

Seychelles

## Cinematograph Film Censorship Act Act 1 of 1962

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## Seychelles

# Cinematograph Film Censorship Act

## Act 1 of 1962

Commenced on 5 December 1952

*[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]*

*[Act 1 of 1962; Act [14 of 1963](#); Act [34 of 1967](#); Act [6 of 1975](#); S.I. 95 of 1975; Act [18 of 1975](#); S.I. 72 of 1976; Act [23 of 1976](#); Dec 35 of 1978; S.I. 6 of 1988; S.I. 41 of 1991]*

### 1. Short title

This Act may be cited as the Cinematograph Film Censorship Act.

### 2. Interpretation

In this Act unless the context otherwise requires—

"**film**" means any form of video-recording, or any part thereof, whether on disc, tape or other medium and includes both cinematograph film and television film;

"**Public place**" includes any building or place to which for the time being, the public are entitled or permitted to have access either without any condition or upon condition of receiving permission or of making any payment, and any building or place which is for the time being used for the showing of films, and includes clubs, hotels and other premises in Seychelles but does not include a private home or residence.

### 3. Constitution of Board

- (1) The Minister shall appoint a Board consisting of not less than of nine persons including representatives of religious communities.
- (2) The Minister may at his pleasure remove any member of the Board or the secretary to the Board and appoint some other person in his or her stead.
- (3) If any member of the Board or the secretary to the Board shall become ill or incapable of performing his duties, the Minister may during such illness or incapacity appoint some other person to act in his or her stead.
- (4) If the place of any person appointed as a member of the Board or the secretary of the Board becomes vacant by death, removal, resignation or in any other manner whatsoever, the vacancy so created shall be filled as soon as possible by the Minister.

### 4. Examination of films

- (1) A list of any films which are intended for public exhibition shall be submitted to the Board for their approval together with any particulars concerning the said films which the Board may require.
- (2) Where in the opinion of the Board it is necessary to view any film the Board shall delegate at least three of its members to attend at a time and place to be notified to the exhibitor for the purpose of viewing the said film.
- (3) It shall be lawful for the Board at their examination of any film submitted for their approval to prohibit from being present any person who in their opinion is not directly concerned with the exhibition of such film.

- (4) Any expenses incurred in the projection of such films when required by the Board shall be at the charge of the exhibitor.

## 5. Powers of Board

- (1) On completion of their examination of any films, the Board may—:
  - (a) approve such film for public exhibition to persons of all ages; or
  - (b) approve such film for exhibition to persons of the age of 12 years and over only; or
  - (c) approve such film for exhibition to persons of the age of 18 years and over only; or
  - (d) approve such film for exhibition to persons included in paragraphs (a), (b) or (c) subject to such excisions being made in respect thereof as the Board may specify; or
  - (e) refuse to approve such film; or
  - (f) prescribe in the case of any film shown on television, the time when such films may or may not be relayed to the public or exhibited in a public place.
- (2) If the approval of the Board is given subject to the making of any excisions from the film as aforesaid, the Board shall have authority to order that such excisions be made, and to retain in their possession the portions so excised until the film is withdrawn from exhibition in Seychelles and is about to be exported.
- (3) The approval of the Board shall not be given with respect to any film which in their opinion depicts any matter that is contrary to public order or decency, or the exhibition of which would for any other reason be undesirable in the public interest. In the case of a film the exhibition of which is intended to be accompanied by a mechanical reproduction of sound (whether or not the device or arrangement for such reproduction is an integral part of the film), the Board may take such reproduction or sound into consideration in determining whether or not the film should be approved, or determining what excisions, if any, should be made therefrom.
- (4) If any film shall in accordance with the provisions of subsection (1) be approved for exhibition only to person twelve years of age or over or eighteen years of age or over, every person who caused to be published any advertisement in respect thereof without making reference to such limitation of approval shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three thousand rupees.
- (5) When the Board has approved or refused to approve any film under the provisions of subsection (1) it shall issue a certificate in such form as the Board may decide and such certificate shall state the decisions of the Board under the provisions of that subsection.
- (6) Any appeal from any decision by the Board shall lie to the Minister whose decision shall be final.

## 6. When film to be submitted a second time for Board's approval

Any film to which any matter has been added after it has been approved by the Board shall be again submitted for approval, and until it has been again approved shall be deemed not have been approved.

## 7. Exhibiting film not approved by Board

- (1) Every person who in any public place exhibits any film in a form not approved by the Board or in respect of which a certificate under the provisions of [section 5](#) has not been issued by the Board or, in the case of a film approved for exhibition only to persons apparently twelve years of age or over, or eighteen years of age or over, admits any person who is not apparently twelve years of age or over or eighteen years of age or over respectively, shall be guilty of an offence and liable, on conviction to a fine not exceeding ten thousand rupees in respect of every occasion on which such film has been exhibited.

- (2) Any film in respect of which an offence under this Act has been committed may be ordered by the Court to be forfeited to the Republic and may be destroyed or otherwise dealt with as the court may direct.

## **8. Censorship of advertisements and posters**

- (1) The foregoing provisions of this Act as to the censorship and exhibition of films shall apply so as to require the censorship of, and to regulate the exhibition of, advertisements and statements thrown on the screen and of posters and other advertising matter used or intended to be used in relation to any film.
- (2) Every person who uses any poster or other advertising matter as aforesaid in contravention of the foregoing provisions of this Act as applied in accordance with this section, shall be guilty of an offence and shall be liable to the like penalties as for the offence of exhibiting films without the approval of the Board.

## **9. Customs duties on unexhibited films may be refunded**

- (1) It shall be lawful for the Principal Secretary of the Ministry of Finance to refund any duties of customs which may have been paid into the public treasury on the exportation of any cinematograph film or any part thereof, in case of such film or part has been rejected by the Board appointed under this Act and has not been exhibited in Seychelles except for the purposes of this Act, and has been exported from Seychelles.
- (2) A statement by the Controller of Customs that a certificate of rejection by the Board has been produced to him, and that the said film or part has been exported, shall be produced to the Principal Secretary of the Ministry of Finance before any such order for refund is made.

## **10. Minister may make regulations for fire or other danger**

- (1) It shall be lawful for the Minister to make regulations as to the place or building where exhibitions of cinematograph films are given or intended to be given with a view to assuring the safety of the public from fire or other danger during the projection of the said cinematograph films.
- (2) Any person who gives any exhibition of cinematograph films in any place or building without having first complied with any such regulations made by the Minister commits an offence and shall be liable to a fine not exceeding ten thousand rupees in respect of every occasion on which the said place or building is so used.

## **11. Right of entry to ascertain if Act or regulations for safety of public being complied with**

Any member of the Board, and any police constable or any person approved in writing for that purpose by the Commissioner of Police, may at all times enter premises on which he or she has reason to believe that any film is being or is about to be exhibited, with a view to seeing or ascertaining whether the provisions of this Act or regulations relating to the safety of the public at such exhibitions have been complied with, and if any person prevents or obstructs the entry of such member, constable or person, or obstructs or causes or incites other persons to obstruct such member, constable or person, in the execution of his duty under this Act, he shall be liable on summary conviction to a fine not exceeding three thousand rupees.

## **12. Regulations**

The Minister may make regulations for the effective carrying out of the provisions of this Act.

**13. Exception in case of educational films**

The provisions of this Act shall not apply to films of an educational character or otherwise which are certified to be of such character by the Minister or by any member of his Ministry authorised by him and which are to be exhibited by any person authorised by the Minister to exhibit such films.