

**LAWS OF KIRIBATI
REVISED EDITION 1979**

CHAPTER 31A

EXHIBITION OF FILMS

ARRANGEMENT OF SECTIONS

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An Ordinance to make better provision for the regulation and the control of the exhibition of films and the censorship thereof and matters incidental thereto 6 of 1978

Commencement: 4th December 1978

PART I

PRELIMINARY AND LICENSING OF EXHIBITORS

- Short title 1. This Ordinance may be cited as the Exhibition of Films Ordinance.
- Interpre-
tation 2. In this Ordinance—
 “cinema” means any building of whatever nature which is used or is intended to be used wholly or mainly for the purpose of exhibiting films to the public either gratuitously or for reward;
 “film” means a cinematographic or video film and includes any part of such film and any trailer;
 “Licensing Authority” means the Local Government Council within whose area of authority premises sought to be specified in an exhibitor’s licence are situated or, where there is no such Council, the administrative officer in charge of the district where such premises are situated;
 “premises” includes any building, enclosure, ground or open air space.
- Prohibition
of film exhibi-
tion without
exhibitor’s
licence 3. (1) No person shall exhibit, or cause, permit, or suffer to be exhibited, any film for reward to the public in any premises in the area of authority of a Licensing Authority unless he first shall have been granted by the Licensing Authority a licence (hereinafter called an “exhibitor’s licence”) valid in respect of the exhibition of that film in those premises.
 (2) A person wishing to apply for an exhibitor’s licence shall apply in writing to the Licensing Authority for the area in which he wishes to exhibit any film.
 (3) The Licensing Authority may refuse to grant an exhibitor’s licence or, subject to subsections (4) and (5), may grant it in respect of such number of premises and subject to such terms and conditions as it thinks fit and as may be specified in the licence, either for a period not exceeding 12 months or in respect of a specified exhibition or exhibitions.
 (4) A Licensing Authority shall not grant an exhibitor’s licence in respect of a cinema or specify a cinema therein, unless the Commissioner 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 Commissioner of Police certifies that a cinema is not suit-

able for the showing of films unless certain works are carried out, the carrying out of those works shall be made a condition of any exhibitor's licence which the Licensing Authority may grant in respect of that cinema.

(5) It shall be a condition of every exhibitor's licence that the person to whom it has been granted shall ensure that every exhibition in any premises specified therein is conducted in such a manner as to provide for the safety, convenience and good order of persons attending the exhibition and that there is a responsible and competent person operating the projector used in the premises for the purpose of the exhibition.

(6) An exhibitor's licence may be revoked or suspended by the Licensing Authority at any time, either in respect of all or certain of the premises specified therein if, in the opinion of the Licensing Authority, the safety, health and convenience of persons attending any exhibition of a film is not adequately provided for.

(7) On the grant of an exhibitor's licence, the Licensing Authority shall charge a fee up to the maximum prescribed fee for the number of premises specified in the licence:

Provided that the Licensing Authority may direct that no fee shall be chargeable in respect of any exhibition of a film if it is satisfied that such exhibition is to be given for a non-commercial, or a charitable, educational or public, purpose.

(8) Any person who contravenes the provisions of subsection (1) or any condition subject to which an exhibitor's licence is granted shall be liable to a fine of \$500 and to imprisonment for 6 months.

PART II

CENSORSHIP

4. (1) The Minister may appoint such numbers of film censor Appointment of censor examiners 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.

5. (1) No film shall be exhibited unless there shall have been granted by an examiner in respect of that film a certificate of Certificate of censorship censorship (hereinafter called a certificate) in the manner hereinafter provided and such certificate is in force.

(2) Any person who wishes to distribute a film for the purposes of exhibition 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 the prescribed fee.

(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 at an hour earlier than that specified by the examiner or that a film shall not be exhibited to any person under a specified age, as he may deem fit.

~~(5) 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, whether on payment or otherwise.~~

(6) 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 \$200 and to imprisonment for 3 months.

PART III

GENERAL

Powers of
Minister

6. (1) The Minister may at any time cancel a certificate issued pursuant to section 5 (1) without assigning any reasons.

