Commencement: 25 May 1973

CHAPTER 72

CENSORSHIP OF FILMS

JR 16 of 1973
JR 45 of 1973
JR 35 of 1976
Act 2 of 2010

ARRANGEMENT OF SECTIONS

1. Permit required for public exhibition of cinematograph films
2. Establishment of Censorship Boards
3. Applications for film permits
4. Particulars and description of film to be supplied to Board
5. Board may approve or refuse to approve film for public exhibition
6. Decision of Board to grant or refuse to grant permit to be in writing
7. Validity of permit
8. Approval of Board required for film advertisements
9. Board may retain unapproved film or advertisement
10. Offences and penalties
11. Issue of warrant to enter premises

SCHEDULE 1 – Constitution and Procedure of Censorship Boards
SCHEDULE 2 – Certificate of Exemption
SCHEDULE 3 – Film Permit

CENSORSHIP OF FILMS

To provide for the censorship of cinematograph films and matters incidental thereto.

1. Permit required for public exhibition of cinematograph films

(1) Subject to the provisions of subsection (2) below no person shall exhibit or cause or permit to be exhibited to the public any cinematograph film (whether with sound effects or not) (hereinafter called "a film") in Vanuatu unless and until a permit has been granted by a Censorship Board for the exhibition of such film.

(2) The provisions of this Act shall not apply to:

(a) any film which is exhibited by or on behalf of the State, a Constitutional Entity or a Statutory Entity;

(b) any film or films in respect of which the Minister responsible for the arts on the recommendation of the Censorship Board exempted it or them from the provisions of this Act.

2. Establishment of Censorship Boards

(1) Censorship Boards are hereby established for Central District No. 1 and for the Northern District of Vanuatu.

(2) The Minister responsible for the arts may by order establish Censorship Boards for other Districts of Vanuatu if it should seem to him to be necessary to do so.

(3) The constitution of any Censorship Board set up in accordance with this section shall be as set out in Schedule 1 hereof.

(4) In considering applications made to it in accordance with the provisions of this Act, a Censorship Board shall have regard to all of the national and local interests which may be affected and especially the preservation of national and local customs and traditions.

3. Applications for film permits

(1) An application for a permit to exhibit a film (hereinafter called a "film permit") shall be made in writing to the Chairman of the appropriate Censorship Board and shall be accompanied by payment of such fee in respect of each film included in the application as may be stipulated from time to time by the Minister responsible for the arts.

(2) No fee or any part thereof shall be returned by the Censorship Board if a film permit is not granted in respect of any film or films included in the application.

(3) The application shall disclose the premises or place at which and the time when the film is to be exhibited and such particulars and description of the film as may be required by the Censorship Board.

(4) If the applicant has reason to believe that the film will be exhibited in more than one premises or place the application shall disclose the location of all premises or places at which the film is to be exhibited:

Provided that if the film is to be exhibited at premises or places situated within more than 1 district an application in respect of such film shall be submitted to the Censorship Board for the district within which the film is first to be shown.

4. Particulars and description of film to be supplied to Board

The Censorship Board shall not issue a film permit in respect of any film unless the applicant has supplied such particulars and description of the film as may be required by the Censorship Board and the same have been examined by the Censorship Board:

Provided that if the Censorship Board shall so require the applicant shall also cause the film to be exhibited to it in accordance with the provisions of section 5(4).

5. Board may approve or refuse to approve film for public exhibition

(1) The Censorship Board may in respect of any film for which an application for a permit has been made:

(a) approve the film for public exhibition;

(b) refuse to approve the film for public exhibition; or

(c) approve the film for exhibition subject to such restrictions as they may consider necessary as to the admission of the general public to exhibitions of that film.

(2) Notwithstanding any restrictions which may be imposed in accordance with paragraph (c) of subsection (1) the Censorship Board may in addition refuse to approve any film until such excisions as it may specify have been made to the film.

(3) The Censorship Board shall not impose any conditions in accordance with subsection (2) without having first caused the film, or part of the film, to be exhibited to it.

(4) The Censorship Board may require any film to be exhibited to it for the purposes of the foregoing subsections at such time and such place as may be mutually convenient to it and to the applicant for a permit to exhibit the said film, at the expense and at the risk of the applicant.

(5) The Censorship Board may require the applicant or his representative to attend the exhibition of the film as hereinbefore provided.

6. Decision of Board to grant or refuse to grant permit to be in writing

(1) The decision of the Censorship Board whether to refuse or to grant a film permit shall be given in writing to the applicant.

(2) A permit granted by the Censorship Board shall be in the form set out in Schedule 3.

(3) The permit shall be displayed in a conspicuous position at the premises or place at which the film is shown.

(4) An applicant who is dissatisfied with the decision of the Censorship Board may, within 14 days of receiving the written notification of the Board, make an application in writing to the Minister responsible for the arts setting out in full the grounds on which he requires the Minister to review the decision of the Censorship Board. The Minister responsible for the arts may adopt such procedures as he may deem necessary to consider such appeal, and, without detracting from the generality of the foregoing may require the Chairman of the Censorship Board to set out in writing the reasons for the decisions of the Censorship Board. The decisions of the Minister responsible for the arts shall be final.

7. Validity of permit

(1) A permit issued in accordance with section 6(2) shall be valid for a period of 2 years from the date of issue.

(2) A permit issued by any Censorship Board shall be valid for the whole of Vanuatu.

