

# REPRINT

## CINEMATOGRAPH ACT (CAP. 137)

**As in force at: 1 October 2009**

<b>STATUS:</b> <b>CURRENT</b>
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For details see Endnotes
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**AN ACT TO REGULATE THE EXHIBITING OF CINEMATOGRAPH PICTURES  
AND THE LICENSING OF CINEMATOGRAPH THEATRES**

## **CINEMATOGRAPH ACT (CAP. 137)**

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# CINEMATOGRAPH ACT (Cap. 137)

As in force at: 1 October 2009

## 1 Short title

This Act may be cited as the *Cinematograph Act*.

## 2 Interpretation

In this Act:

**“Board”** means the Board established under section 3;

**“cinematograph exhibition”** means an exhibition, whether with or without sound effects, made by means of a projector or a cinematographic or other similar apparatus including television apparatus and whether or not the image or images projected thereby appear in a stationary form or give the illusion of movement;

**“cinematograph theatre”** means any building, tent or other erection of whatever nature (other than a private home) or any place or land in or on which a cinematograph exhibition is presented for the purpose of entertainment of members of a club, society, association, or educational institution or to the public either gratuitously or for reward;

**“Licensing Authority”** means the Provincial Secretary of the Province in which the cinematograph theatre is situated;

**“poster”** means any picture, drawing, painting, photograph, figure or other device advertising any cinematograph exhibition.

## 3 Board of Censors

- (1) There shall be established a Board to be known as the Board of Censors, which shall consist of a Chief Censor and not more than twenty other members appointed by the Minister.
- (2) The members of the Board appointed under subsection (1) shall include a nominee of the Ministry responsible for Education and

Training, a nominee of the Solomon Islands Christian Association, a nominee of the Comptroller of Customs and Excise and a nominee of the Commissioner of Police.

- (3) The Chief Censor and other members of the Board shall be appointed for a period of two years.
- (4) At all meetings of the Board the Chief Censor or in his absence such member as the other members present may select, shall preside and act as the Chairman of the Board.
- (5) The Board shall cause proper records of its proceedings to be kept.
- (6) Every document issued by the Board shall be signed by the Chairman or the Secretary.
- (7) The Minister may give the Board direction as to the policy to be adopted in the exercise of the powers conferred and the duties imposed on the Board under this Act and the Board shall comply with such directions.
- (8) Subject to this Act, the Board may regulate its own procedure.

#### **4 Theatre licences**

- (1) No person shall use, or cause, permit or suffer to be used any place as a cinematograph theatre unless he shall first have obtained from the Licensing Authority a licence (hereinafter referred to as “a theatre licence”) in respect of such place:

Provided however that nothing in this section shall apply to the use of any land or place open on all sides as a cinematograph theatre by:

- (a) any officer in the public service in the performance of his official duties; or
  - (b) any person acting with the authority, express or implied, of any missionary organisation in carrying out the lawful activities of such organisation.
- (2) The Licensing Authority may refuse to grant a theatre licence or may grant it subject to such terms and conditions as the Licensing Authority may think desirable in the manner hereinafter set out.

- (3) The Licensing Authority may grant a theatre licence either generally or in respect of any specified cinematograph exhibition or exhibitions or for such period not exceeding twelve months as the Licensing Authority may think fit.
- (4) A theatre licence may be revoked or suspended by the Licensing Authority at any time if, in the opinion of the Licensing Authority, the safety, health or convenience of persons attending any cinematograph exhibition is not adequately provided for.
- (5) The Licensing Authority may direct that no theatre licence fee shall be chargeable in respect of any cinematograph exhibition if he is satisfied that such exhibition is to be given for any charitable, educational or public purpose.
- (6) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to a fine of one hundred penalty units or to imprisonment for six months or to both such fine and imprisonment.

## **5 Supervision to ensure safety**

- (1) The Licensing Authority may grant a theatre licence upon condition that the theatre shall not be used for the purposes specified in the licence except under the superintendence of some officer or person designated in the licence, and, in such case, it shall be lawful, at any time, for the officer or person so designated to order a cinematograph exhibition to cease or to give any other direction which he may think necessary for ensuring the safety of the theatre and the audience.
- (2) The owner, licensee or manager of a cinematograph theatre or other person responsible for the exhibition of any film who fails to comply with any order given as aforesaid shall be guilty of an offence and shall be liable on conviction to a fine of one hundred penalty units or to imprisonment for six months or to both such fine and imprisonment.

## **6 Prohibition of cinematograph exhibition without film permit**

- (1) No person shall present, or cause, permit or suffer to be presented any cinematograph exhibition in a cinematograph theatre unless a permit (hereinafter referred to as "a film permit") shall have been

granted by the Board in the manner hereinafter provided in respect of every film so exhibited and in respect of any new part that may be added thereto.

- (2) Film permits shall be in such form as the Board may from time to time determine.
- (3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of one hundred penalty units or to imprisonment for six months or to both such fine and imprisonment.
- (4) Any film in respect of which the Board has refused to grant a film permit shall be exported immediately from Solomon Islands and any such film which remains in Solomon Islands beyond a period that is reasonable to allow for arrangements for its exportation to be made shall be liable to seizure by the Board.
- (5) A film seized under subsection (4) shall be taken before a Magistrate's Court as soon as may be practicable and the court may order the destruction of the film or make such other order as it thinks fit.
- (6) Any person who exhibits or attempts to exhibit by any means in whatever place in Solomon Islands any film in respect of which a film permit has been refused by the Board, shall commit an offence and shall on conviction be liable to a fine of two hundred penalty units or to imprisonment for one year or to both the fine and imprisonment.