(2) The Minister may by order in respect of the area of a particular Licensing Authority, after consultation with that Authority, fix the maximum charge to be levied for the admission of persons to any exhibition of a film.

Power of
entry

7. (1) Any police officer, examiner, officer of or appointed by a Licensing Authority, 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 Ordinance, and any regulations made or the

conditions of any exhibitor's licence 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 Ordinance or of any regulations or licence 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 an exhibition shall be liable to a fine of \$100 and to imprisonment for 3 months.

8. (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. Exhibition of posters

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

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

10. The Beretitenti, acting in accordance with the advice of the Cabinet, may make regulations— Regulations

- (a) prescribing the maximum fees to be paid in respect of any premises specified in an exhibitor's licence granted under this Ordinance; and
- (b) prescribing conditions to be observed during the exhibition of films to the public in cinemas and other premises; and
- (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; and
- (d) generally for the carrying into effect of the provisions of this Ordinance.

[Subsidiary]

SUBSIDIARY LEGISLATION

Regulations under section 10

L.N. 6/79

EXHIBITION OF FILMS REGULATIONS

Commencement: 6th February 1979

PART I

PRELIMINARY

Citation 1. These Regulations may be cited as the Exhibition of Films Regulations.

PART II

BUILDINGS OTHER THAN MANEABAS AND DWELLING HOUSES

Scope of Part II 2. This Part applies to any building or structure (whether permanent or temporary) other than a private dwelling house or a maneaba or other meeting house which is open on all sides.

Exits 3. (1) No building to which this Part applies shall be used for the exhibition of any film unless—

- (a) it is provided with an adequate number of exits clearly indicated and so placed and maintained as readily to afford the audience safe means of leaving the building; and
- (b) the doors of all exits are so constructed and maintained as easily to open outwards on being pressed from within; and
- (c) the seating in the building is so arranged as not to interfere with free access to the exits.

(2) All gangways and staircases and all passages leading to the exits shall, during the presence of the public in the building, be kept clear of obstruction.

(3) No person shall be allowed to stand or sit, during the exhibition of any film, in any of the gangways, or in the space immediately in front of the screen.

Attendants 4. (1) A sufficient staff of attendants shall be engaged during the exhibition of a film in any building to which this Part applies who shall, at all times when on duty in the auditorium, each carry an electric torch or flash light maintained in good working order.

(2) Where the majority of the persons attending any film exhibition are under 14 years of age, the number of attendants required in accordance with the foregoing paragraph shall be such as to enable them effectively to control the movements of the children whilst entering and leaving the building and during the exhibition and to ensure the orderly and safe clearance of the building in case of emergency.

(3) All attendants shall remain on duty during the whole time that the building is open to the public.

(4) All persons responsible for, or employed in, or in connection with the film exhibition shall take all precautions for the prevention of accidents and shall abstain from any act whatever which tends to cause fire and is not reasonably necessary for the purpose of the exhibition.

Fire precautions 5. (1) In any building to which this Part applies fire appliances shall be provided suitable to the character of the building and adequate to deal with an

[Subsidiary]

outbreak of fire, and in accordance with any directions which shall have been given by the Commissioner of Police, and shall be maintained in good working order. During the exhibition such appliances shall be in the charge of some person specially nominated for that purpose who shall ensure that they are kept constantly available for use.

(2) Without prejudice to the generality of the foregoing, there shall be kept maintained at all times in the vicinity of the projector readily available for use—

- (a) 2 buckets of water; and
- (b) 1 bucket of dry sand; and
- (c) 1 thick asbestos blanket; and
- (d) 1 C.T.C. or Pyrene type fire extinguisher.

PART III

CINEMAS

6. (1) No cinema shall be used for the exhibition of any films unless—
- (a) stairways and passageways providing access to exits are adequately illuminated during the whole time any member of the public is in the building; and
 - (b) exits are indicated by an electrically illuminated sign showing red to the front and white to the floor and bearing the words "EXIT" and "OTINAKO" in letters not less than 5 inches in height.
- (2) The lighting for the purposes set out in subregulation (1) (a) and (b) shall be supplied from a circuit separate from that of the general lighting of the building and shall not be controllable from the projection room.

