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CINEMATOGRAPH LAW

(2009 Revision)

Cap. 18 of the Revised Edition of the Laws of the Cayman Islands, 1963 consolidated with Laws 30 of 1979 and 7 of 2008.

Revised under the authority of the Law Revision Law (1999 Revision).

Originally enacted -

Cap. 18-14th December, 1963 (as Law 26 of 1963)

Law 30 of 1979-6th September, 1979

Law 7 of 2008-27th June, 2008.

Consolidated and revised this 16th day of June, 2009.

Note (not forming part of the Law): This revision replaces the 1995 Revision which should now be discarded.

CINEMATOGRAPH LAW

(2009 Revision)

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CINEMATOGRAPH LAW

(2009 Revision)

1. This Law may be cited as the Cinematograph Law (2009 Revision). Short title

2. In this Law- Definition
“Board” means the body established under section 3.

3. (1) There is established a Board to be known as the Cinematograph Board. Establishment and constitution of the Board

(2) The Board shall be comprised of five members appointed by the Governor in Cabinet, one of whom shall be a minister of religion.

(3) The Governor in Cabinet shall appoint a Chairman.

(4) The Board may adopt whatever procedure it considers appropriate in determining any matter before it.

4. (1) It shall not be lawful for any person to conduct or allow to be presented or given by means of a mutoscope, cinematograph or other similar apparatus any exhibition of pictures or other optical effects, without the permission in writing of the Board, in accordance with rules made hereunder. Exhibition unlawful without written permission

(2) The Board may refuse to grant such permission or grant it subject to Rules made hereunder, and subject to such conditions and restrictions as are specified therein, and any such permission may be revoked by the Board at any time

(3) Permission granted by the Board in the Islands shall be valid and effectual throughout the Islands.

5. Whoever, after being warned, conducts or assists in conducting any such exhibitions aforesaid in contravention of this Law or rules made hereunder, or of any conditions or restrictions specified in any permission granted under this Law is guilty of an offence. Contravention of permission

6. (1) Whoever exhibits by mutoscope, cinematograph or other similar apparatus, any exhibitions of pictures or sound effects of a blasphemous, seditious or obscene nature is guilty of an offence and liable on summary conviction before the Magistrate to a fine of one hundred dollars and to imprisonment for six months. Blasphemous, seditious or obscene films

(2) For the purposes of this Law an exhibition by mutoscope, cinematograph or any similar apparatus shall be deemed to be of an obscene nature if its effect taken as a whole is such as to deprave and corrupt persons who have seen it or who are likely, having regard to all the circumstances, to see or hear the matter contained or embodied in it.

(3) No prosecution under this section shall be instigated without the order in writing of the Board.

Right of police or Board
appointee to enter
premises

7. Any constable or any person appointed for the purpose by the Board may, at all reasonable times, enter any premises in which he has reason to believe that a public cinematograph exhibition is being or about to be given, with a view to seeing whether this Law or the rules and the conditions of any permission granted have been complied with, and whoever prevents or obstructs the entry of any such constable, or any person appointed as aforesaid, is guilty of an offence.

Search warrant

8. (1) If a Justice is satisfied by information on oath that there are reasonable grounds for suspecting that in any cinematographic theatre or on any premises, cinematographic films of a blasphemous, seditious or obscene nature are, or are from time to time, kept for public exhibition, the Justice may issue a warrant under his hand empowering any constable to enter (if need be by force) and search the cinematographic theatre or premises at any time within fourteen days from the date of the warrant, and to seize and remove any reels of cinematographic films found therein or thereon which the constable has reason to believe to contain blasphemous, seditious or obscene matter and to be kept for public exhibition.

(2) Any cinematographic films seized under subsection (1) shall be brought before a Justice who may thereupon issue a summons to the licensee of such cinematographic theatre, or the occupier of the premises, to appear on the day specified in the summons before the Magistrates Court to show cause why the films or any of them should not be forfeited; and if the Court is satisfied in respect of any such films that, at the time when they were seized, they contained blasphemous, seditious or obscene matter, and were kept for the purpose of public exhibition, the Court shall order such films to be forfeited.

(3) Nothing in this section shall be held to preclude any action from being taken against any person under section 6.

Power to make rules

9. The Board may, with the advice and consent of the Legislative Assembly, make such rules as may be deemed expedient for-

- (a) regulating and controlling mutoscope, cinematograph and other similar exhibitions;

- (b) regulating the granting of permission under section 4;
- (c) regulating the health and safety of the public in connection with the conducting of cinematograph exhibitions; and
- (d) regulating the health and welfare of children in relation to their attendance at cinematograph exhibitions.

10. Whoever is guilty of an offence against this Law or against rules made thereunder, or of any contravention of any restriction or condition of any permission granted to him under this Law for which no specific penalty is provided is liable, on summary conviction before the Magistrate, to a fine of two thousand dollars and to imprisonment for twelve months.

Punishment

11. In any prosecution, other than a prosecution under section 6, the onus of proving that he has complied with the Law shall lie on the defendant.

Onus of proof

12. This Law shall not apply to any exhibition given in private premises to which the public are not admitted, whether on payment or otherwise.

Private premises

Publication in consolidated and revised form authorised by the Governor in Cabinet this 16th day of June, 2009.

Carmena Watler
Clerk of Cabinet

(Price \$1.60)