



BERMUDA
1959 : 73

FILMS (CONTROL OF EXHIBITION) ACT 1959

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[15 May 1959]

[preamble and words of enactment omitted]

Interpretation

1 In this Act—

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"film" means a cinematograph film and includes a film commonly known in the cinematograph trade as a "trailer" but does not include a film exclusively devoted to items of news or a film exclusively devoted to advertising;

"permitted person" in relation to a film means a person who under section 5, is permitted to attend the exhibition of a film classified thereunder;

"public exhibition" in relation to a film means the exhibition of such film in any place to which for the time being members of the general public as such have access whether on payment of money or otherwise.

Act applies to every film intended for public exhibition except in Leased Area or by government department

2 (1) Subject to subsection (2), this Act shall apply to every film intended for public exhibition in Bermuda.

(2) Nothing in this Act shall apply to the exhibition of any film where such exhibition is under the direction of any department of the Government of Bermuda or of the Government of the United Kingdom or where such exhibition is within a Leased Area.

Broadcasting Commissioners to be the Film Control Authority

3 (1) The Broadcasting Commissioners established under the Broadcasting Commissioners Act 1953 [*title 24 item 11*] (hereinafter referred to as "the Broadcasting Commissioners") shall be the Film Control Authority in Bermuda and shall have the powers and duties conferred, or imposed, upon the Broadcasting Commissioners by this Act.

(2) The Broadcasting Commissioners may—

- (i) prohibit the public exhibition of any film in Bermuda; or
- (ii) permit such exhibition subject to the award by the Broadcasting Commissioners of a classification in accordance with this Act.

Broadcasting Commissioners to be notified of intended public exhibition

4 (1) Every person intending the public exhibition of a film shall at least two weeks before the date of the intended exhibition notify the Broadcasting Commissioners thereof together with any classification awarded to such film by a board of recognized film censors.

(2) For the purposes of this section and section 5, "board of recognized film censors" means any body established in the United Kingdom, Canada, the United States of America or any other country

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outside Bermuda for the purpose of classifying films according to their suitability for public exhibition and which is recognized by the Broadcasting Commissioners as competent to do so.

Classification of films

5 (1) Upon receiving a notification referred to in section 4(1) the Broadcasting Commissioners shall, subject to section 3(2) and subsection (2) of this section, award to such film a classification which shall have effect as follows—

- (a) "G" - permitted for general exhibition; or
- (b) "PG" - parental guidance advised; or
- (c) "R" - restricted - persons under eighteen years of age not permitted unless accompanied by a person of or over the age of eighteen.

(2) Where, in respect of any film notified to the Broadcasting Commissioners under section 4(1), the Broadcasting Commissioners is satisfied that the film has been awarded a classification by a board of recognized film censors in a manner similar to that provided for in subsection (1), then the Broadcasting Commissioners may award a similar classification under this Act and in any other case shall make arrangements to view such film and to award a classification accordingly.

(3) In the exercise of its powers under subsection (2), the Broadcasting Commissioners may consult any board of recognized film censors.

[Section 5 subsection (1)(c) amended by 2001:20 s.7(1) & Sch 2 effective 1 November 2001]

Appeals

6 (1) Any person aggrieved by any decision of the Broadcasting Commissioners to prohibit the public exhibition of any film or with regard to the award of any classification referred to in section 5 of this Act, may, by notice in writing setting out the grounds therefor, appeal to the Governor.

(2) The Governor may confirm or vary the decision of the Broadcasting Commissioners or make such other order on the appeal as seems to him expedient and any decision given by the Governor under this subsection shall be final and conclusive and the Broadcasting Commissioners shall act in accordance with such decision.

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Poster and advertisements; statutory form of notice; restrictions on admission

7 Every person having the control or management of any premises where a film is exhibited—

- (a) shall attach, or cause to be inserted, in or attached to any poster displayed outside such premises advertising the exhibition of such film the letter signifying the classification referred to in section 5 so that such letter is clearly legible to a person ordinarily reading the wording of such poster; and
- (b) shall insert, or cause to be inserted, in any advertisement in any newspaper or other publication relating to the exhibition of such film the letter signifying the classification referred to in section 5 so that such letter is clearly legible to any person reading the wording of such advertisement; and
- (c) shall display, or cause to be displayed, throughout any period when seats are able to be reserved, or tickets sold, in respect of the exhibition of such film a notice in the form set out in the Schedule in such place as to be clearly visible and legible to any person making such booking or purchasing such ticket; and
- (d) shall take all reasonable steps to ensure that no person other than a permitted person shall be admitted to view such film and, in particular, shall give instructions in that behalf to any person engaged in the reservation of seats or the sale of tickets in respect of the exhibition of any such film.

Refund of customs duties

8 Where the Collector of Customs is satisfied that—

- (a) any film has been imported and that the customs duties payable thereon have been paid; and
- (b) such film has not been exhibited by reason solely of a prohibition of the Broadcasting Commissioners; and
- (c) the film has since been exported,

the Collector of Customs shall refund to the importer of such film the amount of the customs duties paid thereon.

Offences

9 (1) Any person who causes, or permits, the public exhibition of any film—

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(a) which the Broadcasting Commissioners has prohibited;
or

(b) which has not been awarded a classification in accordance with section 5,

commits an offence against this Act:

Punishment on summary conviction: a fine of \$1,680 for every occasion upon which such film is exhibited.

(2) Any person who—

(a) having the control or management of any premises where a film is exhibited contravenes section 7 or fails to carry out any requirement thereof; or

(b) being a person to whom an instruction under section 6 has been given fails to carry out such instruction; or

(c) knowingly permits any person, other than a permitted person, to attend an exhibition of any film; or

(d) knowingly accompanies, or pays for, any person other than a permitted person to attend the exhibition of any film; or

(e) not being a permitted person knowingly attends the exhibition of any film,

commits an offence against this Act:

Punishment on summary conviction: a fine of \$420.

Entry on premises; requirement of information

10 (1) Any police officer may enter into any place where the public exhibition of any film is taking place for the purpose of ascertaining whether any contravention of this Act is taking place therein and, in any such case, such officer shall be deemed to be acting in the execution of his duty for the purpose of section 312 of the Criminal Code [*title 8 item 31*].

(2) Any police officer, or any person having the control and management of any premises where the public exhibition of any film is taking place, may require any person whom he suspects on reasonable grounds to be present at such exhibition otherwise than in accordance with any of this Act to give his name and address and to state his age and any person who, being required to furnish the information referred to in this subsection, refuses to give such information, or knowingly gives any information which is false in a material particular, commits an offence against this Act:

Punishment on summary conviction: a fine of \$420.

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Prosecution requires consent of Director of Public Prosecutions

11 No prosecution shall be instituted for an offence under this Act except by a police officer, or by, or under the authority of, the Director of Public Prosecutions.

[Section 11 amended by 1999:8 s.2 & Sch 1 effective 1 April 1999]

Repeal

12 *[omitted]*

SCHEDULE

NOTICE

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It is forbidden by law for the following persons to attend the showing of any film, classified as under:—

"X" films - any person under the age of 18;

"AA" films - any person under the age of 14;

"A" films - any person under the age of 14 unless such person is accompanied by a parent or guardian of or over the age of 18.

[Schedule amended by 2001:20 s.7(1) & Sch 2 effective 1 November 2001]

[Amended by:

1971 : 104

1975 : 37

1981 : 68

1999 : 8

2001 : 20]