Special
measures in
respect of
cinemas

PART IV

ALL PREMISES USED FOR EXHIBITION OF FILMS

7. (1) In any premises at which a film is exhibited all electric conductors shall be of adequate size for the current they have to carry and shall be efficiently covered with insulating material and shall be either—
- (a) placed out of reach of persons in the auditorium and where they are not liable to damage; or
 - (b) protected against injury by suitable casings.
- (2) Resistances shall be made entirely of fire-resisting materials, and shall be so constructed and maintained that no coil or other part at any time shall become unduly heated. If they are situated inside the auditorium they shall be adequately protected by a wire guard or other efficient means of preventing accidental contact, and shall not be placed within reach of persons in the audience.
- (3) The operator shall satisfy himself before the commencement of each performance that all cables, leads, connections, resistances and fuses are in proper working order. The resistance, if not under constant observation, shall be inspected at least once during each performance by the person operating the projector. If any fault is detected the current shall be immediately switched off and shall remain off until the fault has been remedied.

Electrical
precautions

[Subsidiary]

(4) When the projector circuit is connected to the general lighting supply, it shall be connected only at a point where the wires of the general lighting supply are of sufficient size for the current they have to carry and the connections shall be by a properly constructed wall-type connector of hand-shield type and shall not be connected to any lighting fittings or by means of an "adapter" to a lamp holder.

PART V

ADMINISTRATIVE

- Fees for exhibitor's licence 8. A Licensing Authority shall set and publish fees for the issue of exhibitor's licences in its area of authority which shall not exceed the fees provided in the Schedule.
- Production of exhibitor's licence 9. Every exhibitor's licence shall be kept in the premises during any exhibition of a film and shall be produced when required by any police officer or person authorised by the Licensing Authority. Every exhibitor's licence shall be in such a form as the Licensing Authority may from time to time determine.
- Transfer of exhibitor's licence 10. The Licensing Authority may in its discretion permit the transfer of an exhibitor's licence or the substitution of different premises for premises specified therein. The fee for any such transfer shall be \$5.
- Offences 11. Any person who acts in contravention of or fails to comply with these regulations shall be liable to a fine of \$100 or to imprisonment for 3 months or to both such fine and imprisonment.

SCHEDULE
(Regulation 8)MAXIMUM FEES FOR THE PREMISES SPECIFIED IN AN
EXHIBITOR'S LICENCE

<i>Banaba or area of authority of Betio Town Council or Teinainano Urban Council Christmas Island</i>	\$	<i>Elsewhere</i>	\$
For a period of 3 months	75	15	
For a period of 6 months	150	30	
For a period of 1 year	300	60	

Regulation 18

Insert before "the Chief Electoral Officer" the words "a member of the Electoral Commission,".

Regulation 26

Omit from subsection (1) "the Chief Electoral Officer",
substitute "the Electoral Commission, in the case of an election of a member of the Maneaba ni Maungatabu, or the Chief Electoral Officer, in the case of an election of a member of a council,".

Omit from subsection (1) "as he shall specify",
substitute "as it or he shall specify".

ENFORCEMENT OF JUDGEMENTS (PAYMENTS FROM WAGES)
ORDINANCE 1974 (No. 16 of 1974)
(CAP. 31 of 1977).

Section 3 (1977, S. 3)

Omit from subsection (2) "The Governor in Council in consultation with the Senior Magistrate",
substitute "The Minister in consultation with the Chief Justice".

Section 5 (1977, S. 5)

Do not amend "Government" in paragraph (a) of the proviso.

Section 13 (1977, S. 13)

Omit "the Governor in Council",
substitute "the Beretitenti, acting in accordance with the advice of the Cabinet,".

EXHIBITION OF FILMS ORDINANCE 1978 (No. 6 of 1978).

Note. - This Ordinance is not included in the 1977 Revised Edition.

Section 2

Omit the definition "prescribed fee".

Section 5

Omit from subsection (2) "such fee as he may from time to time prescribe",

substitute "the prescribed fee".

Section 10

Omit "The Minister",

substitute "The Beretitenti, acting in accordance with the advice of the Cabinet,".

FISHERIES ORDINANCE 1977 (No. 22 of 1977)

(CAP. 33 of 1977).

