



Tuvalu

CINEMAS AND FILMS ACT

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Tuvalu

CINEMAS AND FILMS ACT

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Tuvalu

CINEMAS AND FILMS ACT

AN ACT TO REGULATE THE EXHIBITION OF FILMS AND THE LICENSING OF CINEMAS¹

Commencement [1st October 1978]

1 Short title

This Act may be cited as the Cinemas and Films Act.

2 Interpretation

In this Act —

“**cinema**” means any building of whatever nature which is, or is intended to be, used wholly or mainly for the purpose of exhibiting films to the public either free or on payment;

“**Cinema Licensing Authority**” means such person or group of persons as the Minister may from time to time appoint for the purpose of this Act, whether by name or office, and may include a local government council or employee of such council and the area of authority of each such Authority shall be such as the Minister may in each case designate;

“**film**” means any record, however made, of a sequence of visual images, which is a record capable of being used as a means of showing that sequence as a moving picture;

“**premises**” includes any building, enclosure or ground or the open air, but does not include a ship or vessel.

3 Cinema licences

- (1) No film shall be exhibited to the public in a cinema unless there is in force in respect of the cinema a licence (hereinafter called “a cinema licence”) issued by the Cinema Licensing Authority in accordance with the provisions of this section.
- (2) An application for a cinema licence shall be made in writing to the Cinema Licensing Authority for the area in which the cinema is situated.
- (3) A Cinema Licensing Authority shall not grant a cinema licence unless the Chief of Police shall first have certified that, having regard to possible fire hazards, the building is suitable for exhibiting films or can be made suitable if certain works are carried out. If the Chief of Police certifies that a cinema is not suitable for the showing of films unless certain works are carried out, the carrying out of those works shall be made a condition of any licence which the Authority may issue.
- (4) The Cinema Licensing Authority may refuse to grant a cinema licence or, subject to subsection (3) and to any byelaws made under the Falekaupule Act or regulations made hereunder, may grant it subject to such terms and conditions and for such period not exceeding 12 months as it thinks fit.
- (5) A cinema licence may be revoked or suspended by the Cinema Licensing Authority at any time if, in the opinion of the Authority, the safety, health and convenience of persons attending any exhibition of a film is not adequately provided for.
- (6) Any person who exhibits, or causes, suffers, or permits to be exhibited a film in contravention of the provisions of subsection (1) or of any term or condition subject to which a cinema licence is granted shall be liable to a fine of \$200 and to imprisonment for 6 months.

4 Prohibition of film exhibition without exhibitor's permit

- (1) No person shall exhibit, or cause, permit, or suffer to be exhibited any film to the public for payment in any premises unless he first shall have been granted by the Cinema Licensing Authority a permit (hereinafter called an “exhibitor's permit”) valid in respect of the exhibition of that film in those premises.
- (2) A person wishing to apply for an exhibitor's permit shall apply in writing to the Cinema Licensing Authority for the area in which he wishes to exhibit any film.
- (3) The Cinema Licensing Authority may refuse to grant an exhibitor's permit or may grant it in respect of such premises as may be specified in the permit, with or without conditions, either for such period not exceeding 12 months as the Authority may think fit or in respect of a specified exhibition or exhibitions.

- (4) The Cinema Licensing Authority may direct that no fee for exhibitor's permit shall be chargeable in respect of any exhibition of a film if it is satisfied that such exhibition is to be given for a charitable, educational or public purpose.
- (5) It shall be a condition of any exhibitor's permit granted by a Cinema Licensing Authority that the person who operates the cinematographic equipment in the exhibition of any film should have sufficient knowledge of such equipment and of electrical safety requirements to be able to exhibit such film without danger to the public.
- (6) Any person who contravenes the provisions of subsection (1) or any condition subject to which an exhibitor's permit is granted shall be liable to a fine of \$200 and to imprisonment for 6 months.

5 Appointment of censor examiners

- (1) The Minister may appoint such number of film censor examiners (hereinafter called "examiners") as he may deem expedient.
- (2) The examiners shall carry out the duties assigned to them in accordance with such general directions as may from time to time be given to them by the Minister.

6 Censorship of films

- (1) No film shall be exhibited unless there shall have been granted by an examiner in respect of that film a certificate of censorship (hereinafter called a "certificate") in the manner hereinafter provided and such certificate is in force.
- (2) Any person who (i) wishes to distribute a film for the purpose of exhibition; or (ii) wishes to exhibit a film for which no certificate is in force shall apply in writing to an examiner for a certificate in respect of such film. Every application shall be accompanied by such particulars and description as may from time to time be determined by the Minister and such fee as he may from time to time prescribe by notice.
- (3) For the purpose of considering any application for a certificate an examiner may require the applicant to submit to him the film to which the application relates or to project it on to a screen at, some convenient place for inspection by the said examiner.
- (4) An examiner may in his absolute discretion refuse to grant a certificate for any film or may grant the same subject to such conditions, including a condition that a film shall not be exhibited otherwise than in a cinema or that a film shall not be exhibited to any person under a specified age, as he may deem fit.

