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FILMS ACT (CHAPTER 107)

FILMS (EXEMPT VIDEO RECORDINGS) NOTIFICATION 2013

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In exercise of the powers conferred by section 40(2) of the Films Act, the Minister for Communications and Information hereby makes the following Notification:

Citation and commencement

1. This Notification may be cited as the Films (Exempt Video Recordings) Notification 2013 and shall be deemed to have come into operation on 28th January 2013.

General definitions

2.—(1) In this Notification, unless the context otherwise requires —

“documentary record” means a non-fictional record of actual persons, events or situations, and includes a program the sole or dominant purpose of which is to depict actual, contemporary events, people or situations in an entertaining way or with a heavy emphasis on entertainment value;

“television series” means 2 or more episodes that are produced wholly or principally for exhibition to the public on television under a single title, that contain a common theme or themes and dramatic elements that form a narrative structure, and that are produced wholly or principally for exhibition together, for one or more markets;

“video tape” or “video disc” means any film produced for distribution to the public as a video recording (whether on video tapes, digital video discs or otherwise).

(2) In this Notification, “completed” means —

(a) for a video tape or video disc that is not a television series or a season of a television series — when it is first in a state where copies of the video tape or video disc can reasonably be regarded as ready to be distributed to the general public;

(b) for a video tape or video disc that is a television series — the time when the television series is first in a state where it can reasonably be regarded as ready to be distributed, broadcast or exhibited to the general public; or

(c) for a video tape or video disc that is a season of a television series — the time when the season is first in a state where it can reasonably be regarded as ready to be distributed, broadcast or exhibited to the general public.

Meaning of “exempt video recording”

3.—(1) In this Notification, an “exempt video recording” means any of the following video tapes or video discs containing material that may be classified under the Act as suitable for general exhibition and not containing any impermissible material referred to in sub-paragraph (2):

(a) a video tape or video disc comprising wholly a documentary record of —

(i) any instrumental music performance, such as but not limited to orchestral or ensemble works and traditional or folk music played using ethnic musical instruments;

(ii) any performance of choral music, jazz music, folk songs or other music of ethnic origin, such as but not limited to “Dondang Sayang” and “Dikir Barat”;

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- (iii) any performance of any traditional drama, pantomime or puppet show or any folk puppetry or play, such as but not limited to “Bangsawan”, Chinese “cross-talk”, Shakespearean plays and “Wayang Kulit”;
 - (iv) any ballet, ballroom dance, or traditional or folk dance in their original format, such as but not limited to “Bharatanatyam”, Flamenco and “Ronggeng”; or
 - (v) any other classical or traditional dance, play, art form or performance;
- (b) a video tape or video disc comprising wholly a documentary record of any horse-riding, athletic activity or performance involving acrobatics or any sporting event, not including any opening ceremony or closing ceremony, parade or similar activity connected therewith;
 - (c) a video tape or video disc comprising wholly a documentary record of any community-based cultural activity or event, or of any National Day celebration or rally, State funeral or other public event of national significance;
 - (d) a video tape or video disc comprising wholly of news bulletins or reports;
 - (e) a video tape or video disc for use pursuant to a branch of knowledge conducted on objective principles involving the systemised observation of, and experiment with, phenomena;
 - (f) a video tape or video disc of a technical or similar nature for use in the course of a business or trade or of a profession;
 - (g) a video tape or video disc whose main purpose is for training, instruction or reference, as a manual, a lesson, an encyclopedia or a guide;
 - (h) a video tape or video disc comprising wholly of any programme that, before the making of the video tape or video disc, was broadcast in Singapore on free-to-air television;
 - (i) a video tape or video disc comprising wholly of one or more episodes of a television series, or from a season of a television series, being a television series or season thereof completed before 1980 anywhere;
 - (j) a video tape or video disc completed before 1966 anywhere;
 - (k) a video tape or video disc made solely for karaoke with images of scenery, wildlife or other activity only;

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- (l) a video tape or video disc comprising wholly of an advertising program or a commercial —
 - (i) that promotes or is designed to publicise any goods (other than a film), any brand of products or any services; or
 - (ii) that promotes or is designed to publicise any event;
 - (m) a video tape or video disc comprising wholly of a quiz program or a program of a like nature;
 - (n) a video tape or video disc comprising wholly a documentary record of —
 - (i) monuments, buildings or architectural works;
 - (ii) wildlife or nature, geological formations or other natural features;
 - (iii) natural or scientific phenomena, or actual events of a medical or scientific nature; or
 - (iv) elements or structures of an archaeological or a historical nature; or
 - (v) actual events or persons (historical or contemporary), including actual travel by or a biography of an actual person;
 - (o) a video tape or video disc comprising wholly —
 - (i) a demonstration for any task, hobby or project; or
 - (ii) a documentary record of any family event or activity; or
 - (p) a video tape or video disc comprising wholly a magic show, a circus performance, or any other show or performance that a reasonable adult will regard as suitable for children below the age of 7 years.
- (2) In sub-paragraph (1), “impermissible material” means —
- (a) any matter likely to cause offence to any race or religious group in Singapore;
 - (b) any matter likely to cause feelings of enmity, hatred, ill-will or hostility between different races or religious groups in Singapore;
 - (c) any religious teaching or instruction;

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- (d) any matter —
- (i) directly or indirectly counselling or urging the doing of any unlawful act or providing instruction on the doing of any unlawful act; or
 - (ii) directly praising the doing of an unlawful act in circumstances where there is a risk that such praise might have the effect of leading a person (regardless of his age or any mental impairment that the person may suffer) to engage in the unlawful act;
- (e) any depiction or description of sex, sexual matters or nudity of any kind (including images of persons in titillating attire);
- (f) any coarse language, or any depiction or description of acts of torture, cruelty or violence (whether or not sexual) or of abhorrent phenomena, whether natural or pertaining to the supernatural; or
- (g) any express or implied reference to, or comment on, any candidate, any political party, any election, any referendum, any member of any Legislature, any government or previous government or any opposition to any government or previous government, whether that candidate, political party, election, referendum, member of any Legislature, any government or previous government or opposition is in Singapore or elsewhere.

Exemption from depositing in approved warehouse

4. Section 13(1), (3) and (4) of the Act shall not apply to or in relation to any exempt video recording that is imported by sea, land or air.

Exemption from submission for censorship

5. Section 14 of the Act shall not apply in respect of the possession by any person of any exempt video recording.

Exemption for possession, distribution and reproduction

6. Section 21(1) of the Act shall not apply in respect of the possession, distribution or reproduction by any person of any exempt video recording, subject to the condition that the exempt video recording shall have affixed on its casing, wrapping or container giving such information relating to the contents of the video recording as the Board may require.

No exemption for unlawful film, etc.

7. For the avoidance of doubt, this Notification shall not exempt from the provisions of the Act any film for exhibition in a cinema or theatre or other similar premises, any party political film, any obscene film or any film prohibited under section 35 of the Act or any act in relation to any such film.

Made this 18th day of September 2013.

AUBECK KAM
Permanent Secretary,
Ministry of Communications and Information,
Singapore.

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