

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**FILMS ACT
(CHAPTER 107)**

Act
22 of 1981

REVISED EDITION 1985

Films Act

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An Act relating to the possession, distribution and exhibition of films.

[1st October 1981]

Short title.

1. This Act may be cited as the Films Act.

Interpretation.

2. In this Act, unless the context otherwise requires —

“approved warehouse” means any warehouse approved by the Board for the purposes of sections 12 and 13;

“Board” means the Board of Film Censors established under this Act;

“certificate” means a certificate issued under section 15 (3);

“Chairman” means the Chairman of the Board;

“distribute” means to sell, hire out and supply and “distribution” shall be construed accordingly;

“exhibition” includes the production of any music, speech, noise, or other sound which accompanies the projection of a film and “exhibit” shall be construed accordingly;

“film” means a cinematograph film and includes a videotape and any record, however made, of a sequence of visual image, which is a record capable of being used as a means of showing that sequence as a moving picture; and also includes any part of any such film and any copy or part of a copy of the whole or any part of a film;

“licence” means a licence granted under section 7;

“Licensing Officer” means the officer appointed by the Minister under section 3 (3) and includes an Assistant Licensing Officer;

“owner” or “owner of a film” means any person who is for the time being entitled, either as owner or agent for the owner, or otherwise, to the

possession of a film, but does not include a bank through which a film is bona fide consigned for the sole purpose of collecting a trade debt;

“place” means any building or part thereof, enclosure, ground or open-air space and includes a ship, boat or other vessel and any vehicle;

“Secretary” means the Secretary of the Board.

3.—(1) There shall be established a Board of Film Censors consisting of not less than 3 members including a Chairman, all of whom shall be Censors of Films appointed by the Minister. Board and appointment of officers.

(2) The Minister may appoint such Deputy and Assistant Censors of Films and such Inspectors of Films as he may think fit.

(3) The Minister may, by notification in the *Gazette*, appoint an officer to be the Licensing Officer for the purposes of this Act and may similarly appoint such number of Assistant Licensing Officers as may be necessary.

(4) The Board shall be provided with a Secretary and such clerical and other assistance as may be required.

4.—(1) The Board may act notwithstanding any vacancy in its membership. Procedure of Board.

(2) The quorum at all meetings of the Board shall be two in addition to the Chairman.

(3) The Chairman shall have a casting vote in addition to his deliberative vote.

(4) Subject to the provisions of this Act the Board shall regulate its own procedure.

5.—(1) The Board may in its discretion delegate to any Censor, Deputy or Assistant Censor of Films, either generally or in a particular case, all or any of the powers conferred and duties imposed upon it by this Act except the power — Delegation of powers and duties by Board.

(a) to prohibit the exhibition of a film; and

(b) to approve the exhibition of any film with alterations or excisions unless the written consent of the owner to such alterations or excisions has first been obtained.

(2) No delegation under subsection (1) shall debar the Board from the exercise of any power or the performance of any duty so delegated.

(3) Any decision of the Board or of any person to whom any power or duty has been delegated by the Board may be signified under the hand of the Chairman or any person authorised by the Chairman to sign on his behalf and every such decision so signified shall be deemed to be a decision of the Board.

Licence for carrying on any business of importing, making, distributing or exhibiting films.

6.—(1) No person —

(a) shall carry on any business, whether or not the business is carried on for profit, of importing, making, distributing or exhibiting films unless he is in possession of a valid licence; or

(b) being the owner or occupier of any place shall allow the place to be used by, or let the place or otherwise make the place available to, any person who is not the holder of a valid licence for the purpose of carrying on the business of importing, making, distributing or exhibiting films.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of not less than \$5,000 but not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both.

Application for licence.

7.—(1) An application for a licence shall be made to the Licensing Officer in such form as he may require.

(2) On receipt of an application under subsection (1), the Licensing Officer shall consider the application and may grant a licence with or without conditions or refuse to grant a licence without assigning any reason therefor.

(3) The Licensing Officer may at any time vary or revoke any of the existing conditions of a licence or impose new conditions.

