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FILMS ACT
(CHAPTER 107)

FILMS
(CLASS LICENCE FOR LENDING BY
LIBRARIES AND EDUCATIONAL INSTITUTIONS)
ORDER 2019

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In exercise of the powers conferred by section 10A of the Films Act, the Info-communications Media Development Authority makes the following Order:

PART 1
PRELIMINARY

Citation and commencement

1. This Order is the Films (Class Licence for Lending by Libraries and Educational Institutions) Order 2019 and comes into operation on 29 April 2019.

Definitions

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

“appropriate film” means a film that is assigned under the Act a classification rating of “G”, “PG”, “PG13”, “NC16” or “M18”;

“class licensee” means a person to whom a class licence by virtue of this Order applies but does not include a person for the time the application of that class licence is suspended or disapplied under 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” means —

- (a) supplying by lending to an individual in Singapore for a fixed period (whether or not for reward); or
- (b) displaying or inviting to treat for an act mentioned in paragraph (a);

“film” does not include any video game;

“National Archives of Singapore” has the meaning given by the National Library Board Act (Cap. 197);

“National Library Board” means the public authority of that name established under section 3 of the National Library Board Act;

“publicly-funded library” means —

- (a) a library the materials of which are owned by the National Library Board; or
- (b) a library the administration of which is, directly or indirectly and in whole or in part, funded by the Government and which is designated by the National Library Board to be a public-funded library,

but does not include any relevant archive or institute;

“relevant archive or institute” means any of the following:

- (a) the Lee Kong Chian Reference Library;
- (b) the Library@Esplanade;
- (c) the Asian Film Archive;
- (d) the National Archives of Singapore;
- (e) the ISEAS – Yusof Ishak Institute;

“relevant unclassified film”, in relation to a class licensee, means any of the following films the acquisition of which by the class licensee is approved by the Authority before the film is first distributed by the class licensee under this Order:

- (a) a film which is refused classification because it contains material mentioned in section 16(1)(d) or (e) of the Act;
- (b) a film that, by virtue of section 17(1) of the Act, becomes unclassified because it is modified and no longer an identical copy of a classified film;
- (c) a film that is unclassified for any other reason,

but does not include an obscene film, a party political film, a prohibited film;

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

(2) A reference in this Order to a film which is refused classification because it contains material mentioned in section 16(1)(d) of the Act includes a film in respect of which the Board of Film Censors or the Committee of Appeal has, before 29 April 2019, refused to classify on the ground that it is against national security to be classified.

(3) In this Order —

- (a) the person who manages and administers the Lee Kong Chian Reference Library or the Library@Esplanade is the National Library Board; and
- (b) the person who manages and administers the National Archives of Singapore is the Director of National Archives.

PART 2

EDUCATIONAL INSTITUTIONS

Class licence for schools and other educational institutions

3.—(1) Unless exempt by or under section 40(1) of the Act, every person (including an instructor or a trainer) who —

- (a) provides at any premises in Singapore —
 - (i) education at a standard that is preschool;
 - (ii) primary, secondary or junior college standard education;
 - (iii) tertiary or post-secondary level education;
 - (iv) vocational training or instruction;
 - (v) special needs education to persons who have physical or mental disabilities; or
 - (vi) an adult or a cultural or community education program that leads to the development of

knowledge or skills that are not specific to any particular occupation; and

- (b) distributes any film in the course of the business of providing training, instruction or education at those premises,

is subject to a class licence in connection with that distribution of any appropriate film.

(2) A class licensee by virtue of this paragraph may distribute an appropriate film only under the following conditions:

- (a) the distribution of any appropriate film must occur within any of the premises mentioned in sub-paragraph (1)(a) and at which the class licensee is providing training, instruction or education at;
- (b) the distribution to an individual of an appropriate film assigned under the Act a classification rating of “NC16” or “M18” must only be after the individual produces acceptable proof of his or her age that is in conformity with the classification of the film.

Class licence for higher educational institutions, etc.