(3) Where any Censorship Board refuses to grant a permit for the exhibition of any film, no application may be made by any applicant for a period of 3 years from the date of such refusal for a film permit in respect of the said film to that Censorship Board or to any other Censorship Board.

(4) Where any Censorship Board has in respect of any film imposed any restrictions as to the admission of the general public to exhibitions of the said film or has specified that any excisions be made to that film:

(a) no further application shall be made to that Censorship Board or to any other Censorship Board within a period of 3 years for a permit for the exhibition of that film;

(b) the restrictions as to the admissions of the general public to exhibitions of that film or excisions specified to be made to such film shall be observed when the film is exhibited within any district in Vanuatu.

8. Approval of Board required for film advertisements

(1) Subject to the provision of subsection (4) no person shall exhibit, display or otherwise bring to the attention of the public or cause to be exhibited, displayed or otherwise brought to the notice of the public any advertisement (including still photographs and transparencies depicting any scene in the film) of or referring to any film or portion of a film (other than a film exempted under the provisions of section 1(2)) unless and until such advertisement has been approved by the Censorship Board.

(2) The Censorship Board may approve any advertisement submitted to them or may refuse to approve such advertisement or any part thereof absolutely or until such alterations as it may specify shall have been made thereto.

(3) Any advertisement of a film which has been granted a permit subject to conditions in accordance with section 5(1)(c) shall clearly state that the film may be exhibited only subject to the restrictions which may have been imposed by the Censorship Board in accordance with that section.

(4) An advertisement announcing only the title or titles of any film or films (whether accompanied by a statement as to the proposed place and time of exhibition or not) need not be submitted to the Censorship Board.

9. Board may retain unapproved film or advertisement

Any film or advertisement to which the Censorship Board has refused to grant approval may be retained by the Censorship Board pending an appeal to the Minister responsible for the arts in accordance with section 6(4) or until such time as the applicant has made arrangements to the satisfaction of the Censorship Board for the export of the film from Vanuatu:

Provided that if no arrangements for the export of the film are made to the satisfaction of the Censorship Board within a period of 3 months from the date of its signification in accordance with section 6(1) or 8(2) of its refusal of the film or advertisement or the decision of the Minister responsible for the arts following an appeal made to him by the applicant, whichever shall be the later, the Censorship Board shall give the applicant 1 month's notice of its intention to destroy the film or advertisement, and if no steps are taken by the applicant to export the film from Vanuatu the film shall be destroyed under the supervision of the Commissioner of the Vanuatu Police Force.

10. Offences and penalties

(1) Any person who:

(a) exhibits or causes or permits to be exhibited any film or advertisement or otherwise brings to the attention of the public any advertisement which has not received the approval of the Censorship Board; or

(b) exhibits or causes or permits to be exhibited any film or advertisement without complying with such restrictions or excisions as may have been imposed or made by the Board in accordance with sections 5 or 8;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or imprisonment for a period not exceeding 6 months, or to both such fine and imprisonment.

(2) In addition to any penalty imposed in accordance with subsection (1), the court may order that any film or advertisement in respect of which the offence was committed shall be forfeited and destroyed and may also order the closure of the premises in which the film was shown.

11. Issue of warrant to enter premises

A magistrate may issue to any police officer a warrant to enter any premises to which the public have access on payment or otherwise in which any film is being exhibited or in which such officer has reason to believe that any film is being or is about to be exhibited, for ensuring that the provisions of this Act or any permit issued hereunder are being complied with, and any person who prevents or obstructs the entry of any such officer into such premises shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 20,000.

SCHEDULE 1

(section 2)

CONSTITUTION AND PROCEDURE OF CENSORSHIP BOARDS

1. A Censorship Board shall be composed of:
   (a) The District Commissioner for the district or his representative who shall be chairman and who shall preside over the meetings of the Board.
   (b) The District Education Officer or his representative.
   (c) Two persons appointed by the Minister responsible for the arts.
   (d) Two representatives of the Municipal Council.
2. Four members of the Board shall constitute a quorum at any meeting of the Board, provided that there is one member from each of the 4 categories above.
3. The Board may invite any person to attend at the meetings of the Board to give advice.
4. At all meetings of the Board the decision of the majority of members present shall prevail, provided that in the event of equality of votes on any decision the person presiding shall have a second or casting vote.
5. (a) The Board shall cause a proper record of its proceedings to be kept.
   (b) These records shall include a list of all films submitted to it for approval.
6. Every permit, certificate or other document issued by the Board shall be signed by the Chairman of the Board.
7. If the Minister responsible for the arts shall so require, the Board shall submit to him an annual report giving such details as the Minister shall require.
8. Subject to the foregoing, and to the provisions of this Act, the Board may regulate its own procedure.

SCHEDULE 2

(section 1(2)(b))

CERTIFICATE OF EXEMPTION

The Minister responsible for the arts (on the advice of the ..... Censorship Board) hereby certifies that the following films are exempted from the requirements of section 1 of the Censorship of Films Act, Cap. 72 –

.....

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.....

Issued at ..... this ..... day of .....

.....
Minister

SCHEDULE 3

(section 6(2))

FILM PERMIT

The Censorship Board for ..... hereby certifies that the following film(s) has/have been examined by them and that a permit has been granted (subject to the following restrictions on the class of the public who may attend any showing(s) of the said film(s)).

Films .....

.....

Restrictions .....

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Issued at ..... this ..... day of .....

.....
Chairman of the Board

Table of Amendments

1(2)(a) *Amended by Act 2 of 2010*