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FILMS ACT (CHAPTER 107)

FILMS (CLASSIFICATION AND LICENSING) REGULATIONS 2019

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In exercise of the powers conferred by section 41 of the Films Act, the Minister for Communications and Information makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations are the Films (Classification and Licensing) Regulations 2019 and come into operation on 29 April 2019.

Definitions

2. In these Regulations, unless the context otherwise requires —

“advisory service” means a service by the Authority of assessing whether a film (other than a video game) is an exempt film within the meaning given by the Films (Classification — Exempt Films Other than Video Games) Notification 2019 (G.N. No. S 338/2019);

“alternative classification marking” has the meaning given by the Films (Classification Ratings) Order 2019 (G.N. No. S 340/2019);

“class licensee” means a person to whom a class licence in the Films (Class Licence for Lending by Libraries and Educational Institutions) Order 2019 (G.N. No. S 336/2019) applies, but does not include a person for the time the application of that class licence is suspended or disapplied under the Act;

“classifiable element”, for a film that is a video game, means any of the following:

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- (a) depiction of, or dialogue or commentary about, violence (whether or not against a human being);
 - (b) nudity;
 - (c) depiction of, or dialogue or commentary about, sexual activity or sexual behaviour (whether or not involving a human being);
 - (d) coarse language in dialogue or commentary;
 - (e) depiction of, or dialogue or commentary about, drug or psychoactive substance abuse or other unlawful conduct;
 - (f) depiction of, or dialogue or commentary about, racial, religious or political matters;
 - (g) depiction of, or dialogue or commentary about, abhorrent phenomena, whether natural or pertaining to the supernatural;

“classification label”, for a classified film, means a classification label made available under section 18 of the Act, and showing —

- (a) for a classified film distributed by a class licensee in accordance with the Films (Class Licence for Lending by Libraries and Educational Institutions) Order 2019, the alternative classification marking corresponding to the classification rating assigned to that film under the Act; or
- (b) for any other case, the classification marking corresponding to the classification rating assigned to that film under the Act;

“classification marking” has the meaning given by the Films (Classification Ratings) Order 2019 but does not include an alternative classification marking;

“commentary”, for a film which is wholly or partly in a language other than an official language, includes any subtitles and any captioning, whether closed or open, in any official language;

“consumer advice”, for a classified film, means the consumer advice (if any) included in the classification certificate issued in respect of the classified film under section 18(3)(b) of the Act;

“container”, for a film, includes a wrapping, casing, box or other thing in or with which the film is enclosed for the purpose of retail distribution and presentation to a consumer;

“distribution outlet” means a place in Singapore at which films are being distributed;

“licence” does not include a class licence determined under an order made under section 10A of the Act;

“licensee” does not include a class licensee;

“official language” means Malay, Mandarin, Tamil or English;

“priority processing”, in relation to an application to classify or re-classify a film, means an application to complete classification or re-classification of the film within the following period:

(a) in the case of a film intended for public exhibition, within 5 working days after the application is made;

(b) in the case of a film intended for distribution —

(i) within 5 working days after the application is made, if the length of the film (before classification or re-classification) is 200 minutes or shorter; or

(ii) within 10 working days after the application is made, if the length of the film (before classification or re-classification) is longer than 200 minutes;

(c) in the case of a film which is a video game, 5 working days after the application is made;

“psychoactive substance” means any opioid, cannabinoid, sedative, hypnotic, cocaine, other psychostimulant,

hallucinogen or volatile solvent, but does not include alcohol, coffee and tobacco;

“public exhibition point” means any place in Singapore where films are being or are to be publicly exhibited, and includes a cinema multiplex with one or more exhibition halls;

“storage device” means a device on which a film, or an advertisement for a film, is recorded or stored, such as a video tape, disc, cartridge or memory stick;

“temporary distribution outlet” means a place at which films are being or are to be distributed for a continuous period no longer than 30 days;

“temporary public exhibition point” means a place at which films are being or are to be publicly exhibited for a continuous period no longer than 30 days;

“working day” does not include any Saturday, Sunday and public holiday.