Security.

8.—(1) The Licensing Officer may, before granting a licence, require the applicant to give such security as may be prescribed.

(2) Any sum deposited under this section may be forfeited in whole or in part at the discretion of the Licensing Officer on the revocation or suspension of the licence.

(3) Any person aggrieved by a forfeiture under this section may —

- (a) require the Licensing Officer to furnish him within 14 days the reason for the forfeiture; and
- (b) within 14 days of the furnishing to him of the reasons for the forfeiture, appeal in writing to the Minister whose decision shall be final.

9. Every licensee shall pay such licence fee as may be prescribed. Licence fee.

10. A licence shall be in force for such period as the Licensing Officer may determine and may be renewed at the discretion of the Licensing Officer on its expiry. Period for which licence is in force.

11. The Licensing Officer may revoke or suspend a licence if he is satisfied that the licensee — Revocation and suspension of a licence.

- (a) has contravened any of the provisions of this Act or any regulations made thereunder;
- (b) has failed to comply with any of the conditions of his licence;
- (c) has carried on or is carrying on the business of importing, making, distributing or exhibiting films in a manner likely to be detrimental to the interests of the public or his customers; or
- (d) has ceased to carry on the business of importing, making, distributing or exhibiting films.

12.—(1) The owner of any film made in Singapore shall within 7 days after the making of the film deposit the film in a warehouse approved for this purpose by the Board. Films made in Singapore to be deposited in approved warehouse.

(2) Any person who fails to deposit the film in accordance with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

13.—(1) No film shall, on importation by sea, be removed from the vessel by which the film was imported or from any Port of Singapore Authority godown, or, if imported by land or air, from a post office, railway station or other place of arrival without a permit from the Board. Importation of films and removal of films from approved warehouse.

(2) A permit issued by the Board under subsection (1) shall be valid only for such period as may be specified therein.

(3) Every film imported shall forthwith be deposited by the importer thereof in a warehouse approved for this purpose by the Board.

(4) Any person who removes any film in contravention of subsection (1) or fails to deposit it forthwith in an approved warehouse under subsection (3) or who removes a film from any approved warehouse without the permission in writing of the Board shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(5) This section shall not apply to any film which has been approved for exhibition.

Submission
of films for
censorship.

14.—(1) Every film in the possession of any person shall be submitted to the Board without any alteration or excision for the purpose of censorship at the owner's risk and expense and at such time and place as the Board may appoint.

(2) During the course of censorship the Board may in its discretion exclude any person from the place where the film is being exhibited.

(3) The owner may at any time, with the approval in writing of the Board, which shall not be unreasonably withheld, remove any film (other than a videotape or video disc) from any approved warehouse for the purpose of making excisions to it or of reconstructing it, or of obtaining the approval of the Board for its exhibition or of exhibiting exclusively to buyers or exhibitors or their agents.

(4) Any film removed from an approved warehouse under subsection (3) shall be returned to that warehouse within 48 hours of the time of its removal therefrom and any excised parts, if excision has been made, shall within 48 hours be delivered to the Board.

(5) Any owner who fails to comply with subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(6) There shall be charged for the censorship of any film such fees as may be prescribed.

15.—(1) After the submission of a film for the purpose of censorship the Board may —

Prohibition and approval of films for exhibition.

- (a) approve the film for exhibition without alteration or excision;
- (b) prohibit the exhibition of the film; or
- (c) approve the film for exhibition with such alterations or excisions as it may require.

(2) The Board shall in any case to which subsection (1) (b) or (c) applies furnish to the owner in writing its reasons for the prohibition or for requiring the alterations or excisions.

(3) Where any film is approved for exhibition, the Chairman shall, when the required alterations or excisions, if any, have been made, issue such certificate as the Minister may direct approving the exhibition of the film.

16.—(1) The Board may, when approving the exhibition of any film under section 15, classify the film in such manner as it may think fit and the Minister may approve the classifications under which films may be classified.

Classification of films.

(2) Where any film is classified under subsection (1), the Board shall specify the classification of the film in the certificate issued in respect of that film and may impose such conditions as it thinks fit.