- (5) Where an examiner is unable to come to any decision with regard to an application for a certificate in respect of any film he shall report the fact to the Minister who shall either —
 - (a) decide himself to grant or refuse a certificate in which case his decision shall be final; or
 - (b) require the application to be reconsidered by such other examiner or examiners as he may decide, including, if he considers fit, himself.
- (6) The provisions of this section shall not apply to an exhibition of a film in a private dwelling-house to which the public are not admitted.
- (7) Any person who exhibits or who causes, permits, or suffers to be exhibited any film in contravention of subsection (1) or otherwise than in accordance with the conditions specified in the certificate relating to the film shall be liable to a fine of \$100 and to imprisonment for 3 months.

7 Powers of Minister

- (1) The Minister may at any time cancel a licence, permit or certificate without assigning any reason therefor.
- (2) The Minister may by order fix the maximum charge to be made for the admission of persons to any exhibition of a film.²

8 Powers of entry

- (1) Any police officer, examiner, officer of a local government council, or other officer appointed for the purpose by the Minister, may at all reasonable times enter upon any premises in which he has reason to believe that any film is being or is about to be exhibited with a view to ascertaining whether the provisions of this Act or of any regulations made or the conditions of any licence, permit or certificate granted hereunder have been complied with.
- (2) In the event of the officer or examiner being satisfied that a film is being exhibited in contravention of the provisions of this Act or of any regulations made or any licence, permit or certificate granted hereunder he may order that such exhibition shall stop.
- (3) Any person preventing or obstructing the entry of any such officer or examiner or any person refusing or failing to comply with an order to stop any exhibition shall be liable to a fine of \$100 or to imprisonment for 3 months.

9 Exhibition of posters

- (1) Where an examiner has imposed a condition in a certificate that a film shall not be exhibited to persons under a specified age, any person proposing to

exhibit such film shall indicate that condition on any poster he displays advertising the film.

- (2) Any person who contravenes the provisions of subsection (1) shall be liable to a fine of \$100 and to imprisonment for 3 months.

10 Appeal to Minister

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

11 Regulations

The Minister may make regulations —

- (a) prescribing the fees to be paid for any licence, permit or certificate under this Act, the forms thereof and the time and method of application therefor;
- (b) prescribing the conditions to be observed during the exhibition of films to the public in cinemas and other premises;
- (c) prescribing penalties for the breach of any regulations made hereunder not exceeding a fine of \$100 or imprisonment for 3 months or both such fine and imprisonment;
- (d) generally for the carrying into effect of the provisions of this Act.

SCHEDULE 1

(Regulations 6 and 8 (b))

CINEMA LICENCES

	Fee \$
(a) Cinema Licence:	
3 months	40.00
6 months	70.00
12 months	120.00
(b) Transfer to new building	12.00
(c) Transfer to new holder	10.00

SCHEDULE 2

(Regulations 12 and 13 (b))

EXHIBITOR'S PERMIT

	Fee \$
(a) Exhibitor's permit for an unlimited number and type of films, in any premises:	
3 months	25.00

6 months	40.00
12 months	80.00
(b) Exhibitor's permit for educational or religious films only, in any premises:	
12 months	Free
(c) Exhibitor's permit for a single film in named premises	5.00
(d) Transfer to new holder	4.00
(e) Extension to other films and premises	Difference in fee

SCHEDULE 3

(Regulation 16 (a))

CENSORSHIP CERTIFICATE

	Fee \$
(a) On grant of a certificate	3.00

SCHEDULE 4

(Regulation 17)

FORM OF MAXIMUM CHARGE ORDER

CINEMAS AND FILMS ACT

MAXIMUM ADMISSION CHARGES ORDER

IN exercise of the powers conferred on me by section 7 (2) of the Cinema and Films Act, I hereby order that the maximum charge which may be made for the admission of persons to the showing of (name of film; or type of film) at (place to be shown; or type of place) on (date or dates relevant) shall be as follows:

\$	c	
-	-	for an adult
-	-	for a child (under 16 years)
-	-	for (any other categories)

Dated this day of 20...

SIGNED

(Minister)

ENDNOTES

¹ 1990 Revised Edition, Cap. 11 – Acts 9 of 1978, 9 of 1981

² by L.N. 3/1981 the following order was made –

“The maximum charge which may be made for admission to the showing of any film in Tuvalu at any time shall be 60 cents for an adult and 40 cents for a child under 16.”