PART 2

LICENCES TO DISTRIBUTE OR PUBLICLY EXHIBIT FILM

Licensee to provide security

3. For the purposes of section 8(1) of the Act, the Authority may, upon granting a licence mentioned in section 6(1)(b) or (c) of the Act, require the licensee to give a security, in the form of a cash deposit or bank guarantee, of an amount not exceeding —

- (a) \$5,000, for a licence to distribute one or more films in the course of business at a temporary distribution outlet;
- (b) \$10,000, for a licence to publicly exhibit one or more films in the course of business at a temporary public exhibition point; or
- (c) \$30,000, for any other licence.

Licence fee

4. For the purposes of section 9 of the Act, the fee for a licence mentioned in section 6(1)(b) or (c) of the Act is the relevant amount, or an amount derived from applying the relevant rate, specified in the Schedule for that type of licence.

PART 3**CLASSIFICATION OF FILMS****Application for classification of film, etc.**

5.—(1) For the purposes of section 14(1)(b)(i) of the Act, an application for classification or re-classification of a film must be accompanied by the relevant application fee specified in the Schedule.

(2) For the purposes of section 14(1)(b)(ii) of the Act, an application for classification or re-classification of a film which is not a video game must be accompanied by —

- (a) a copy of the film that is complete and adequate to allow a proper consideration of the application; and
- (b) a document in English setting out —
 - (i) the title of the film;
 - (ii) the language or languages used in the film; and
 - (iii) the format of the film.

(3) For the purposes of section 14(1)(b)(ii) of the Act, an application for classification or re-classification of a film which is a video game must be accompanied by —

- (a) either of the following:
 - (i) a copy of the video game that is complete and adequate to allow a proper consideration of the application or a recording if the game is not an amusement or circuit board game that makes it physically impracticable to submit to the Authority's premises for classification;

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- (ii) a video recording of the gameplay accompanied by a description of the gameplay that is complete and adequate to allow a proper consideration of the application;
 - (b) if the application is for classification of a video game that is an add-on, either of the following:
 - (i) a copy of the video game into which the add-on is capable of generating new elements or additional levels;
 - (ii) a video recording of the gameplay into which the add-on is capable of generating new elements or additional levels accompanied by a description of the gameplay that is complete and adequate to allow a proper consideration of the application;
 - (c) a document in English setting out —
 - (i) the title of the video game;
 - (ii) the year the video game is first distributed or publicly exhibited anywhere, whether in Singapore or elsewhere;
 - (iii) the name of the publisher;
 - (iv) the country or territory where the game is intended to be distributed; and
 - (v) the platform or electronic system on which the video game may be typically played on, such as Playstation, Xbox One or Windows; and
 - (d) if any part of the video game is likely to be regarded as containing contentious material or a classifiable element —
 - (i) particulars of that contentious material or classifiable element; and
 - (ii) the means by which access to that contentious material or classifiable element may be gained.

Other refused classification material

6.—(1) The following material (whether a depiction, portrayal or an image, or a dialogue, reference or commentary) which have the following impact are prescribed for the purposes of section 16(1)(e) of the Act:

- (a) any material that undermines or is likely to undermine public order, or is likely to be prejudicial to national interest;
- (b) any material that promotes or is likely to promote feelings of ill-will or hostility between different racial or religious groups in Singapore or is denigrating any racial or religious community;
- (c) any material that is likely to cause feelings of enmity, hatred, or hostility between different communities in Singapore;
- (d) any material that is about or promotes —
 - (i) deviant sexual behaviour; or
 - (ii) sexual behaviour that does not reflect current community attitudes and values in Singapore;
- (e) any material containing —
 - (i) detailed or gratuitous depictions of extreme violence or cruelty;
 - (ii) detailed instructions on methods of crime or killings; or
 - (iii) excessive or exploitative depictions of sexual violence;
- (f) any material that includes exploitative depictions of sexual activity;
- (g) any material that includes exploitative nudity;
- (h) any material that promotes drug or psychoactive substance abuse, or includes detailed and instructive depictions of drug or psychoactive substance abuse.

