



Films Act, 1960

8 & 9 ELIZ. 2. CH. 57.

LONDON
HER MAJESTY'S STATIONERY OFFICE

Films Act, 1960

8 & 9 ELIZ. 2 CH. 57

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CHAPTER 57

An Act to consolidate the Cinematograph Films Acts,
1938 to 1960. [29th July, 1960]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PROVISIONS FOR SECURING THE SHOWING OF
BRITISH FILMS

1.—(1) British films shall be included, to the extent required by the following provisions of this section but subject to the following provisions of this Part of this Act, among the registered films exhibited by an exhibitor while this section is in force. Obligation of exhibitors to show British films.

(2) On at least the prescribed percentage of the number of days in any year on which films registered as long films are exhibited by an exhibitor at any cinema the film exhibited by him at that cinema as the first feature film shall be a film registered as a quota film.

(3) To the extent at least of the prescribed percentage of their total showing time the films exhibited by an exhibitor at a cinema in any year which are either—

(a) films registered as short films; or

(b) films registered as long films but exhibited by him at that cinema otherwise than as first feature films;

shall be films registered as quota films.

PART I

(4) If an exhibitor fails to comply with any of the requirements of this section, he shall be guilty of a quota offence unless the Board of Trade, after consulting the Cinematograph Films Council, certify that his failure was due to circumstances beyond his control, or he proves that fact to the satisfaction of the court.

(5) For the purposes of this section, an exhibitor's failure to comply with any requirement of this section shall be deemed to have been due to circumstances beyond his control if, owing to the character of the films available or to the excessive cost of such films, it was not commercially practicable to comply with that requirement.

(6) This section shall continue in force until the end of the year nineteen hundred and sixty-seven and shall then expire.

Disregard of certain films for quota purposes.

2.—(1) For the purposes of section one of this Act, there shall be left out of account any film registered as a British film which is not registered as a quota film.

(2) For the purposes of section one of this Act, a film which was first registered as a British film more than forty-eight months before the beginning of any year shall be left out of account in relation to that year unless, upon an application made not later than the end of that year by a renter having the right to distribute the film, the Board of Trade otherwise direct.

(3) Before giving a direction under this section the Board of Trade shall consult the Cinematograph Films Council.

Meaning of exhibition as first feature film, and computation of total showing time.

3.—(1) A film shall be deemed for the purposes of this Act to be exhibited as the first feature film at a cinema on any day—

- (a) if it is the only long film exhibited at that cinema during the normal hours in the ordinary programme on that day; or
- (b) if the daily rental of the film exceeds that of any other long film so exhibited; or
- (c) (where the daily rental of the film is equal to that of another long film so exhibited and is not less than that of any other such long film) if it is the last long film so exhibited.

(2) For the purposes of subsection (1) of this section, the total rental payable by an exhibitor in respect of the exhibition of a film at any cinema during any period (whether ascertained by reference to receipts or otherwise) shall be divided by the number of days in that period on which the film is so exhibited, and the sum so arrived at shall be deemed to be the daily rental of the film.

(3) In computing for the purposes of subsection (3) of section one of this Act the total showing time of the films of any class exhibited at any cinema in any year the registered playing time of each film of that class shall be multiplied by the number of occasions on which it is so exhibited (otherwise than as the first feature film) during the normal hours in the ordinary programme.

(4) A film registered as a British film shall not be deemed for the purposes of this Act to be exhibited at any cinema during the normal hours in the ordinary programme on any day unless the whole of that film is exhibited there on that day at least once between the hours of five and ten p.m. or such other hours as the Board of Trade may on the application of the exhibitor direct.

4.—(1) Where films are exhibited at a cinema in any locality (in this subsection referred to as the local cinema) and the Board of Trade are satisfied—

- (a) that films are exhibited, in competition with the local cinema, at not less than two other cinemas in the same locality; or
- (b) that films are exhibited, in competition with the local cinema, at another cinema in the same locality and that films are not normally exhibited at the local cinema for a continuous period of more than three days, not counting Sundays; and
- (c) in either case, that owing to circumstances beyond the control of the exhibitor who exhibits films at the local cinema films registered as British films are exhibited at those other cinemas or that other cinema on dates earlier than the dates on which he is able to exhibit the same films at the local cinema,

the Board may, if they think fit, direct that in relation to the exhibition of films at the local cinema the prescribed percentage for the purposes of subsection (2) or subsection (3) of section one of this Act shall be reduced, in the case of such year or years as may be specified in the direction, to such percentage as may be so specified.

(2) Before giving a direction under subsection (1) of this section, the Board shall consult the Cinematograph Films Council.

(3) Where the Board of Trade are satisfied that the average net box office receipts of a cinema during the period of twelve months ending six months before the beginning of any year did not exceed one hundred and twenty-five pounds per week the Board shall direct that the foregoing provisions of this Act shall not apply to the exhibition of films at that cinema during that year.

PART I

(4) The Board of Trade, after consulting the Cinematograph Films Council, may by order made by statutory instrument direct that subsection (3) of this section shall have effect as if such other amount as may be specified in the order were substituted therein for one hundred and twenty-five pounds; but a statutory instrument containing such an order shall have no effect unless approved by a resolution of each House of Parliament.

(5) The reference in subsection (3) of this section to the net box office receipts of a cinema shall be construed as a reference to the receipts from the sale of seats at all performances at which registered films are exhibited, after deduction of so much of the levy imposed under section two of the Cinematograph Films Act, 1957, as is attributable to those receipts.

(6) An order under this section may be varied or revoked by a subsequent order made thereunder.

Exhibition under licence extending to more than one cinema.

5. For the purposes of the foregoing provisions of this Act (including subsection (3) of section four) all registered films exhibited under the authority of a licence extending to the exhibition of films at more than one cinema shall be deemed to be exhibited at one cinema at which no other registered films are exhibited.

Fulfilment of quota in extended period.

6.—(1) Where a film registered as a foreign film is to be exhibited at a cinema, and before it is exhibited there an application for a direction under this section is made to the Board of Trade by the exhibitor who exhibits films at that cinema, the Board may, if they think fit, direct that, if the film is exhibited at that cinema and the period during which it is so exhibited is or includes such a continuous period exceeding eight weeks as is specified in the direction, the requirements imposed by section one of this Act shall be deemed to be complied with in relation to that cinema in the relevant year, if they are so complied with in that year and the succeeding year taken together.

(2) The relevant year for the purposes of this section is the year in which the film is exhibited as aforesaid or, if it is so exhibited in more than one year, that one of them which the exhibitor elects.

(3) Before giving a direction under this section the Board of Trade shall consult the Cinematograph Films Council.

Determination of quotas of British films.

7.—(1) The prescribed percentages for the purposes of subsection (2) and subsection (3) of section one of this Act shall, unless varied by an order under this section, be those prescribed for the purposes respectively of subsection (2) and subsection (3) of section one of the Cinematograph Films Act, 1948.

(2) The Board of Trade may from time to time by order made by statutory instrument vary either or both of those percentages in respect of years beginning not earlier than six months after the date on which the order is made.

PART I

(3) Before making an order under this section the Board shall consult the Cinematograph Films Council.

(4) A statutory instrument containing an order under this section shall be of no effect unless it is approved by a resolution of each House of Parliament.

PART II

REGISTRATION OF FILMS

General provisions

8.—(1) Subject to subsection (2) of this section, no person shall, while section one of this Act is in force,—

Prohibition of distribution or exhibition of unregistered films.