4.—(1) Unless exempt by or under section 40(1) of the Act, every person (including an instructor or a trainer) who —

- (a) provides any education at any of the following premises in Singapore:
- (i) the Nanyang Technological University;
 - (ii) the National University of Singapore;
 - (iii) the Singapore Management University;
 - (iv) the Singapore University of Technology and Design;
 - (v) the Singapore University of Social Sciences;
 - (vi) the Nanyang Academy of Fine Arts;
 - (vii) the LASALLE College of the Arts;

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- (viii) any polytechnic managed and administered by —
- (A) the Nanyang Polytechnic established under the Nanyang Polytechnic Act (Cap. 191A);
 - (B) the Ngee Ann Polytechnic established under the Ngee Ann Polytechnic Act (Cap. 207);
 - (C) the Republic Polytechnic established under the Republic Polytechnic Act (Cap. 270);
 - (D) the Singapore Polytechnic established under the Singapore Polytechnic Act (Cap. 303); or
 - (E) the Temasek Polytechnic established under the Temasek Polytechnic Act (Cap. 323A); and

- (b) distributes any appropriate film, any film that is assigned under the Act a classification rating of “R21”, or any relevant unclassified film, in the course of the business of providing training, instruction or education at those premises,

is subject to a class licence in connection with that distribution of any such film.

(2) A class licensee by virtue of this paragraph may distribute an appropriate film, a film that is assigned under the Act a classification rating of “R21”, or a relevant unclassified film, only under the following conditions:

- (a) the distribution of any such film must occur only within any premises mentioned in sub-paragraph (1)(a) where the class licensee is providing training, instruction or education in the course of business;
- (b) the distribution of an appropriate film assigned under the Act a classification rating of “NC16” or “M18” must only be to —
 - (i) a student enrolled for a course of training, instruction or education at any premises mentioned in sub-paragraph (1)(a) where the class licensee is providing training, instruction or education in the course of business;

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- (ii) a lecturer, teacher or tutor employed by the person to provide training, instruction or education at those premises; or
 - (iii) an alumni of the educational institution at those premises who is a member of a library after he or she produces acceptable proof of his or her age that is in conformity with the classification of the appropriate film;
- (c) the handling and distribution of a film assigned under the Act a classification rating of “R21” or a relevant unclassified film must be in accordance with the handling and labelling requirements in Part 4.

(3) For the purposes of this paragraph, the business of providing training, instruction or education at any premises mentioned in sub-paragraph (1)(a) includes providing library services to students, teaching staff and alumni of the educational institution at those premises.

PART 3

LIBRARIES, ARCHIVES AND INSTITUTES

Class licence for publicly-funded libraries

5.—(1) Unless exempt by or under section 40(1) of the Act, the National Library Board is subject to a class licence in connection with distribution of any appropriate film in the course of the National Library Board’s business of managing a publicly-funded library or providing a library service at a publicly-funded library.

(2) A class licensee by virtue of this paragraph may distribute an appropriate film only under the following conditions:

- (a) the distribution of any appropriate film must occur within the premises of a publicly-funded library or from a vehicle used to provide a library service connected with a publicly-funded library;
- (b) the distribution to an individual of an appropriate film assigned under the Act a classification rating of “NC16” or

“M18” must only be after the individual produces acceptable proof of his or her age that is in conformity with the classification of the film.

Class licence for relevant archive or institute

6.—(1) Unless exempt by or under section 40(1) of the Act, every person who manages and administers a relevant archive or institute is subject to a class licence in connection with distribution of any appropriate film, any film that is assigned under the Act a classification rating of “R21”, or any relevant unclassified film, in the course of the person’s business of managing and administering that relevant archive or institute.

(2) A class licensee by virtue of this paragraph may distribute an appropriate film, a film that is assigned under the Act a classification rating of “R21”, or a relevant unclassified film, only under the following conditions:

- (a) the distribution of any such film must occur only within any relevant archive or institute which the class licensee is managing and administering;
- (b) the distribution to an individual of an appropriate film assigned under the Act a classification rating of “NC16” or “M18” must only be after the individual produces acceptable proof of his or her age that is in conformity with the classification of the film;
- (c) the handling and distribution of a film assigned under the Act a classification rating of “R21” or a relevant unclassified film must be in accordance with the handling and labelling requirements in Part 4.