(3) Any person who contravenes or fails to comply with any of the conditions imposed under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

17.—(1) When alterations or excisions to a film are required by the Board, the alterations or excisions may be made by the Board or, with the consent of the Board, by the owner of the film.

Alterations and excisions of films by Board.

(2) Any film delivered to the owner for any alteration or excision shall be returned to the Board within 48 hours of the time of its delivery, and any owner who fails to return the film, together with the excised parts if excision has been made or intact if he has not made the required excisions, within that period without good and reasonable cause shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Retention of prohibited films by Board.

18.—(1) Where the Board has prohibited the exhibition of any film or any part of any film, it may retain the film or any excised part of the film until it is exported or is disposed of under section 28.

(2) On request by the person who submitted the film for censorship the Board shall return the film or any part of any film retained under subsection (1) if the Board is satisfied that the person intends to take or send the film out of Singapore.

Duplicate film.

19. If the owner of a film satisfies the Chairman that a duplicate of a film already approved for exhibition by the Board is deposited in an approved warehouse, the Chairman may, without any further inspection, issue a certificate approving the exhibition of that film.

Interdiction of films approved by Board.

20.—(1) A certificate shall cease to be valid on notice to that effect being given by the Board to the person who submitted the film for the purpose of censorship or to any person in possession of the film; and where any such person cannot be found the notice may be given by publication in the *Gazette*.

(2) On receipt of a notice under subsection (1) the person having possession or control of the film to which it relates shall forthwith return the certificate to the Board and shall also, if so required by the Board, return the film for further examination.

(3) Any person who fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Penalty for possession, exhibition or distribution of uncensored films.

21.—(1) Any person who —

(a) has in his possession; or

(b) exhibits or distributes,

any film without a valid certificate approving the exhibition of the film shall be guilty of an offence and shall be liable on conviction —

(i) in respect of an offence under paragraph (a), to a fine of not less than \$100 for each such film that he had in his possession (but not to exceed in the aggregate \$20,000); and

- (ii) in respect of an offence under paragraph (b), to a fine of not less than \$100 for each such film that he had exhibited or distributed (but not to exceed in the aggregate \$20,000) or to imprisonment for a term not exceeding 6 months or to both.

(2) Any Censor and any Deputy or Assistant Censor and any Inspector of Films may at all reasonable times enter any place in which any film is kept or is being or is about to be exhibited and may examine the film, and if on such examination he has reasonable grounds for believing that an offence under this section has been or is about to be committed in respect of the film he may seize the film and any equipment used in the commission of the offence.

(3) Any film and equipment seized under subsection (2) in respect of which any person has been convicted under this section shall be forfeited and shall be destroyed or otherwise disposed of in such manner as the Minister may direct.

(4) For the purposes of this section if any film is altered in any way after it has been approved for exhibition under this Act, the film shall be deemed not to have been so approved.

22.—(1) No person shall advertise or cause to be advertised the exhibition or distribution of any film unless the advertisement has been approved by the Board.

Adver-
tise-
ment of
films for
exhibition
prohibited
unless
approved by
Board.

(2) Any person who advertises or causes to be advertised any film where the advertisement in respect of the film has not been approved by the Board under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

23.—(1) Whenever a Deputy or Assistant Commissioner of Police is satisfied upon written information and after any further inquiry which he may think necessary that any film —

Search for
unauthorised
films and
arrest of
persons
concerned.

(a) which has not been —

- (i) deposited in a warehouse as required by section 12 or 13;
- (ii) returned to the Board as required by section 14 (4); or
- (iii) approved for exhibition under section 15 or 26 (4);

- (b) in respect of which the certificate issued therefor has ceased to be valid under section 20; or
- (c) which has been altered in any way after a certificate in respect of the film was issued,

has been or is being exhibited or kept in any place he may issue a warrant directed to any police officer to enter and search that place and seize the film and to take into custody any person reasonably believed to be guilty of an offence by reason of failure to deposit or to return the film or by reason of such possession or exhibition.