- (a) deliver to an exhibitor a film to which this Act applies, unless, at the time of the delivery, the film is a registered film; or
- (b) exhibit at a cinema a film to which this Act applies and which he knows, or ought to have known, not to be a registered film.

(2) This section does not restrict—

- (a) the delivery or exhibition, in pursuance of a valid agreement for its exhibition at one cinema only on a number of consecutive days, of a film in respect of which an application for registration has been made, if the film is trade-shown within six weeks from the date on which the application was made; or
- (b) the delivery or exhibition, in pursuance of valid agreements for its exhibition on not more than three days and at not more than three cinemas, of a film which, at the time of the delivery or exhibition, has not been trade-shown.

(3) If any person delivers a film in contravention of this section, he shall be liable on summary conviction to a fine not exceeding two hundred and fifty pounds; and if any person exhibits a film in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds for every day on which he does so.

PART II
Applications
for registration
of films.

9.—(1) Upon application duly made to them, not later than the expiry of section one of this Act, for the registration of a film to which this Act applies, the Board of Trade shall, subject to subsection (7) of this section, register the film in a register kept by them for the purpose.

(2) An application under this section must be made either by the maker of the film or by a renter who has acquired it for distribution, and must be accompanied by the prescribed fee.

(3) Subject to subsections (4) and (5) of this section and section ten of this Act, no application for the registration of a film shall be entertained unless the film has been trade-shown within the fourteen days immediately preceding the date on which the application is made.

(4) If an application for the registration of a film is made before the film has been trade-shown, but the film is trade-shown within six weeks after the date on which the application is made, the application shall thereupon be treated as if it had been made within fourteen days after the film was trade-shown.

(5) Where an application for the registration of a film is made more than fourteen days after the film was trade-shown, the application may be entertained by the Board of Trade if they are satisfied that the delay was due to special circumstances and was not intentional.

(6) The applicant for the registration of a film, and if the applicant is not the maker of the film, the maker, shall produce to the Board of Trade such books and other documents relating to the film, and furnish to the Board such other information with respect thereto, as the Board may require for the proper discharge of their functions under this Part of this Act in relation to that film; and any information furnished for the purposes of this subsection shall, if the Board of Trade so direct, be accompanied by a statutory declaration as to the truth thereof made by the person furnishing the information.

(7) An application for the registration of a film shall not be granted unless there has been furnished to the Board of Trade a statutory declaration made by the applicant to the effect that there has not been made, in relation to that film, any such agreement as is declared invalid in any respect by Part IV of this Act.

Registration of
serial films.

10.—(1) Subject to subsection (2) of this section, an application for the registration of any part of a serial film or series of films may be entertained if three parts of the film or series have been trade-shown.

(2) The Board of Trade, after consulting the Cinematograph Films Council, may by order made by statutory instrument

direct that subsection (1) of this section shall not apply in relation to any application made while the order is in force; and any order under this subsection may be revoked by a subsequent order made thereunder.

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(3) If an order is made under subsection (2) of this section, any provision contained in Part IV of this Act which qualifies, in relation to any serial film or series of films, a restriction imposed by that Part of this Act shall qualify that restriction in relation only to such parts (if any) of a serial film or series of films as are not the subject of applications for registration made while the order is in force.

11.—(1) The register shall be so kept that each film registered therein is registered as a British film or as a foreign film and that films registered as British films are registered as quota films in accordance with section twenty of this Act; and shall record the title and playing time of each film registered therein and such other particulars (if any) with respect to the film as may be prescribed for the purpose of identification.

The register of films.

(2) On the registration of a film the Board of Trade shall issue to the person on whose application the film is registered a certificate of registration specifying all the particulars which, at the time of the issue of the certificate, are recorded in the register with respect to that film.

(3) The register shall, at all reasonable times, be open to inspection by any person at the offices of the Board of Trade, on payment of the prescribed fee, and any person inspecting the register may take copies of any entries therein.

(4) The Board of Trade shall, on demand made in that behalf by any person and on payment of the prescribed fee, furnish him with a copy of the entry in the register relating to any particular film, certified as a true copy by the officer of the Board of Trade having the custody of the register.

(5) The Board of Trade shall, as soon as may be after the end of each week, publish in the Board of Trade Journal a list of films registered in that week and a list of films the registration of which was amended in that week.

12. More than one title, playing time, or such other particulars (if any) as may be prescribed may be recorded as alternatives in the register with respect to one film, whether in pursuance of an application for its registration or in pursuance of an application under section thirteen of this Act; and where more than one playing time or, if it is so provided by the regulations prescribing another particular, more than one

Registration of alternative particulars.

PART II

such other particular is so recorded, the register shall distinguish the alternatives as belonging to different versions of the film, and each of those versions shall be treated for the purposes of this Act as a separate film, except that the addition of a new version by an amendment of the register shall not be treated as the first registration of a film.

Amendment
of register.

13.—(1) Where a registered film is to have a title, playing time or other particulars differing from those recorded in the register the Board of Trade shall, on application duly made to them not later than the expiry of section one of this Act, amend the register accordingly and issue to the applicant, in substitution for any certificate of registration previously issued in respect of the film, a certificate of registration specifying the particulars of the film as recorded in the register after the amendment.

(2) An application under this section must be made by the person entitled to distribute or authorise the distribution of the film and must be accompanied by the prescribed fee.

Correction
of register.

14.—(1) If, at any time after the registration of a film, the Board of Trade, upon making any such inquiries as they think desirable, are satisfied that the film either ought not to be registered or is incorrectly registered in any particular, they shall cause the necessary deletion or correction to be made in the register and, if the Board think proper, issue to the maker of the film or, if the film has been acquired by a renter for distribution, issue to the renter, a certificate of registration to take the place of any such certificate previously issued in respect of the film.

(2) If in any particular case the Board of Trade think fit to do so, they may direct that for the purposes of Part I of this Act the film shall, to such extent as may be specified in the direction, be treated as if the deletion or correction in the register had not been made.

Reference of
disputes to
High Court or
Court of
Session.

15.—(1) Any person who is aggrieved by any decision taken by the Board of Trade for the purpose of the performance of their duties in relation to the register, may, subject to rules of court, apply to the High Court and the decision of that Court shall be final and conclusive.

(2) In relation to any person whose principal place of business is in Scotland, subsection (1) of this section shall have effect as if for the reference therein to the High Court there were substituted a reference to the Court of Session.

16. The registration of a film may be proved by the production of—

- PART II
Evidence of
registration.
- (a) a copy of the Board of Trade Journal containing a notification of the registration of the film ; or
 - (b) the certificate of registration issued, or, as the case may be, last issued in respect of the film ; or
 - (c) a copy of the entry in the register relating to the film, certified to be true by the officer having custody of the register ;

and a document purporting to be such a certificate of registration or certified copy shall be evidence of the matters stated in the document, without proof of the signature or authority of the person signing it.

Registration of films as British films or foreign films

17.—(1) The question whether a film is to be registered as a British film or as a foreign film shall, subject to sections eighteen, nineteen and thirty-nine of this Act, be determined as follows, that is to say, a film shall be registered as a British film if either—

- Determination
of question
whether film
to be registered
as British or
foreign.
- (a) it is made by or on behalf of a department of Her Majesty's Government in the United Kingdom, or by or on behalf of any Commonwealth Government or of the Government of the Republic of Ireland ; or
 - (b) all the requirements specified in subsection (2) of this section are satisfied with respect to it ;

and shall in any other case be registered as a foreign film ; except that a long film shall be registered as a foreign film and not as a British film unless the requirement of subsection (5) of this section is also satisfied with respect to it.

