Schedule.

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

(4) If the Minister is satisfied that in any year compliance with the provisions of this Part of this Act by any exhibitor is not or was not commercially practicable by reason of the character of British films available, or the excessive cost of such films in relation to foreign films, he may modify those requirements to such extent as in the circumstances he considers reasonable.

(5) If in any of the years specified in the Second Schedule hereto an exhibitor fails to comply with the requirements of this Part of this Act, or with those requirements as modified in accordance with the last preceding subsection, he shall be guilty of an offence and liable to a fine of one hundred pounds, unless he proves to the satisfaction of the Court that the reasons for non-compliance were beyond his control. In addition to any other penalty that may be imposed for any offence as aforesaid the convicting Court may in any case, if it is of opinion that the offence was committed with intent to defeat the purposes of this Part of this Act, make an order for the cancellation or suspension of the exhibitor's license, such order to take effect as from a date to be therein specified in that behalf.

(6) This section shall not come into force unless and until it is brought into force by the Governor-General by Order in Council, but the obligations imposed on licensed exhibitors by the next succeeding section shall apply, notwithstanding that an Order in Council may not have been issued under this section. Such an Order in Council shall come into force on the first day of October following the date of its publication in the *Gazette*.

Returns to be furnished by exhibitors.

34. (1) Every licensed exhibitor required by this Part of this Act to exhibit a proportion of British quota films 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 the last preceding section 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 license in that behalf, and in all other cases shall be kept on the premises in respect of which the license is issued.

(3) Every record kept pursuant to this section shall be open at all reasonable times to inspection by an Inspector under Part III of this Act, or by any other person authorized in that behalf by the Minister.

(4) Every exhibitor to whom this section applies, as and when required by the Minister, shall furnish to the Minister such returns in respect of his business as an exhibitor as may from time to time be prescribed.

(5) Every person who fails to comply with any of the requirements of this section commits an offence and is liable to a fine of twenty pounds, and to a further fine of five pounds for every day on which such default continues.

General.

35. (1) For the purpose of enabling an exhibitor to comply with the requirements of this Part of this Act it shall be the duty of every renter who supplies any quota film to an exhibitor to furnish to the exhibitor, before or within seven days after the delivery of the film, a statement setting forth with respect to such film the particulars required to be kept by the renter pursuant to paragraphs (*a*) to (*c*) of subsection one of section thirty-one hereof.

Renter to furnish particulars to exhibitor to enable exhibitor to comply with requirements as to quota.

(2) Every renter who fails to comply with the requirements of this section commits an offence and is liable to a fine of twenty pounds.

36. Notwithstanding anything to the contrary in section fifty of the Justices of the Peace Act, 1927, proceedings against any person for failure in any year to comply with the provisions of this Part of this Act as to the renters' quota may be commenced within two years from the end of that year, and proceedings against any person for failure in any year to comply with the provisions of this Part of this Act as to the exhibitors' quota may be commenced within one year from the end of that year.

Limitation of time within which proceedings for offences as to quota may be commenced.

PART V.

Restrictions on Advance Bookings, and Relief from Blind Bookings.

AMD: S. 3 1929 No. 26

37. (1) It shall not be lawful after the commencement of this Act for any persons to enter into an agreement for the supply to an exhibitor of films to be exhibited at any premises during any period longer than twelve months, and no such agreement shall be entered into more than ~~six~~ nine months before the date fixed for the commencement of the supply of films in terms thereof:

Restrictions with respect to contracts for advance bookings.

AMD: S. 3 1929 No. 26

Provided that an agreement for the supply of films for exhibition in a number of premises in succession may be made at any time within the ~~six~~ nine months preceding the commencement of such 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) The parties to any agreement entered into in contravention of this Part of this Act shall be guilty of an offence and shall be jointly and severally liable to a fine of one hundred pounds.

Provisions as to existing agreements in respect of advance bookings.

38. Any agreement entered into before the commencement of this Act which, if entered into after the commencement of this Act would be an illegal agreement under the last preceding section, shall, if and so far as it relates to films to be supplied to an exhibitor after the thirty-first day of March, nineteen hundred and twenty-nine, cease to have effect on that day or on the expiration of twelve months after the date of the agreement, whichever date is the later.

REFER: S. 50 1930 No.

Relief from blind bookings and from contracts that do not enable exhibitor to comply with quota requirements.

39. (1) Notwithstanding anything contained in any contract entered into by an exhibitor, whether before or after the commencement of this Act, for the supply to him for exhibition of any quota films (not being films named or adequately described in the contract) such exhibitor shall, subject to the provisions of this section and without incurring any liability for breach of contract, have the right to reject up to five per centum of the number of quota films proposed to be delivered to him in terms of that contract. Where for the purposes of this subsection five per centum of any number of films is not a whole number such percentage shall be deemed to be the nearest whole number.