## **7 Application for film permits**

An application for a film permit shall be made in writing to the Chief Censor. Such application shall be accompanied by a statement of the theatre where and the time when the film is intended to be exhibited and such particulars and description as may from time to time be prescribed by the Board.

## **8 Censorship of films**

- (1) No film permit shall be issued in respect of any film unless the film or a description thereof supplied in accordance with the provisions of section 7 has first been examined by the Board:

Provided that if the Chief Censor is satisfied that the film is to be exhibited by or with the approval of a Government Department, a film permit may be issued without any examination by the Board.

- (2) The consideration of any application for a film permit shall be carried out by such number of examiners, not being less than three, as the Chief Censor may decide and such examiners shall be deemed to be a quorum of the Board and shall have all the powers of the Board.
- (3) For the purpose of considering any application for a film permit, the Board may require the applicant to submit to it the film to which the application relates or to project it on to a screen at some convenient place for inspection by the Board.
- (4) The Board may in its absolute discretion refuse to grant any film permit or may grant the same subject to any terms and conditions to be specified in the permit as the Board may deem fit.
- (5) Where the examiners appointed to consider any application for a film permit are unable to come to any decision with regard to such application they shall report the fact to the Chief Censor who shall either:
  - (a) decide himself to grant or refuse a film permit in which case his decision shall be deemed to be that of the Board; or
  - (b) require the application to be reconsidered by such number of examiners as he may decide, including, if he considers fit, himself and some or all of the examiners who previously examined the film.
- (6) A film permit shall be issued on behalf of the Board by a revenue officer on receipt by him of the prescribed fee and of a certificate authorising him to issue such permit signed by the Chief Censor.
- (7) Any person who presents, or causes or permits to be presented any cinematograph exhibition in a cinematograph theatre otherwise than in accordance with the terms and conditions specified in a film permit granted by the Board under subsection (4) in relation to a film so exhibited, shall be guilty of an offence and shall be liable on conviction to a fine of two hundred penalty units or to imprisonment for one year or to both the fine and imprisonment.

**9 Free permits**

The Board may direct that a film permit shall be issued free in cases where the cinematograph exhibition is to be given for any charitable, educational or public purposes.

**10 Cancellation of film permit by Minister**

The Minister may at any time cancel a film permit without assigning any reason.

**11 Power of entry**

- (1) Any administrative officer, police officer, member of the Board of Censors or other officer appointed for the purpose by the Minister, may at all reasonable times enter upon any premises or place in which he has reason to believe that any film is being or is about to be exhibited with a view to seeing whether the provisions of this Act or any rules made thereunder and the conditions of any licences or permits granted under this Act have been complied with.
- (2) In the event of such officer or member being satisfied that a cinematograph exhibition is being given contrary to the provisions of this Act or of any rules or permits issued thereunder he may order that such exhibition shall stop.
- (3) Any person preventing or obstructing the entry of any such officer or member mentioned in subsection (1) or any person refusing or failing to comply with an order to stop the exhibition shall be guilty of an offence and shall be liable on conviction to a fine of one hundred penalty units or to imprisonment for six months or to both such fine and imprisonment.

**12 Exhibition of posters**

Any person who publicly exhibits any poster or advertisement containing any illustration or scenic description of any cinematograph exhibition before such poster or advertisement has been inspected and approved by the Board shall be guilty of an offence and shall be liable on conviction to a fine of one hundred penalty units or to imprisonment for six months or to both such fine and imprisonment.



### **13      Appeal to Minister**

An appeal shall lie to the Minister in respect of any act or decision of the Licensing Authority, the Board or the Chief Censor done or made or omitted to be done or made under the provisions of this Act, and the Minister may confirm, disallow or vary any act or decision of the Licensing Authority, the Board or the Chief Censor, or may direct the Licensing Authority, the Board or the Chief Censor to act in such manner as the Minister shall deem fit. The decision of the Minister shall be final.

### **14      Rules**

The Minister may make rules:

- (a) prescribing fees to be paid for any licence or permit under this Act;
- (b) prescribing fees to be paid for the attendance of any officer at the exhibition of a film;
- (c) prescribing conditions to be observed in reference to the erection, alteration and equipment of any cinematograph theatre;
- (d) prescribing conditions to be observed in reference to the safety from fire of any cinematograph theatre or for the safety and control of persons attending such theatre;
- (e) regulating the constitution, duties, proceedings and conduct of the meetings of the Board of Censors and the manner in which the censorship of films and posters shall be conducted;
- (f) prescribing penalties for the breach of any rules made hereunder not exceeding a fine of one hundred penalty units or imprisonment for six months or both such fine and imprisonment;
- (g) generally for the carrying into effect of the provisions of this Act.

## ENDNOTES

### 1

#### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 137 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

### 2

#### LIST OF LEGISLATION

##### ***Cinematograph Act (Cap. 137)***

<i>Constituent legislation:</i>	14 of 1954 (Commenced 11 September 1954)
	6 of 1958
	LN 46A of 1978
	LN 88 of 1978
	10 of 1982

##### ***Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)***

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

### 3

#### LIST OF AMENDMENTS

s 4	amd by Act No. 14 of 2009
s 5	amd by Act No. 14 of 2009
s 6	amd by Act No. 14 of 2009
s 8	amd by Act No. 14 of 2009
s 11	amd by Act No. 14 of 2009
s 12	amd by Act No. 14 of 2009
s 14	amd by Act No. 14 of 2009