(2) The requirements referred to in paragraph (b) of subsection (1) of this section are—

- (a) that the maker of the film was, throughout the time during which the film was being made, either a British subject or a citizen of the Republic of Ireland or a company to which this paragraph applies ; and
- (b) that the studio, if any, used in making the film was in a Commonwealth country or the Republic of Ireland ; and
- (c) that not less than the requisite amount of labour costs represents payments paid or payable in respect of the labour or services of British subjects or citizens of the Republic of Ireland or persons ordinarily resident in a Commonwealth country or the Republic of Ireland.

(3) Paragraph (a) of subsection (2) of this section applies to a company if, and only if,—

- (a) it is incorporated under the laws of any Commonwealth country or of the Republic of Ireland ; and

PART II

(b) its directors, or the majority of its directors, are British subjects or citizens of the Republic of Ireland.

(4) For the purpose of determining whether the requirements of subsection (2) of this section are satisfied with respect to any film, any other film used for making photographs depicted as part of any scene in the first-mentioned film shall be treated as part of that film.

(5) The requirement referred to in subsection (1) of this section in relation to a long film is that the name and address of the studio used in making the film or, if none was used, the name and address of the maker of the film, are included at the beginning or at the end of the film so as to be displayed, when the film is exhibited, for not less than ten seconds in letters clearly legible to the audience.

(6) For the purposes of subsection (5) of this section, where the name of a place (with or without other particulars) is included as mentioned therein but not the name of the country in which that place is, the inclusion shall not be deemed to be the inclusion of an address.

Right of applicant for registration to require disregard of portions of film.

18.—(1) If, upon application for the registration of a film as a British film, the applicant requests the Board of Trade to do so, the Board shall, for the purpose of determining whether the film is to be registered as a British film, treat the film as if such portions thereof as may be designated by the applicant did not form part of it; and the portions so designated shall also be treated as not forming part of the film in determining its playing time for the purpose of registration.

(2) The playing time of the portions so designated must not exceed—

(a) ten per cent. of the total playing time of the film; nor

(b) twenty per cent. of so much of the film as consists of photographs of studio scenes.

Films made in accordance with international agreements.

19.—(1) Her Majesty may by Order in Council provide for treating films which are made in accordance with the terms of any agreement between Her Majesty's Government in the United Kingdom and any other government or any international organisation or authority, but with respect to which the requirements of this Part of this Act as to the registration of a film as a British film are not fulfilled, as if they were films with respect to which those requirements are fulfilled.

(2) An Order in Council under this section may be varied or revoked by a subsequent Order in Council.

Registration of British films as quota films

PART II

20.—(1) Except as provided by the following provisions of this section, every film registered as a British film shall also be registered as a quota film.

Registration
of British
films as
quota films.

(2) A film whose total labour costs are less than fifty pounds per minute of playing time shall not be registered as a quota film.

(3) Where parts of a film are derived, as regards the photographs comprised therein, from—

(a) a registered film ; or

(b) any film (whether a standard film or not) the maker of which was not the maker of the first-mentioned film ;

and the playing time of those parts exceeds ten per cent. of the playing time of the whole film, the film shall not be registered as a quota film except on the recommendation of the Cinematograph Films Council.

21.—(1) For the purposes of this Act, the labour costs of a film shall be taken to be, subject to section twenty-three of this Act, the total amount of the payments paid or payable in respect of the labour or services of persons directly engaged in the making of the film, in so far as those payments are attributable to the making of that film, but shall not be taken to include payments in respect of copyright.

Meaning of
labour costs.

(2) For the purposes of subsection (1) of this section—

(a) the author of the scenario of a film shall be deemed to be a person directly engaged in the making of the film ;

(b) a person shall not be taken to be directly engaged in the making of a film by reason only—

(i) that he is financially interested in the making of the film or is engaged in a clerical capacity as a servant of an undertaking concerned with the making of the film ; or

(ii) that he supplies goods used in the making of the film or is in the employment of a person who supplies such goods ;

(c) payments paid or payable to a person who is engaged in an administrative capacity as an officer or servant of an undertaking concerned with the making of a film shall not be taken to be attributable to the making of the film except in so far as they are payments in respect of services directly concerned with the making of that film.

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Determination
of requisite
amount of
labour costs.

22.—(1) For the purposes of paragraph (c) of subsection (2) of section seventeen of this Act, the requisite amount of the labour costs of a film shall be taken to be, subject to subsection (3) of this section,—

- (a) if the film is a major film, whichever of the two amounts specified in subsection (2) of this section is the less ; and
- (b) if the film is a minor film, the amount specified in paragraph (a) of that subsection ;

and for the purposes of this subsection a film whose total labour costs amount to not less than thirty-three thousand seven hundred and fifty pounds and whose total labour costs divided by the number of minutes comprised in the playing time of the film amount to not less than four hundred and five pounds shall be deemed to be a major film, and any other film a minor film.

(2) The amounts referred to in subsection (1) of this section are—

- (a) the amount arrived at by applying the fraction three-quarters to the total labour costs of the film, after deducting therefrom, if the applicant for registration so desires, the amount of any payment which, as part of those costs, has been paid or is payable in respect of the labour or services of any one person who was, while engaged in the making of the film, neither a British subject or citizen of the Republic of Ireland nor a person ordinarily resident in a Commonwealth country or the Republic of Ireland ; and
- (b) the amount arrived at by applying the fraction four-fifths to the total labour costs of the film, after deducting therefrom the amount of any payments which, as part of those costs, have been paid or are payable in respect of the labour or services of any two persons neither of whom was, while engaged in the making of the film, a British subject or a citizen of the Republic of Ireland or a person ordinarily resident as aforesaid, and at least one of whom was so engaged in the capacity of an actor or actress.

(3) If, upon an application for the registration as a British film of a film with respect to which the requirement specified in paragraph (c) of subsection (2) of section seventeen of this Act is not fulfilled, the Board of Trade are satisfied that the maker of the film took all reasonable steps to fulfil that requirement, and that its non-fulfilment was due to exceptional circumstances beyond his control, the Board, if they think fit, may direct that subsection (2) of this section shall have effect in relation to that film as if for the words “three-quarters” there were substituted the words “seven-tenths”, and for the words “four-fifths” the words “three-quarters”.

23. Where it is material, in connection with an application for the registration of a film, to ascertain the labour costs of the film or the proportion of those costs which represents payments in respect of the labour or services of persons of any particular class, then—

PART II
Power of
Board of
Trade to
direct altera-
tion of labour
costs.

- (a) if it appears to the Board of Trade that any sum which, as part of those costs, is paid or payable in respect of the labour or services of any particular person is so great as not to be a bona fide payment by way of remuneration for the said labour or services, the Board may direct that that sum or part thereof shall be disregarded in ascertaining the said labour costs or the said proportion thereof, as the case may be; and
- (b) if it appears to the Board of Trade that no sum or a sum so small as not bona fide to represent all the remuneration therefor is paid or payable as part of those costs in respect of the labour or services of any particular person, the Board may direct that such sum, or as the case may be, such greater sum, as may be specified in the direction shall be treated as so paid or payable.