(2) For the purpose of determining the impact of any material for any purpose under this regulation, regard must be given (as appropriate) to all of the following matters:

- (a) the detail contained in a depiction, portrayal or an image, or a dialogue, reference or commentary, including the use of close-ups and slow motion;
- (b) the use of special effects, such as lighting and sound, resolution, colour, size of images, characterisation and tone;
- (c) the realism of any depiction, portrayal, image, dialogue, reference or commentary;
- (d) whether the matter has greater cultural or political significance or is of particular public controversy in Singapore at the time of classification or re-classification;
- (e) whether accentuation techniques are used, such as lighting, perspective and resolution;
- (f) whether the depiction, portrayal or an image, or dialogue, reference or commentary, is prolonged or repeated frequently;
- (g) whether the material encourages interactivity;
- (h) whether the material is visual or verbal.

Material unlikely to result in different classification

7. For the purposes of section 17(3)(b) of the Act, the following content or material in a classified film are prescribed as not likely to cause the film to be given a different classification rating:

- (a) a mark, sign or logo (whether or not registered as a trade mark or service mark under any written law) relating to a film or the producers of a film or both, for the purpose of distinguishing the film from other films produced by others;
- (b) a disclaimer of legal liability in text;
- (c) a copyright warning;

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- (d) information or markings indicating the classification of a film by a foreign body corresponding to the Authority;
 - (e) textual acknowledgment identifying the film by its title or other description and the identity of the maker and other persons involved in the production of the film;
 - (f) a change in the medium format of a film;
 - (g) a change in the aspect ratio of the images contained in a film;
 - (h) a format change from 2-dimension to 3-dimension or vice versa;
 - (i) a remastering of a film to improve the quality of its sounds or images or both, such as increase in resolution, increase in colour depth, reduce noise, improve sound, and introduce high dynamic range;
 - (j) subtitles and captioning if the film is wholly in one or more official languages.

Affixing classification label

8. For the purposes of section 18(5)(b) of the Act, before a copy of a classified film is distributed, a classification label in respect of the film must be affixed to every copy of that film as follows:

- (a) the classification label must be affixed on any exterior part of —
 - (i) the storage device in which a film is stored;
 - (ii) the container in which a film or the storage device in sub-paragraph (i) is contained inside; or
 - (iii) where a container mentioned in sub-paragraph (ii) is contained in one or more larger containers, the largest container in addition to sub-paragraph (ii);
- (b) the classification label must be so displayed that —
 - (i) the classification marking or alternative classification marking (whichever is applicable) on it is clearly legible; and

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- (ii) the typeface and colours are prominent and easily distinguishable from any other information, diagram or image with which the classification marking or alternative classification marking (whichever is applicable) is displayed;
 - (c) the classification label must not be obscured by other material displayed on the storage device or container for the film.

Display of consumer advice

9. For the purposes of section 21(6) of the Act, any consumer advice relating to a classified film which is distributed must be displayed as follows:

- (a) the consumer advice must be affixed on any exterior part of —
 - (i) the storage device in which a film is stored;
 - (ii) the container in which a film or the storage device in sub-paragraph (i) is contained inside; or
 - (iii) where a container mentioned in sub-paragraph (ii) is contained in one or more larger containers, the largest container in addition to sub-paragraph (ii);
- (b) the consumer advice must be so displayed that its contents are clearly legible, prominent and easily distinguishable from any other information, diagram or image with which the consumer advice is displayed;
- (c) the consumer advice must not be obscured by other material displayed on the storage device or container for the film.