Section 2 (1977, S. 2)

Omit from the definition "authorised officer" the words ", any officer or member of the Defence Force".

Omit from the definition "fishery limits" the words "the Governor",
substitute "the Beretitenti, acting in accordance with the advice of the Cabinet,".

Omit from paragraph (b) of the definition "local fishing vessel" the words "the laws of the Gilbert Islands",

substitute "the laws of Kiribati".

Section 3 (1977, S. 3)

Omit from subsection (2) "The Minister",

substitute "Subject to section 99 of the Constitution, the Minister".

Section 20 (1977, S. 20)

Insert after "may enter" the words ", on behalf of the Republic,".

Do not amend "government" (twice occurring).

Omit "the Minister" (second occurring),

substitute "the Government".

Section 22 (1977, S. 22)

Omit "The Minister may make such regulations as seen to him expedient",

substitute "The Beretitenti, acting in accordance with the advice of the Cabinet, may make regulations".

REPUBLIC OF KIRIBATI
(No. 6 of 2002)

I assent

T. Teveta

Beretitenti

22/06/2002

AN ACT TO AMEND THE EXHIBITION OF FILMS ORDINANCE (CAP. 31A)

Commencement:
2002

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short Title

1. This Act may be cited as the Exhibition of Films (Amendment) Act 2002.

Amendment of section 2

2. Section 2 of the Exhibition of Films Ordinance (in this Act referred to as "the principal Ordinance") is amended by repealing the definition of "film" and substituting it with the following definition -

"film" means a cinematographic, video film, digital video disk or video compact disk and includes any part of such film and any trailer;"

Amendment of section 5

3. Section 5 of the principal Ordinance is amended in subsection (6) as follows -
 - (a) by repealing "\$200" and substituting "\$500"; and
 - (b) by repealing "3 months" and substituting "6 months".

Amendment of section 6

4. Section 6 of the principal Ordinance is amended in subsection (1) by repealing "without assigning any reasons" appearing in the second line and substituting "giving reasons for cancelling such a certificate".

Amendment of section 7

5. Section 7 of the principal Ordinance is amended in subsection (3) as follows -

- (a) by repealing "\$100" and substituting "\$500"; and
- (b) by repealing "3 months" and substituting "6 months".

Amendment of section 8

6. Section 8 of the principal Ordinance is amended in subsection (2) as follows -

- (a) by repealing "\$100" and substitution "\$500"; and
- (b) by repealing "3 months" and substituting "6 months".

Amendment of section 10

7. Section 10 of the principal Ordinance is amended in paragraph "(c)" as follows -

- (a) by repealing "\$100" and substituting "\$500"; and
 - (b) by repealing "3 months" and substituting "6 months".
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EXHIBITION OF FILMS (AMENDMENT) ACT 2002**EXPLANATORY MEMORANDUM**

With the advancement of technology in the film industry, new forms of film making have been developed and are now currently featuring in public places, for example video compact disk (vcd) and digital video disk (dvd). The amendment to the Exhibition of Films Ordinance (Cap. 31A) at section 2 re-defines film to extend to such new types of film.

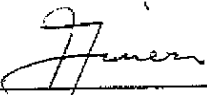
The amendment to section 6 allows for transparency. The Minister is now obliged to give reasons for cancelling a certificate for exhibition of films whereas the previous position has been that the Minister is not obliged to giving any reasons.

The remaining amendments at sections 5(6), 7(3), 8(2) and 10(c) increase the penalty from "\$100" to "\$500" and from "3 months" to "6 months" as a deterrence to those who constantly violate the provisions of the Ordinance.


Titabu Tabane
Attorney General
5 April 2002

CERTIFICATE BY THE CLERK OF THE MANEABA NI MAUNGATABU

This printed impression of the **Exhibition of Films (Amendment) Act 2002** has been examined by me with the Bill which was passed by the Maneaba ni Maungatabu on **23 May 2002** and is found by me to be a true and correctly printed copy of the said Bill.


IOATAAKE TIMEON
Clerk of Parliament

PUBLISHED BY EXHIBITION AT THE MANEABA NI MAUNGATABU THIS ^{2ND} DAY OF JULY, 2002.


Clerk of Maneaba ni Maungatabu