PART III

RENTERS AND EXHIBITORS

24.—(1) No person shall, at any time while section one of this Act is in force, carry on the business of distributing registered films, unless—

Prohibition
of unlicensed
distribution
or exhibition
of registered
films.

- (a) there is in force a licence authorising him to carry on business as a renter, or
- (b) an application for a licence authorising him to carry on business as a renter at that time has been duly made, and the determination of the application is still pending;

and if any person carries on business in contravention of this subsection, he shall be liable on summary conviction to a fine not exceeding twenty pounds for every day on which he does so.

(2) No exhibitor shall, at any time while section one of this Act is in force, exhibit a registered film at a cinema, unless—

- (a) there is in force a licence authorising him to carry on business as an exhibitor at that cinema; or

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(b) an application for a licence authorising him to carry on business as an exhibitor at that cinema and at that time has been duly made, and the determination of the application is still pending;

and if any exhibitor exhibits a film at any cinema in contravention of this subsection, he shall be liable on summary conviction to a fine not exceeding ten pounds for every day on which he does so.

Renter's
licences and
exhibitor's
licences.

25.—(1) On an application duly made to them by any person for a licence authorising him to carry on business as a renter or for a licence authorising him to carry on business as an exhibitor, and on payment of the prescribed fee, the Board of Trade shall, subject to subsection (3) of this section and section twenty-seven of this Act, grant him the licence unless he is disqualified for holding it.

(2) A person shall be disqualified for holding a licence under this section unless he has a place of business in Great Britain.

(3) The Board of Trade may refuse to grant a licence under this section unless the applicant therefor has furnished to them such information, verified in such manner, as they may reasonably require for the purpose of satisfying themselves that he is not disqualified by virtue of subsection (2) of this section or of an order under section forty-five of this Act for holding the licence applied for.

(4) A licence authorising a person to carry on business as a renter shall be granted in respect of a year and a licence authorising a person to carry on business as an exhibitor shall be granted either in respect of a year or in respect of a quarterly period.

(5) Any licence under this section shall take effect on such day, not being earlier than the beginning of the period in respect of which it is granted, as may be specified in the licence, and shall continue in force until the end of that period; except that if the holder of the licence becomes disqualified for holding it it shall forthwith cease to have effect.

(6) Where the holder of a licence under this section changes the address of his place of business in Great Britain or ceases to have a place of business in Great Britain he shall as soon as practicable notify the Board of Trade of the change or, as the case may be, of the fact that he has ceased to have such a place of business.

Scope of
exhibitor's
licence.

26.—(1) Subject to subsection (2) of this section, a licence authorising a person to carry on business as an exhibitor shall extend only to the exhibition of registered films at one cinema specified in the licence.

(2) A licence authorising a person to carry on business as an exhibitor, other than a licence granted in respect of a quarterly period, may be granted so as to extend to the exhibition of registered films at more than one cinema, but if so granted shall not authorise the holder to exhibit registered films at any one cinema on more than six days in the year in respect of which it is granted or to exhibit registered films at more than one cinema at the same time.

PART III

27.—(1) Where it appears to the Board of Trade, on an application for a licence authorising the exhibition of registered films at a cinema, that that cinema is controlled by a person who controls more than two hundred cinemas, the Board may refuse to grant the licence unless it is shown to their satisfaction, by such information, verified in such manner, as they may reasonably require for the purpose,—

Circuit
cinemas.

- (a) that the cinema was controlled by that person on the first day of September, nineteen hundred and forty-seven ; and
- (b) that any arrangements in force for securing that the films exhibited at that cinema are the same as those exhibited at other cinemas controlled by that person were also in force on that day ;

and the licence, if granted, shall be subject to the conditions mentioned in subsection (2) of this section.

(2) The conditions shall be such as appear to the Board of Trade to be necessary for securing that the person authorised by the licence to exhibit films at that cinema will, if so required by the Board, exhibit at that cinema as first feature films, on such occasions as the Board may direct during the period in respect of which the licence is granted, not more than six (or if the licence is granted in respect of a quarterly period, not more than two) films registered as British films and recommended by a Selection Committee, to be appointed by the Board for the purpose, as being suitable for such exhibition by reason of their entertainment value.

(3) If any such condition is not complied with the exhibitor shall be guilty of a quota offence unless the Board, after consulting the Cinematograph Films Council, certify that the failure to comply with it was due to circumstances beyond the control of the exhibitor and of any person other than the exhibitor having control of the cinema, or the exhibitor proves that fact to the satisfaction of the court.

(4) For the purposes of this section,—

- (a) a cinema shall be deemed to be controlled by any person who has the right to exhibit films there or the right to control or direct the exhibition of films there

PART III

(whether by making contracts with renters or otherwise), and any right vested in a company shall be treated for the purposes of this paragraph as vested also in any company of which that company is a subsidiary, or which is a subsidiary of that company, within the meaning of the Companies Act, 1948 ; and

- (b) a failure to exhibit a film in accordance with a condition imposed in pursuance of this section shall be deemed to have been due to circumstances beyond the control of any person if he was not able to acquire the right to exhibit that film on reasonable terms.

Prohibition of use of unregistered title and restriction on variation of length.

28.—(1) A renter shall not, while section one of this Act is in force, deliver to an exhibitor a registered film of which—

- (a) the title is not the registered title or, as the case may be, one of the registered titles ; or
 (b) the playing time differs from the registered playing time by more than one-tenth.

(2) If any renter delivers a film in contravention of this section he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Prohibition of showing of films obtained from unlicensed renters.

29.—(1) An exhibitor shall not, at any time while section one of this Act is in force, exhibit at a cinema any film to which this Act applies, unless—

- (a) he has acquired the right to do so from a person who, at the time of the acquisition, was lawfully carrying on business as a renter ; or
 (b) the exhibitor is himself lawfully carrying on business as a renter and has acquired the film for distribution.

(2) If any person exhibits a film in contravention of this section he shall be liable on summary conviction to a fine not exceeding twenty pounds for every day on which he does so.

Record books to be kept by renters and exhibitors.

30.—(1) Any renter who, while section one of this Act is in force, delivers a registered film shall keep records of—

- (a) the particulars specified in subsection (3) of this section ; and
 (b) the cinemas for exhibition at which he delivers the film to exhibitors and the dates on which, or periods for which, the film is to be, or has been, exhibited at those cinemas ; and
 (c) if the film is a long film, the rental paid or payable in respect of the exhibition of the film at each of those cinemas ;

and shall, whenever requested to do so by a person authorised in that behalf by the Board of Trade, produce those records for his inspection.

(2) Any exhibitor who, while section one of this Act is in force, exhibits a registered film at a cinema shall as soon as practicable record in a book kept by him for the purpose in respect of that cinema—

- (a) the particulars specified in subsection (3) of this section ; and
- (b) the dates on which the film was exhibited at that cinema and, for each of those dates, the number of times the film was exhibited and the hours at which the exhibition of films at that cinema began and ended ;

and any exhibitor who, while section one of this Act is in force, exhibits at a cinema films registered as long films shall also keep records of the rental paid or payable in respect of each of those films.

(3) The particulars referred to in subsections (1) and (2) of this section are—

- (a) the title and registered playing time of the film ; and
- (b) whether the film is registered as a British film or as a foreign film and, if as a British film, whether as a quota film ; and
- (c) such other particulars with respect to the film as may be prescribed for the purpose of identification.

(4) An exhibitor who does not exhibit registered films at any one cinema on more than six days in any year nor at more than one cinema at the same time, need keep only one book in that year in respect of all the cinemas at which he exhibits registered films.