(2) A Deputy or Assistant Commissioner of Police may without warrant, with such assistance and by such force as is necessary, by night or by day, himself do what he may authorise any police officer to do under subsection (1) in either of the following cases:

- (a) if he has personal knowledge of such facts as satisfy him that there are sufficient grounds for a search; or
- (b) if he receives information orally in such circumstances that the object of a search would in his opinion be defeated by the delay necessary for reducing the information to writing except that the name and address of the person giving the information is known to or ascertained by him before he acts upon the information.

Appeals.

24.—(1) Any owner of a film aggrieved by any act or decision of the Board may, within 30 days of the date on which he is notified thereof, and on payment of such fee as may be prescribed, appeal to a Committee of Appeal by lodging with the Secretary a written notice of appeal.

(2) Any representation by the owner to the Committee of Appeal shall be in writing and shall be included in or attached to his notice of appeal.

(3) The Secretary may in his discretion require in addition to such appeal fee as may be prescribed the deposit of such sum as shall be sufficient to cover any further fee which may become payable as a result of the appeal.

(4) For the purposes of the appeal the owner shall deliver to the Secretary any film at such time and place as the Secretary may direct.

25.—(1) For the purposes of this Act there shall be a Committee of Appeal consisting of 9 members to be appointed by the Minister. Committee of Appeal.

(2) A member of the Committee of Appeal shall, unless he earlier resigns, hold office for one year from the date of his appointment.

(3) A member of the Committee of Appeal may at any time, by letter addressed to the Minister, resign his membership thereof.

(4) Any vacancy in the membership of the Committee of Appeal shall be filled by the appointment of a member by the Minister but no act or decision of the Committee of Appeal shall be invalid by reason only of there being any vacancy in their number.

(5) The Chairman and the Vice-Chairman of the Committee of Appeal shall be appointed by the Minister.

(6) At any meeting of the Committee of Appeal in the absence of both the Chairman and the Vice-Chairman, the members there present shall elect one of their number to preside at that meeting.

(7) At any meeting of the Committee of Appeal 5 members shall form a quorum and in the case of an equality of votes the Chairman, the Vice-Chairman or other member presiding shall have a casting vote.

26.—(1) The Committee of Appeal is hereby empowered to make such order as it thinks fit in regard to — Powers of Committee of Appeal.

(a) the approval for exhibition of any film which is the subject of appeal;

(b) the excision or retention of any part of any such film; and

(c) the classification of any film.

(2) If the Committee of Appeal on dismissing an appeal is of the opinion that the appeal was frivolous or vexatious, it may require the payment of a further fee not exceeding \$250 in addition to the prescribed fee and if any sum has been deposited under section 24 (3) may order the forfeiture of that sum or any part thereof in satisfaction or part satisfaction of the further fee.

(3) The decision of the Committee of Appeal shall be final.

(4) The decision of the Committee of Appeal shall be communicated forthwith to the Chairman of the Board who shall, if necessary, issue a certificate in respect of the film or alter or amend such a certificate and shall take such other action, if any, as is necessary to give effect to the decision.

Minister may order Committee of Appeal to inspect any film.

27.—(1) The Minister may, whenever he thinks it necessary or desirable, order the Committee of Appeal to cause to be exhibited before the Committee of Appeal any film whether it has been approved for exhibition or not for the purpose of considering whether the film should or should not be so approved.

(2) The owner of the film, upon receiving notice of an order made in respect thereof under subsection (1) from the Secretary, shall deposit or exhibit the film at such time and place as may be stated in the notice.

(3) The Committee of Appeal may after such exhibition make in respect of the film any such order as is specified in section 26 (1), and section 26 (4) shall thereupon apply to that order.

(4) Any owner who fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Disposal of unclaimed films.

28. Any film which has been deposited in any approved warehouse for two years and the owner thereof is unknown or has failed during that period to obtain the approval of the Board or having obtained it has failed to remove the film from the possession of the Board, and any film retained by the Board under section 18 and not claimed by the owner within two years of the date upon which approval for exhibition was refused or, if there is any appeal, from the date of the decision of the Committee of Appeal, may be destroyed or otherwise disposed of as the Board thinks fit.

