ACT

To regulate and control the public exhibition and advertisement of cinematograph films and of pictures and the performance of public entertainments.

BE IT ENACTED by the King's Most Excellent Majesty the Senate and the House of Assembly of the Union of South Africa, as follows.—

CHAPTER I.

CINEMATOGRAPH FILMS AND FILM ADVERTISEMENTS.

1. No person shall exhibit in public any cinematograph film or exhibit or publish a film advertisement unless such film or advertisement has been approved in terms of section three: Provided that in respect of any cinematograph film which at the commencement of this Act has been approved for exhibition in any Province of the Union by any Board of Censors or other competent authority in that Province, the provisions of this Act shall not apply in that Province for a period of five years from the date of such approval, nor shall such provisions apply to such film after the expiry of that period unless and until the Chairman of the Board appointed under section two by notice in writing or by telegraph to the owner or lessee of such film or his representative orders that it be submitted to the Board for approval.

2. (1) The Minister shall appoint a Board of Censors (hereinafter referred to as the board) consisting of not less than seven members, one of whom shall be Chairman, for the purpose of examining cinematograph films and film advertisements intended for public exhibition in any place in the Union and for the purpose of considering any matter submitted to it in terms of section nine.

(2) The members of the board shall be appointed for a period of not more than three years: Provided that any member of the board may be re-appointed for a further period of three years. Whenever a member of the board vacates his office the Minister may appoint a person who shall hold office for the unexpired portion of the period for which his predecessor was appointed.

(3) The Minister may, on the recommendation of the board, appoint such other persons as may in his opinion be necessary to give effect to the provisions of this Act and fix the conditions of their employment.

3. (1) It shall be the duty of the board to examine cinematograph films and film advertisements submitted to it for approval and to consider any matter submitted to it in terms of section nine: Provided that the Minister may authorize the board to delegate its functions to any particular person or persons in respect of particular classes of cinematograph films and film advertisements and of any matter referred to in section nine.

(2) Four members of the board shall constitute a quorum and the decision of the majority of the members present at any meeting of the board shall be the decision of the board: Provided that—

(a) in the case of an equality of votes, the chairman of the board or in his absence the member presiding at the meeting shall have a casting vote in addition to his deliberative vote; and

(b) no cinematograph film or film advertisement shall, when the board has not delegated its functions under the provisions of sub-section (1) in respect of that cinematograph film or film advertisement, be deemed to have been approved by the board unconditionally unless at least three of its members have voted in favour of such approval; and

(c) no cinematograph film or film advertisement shall be rejected unconditionally unless the majority of all the members of the board have voted in favour of such rejection.
(3) Whenever the board approves of any cinematograph film or film advertisement it shall signify such approval by means of a certificate given in the form and manner prescribed by regulation.

(4) The board shall have power to approve or reject a cinematograph film unconditionally, or to approve of any such film subject to a condition that such film shall be exhibited only to a class or classes of persons specified by the board or after any specified portion or portions have been excised therefrom: Provided that in approving of a cinematograph film or film advertisement subject to any such condition the board may in its discretion authorize the exhibition or publication thereof after such excision without further examination.

(5) In the event of a cinematograph film being approved subject to the excision of any portion thereof, no advertisement of such film containing any reference to the portion excised or to be excised shall be exhibited or published, notwithstanding that the exhibition or publication of such advertisement has been previously approved.

8. (1) Any person who has submitted to the board for approval a cinematograph film or a film advertisement and is aggrieved by the decision of the board to reject such film or film advertisement or to approve of it conditionally may, within a time and in a manner and on payment of any fee prescribed by regulation, appeal against the board's decision to the Minister.

(2) The Minister or a person delegated by him for the purpose shall consider any appeal under sub-section (1) and the Minister or such person may, if he deems it necessary, consult the board upon the matter, and shall convey to the applicant his decision thereon, which shall be final.

9. (1) The board shall not approve any film which, in its opinion, depicts any matter that prejudicially affects the safety of the State, or is calculated to disturb peace or good order, or prejudices the general welfare or be offensive to decency.

(2) The board shall not approve any film which in its opinion depicts in an offensive manner—
(a) impersonation of the King;
(b) scenes holding up to ridicule or contempt any member of the King's military or naval forces;
(c) treatment of death;
(d) nude human figures;
(e) passionate love scenes;
(f) scenes purporting to illustrate "night life";
(g) scenes containing reference to controversial or international politics;
(h) scenes representing antagonistic relations of capital and labor;
(i) scenes tending to dispense public characters;
(j) scenes tending to create public alarm;
(k) the drug habit, white slave traffic, vice or loose morals;
(l) scenes calculated to affect the religious convictions or feelings of any section of the public;
(m) scenes calculated to bring any section of the public into ridicule or contempt;
(n) scenes of juvenile crime and, in the case of older persons, scenes of the technique of crime and of criminality;
(o) scenes of brutal fighting;
(p) scenes of drunkenness and brawling;
(q) prejudicious encounters between Europeans and non-Europeans;
(r) scenes of intermarriage of Europeans and non-Europeans;
(s) scenes of rough-handling or ill-treatment of women and children.