(5) Any book which an exhibitor is required by subsection (2) of this section to keep in relation to a particular cinema shall, so long as he continues to carry on the business of exhibiting registered films at that cinema, be kept by him at that cinema and be open to inspection there, at all reasonable times, by any person authorised in that behalf by the Board of Trade ; and, subject to the preceding provisions of this subsection, an exhibitor who is required to keep a book or records under this section shall, whenever requested to do so by a person authorised in that behalf by the Board of Trade, produce the book or records for inspection by that person.

(6) If any person fails to comply with any of the requirements of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

31.—(1) Every person who, in any year ending before the expiry of section one of this Act, has carried on business as an exhibitor at a cinema shall make a return to the Board of Trade

Returns to be made by exhibitors.

PART III stating whether or not he has in that year exhibited at a cinema a film which is a registered film, and, if so,—

- (a) specifying the dates in that year on which any registered film was exhibited by him at that cinema, and, for each of those dates, the number of times the film was so exhibited; and
- (b) giving such (if any) other particulars relating to the film and considered by the Board necessary for the purposes of this Act as may be prescribed;

and the return shall include a statement showing, for each day in the year on which films were exhibited at that cinema, the times at which the exhibition began and ended.

(2) The return shall be made within one month after the end of the year, except that if the exhibitor ceases at any time during the year to carry on the business of exhibiting registered films at any particular cinema, he shall make the return with respect to that cinema within one month after that time.

(3) In relation to a cinema at which films are exhibited under the authority of a licence granted in respect of a quarterly period, the foregoing provisions of this section shall have effect as if references to that period were substituted for the references to a year.

(4) A return required by this section shall be deemed not to have been made in compliance with this section unless it is accompanied by a statutory declaration, made by the person required to make the return, of the truth of the particulars contained in the return.

(5) Every person by whom a return has been made in pursuance of this section shall produce to the Board of Trade such books and other documents and furnish to them such other information by way of explanation of the return as the Board may require for the purposes of this Act.

(6) For the purposes of any proceedings which may be taken by virtue of this section the fact that a person has been the holder of an exhibitor's licence shall be evidence that he has, in the period in respect of which the licence was granted, carried on business as an exhibitor at a cinema.

Information to be given to exhibitors with respect to registration of films.

32.—(1) A renter who, while section one of this Act is in force, delivers a registered film to an exhibitor shall, in such manner and at such time as may be prescribed, notify to the exhibitor—

- (a) the title and registered playing time of the film;
- (b) whether the film is registered as a British film or as a foreign film and, if as a British film, whether as a quota film; and

(c) such other particulars for the time being recorded in the register with respect to the film as may be prescribed ;

PART III

and if any renter fails to comply with the provisions of this subsection he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2) Where a title, playing time or other particular of any film has been recorded in the register in addition to or in substitution for another, no renter shall, while section one of this Act is in force, procure the giving by an exhibitor (whether for a consideration or not, and whether orally or in writing) of an undertaking which, if legally binding, would impose on the exhibitor an obligation, either actual or contingent, to take delivery of the film, unless the renter has supplied to the exhibitor a statement in writing setting out all the titles, playing times, and other particulars which have ever been so recorded in respect of the film ; and if any renter procures an undertaking in contravention of this subsection, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

PART IV

RESTRICTIONS ON BLIND BOOKING AND ADVANCE BOOKING

33.—(1) Subject to the following provisions of this section, no renter shall, while section one of this Act is in force, procure the giving by an exhibitor (whether for a consideration or not, and whether orally or in writing) of an undertaking which, if legally binding, would impose on the exhibitor an obligation, either actual or contingent, to take delivery of a film to which this Act applies and which has not been trade-shown at the time of his giving the undertaking.

Restriction on blind booking.

(2) This section does not restrict—

- (a) the making, at a time when three parts of a serial film or series of films have been trade-shown, of an agreement for the exhibition of any part of the film or series ; or
- (b) the making of an agreement for the exhibition of a film at one cinema only and on a number of consecutive days, unless the agreement is one of several relevant agreements which, taken together, provide for the exhibition of the film at more than one cinema or otherwise than on consecutive days ; or
- (c) the making of agreements for the exhibition of a film on not more than three days and at not more than three cinemas, unless the agreements are among several relevant agreements which, taken together, provide for

PART IV

the exhibition of the film on more than three days or at more than three cinemas.

(3) In this section "relevant agreement", in relation to a film, means an agreement made before the film is trade-shown, except that in relation to a part of a serial film or series of films it means an agreement made before three parts of that film or series are trade-shown.

Restriction on advance booking.

34.—(1) Subject to subsection (2) of this section, no renter shall, while section one of this Act is in force, procure the giving by an exhibitor (whether for a consideration or not, and whether orally or in writing) of an undertaking which, if legally binding, would impose on the exhibitor an obligation, either actual or contingent, to take delivery of a film to which this Act applies for exhibition at a date later than six months after the giving of the undertaking.

(2) This section does not restrict the making of an agreement providing for any part of a serial film or series of films to be exhibited after three parts of the film or series have been exhibited.

Invalidation of agreements involving blind booking or advance booking.

35. Any agreement (whether made in Great Britain or elsewhere) shall be invalid—

(a) if made at any time while section one of this Act is in force, in so far as it purports to impose on an exhibitor an obligation, either actual or contingent, to take delivery of a film to which this Act applies and which has not been trade-shown at the time of the making of the agreement; or

(b) if made more than six months before the expiry of section one of this Act, in so far as it purports to impose on an exhibitor an obligation, either actual or contingent, to take delivery of a film to which this Act applies for exhibition at a date later than six months after the making of the agreement;

unless the agreement is one the making of which is not restricted by section thirty-three or section thirty-four of this Act.

Duty of renter to give information to Board of Trade.

36. A renter shall, whenever requested to do so by a person authorised in that behalf by the Board of Trade, produce to him such books or other documents, and furnish to him such other information, with respect to any film to which this Act applies and which has been or is to be delivered by the renter to an exhibitor, as the Board may require for the purpose of the enforcement of Part I, this Part or section forty of this Act.

Penalty for contravention of Part IV.

37. If any renter contravenes any provision of this Part of this Act, he shall be liable on summary conviction to a fine not exceeding two hundred and fifty pounds.

PART V

GENERAL AND SUPPLEMENTAL

38.—(1) This Act applies to all films which are standard films, except—

Films to which Act applies.

- (a) subject to section thirty-nine of this Act, films consisting wholly or mainly of photographs which, at the time when they were taken, were means of communicating news; and
- (b) films made wholly or mainly for the purpose of commercial advertisement.

(2) The Board of Trade may, after consulting the Cinematograph Films Council, make regulations applying the provisions of this Act to films other than standard films, subject to such exceptions and modifications as may be specified in the regulations.

(3) Regulations under this section shall be made by statutory instrument and shall be of no effect unless they are approved by a resolution of each House of Parliament.

(4) In this section—

“ film ” includes 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; and

“ standard film ” means a film of a width of thirty-five millimetres which is designed to be exhibited by projection from one reel at a time.

39.—(1) Where the requirement specified in paragraph (a) of subsection (2) of section seventeen of this Act and the further requirements specified in subsection (2) of this section are satisfied with respect to a film consisting wholly or mainly of photographs which, at the time when they were taken, were means of communicating news,—

Newsreels.

