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CHAPTER 18

THE CINEMATOGRAPH LAW

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CHAPTER 18

THE CINEMATOGRAPH LAW

Law
26 of 1963.

[14th December, 1963]

1. This Law may be cited as the Cinematograph Law. Short title.
2. In this Law "the Authority" means a Board consisting of the Administrator, three elected members of the Legislative Assembly nominated annually by the Legislative Assembly and one member nominated annually by the Administrator. Definitions.
3. (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 Authority, in accordance with the rules made under this Law. Exhibition by mutoscope, etc., unlawful without written permission of Authority.
- (2) The Authority may refuse to grant such permission or grant it subject to the rules made under this Law, and subject to such conditions and restrictions to be specified in the permission as may seem fit; and any such permission may be revoked by the Authority at any time. The Authority may refuse permission, etc.
- (3) Permission granted by the Authority in the Cayman Islands shall be valid and effectual throughout the Islands. Permission by the Authority to be valid throughout the Islands.
4. Any person who after being warned conducts, or who in any way assists in conducting any such exhibitions aforesaid in contravention of the provisions of this Law or the rules made thereunder, or of any conditions or restrictions specified in any permission granted under this Law shall be guilty of an offence. Contravention of permission an offence.
5. (1) Any person who exhibits by mutoscope, cinematograph or other similar apparatus, any exhibitions of pictures or sound effects of a blasphemous, seditious or obscene nature shall be guilty of an offence and shall be liable on summary conviction before the Exhibition of blasphemous, seditious or obscene films an offence.

Magistrate to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(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 Authority.

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

7. (1) If a Justice is satisfied by information on oath that there is 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 premises or cinematographic theatre 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 Magistrate's Court to show cause why the films or any of them should not be forfeited; and if the Court is satisfied in

Right of Police or any person appointed by the Authority to enter the premises.

Right of Justice of the Peace to issue search warrant.

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 5.

8. The Authority may with the advice and consent of the Legislative Assembly make such Rules as may be deemed expedient for—

Power of Authority to make Rules.

- (a) regulating and controlling mutoscope, cinematograph and other similar exhibitions;
- (b) regulating the granting of permission under section 3;
- (c) regulating the health and safety of the public in connection with the conducting of cinematographic exhibitions; and
- (d) regulating the health and welfare of children in relation to their attendance at cinematographic exhibitions.

9. Any person guilty of an offence against this Law or against any of the provisions of the 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 in this Law shall be liable on summary conviction before the Magistrate to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months.

Punishment for offences against this Law or Rules thereunder.

10. In any prosecution under this Law other than a prosecution under section 5 the onus of proving that he has complied with the Law shall lie on the defendant.

Onus of proof on defendant.

11. 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.