PART 4
MISCELLANEOUS

Information needed for film advertisement approval application

10. For the purposes of section 22A(2)(b)(iii) of the Act, an application for approval of an advertisement for a film that is intended for distribution or public exhibition must be accompanied by all the following information:

- (a) the places at which, or the publications in which, the advertisement is to be displayed, played or published, as the case may be;
- (b) the period the advertisement is to be displayed, played or published, as the case may be;
- (c) the dimensions of the advertisement when displayed or published (as the case may be), disregarding any frame, hoarding, object or other structure that is designed or used primarily for the display or publication of the advertisement that is larger than the advertisement.

Appeal against classification decisions

11. For the purposes of section 24(6) of the Act, every appeal under section 24 of the Act must be accompanied by —

- (a) a copy of the appealable decision appealed against, and documents supporting the arguments of fact or law in the appeal; and
- (b) for an appeal to the Committee of Appeal, a fee of \$500 for each film involved in the appeal.

Waiver or reduction of fee

12. The Authority may waive or reduce any fee payable under these Regulations in any particular case where equitable.

Revocation

13. The following Regulations are revoked:

- (a) the Films (Fees) Regulations (Rg 2);
- (b) the Films (Licensing and Classification) Regulations (Rg 3).

THE SCHEDULE

Regulations 4 and 5(1)

FEES

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| 1. Application to classify or re-classify video game for distribution or public exhibition | \$50 per video game |
| 2. Application for priority processing of classification or re-classification of video game for distribution or public exhibition | \$200 per video game |
| 3. Application to classify or re-classify, or for an advisory service about, other film for distribution | An amount equal to \$10 for every half hour (or part thereof) of the length of the film |
| 4. Application for priority processing of classification or re-classification of, or for an advisory service about, other film for distribution | An amount equal to \$10 for every half hour (or part thereof) of the length of the film, plus 50% of that amount |
| 5. Application for classification or re-classification of, or for an advisory service about, other film for public exhibition | An amount equal to \$82 for every half hour (or part thereof) of the length of the film |
| 6. Application for priority processing of classification or re-classification of, or for an advisory service about, other film for public exhibition | An amount equal to \$82 for every half hour (or part thereof) of the length of the film, plus 50% of that amount |
| 7. Application to classify or re-classify, or for an advisory service about, other film for any not-for-profit distribution or not-for-profit public exhibition | An amount that is 25% of the amount which would have been payable under item 3 or 5 if not for this item |

 THE SCHEDULE — *continued*

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| 8. For classification label issued for a film classified by a registered film content assessor | 40 cents for each classification label |
| 9. For classification label issued for a film classified or re-classified other than by a registered film content assessor | 80 cents for each classification label |
| 10. Licence to distribute at one or more distribution outlets (including temporary distribution outlets) classified films except video games | (a) \$1,200 for 12 months' licence
(b) \$3,000 for 36 months' licence |
| 11. Licence to distribute at one or more distribution outlets (including temporary distribution outlets) classified films with "G", "PG" or "PG13" classification rating except video games | (a) \$600 for 12 months' licence
(b) \$1,500 for 36 months' licence |
| 12. Licence to distribute at one or more temporary distribution outlets only, classified films except video games | \$6 per day the licence authorises films to be distributed or \$100, whichever is the lower |
| 13. Licence to publicly exhibit at one or more public exhibition points that are not temporary public exhibition points, films with "R21", "M18" or "NC16" classification rating | (a) \$600 for 12 months' licence
(b) \$1,500 for 36 months' licence |
| 14. Licence to publicly exhibit at one or more temporary public exhibition points only, films with "R21", "M18" or "NC16" classification rating | \$100 per month or part thereof for each temporary public exhibition point the licence authorises films to be publicly exhibited |
| 15. Verification of film (other than video game) intended for distribution or public exhibition that the film is identical to a film which is already classified | (a) \$10 per film intended for distribution
(b) \$50 per film intended for public exhibition |

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