(2) If any contract made after the commencement of this Act for the supply over a period exceeding twenty weeks of quota films intended for exhibition at any time after the thirtieth day of September, nineteen hundred and twenty-nine, does not provide for the supply of a number of British films sufficient to enable the exhibitor to comply during the aforesaid period with the quota requirements of this Act the exhibitor shall have the right, anything in the contract to the contrary notwithstanding, to reject such number of foreign quota films the subject-matter of that contract as will enable him, on replacing such foreign films by British quota films, to comply with the aforesaid quota requirements. For the purposes of this subsection the quota requirements for any period shall be proportionate to the quota requirements for the year as fixed by the Second Schedule hereto.

(3) Notice of intention to reject any film pursuant to the right conferred by this section shall be given by the exhibitor to the renter or other supplier not less than twenty-eight days before the proposed date of exhibition in cases where advice as to the name of the film has been received by the exhibitor at least six weeks prior to the aforesaid date; in any other case the notice required to be given by the exhibitor may be given at any time within fourteen days after the receipt by him of advice as to the name of the film.

PART VI.

Miscellaneous.

REFER: S. 25 1930 No. 40

Method of computing taxable income derived from business of renting films.

40. Notwithstanding anything to the contrary in the Land and Income Tax Act, 1923, the taxable income derived by any person from the business of renting films in the year ended on the thirty-first day of March, nineteen hundred and twenty-nine, or in any year thereafter, shall be deemed to be not less than twelve and one-half per centum of the gross receipts derived by that person from such business in that year.

41. (1) For the purpose of advising him on matters arising in respect of the administration of this Act, the Minister may appoint an Advisory Committee consisting of— Minister may appoint Advisory Committee.

(*a*) Not more than two representatives of licensed renters:

(*b*) An equal number of representatives of licensed exhibitors:

(*c*) Not more than three other persons, having no pecuniary interest in any branch of the film industry. One of the members appointed under this paragraph shall be appointed by the Minister to be the Chairman of the Committee.

(2) The term of office of a member of the Advisory Committee shall be such period, not exceeding three years, as may be fixed by the Minister at the time of his appointment, but a retiring member shall be eligible for reappointment.

(3) Except so far as may be provided by regulations under this Act, the Committee shall regulate its own procedure.

42. If any person,— Penalty for misrepresentation.

(*a*) In connection with an application for the registration of any film under this Act; or

(*b*) For the purpose of obtaining a license under any Part of this Act for himself or 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,—

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 he commits an offence, and where no other penalty is provided in respect of such offence is liable to a fine of one hundred pounds.

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

(*a*) The censorship of films, posters, and other advertising matter pursuant to Part I of this Act, and the fees to be paid in respect thereof:

(*b*) The registration of films in accordance with Part II of this Act, and in particular,—

(i) Prescribing the nature of the evidence required to prove that any film is a British film:

(ii) Prescribing the method in which statements contained in applications for registration of films may be verified:

(*c*) Prescribing the forms of registers and certificates to be kept for the purposes of this Act: AMD: S. 1929 No. or Publication

(*d*) Prescribing the requirements with respect to the reproduction of certificates given by the Censor or the Registrar:

(*e*) The conduct of appeals from decisions of the Censor or the Registrar in accordance with this Act:

(*f*) The conditions subject to which licenses may be issued under this Act to renters or exhibitors, and the conditions subject to which any such license may be renewed, suspended, or revoked:

(*g*) 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:

(*h*) Prescribing the fees to be paid for any license or other matter under this Act:

(*i*) Such other matters as are contemplated by or are reasonably necessary for the purpose of giving full effect to the provisions of this Act.

(2) All regulations made under the authority of this section shall be laid before Parliament within fourteen days after the date thereof if Parliament is then in session, and if not, then within fourteen days after the commencement of the next ensuing session.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

Renters' Quota of British Films.

In respect of the year ending 31st December, 1929	..	7½ per cent. of quota films.
In respect of the year ending 31st December, 1930	..	10 per cent. of quota films.
In respect of the year ending 31st December, 1931	..	10 per cent. of quota films.
In respect of the year ending 31st December, 1932	..	12½ per cent. of quota films.
In respect of the year ending 31st December, 1933	..	15 per cent. of quota films.
In respect of the year ending 31st December, 1934	..	17½ per cent. of quota films.
In respect of the year ending 31st December, 1935	..	17½ per cent. of quota films.
In respect of the year ending 31st December, 1936	..	20 per cent. of quota films.
In respect of the year ending 31st December, 1937	..	20 per cent. of quota films.
In respect of the year ending 31st December, 1938	..	20 per cent. of quota films.

SECOND SCHEDULE.

Exhibitors' Quota of British Films.

In respect of the year ending 30th September, 1930	..	5 per cent. of quota films.
In respect of the year ending 30th September, 1931	..	7½ per cent. of quota films.
In respect of the year ending 30th September, 1932	..	7½ per cent. of quota films.
In respect of the year ending 30th September, 1933	..	10 per cent. of quota films.
In respect of the year ending 30th September, 1934	..	12½ per cent. of quota films.
In respect of the year ending 30th September, 1935	..	15 per cent. of quota films.
In respect of the year ending 30th September, 1936	..	15 per cent. of quota films.
In respect of the year ending 30th September, 1937	..	20 per cent. of quota films.
In respect of the year ending 30th September, 1938	..	20 per cent. of quota films.
In respect of the year ending 30th September, 1939	..	20 per cent. of quota films.