- (a) the Board of Trade shall, upon application duly made to them not later than the expiry of section one of this Act, register the film as a British film and (notwithstanding anything in section twenty of this Act) as a quota film; and
- (b) where the film is so registered, this Act shall apply to it, but subject to the following provisions of this section.

A film which is eligible for registration by virtue of this section or has been so registered is in the following provisions of this section referred to as a newsreel.

PART V

(2) The further requirements referred to in subsection (1) of this section are—

- (a) that the film was edited in the United Kingdom and its commentary was written and recorded there; and
- (b) that each of the persons who edited the film or spoke the commentary was a British subject or citizen of the Republic of Ireland.

(3) Section nine of this Act shall apply in relation to a newsreel with the omission of subsections (3), (4), (5) and (7); but no application for the registration of a newsreel shall be entertained unless it is accompanied—

- (a) by a statutory declaration that the newsreel is one of a sequence of which not less than one a week is made and delivered to exhibitors; and
- (b) by an undertaking that not less than three-quarters of all the photographs together comprised in the newsreels of that sequence registered during the quarterly period in which the application is made will have been taken in the United Kingdom or any other Commonwealth country or the Republic of Ireland;

and where an application for the registration of a newsreel is made more than five days after the newsreel is first delivered to an exhibitor, it shall not be entertained unless the Board of Trade are satisfied that the delay was due to special circumstances and was not intentional.

(4) Where at the end of a quarterly period the undertakings given in that period under paragraph (b) of subsection (3) of this section in respect of the newsreels of any sequence have not been fulfilled, the Board of Trade shall cancel the registration of all newsreels of that sequence which were registered during that period and shall publish the cancellation in the Board of Trade Journal; and the cancellation shall have effect as from the date of publication.

(5) Where a newsreel has been registered it shall be deemed for the purposes of this Act to have been registered on the date on which it was first delivered to an exhibitor; but where a renter has delivered a newsreel to an exhibitor before the date on which it is registered he shall be deemed to have complied with the requirements of section thirty-two of this Act if, and only if, he has notified him, at such time and in such manner as may be prescribed, of such particulars of the newsreel as may be prescribed and of his intention to apply for its registration.

(6) If a renter has notified an exhibitor of his intention to apply for the registration of a film as a newsreel and either the film is not eligible for registration by virtue of this section or he does not apply for its registration within the time within which the application can be entertained under subsection (3)

of this section, he shall be liable on summary conviction to a fine not exceeding two hundred and fifty pounds. PART V

(7) Sections thirty-three to thirty-five of this Act shall not apply in relation to registered newsreels.

40.—(1) A separate rental shall be charged for each registered film delivered by a renter to an exhibitor for exhibition while section one of this Act is in force; but this section shall not be taken as rendering unlawful an agreement for the delivery of two or more films at an inclusive rental if the proportion of the rental to be attributed to each film is defined on or before the delivery. Rentals of registered films.

(2) If a renter delivers a film of which the rental is charged in contravention of this section, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

41.—(1) There shall be a council, to be called “The Cinematograph Films Council”, which shall be constituted in accordance with the First Schedule to this Act. The Cinematograph Films Council.

(2) The functions of the Council shall be—

(a) to keep under review the progress of the film industry in Great Britain, with particular reference to the development of that branch of the industry which is engaged in the making of films, and to report thereon to the Board of Trade at such times as the Council thinks fit; and

(b) to advise the Board in any matter relating to the film industry in which the advice of the Council is sought by the Board (whether at the request of any person appearing to the Board to have a substantial interest in the matter or otherwise); and

(c) to make to the Board, as soon as may be after the end of each year, a report of the proceedings of the Council during that year.

(3) As soon as may be after receiving any report made to them under paragraph (c) of subsection (2) of this section the Board of Trade shall lay copies of the report before Parliament.

(4) The Board of Trade shall furnish to the Council such information as the Council may reasonably require for the proper discharge of its functions.

(5) In this section “year” means a period of twelve months ending with the thirty-first day of March.

42.—(1) The wages paid by any person carrying on in Great Britain the business of making, renting or exhibiting films to which this Act applies to persons employed by him in connection with the making, renting or exhibition of any films at any place where that business is carried on, and the conditions of employment of persons so employed, shall, unless agreed upon by the employer or any organisation representative of persons Wages and conditions of employment of persons employed in film industry.

PART V carrying on the business of making, renting or exhibiting films, as the case may be, and by organisations representative of the persons employed, be not less favourable to the person employed than the wages which would be payable, and the conditions which would have to be observed, under a contract which complied with the requirements of any resolution of the House of Commons for the time being in force applicable to contracts of Government departments; and if any dispute arises as to what wages ought to be paid, or what conditions ought to be observed, in accordance with this section, it shall, if not otherwise disposed of, be referred by the Minister of Labour to the industrial court for settlement.

(2) Where any award has been made by the industrial court upon a dispute referred to it under this section, then, as from the date of the award or from such other date, not being earlier than the date on which the dispute to which the award relates first arose, as the court may direct, it shall be an implied term of the contract between the employer and workers to whom the award applies that the rate of wages to be paid, or the conditions of employment to be observed, under the contract shall, until varied in accordance with the provisions of this section, be in accordance with the award.

Power to vary figures in respect of labour costs.

43.—(1) The Board of Trade, after consulting the Cinematograph Films Council, may lay before Parliament the draft of an order substituting for any sum specified in subsection (2) of section twenty or subsection (1) of section twenty-two of this Act such other sum as may be specified in the order, and any such order may specify different sums in relation to long films and short films respectively; and if each House of Parliament resolves that the order be made, the Board shall by statutory instrument make the order in the terms of the draft, and the order shall come into operation on such date as may be specified therein.

(2) The power conferred by subsection (1) of this section to lay a draft before Parliament and to make an order shall be construed as including a power, exercisable in the like manner and subject to the like condition, to lay in draft before Parliament and to make an order varying or revoking an order having effect by virtue of that subsection.

Regulations of Board of Trade.

44.—(1) The Board of Trade may by statutory instrument make regulations prescribing—

- (a) the form of applications for the registration of films, for amendments of the register, or for licences under this Act;
- (b) the particulars and evidence necessary for satisfying the Board that a film ought to be registered as a British film or as a quota film;

- (c) the form of the returns to be made, and the record books to be kept, under this Act ;
- (d) anything (other than the percentages mentioned in section one) which by this Act is required or authorised to be prescribed,

and also regulations providing that any statutory declaration which is required by this Act to be made by any person shall be deemed to be properly made if it is made on his behalf by any such person as may be specified in the regulations.

(2) Regulations prescribing the payment of fees shall be of no effect unless made with the consent of the Treasury.

(3) Any regulations prescribing the amount of any fees shall be so framed as to secure, as nearly as may be, that the aggregate amount produced by those fees will be equal to the amount of the expenses incidental to the carrying out of this Act ; but the amounts of the fees payable on applications for the registration of films, for amendments of the register, or for licences shall not exceed those specified in the Second Schedule to this Act.

45.—(1) Any person guilty of a quota offence shall be liable, Penalties for on summary conviction, to a fine not exceeding two hundred quota offences. and fifty pounds or, on conviction on indictment, to a fine not exceeding five hundred pounds.