Penalty for possession, distribution or exhibition of obscene or lewd film.

29.—(1) Any person who —
 (a) has in his possession; or
 (b) exhibits or distributes,

any obscene or lewd films shall be guilty of an offence and shall be liable on conviction —

- (i) in respect of an offence under paragraph (a), to a fine of not less than \$500 for each such film he had in his possession (but not to exceed in the aggregate \$20,000) or to imprisonment for a term not exceeding 6 months or to both; and
- (ii) in respect of an offence under paragraph (b), to a fine of not less than \$1,000 for each such film he had exhibited or distributed (but not to exceed in the aggregate \$40,000) or to imprisonment for a term not exceeding 2 years or to both.

(2) A Deputy or Assistant Commissioner of Police or any Censor, Deputy or Assistant Censor or Inspector of Films if satisfied upon written information and after such further inquiry as he thinks necessary that any person has in his possession any obscene or lewd film, may without warrant, with such assistance and by such force as is necessary, by night or by day, enter and search any place where he has reason to believe the film is kept, seize the film and any equipment used in the exhibition or making of the film and take into custody any person reasonably believed to be in possession thereof.

(3) Any film and equipment used in the exhibition or making of the film in respect of which any person has been convicted under this section shall be forfeited and shall be destroyed or otherwise disposed of in such manner as the Minister may direct.

30.—(1) Notwithstanding the provisions of this Act if the Minister is of the opinion that the possession or distribution of any film would be contrary to the public interest, he may in his discretion by order published in the *Gazette* prohibit the possession or distribution of that film by any person.

Minister may prohibit the possession or distribution of any film.

(2) Any person who has in his possession or who distributes any film the possession or distribution of which has been prohibited under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both, and the film shall be destroyed or otherwise disposed of as the Minister thinks fit.

Protection from personal liability.

31. No suit, prosecution or other legal proceeding shall lie against any person employed in the office of the Board or other person acting under the direction of the Board for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.

Protection of Board and Government from liability.

32. Any film deposited in or delivered at any approved warehouse shall be stored therein at the risk and expense of the owner, and neither the Board nor the Government shall be liable for any loss of or damage to the film unless the loss or damage has been caused by some wilful act on the part of the Board, any member thereof, or its staff.

Officers to be public servants. Cap. 224.

33. All persons employed in the office of the Board and all members of the Committee of Appeal shall be deemed to be public servants within the meaning of the Penal Code.

Court for trial of offence.

34. Any offence under this Act may be tried by a District or Magistrate's Court and that Court shall, notwithstanding any other written law, have jurisdiction to impose the maximum penalty provided for by this Act.

Exemptions.

35.—(1) This Act shall not apply to —

- (a) any film sponsored by the Government;
- (b) any film, not being obscene or lewd or any feature, commercial, documentary or overseas television serial film, which is made by an individual and is not intended for distribution or public exhibition; and
- (c) any film reproduced from local television programmes and is not intended for distribution or public exhibition.

(2) The Minister may, subject to such conditions as he thinks fit, exempt any person or class of persons or any film or class of films from all or any of the provisions of this Act.

(3) An exemption granted under this section may be withdrawn at any time.

Regulations.

36.—(1) The Minister may make regulations for, or in respect of, every purpose which is considered necessary for carrying out the provisions of this Act and for the prescribing of any matter which is authorised or required under this Act to be so prescribed.

(2) Without prejudice to the generality of subsection (1), the Minister may by such regulations —

- (a) prescribe fees to be charged under this Act;
- (b) regulate the conduct of the business of importing, making, distributing or exhibiting films by persons holding licences granted under this Act;
- (c) prescribe the kind and amount of security to be given under this Act;
- (d) provide that all cinemas or any class of cinemas shall show not less than the prescribed number or prescribed proportion of films of a specified class or from a specified country of origin; and
- (e) provide that all cinemas or any class of cinemas shall show not more than a prescribed number or a prescribed proportion of films of a specified class or from a specified country of origin.