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The following Bill which has been introduced in the National Assembly is published for general information.

F. A. Narain,
Clerk of the National Assembly.



GUYANA

BILL No. 9 of 1986

CINEMATOGRAPH (AMENDMENT) BILL 1986

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Amendment of long title of the Principal Act.
3. Amendment of section 1 of the Principal Act.
4. Amendment of section 2 of the Principal Act.
5. Amendment of section 3 of the Principal Act. including the marginal note thereto.
6. Amendment of section 4 of the Principal Act.
7. Amendment of section 5 of the Principal Act.

- 8 Amendment of section 6 of the Principal Act.
9. Amendment of section 7 of the Principal Act, including the marginal note thereto.
10. Amendment of section 8 of the Principal Act.
11. Amendment of section 9 of the Principal Act.
12. Amendment of section 10 of the Principal Act.
13. Insertion of new section 11A in the Principal Act.
14. Amendment of section 12 of the Principal Act.
15. Amendment of section 15 of the Principal Act.
16. Insertion of new section 17 in the Principal Act.
17. Amendment of the Schedules to the Principal Act.
18. Consequential amendment to section 54 of Tax Act. Cap. 80:01.

A BILL

Intituled

AN ACT to amend the Cinematograph Act to provide for the regulation of video exhibitions and to make consequential amendment to the Tax Act.

A.D. 1986. Enacted by the Parliament of Guyana:—

Short title and commencement. Cap. 21:02 1. This Act, which amends the Cinematograph Act, may be cited as the Cinematograph (Amendment) Act 1986 and shall come into operation on such date as the Minister may, by order, appoint.

Amendment of long title of the Principal Act. 2. The long title of the Principal Act is hereby amended by the substitution, for the words "Cinematograph Exhibitions", of the words "cinematograph and video exhibitions".
video exhibitions".

Amendment of section 1 of the Principal Act. 3. Section 1 of the Principal Act is hereby amended by the insertion, after the word "Cinematograph" of the words "and Video".

Amendment of section 2 of the Principal Act. 4. Section 2 of the Principal Act is hereby amended in the following respects —

- (1) by the substitution, for the definition of "distributor", of the following definition —

“distributor” means a person who carries on the business of importing, recording or otherwise procuring and distributing cinematograph films or video tapes or posters in Guyana;”;

- (2) in the definition of “exhibition”, by the insertion, after the words “cinematograph film”, of the words “or any video tape”;
- (3) in the definition of “poster”, by the substitution, for the words “cinematograph exhibition”, of the words “cinematograph or video exhibition;”;
- (4) by the insertion, after the definition of “poster”, of the following definitions —

“ video centre” means any place, whether in a building or a mobile unit, which is used or intended to be used for giving video exhibitions, and includes a video club, parlour, hotel, restaurant or any such place by whatever name called, where video exhibition is given to its members or customers, but does not include a private dwelling-house to which the public are not admitted;

“video library or club” means an association of persons, whether incorporated or not, the members whereof distribute among themselves video tapes for their own use;

“video set” means any apparatus, comprising a television set or video monitor and a video tape recorder or play-back apparatus, used or intended to be used for the exhibition of video tapes;

“video tape” means any tape recording or part thereof intended for use in a video set, and includes any video disc, cassette, reel to reel, slide and any other form of electronic recording from which a visual image can be produced.’

5. The Principal Act is hereby amended in the following respects —

- (1) in the marginal note to section 3, by the insertion, after the word “films”, of the words “,video tapes”;
- (2) in section 3 —
 - (a) in subsection (1), by the substitution, for the words “cinematograph film unless such films”, of the words “cinematograph film or video tape unless such film or tape”;

**Amendment
of section 3
of the Principal
Act, in-
cluding the
marginal
note thereto**

- (b) in subsection (2), by the substitution, for the words “Board of Film Censors”, of the words “Board of Cinematograph and Video Censors”;
- (c) by the insertion, after subsection (2), of the following subsection as subsection (2A) —
“(2A) It shall be lawful for any publisher of a newspaper or periodical or any other agency or media for advertising a cinematograph or video exhibition to require the distributor or exhibitor of a cinematograph film or video tape to produce the censorship committee’s certificate for verification before taking up the advertisement of any such film or tape.”;
- (d) in subsection (3), by the insertion, after the words “cinematograph film”, of the words “or any video tape”.