(2) Where a person convicted on indictment of a quota offence has been previously convicted (whether summarily or on indictment) of a quota offence not less than twice, the court, in addition to imposing a fine in accordance with subsection (1) of this section, may revoke any exhibitor's licence held by him in respect of the cinema in relation to which the offence was committed, and may order that—

- (a) the offender,
- (b) any person who was at the time of the offence, or has since been, financially associated with the offender in his business as an exhibitor, or
- (c) any person concerned in the management of the offender's business as an exhibitor who was knowingly a party to the offence ;

shall, for such period as may be specified in the order, be disqualified for holding an exhibitor's licence in respect of that cinema, and may also order that every person in whose case an exhibitor's licence has been revoked during the year immediately preceding the date of the conviction, shall, for such period as may be specified in the order, be so disqualified.

(3) Notwithstanding anything in the Magistrates' Courts Act, 1952, or the Summary Jurisdiction (Scotland) Act, 1954, summary proceedings for a quota offence may be instituted at any time within two years after the end of the period in relation to which the offence was committed.

PART V
Penalties for
failure to give
information
or making
false
statements.

46.—(1) If any person fails to comply with any provision of this Act by which he is required to make any return, furnish any information, or produce any book or other document to the Board of Trade, he shall be liable, on summary conviction, to a fine not exceeding five pounds for every day during which the default continues.

(2) If any person, in making any return or furnishing any information for the purposes of this Act, or in recording any particulars in pursuance of this Act, knowingly or recklessly makes a statement false in a material particular, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding one hundred pounds or both.

Offences by
corporations.

47. Where a body corporate is guilty of an offence under this Act and it is proved that the offence occurred with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other officer of the body, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Institution of
proceedings
and service of
process.

48.—(1) Proceedings for an offence under this Act shall not, in England, be instituted otherwise than by the Board of Trade.

(2) Any process to be served on any person for the purposes of this Act shall, if that person is out of Great Britain but has a place of business in Great Britain, be deemed to be duly served if it is addressed to that person and left at, or sent by post to, that place of business.

Exercise of
powers of
Board of
Trade.

49. Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board of Trade, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary, or assistant secretary of the Board, or any person authorised in that behalf by the President.

Interpretation.

50.—(1) In this Act,—

“British trust territory” means a territory administered by the Government of any part of Her Majesty’s dominions under the trusteeship system of the United Nations;

“cinema” means any premises in Great Britain used for the exhibition of films, except that it does not, in relation to any year, include—

(a) any church, chapel or other place of religious worship, or any hall or other premises used in connection with, and for the purposes of, any church, chapel or other such place, if the number of days

PART V

on which registered films are exhibited in that year at the church, chapel, place, hall or premises (exclusive of any exhibition forming part of a religious service) does not exceed six ; or

(b) any premises used in that year for providing entertainment at which the exhibition of films is only part of the programme, if the total playing time of the registered film or films exhibited in the course of any one of those entertainments does not exceed twenty-five minutes ;

- “ Commonwealth country ” means the United Kingdom, Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan, Ceylon, Ghana, the Federation of Malaya, the Federation of Rhodesia and Nyasaland, the State of Singapore, any colony and any territory under Her Majesty’s protection ;
- “ Commonwealth Government ” means the Government of, or of any part of, a Commonwealth country other than the United Kingdom ;
- “ deliver ” means deliver for exhibition at a cinema and “ delivery ” shall be construed accordingly ;
- “ distribute ” means distribute to exhibitors for exhibition and “ distribution ” shall be construed accordingly ;
- “ exhibit ” means exhibit to the public, and “ exhibition ” shall be construed accordingly ;
- “ exhibitor ” means a person carrying on the business of exhibiting films in Great Britain ;
- “ exhibitor’s licence ” means a licence under Part III of this Act authorising a person to carry on business as an exhibitor ;
- “ long film ” means a film the playing time of which is not less than thirty-three and one-third minutes ;
- “ maker ”, in relation to a film, means the person by whom the arrangements necessary for the making of the film are undertaken ;
- “ quarterly period ” means a period of three months ending with the last day of March, June, September or December ;
- “ the register ” means the register kept under Part II of this Act ;
- “ registered ” means registered under Part II of this Act ;
- “ registered playing time ” means the playing time of a film as registered for the time being ;
- “ renter ” means a person who carries on the business of distributing films ;

PART V

“renter’s licence” means a licence under Part III of this Act authorising a person to carry on business as a renter ;

“serial film” or “series of films” means a serial film or series of films consisting of a number of parts not exceeding fifteen, each of which has a playing time of not more than thirty-three and one-third minutes and which are intended to be exhibited on successive dates at intervals not exceeding fourteen days ;

“short film” means a film the playing time of which is less than thirty-three and one-third minutes ;

“studio” means a building or group of buildings constructed or adapted for the purpose of making films therein and includes any land occupied with such a building or group of buildings, and a studio shall be deemed to be used in making a film if any part of that film, or of any other film used in making it, consists of photographs taken or sound recordings made in that studio ; and “studio scenes” shall be construed accordingly ;

“trade-shown”, in relation to a film, means displayed to exhibitors or their agents either—

(a) in a building within the administrative county of London under conditions allowing for the satisfactory viewing of the film, the display not being open to any member of the public on payment ; or

(b) at a cinema, on an occasion when the film is exhibited there during the first six weeks that the film is exhibited at a cinema ;

and after announcement to them at least seven days before the display.

“year”, except in sections forty-one and forty-five, means a calendar year.

(2) References in this Act to the making of a film do not include the production of blank films or of positives intended for exhibition, or the production of negatives by means of any process used for making copies of negatives.

(3) For the purposes of this Act registered films shall be deemed to be exhibited at more than one cinema at the same time if any part of the period during which any one registered film is exhibited at a cinema coincides with any part of the period during which any one registered film is exhibited at another cinema.

(4) For the purposes of this Act each part of a serial film or series of films shall be deemed to be a separate film.

(5) Her Majesty may by Order in Council designate any British trust territory or South-West Africa for the purposes of this Act and any country so designated shall be treated for the purposes of this Act as if it were a Commonwealth country.

PART V

Any such Order in Council may be varied or revoked by a subsequent Order in Council.

51.—(1) The Cinematograph Films Act, 1938, the Cinematograph Films Act, 1948, and the Cinematograph Films Act, 1960, are hereby repealed.

Repeal,
amendment of
enactments,
transitional
provisions
and savings.

(2) The enactments mentioned in the Third Schedule to this Act shall have effect subject to the amendments specified in that Schedule.

(3) This Act shall have effect subject to the provisions of the Fourth Schedule to this Act.

(4) The mention of particular matters in the Fourth Schedule to this Act shall be without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

(5) Nothing in this Act shall affect the determination for the purposes of Part I of the Cinematograph Films Act, 1957, of the question whether a film registered before the commencement of this Act is a British film.

52.—(1) This Act may be cited as the Films Act, 1960.

Short title,
commence-
ment and
extent.

(2) This Act shall come into force on the first day of January, nineteen hundred and sixty-one.

(3) For the purposes of the Government of Ireland Act, 1920, the enactment of legislation for purposes similar to the purposes of this Act shall not be deemed to be beyond the powers of the Parliament of Northern Ireland by reason only that such legislation may affect trade with places outside Northern Ireland.

(4) This Act, except so much thereof as relates to the powers of the Parliament of Northern Ireland and to the Copyright Act, 1956, does not extend to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 41

CONSTITUTION OF THE CINEMATOGRAPH FILMS COUNCIL

1. The Council shall consist of twenty-two members appointed by the Board of Trade, and of those members—

- (a) seven (of whom one shall be the Chairman) shall be appointed as being independent persons ;
- (b) four shall be appointed as representing makers of British films, of whom one shall be appointed as representing makers of films not intended for general exhibition as first feature films ;
- (c) two shall be appointed as representing renters ;
- (d) five shall be appointed as representing exhibitors, of whom one shall be appointed as representing exhibitors in Scotland ; and
- (e) four shall be appointed as representing persons employed by makers, renters or exhibitors of British films.