8. A cinematograph film or portion thereof or any film advertisement from which the board requires any objectionable matter to be excised before approval is granted, may after such excision has been effected be again submitted to the board for approval on payment of the prescribed fee.

7. There shall be paid for every cinematograph film or film advertisement submitted for approval to the board such fees
as are prescribed by regulation: Provided that in the case of a cinematograph film such fees shall not exceed one-sixth of a penny per foot.

Offences.

9. (1) Any person who—
(a) contravenes the provisions of section one; or
(b) exhibits any cinematograph film or film advertisement which, subsequent to its approval by the board, has in any way been altered or modified without the approval of the board;
shall be guilty of an offence and the Court which has convicted him may, irrespective of any fine, confiscate the cinematograph film or film advertisement in connection therewith and such offence was committed.
(2) Any cinematograph film or film advertisement so confiscated shall be dealt with in such manner as the Minister may direct.

CHAPTER II.

PICTURES AND PUBLIC ENTERTAINMENTS.

9. (1) The Minister may, by notice in writing or by telegraph, addressed to any person who is or whom the Minister believes to be in charge of any pictures, or of its publication, or of any public entertainment or intended public entertainment, order that such picture or public entertainment shall not be published or given unless the board, after reference to the Minister is satisfied that—
(a) it is not calculated to give offence to the religious convictions or feelings of any section of the public;
or
(b) is not calculated to bring any section of the public into ridicule or contempt; or
(c) is not contrary to the public interest or good morals.

Provided that if the board is not so satisfied an appeal shall lie from its decision to the Minister in which case the provisions of section four shall mutatis mutandis apply.

(2) Any person who—
(a) publishes or permits the publication of any picture the publication whereof is in contravention of an order issued under sub-section (1); or
(b) gives or permits the giving of any public entertainment which is in contravention of an order issued under sub-section (1);
shall be guilty of an offence, unless he proves that he was ignorant of such order and that he could not reasonably be expected to have ascertained such order.

CHAPTER III.

GENERAL.

10. (1) Any person who is for the time being in charge of any place where any cinematograph film is being exhibited or any entertainment is being given, shall admit free of charge thereto on demand of members of the police or of any person as exhibitor to him such written authority for such admission as may be prescribed by regulation, and, in the case of the exhibition of cinematograph films, any number of the members of the board.

(2) Any person who is for the time being in charge of any place where any cinematograph film is being exhibited or any entertainment is being given shall be guilty of an offence if he refuses on demand to grant such admission.

11. Any person who contravenes any provision of this Act or any regulation shall be liable to a fine not exceeding one hundred pounds.

Penalties.

12. The Governor-General may make regulations—
(a) for the stamping or marking of cinematograph films;
(b) for the affixing to cinematograph films of photographs of certificates of approval;
(c) governing the appointment, the removal from office, remuneration and leave of absence of members of the board and of any person appointed under sub-section (4) of section four.
(d) generally in regard to any matter which may in terms of this Act be prescribed by regulation.
Definitions. 13. In this Act and in the regulations made thereunder—
"cinephotograph film" includes any words produced
upon or in conjunction with a cinematograph film,
whether by letters or sounds, and any other sounds
produced in conjunction with a cinematograph film,
and also any picture intended for exhibition to the
public through the medium of mechanical devices;
"film advertisement" means any portion of a cinephot-
ograph film exhibited for the purpose of advertizing
any such film and any exhibited illustration of any
matter relating to any such film;
"Minister" means the Minister of the Interior or any
other Minister of State acting in his stead or to whom
the Governor-General may have assigned the ad-
ministration of this Act;
"place" includes any vehicle or vessel.
"picture" includes paintings, drawings, engravings and
photographs but shall not include a cinematograph
film nor any pictorial advertisement of such a film.

Exemption of other censorship or prohibition law.

14. After the commencement of this Act, the exhibition or
publication of any cinematograph film or film advertisement
shall not be subject to any censorship or prohibition under
any law, other than the censorship or prohibition provided
for under this Act.

Repeal. 15. Paragraph 14 of the Second Schedule to the Financial 25
Relations Act, 1913 (Act No. 16 of 1913), as amended by
section six of the Financial Relations Fourth Extension Act,
1923 (Act No. 5 of 1923), is hereby repealed.

Short title and commencement. 16. This Act may be cited as the Entertainments (Censor-
ship) Act, 1931, and shall come into force on a date to be fixed 20
by the Governor-General by proclamation in the Gazette.