PART 4

HANDLING AND LABELLING CONDITIONS
FOR R21 AND RELEVANT UNCLASSIFIED FILMS

Handling of “R21” and relevant unclassified films

7.—(1) A class licensee by virtue of paragraph 4 or 6 must handle and distribute a film assigned under the Act a classification rating of “R21”, or a relevant unclassified film, only in accordance with the following conditions:

- (a) not more than 2 copies of a title of any such film may be available at any time for distribution in the course of the person’s business of managing and administering a relevant archive or institute or providing training, instruction or education at the premises mentioned in paragraph 4(1), as the case may be;
- (b) every such film that may be distributed by or on behalf of the class licensee must be stored, managed and destroyed or re-exported in accordance with the directions of the Authority;
- (c) the class licensee maintains a record of every such film in the licensee’s possession that may be distributed in the course of the class licensee’s business of managing and administering a relevant archive or institute or providing training, instruction or education at the premises mentioned in paragraph 4(1) (as the case may be) stating —
 - (i) the title of the film;
 - (ii) the director of the film; and
 - (iii) the main cast in the film;
- (d) the distribution must be performed by or under the direction of a librarian.

(2) In addition —

(a) for a class licensee by virtue of paragraph 4, the distribution to an individual of any such film must only be to —

- (i) a student enrolled for a course of training, instruction or education at the premises mentioned in paragraph 4(1) where the class licensee is providing training, instruction or education; or
- (ii) a member of the teaching staff of the educational institution at the premises mentioned in paragraph 4(1) where the class licensee is providing training, instruction or education,

for viewing —

- (iii) during lectures or tutorials in the presence of a lecturer, teacher or tutor employed by the class licensee; or
- (iv) at a suitable location within the premises mentioned in paragraph 4(1) where the class licensee is providing training, instruction or education; and

(b) for a class licensee by virtue of paragraph 6, the distribution to an individual of any such film must only be —

- (i) for the purpose of the individual's research or study;
- (ii) after the individual produces acceptable proof that he or she is at least 21 years of age before the film is lent to the individual; and
- (iii) for viewing at a suitable location within the premises of the relevant archive or institute managed by the class licensee.

(3) A location within the premises of a relevant archive or institute is suitable for the purposes of sub-paragraph (2) only if it is an area that is enclosed (like a room) and so constructed or laid out that when a film is being viewed within the area, no part of the film inside the area is visible to any person outside the area.

(4) A location is suitable for the purposes of sub-paragraph (2) only if it is a library within any premises mentioned in paragraph 4(1).

(5) This paragraph does not apply to a film which is refused classification because it contains material mentioned in section 16(1)(d) of the Act.

Special restrictions for certain relevant unclassified films

8. A class licensee by virtue of paragraph 4 must not distribute a relevant unclassified film which is refused classification because it contains material mentioned in section 16(1)(d) of the Act, except in accordance with the following conditions:

- (a) not more than one copy of a title of any such film may be available at any time for distribution in the course of the business of providing training, instruction or education at the premises mentioned in paragraph 4(1);
- (b) every occasion of distribution must be with the prior approval in person of such senior officer of the class licensee as the Authority designates for this condition;
- (c) the distribution of any such film must only be —
 - (i) to an instructor or a trainer employed or engaged to conduct a course of training, instruction or education at the premises mentioned in paragraph 4(1) where the class licensee is providing training, instruction or education; and
 - (ii) for use during lectures or tutorials in the presence of that instructor or trainer.

Labelling conditions for relevant unclassified film

9. A class licensee by virtue of paragraph 4 or 6 must not distribute any relevant unclassified film unless —

- (a) on any exterior part of —
 - (i) the storage device in which that film is stored;
 - (ii) the container in which such a film or the storage device in sub-paragraph (i) is contained inside; or

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- (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), there is written, or affixed a label containing, the words “RESTRICTED ACCESS ONLY”; and
- (b) that writing or label —
- (i) is clearly legible and not obscured by other material displayed on the storage device or container for the film; and
 - (ii) has a typeface or writing, and is in colours, that are prominent and easily distinguishable from any other information, diagram or image with which the label or writing is displayed.

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