2. The Board of Trade shall satisfy themselves that any person whom they propose to appoint under sub-paragraph (a) of paragraph 1 of this Schedule or who is a member of the Council by virtue of an appointment made under that sub-paragraph will have or has, as the case may be, no such financial or commercial interest as is likely to affect him in the discharge of his functions as a member of the Council ; and any such person shall, whenever requested by the Board to do so, give the Board such information as they consider necessary for the performance of their duty under this paragraph.

3. Before appointing a person to be a representative member of the Council the Board of Trade shall consult such bodies, if any, as appear to the Board to be representative of the interest concerned.

4. The Board of Trade shall not appoint to be a member of the Council any person who has been convicted of an offence under this Act, and if any member is convicted of such an offence he shall forthwith cease to be a member of the Council.

5. Subject to paragraph 4 of this Schedule, a member of the Council shall hold and vacate office in accordance with the terms of the instrument under which he is appointed, but no person shall, on any occasion, be appointed to be a member of the Council for more than three years.

6. A member of the Council who ceases to hold office shall be eligible for re-appointment.

7. The Council may, subject to any such limitations and conditions as it thinks proper, delegate any of its functions to a committee of the Council.

8. Any committee of the Council may include persons who are not members of the Council, and any such committee may co-opt as additional members such persons, whether members of the Council or not, as the committee may, with the approval of the Council, determine. 1st Sch.

9. The quorum of the Council shall be such number, not less than nine, as the Board of Trade may determine.

10. The Council shall have power to regulate its own procedure, and may act notwithstanding a vacancy among its members.

SECOND SCHEDULE

Section 44

MAXIMUM FEES

	£	s.
On an application for the registration of a film ...	8	8
On an application to amend the register	4	4
On an application for a renter's licence	21	0
On an application for an annual exhibitor's licence ...	8	8
On an application for an exhibitor's licence in respect of a quarterly period	3	3

THIRD SCHEDULE

Section 51

AMENDMENT OF ENACTMENTS

Section 13 of the Copyright Act, 1956

1. In subsection (3), for the words "Part III of the Cinematograph Films Act, 1938" and the words "Part III of the said Act of 1938" there shall be substituted the words "Part II of the Films Act, 1960" and for the words "the said Part III" there shall be substituted the words "the said Part II".

2. In subsection (8), for the words "paragraph (a) of section thirty-five of the Cinematograph Films Act, 1938" there shall be substituted the words "paragraph (a) of subsection (1) of section thirty-eight of the Films Act, 1960".

3. For subsection (11) there shall be substituted the following subsection:—

"(11) References in this section to Part II of the Films Act, 1960, shall be construed as including references to any enactments for the time being in force amending or substituted for the provisions of the said Part II and, in relation to any time before the commencement of that Act, as references to the enactments replaced by those provisions."

Section 8 of the Cinematograph Films Act, 1957

4. In subsection (1), for the words "the Cinematograph Films Acts, 1938 and 1948", there shall be substituted the words "the Films Act, 1960".

3RD SCH. 5. For subsection (2) there shall be substituted the following subsection:—

“(2) The Films Act, 1960, shall have effect for the purpose of determining whether a film is a British film for the purposes of this Part of this Act as it has effect for the purpose of determining whether a film registrable under that Act is registrable as a British film.”

Section 51

FOURTH SCHEDULE

TRANSITIONAL PROVISIONS

1. In relation to any time before the beginning of the year nineteen hundred and sixty-two, references to a year in Part I of this Act and, in so far as they refer to the period in respect of which an exhibitor's licence is granted or during which films are exhibited, references to a year in Part III of this Act, shall be construed as referring to the period beginning on the first day of October, nineteen hundred and sixty and ending at the end of the year nineteen hundred and sixty-one; and the amount of the fee payable on an application for an exhibitor's licence in respect of that period shall be an amount not exceeding ten guineas.

2. In computing for the purpose of subsection (3) of section four of this Act the net box office receipts of a cinema during the period of twelve months ending at the end of March, nineteen hundred and sixty, there shall be deducted, in addition to the deduction required by subsection (5) of that section, entertainments duty (within the meaning of the Entertainments Duty Act, 1958) paid or payable to the Commissioners of Customs and Excise.

3. Section eight of this Act does not apply to any film which was displayed to exhibitors or exhibited before the end of September, nineteen hundred and twenty-seven, nor to any film to which the Cinematograph Films Act, 1927, did not apply and which was so displayed or exhibited after that time but before the commencement of the Cinematograph Films Act, 1938.

4. A film which has been exhibited in Great Britain before the first day of April, nineteen hundred and thirty-eight, or which has been duly registered under Part II of the Cinematograph Films Act, 1927, shall not be registered under this Act.

5. The amount of the fee payable on an application for a renter's licence in respect of the year nineteen hundred and sixty-one shall be an amount not exceeding fifteen guineas.

6.—(1) For the purposes of subsection (2) of section forty-five of this Act, a conviction of an offence under any of the following previous enactments, that is to say, subsection (6) of section one or subsection (4) of section five of the Cinematograph Films Act, 1948, subsection (1) of section one or subsection (1) of section seven of the Cinematograph Films Act, 1938, or section nineteen of the Cinematograph Films Act, 1927, shall be deemed to be a conviction of a quota offence.

(2) For the purposes of paragraph 4 of the First Schedule to this Act, a conviction of an offence under the Cinematograph Films Acts, 1938 to 1960, or under the Cinematograph Films Act, 1927, shall be deemed to be a conviction of an offence under this Act.

4TH SCH.

7.—(1) The register kept under Part III of the Cinematograph Films Act, 1938, shall be deemed to be part of the register kept under Part II of this Act.

(2) Any film registered under the said Part III or under Part II of the Cinematograph Films Act, 1927, shall be deemed to have been registered under Part II of this Act and, if registered as an exhibitors' quota film, shall be deemed to have been registered as a quota film.

(3) The registered playing time of any film registered before the first day of October, nineteen hundred and sixty, shall be determined by treating every ninety feet of length as equivalent to a playing time of one minute.

8. Any regulation, order or appointment made, direction given, or other thing done under any provision of the Cinematograph Films Acts, 1938 to 1960, and in force at the commencement of this Act, shall continue in force and have effect as if it had been made, given or done under the corresponding provision of this Act.

9. Any reference in any enactment or document, whether express or implied, to any provision contained in the enactments repealed by this Act shall be construed as a reference to the corresponding provision of this Act.

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Cinematograph Films Act, 1927	17 & 18 Geo. 5. c. 29.
Cinematograph Films Act, 1938	1 & 2 Geo. 6. c. 17.
Cinematograph Films Act, 1948	11 & 12 Geo. 6. c. 23.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Summary Jurisdiction (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 48.
Copyright Act, 1956	4 & 5 Eliz. 2. c. 74.
Cinematograph Films Act, 1957	5 & 6 Eliz. 2. c. 21.
Entertainments Duty Act, 1958	6 & 7 Eliz. 2. c. 9.
Cinematograph Films Act, 1960	8 & 9 Eliz. 2. c. 14.

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