**Amendment
of section 4
of the Princ-
pal Act.**

6. Section 4 of the Principal Act is hereby amended in the following respects —

- (1) by the substitution, for the words “Board of Film Censors” wherever they occur, of the words “Board of Cinematograph and Video Censors”;
- (2) in subsections (1) and (3), by the substitution, for the “cinematograph films and posters”, of the words “cinematograph films, video tapes and posters”.

**Amendment
of section 5
of the Princ-
pal Act.**

7. Section 5 of the Principal Act is hereby amended in the following respects —

- (1) by the substitution, for the words “Board of Film Censors” wherever they occur, of the words “Board of Cinematograph and Video Censor”;
- (2) in subsections (1) and (3), by the substitution, for the words “cinematograph films and posters”, of the words, “cinematograph films, video tapes and posters”;
- (3) in subsection (4), by the insertion, after the words “cinematograph film”, of the words “or video tape”, and after the words “such film”, of the words “or such tape”;
- (4) in subsection (5), by the insertion, after the words “cinematograph film”, of the words “or a video tape”,

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and after the word “film” in the second and third places where it occurs, of the words “or tape”;

- (5) in subsection (6), by the insertion, after the word “film”, wherever it occurs, of the words “or tape”;
- (6) in subsection (7), by the substitution, for the words “cinematograph film or poster”, of the words “cinematograph film, video tape or poster”, and for the words “such film or poster”, of the words “such film, tape or poster”.

8. Section 6 of the Principal Act is hereby amended by the substitution, for the words “cinematograph film or poster”, of the words “cinematograph film, video tape or poster”, and for the words “such film or poster”, of the words “such film, tape or poster”. Amendment of section 6 of the Principal Act.

9. The Principal Act is hereby amended in the following respect Amendment of section 7 of the Principal Act, including the marginal note thereto.

- (1) in the marginal note to section 7, by the insertion, after the word “films”, of the words “or tapes”;
- (2) in section 7, by the insertion, after the words “cinematograph film”, of the words “or video tape”, and after the words “such film”, of the words “or tape”.

10. Section 8 of the Principal Act is hereby amended by the insertion, after the words “the film”, of the words “or tape”, after the words “cinematograph film”, of the words “or video tape”, and after the words “complete film”, of the words “or tape”. Amendment of section 8 of the Principal Act.

11. Section 9 of the Principal Act is hereby amended by the substitution, for the words “Board of Film Censors” wherever they occur, of the words “Board of Cinematograph and Video Censors”. Amendment of section 9 of the Principal Act.

12. Section 10 of the Principal Act is hereby amended in the following respects — Amendment of section 10 of the Principal Act.

- (1) by the insertion, after paragraph (i), of the following paragraph as paragraph (ia) —
“(ia) controlling the accommodation, sanitary or other equipment and use of video centres;”;
- (2) in paragraph (j), by the insertion, after the words “cinematograph studios”, of the words “or video centres”;

- (3) in paragraph (k), by the insertion, after the words "cinematograph theatres", of the words "or video centres";
- (4) in paragraph (la), by the insertion, after the words "cinematograph films", wherever they occur, of the words "or video tapes";
- (5) in paragraph (m), by the insertion, after the words "cinematograph film", of the words ",video tape", and by the substitution, for the words "Board of Film Censors", of the words "Board of Cinematograph and Video Censors";
- (6) by the insertion, after paragraph (n), of the following paragraph as paragraph (na) —
 "(na) generally for preventing fires and securing the safety of the public and maintaining the public health and sanitation, in or near any video centre;";
- (7) in paragraph (p), by the substitution, for the words "cinematograph films and posters", of the words "cinematograph films, video tapes and posters";
- (8) in paragraph (r), by the substitution, for the words "film or poster", of the words "film, video tape or poster".

Insertion of
new section
11A in the
Principal Act.

13. The Principal Act is hereby amended by the insertion, after section 11, of the following section as section 11A —

"Provision
against video
exhibition ex-
cept in video
centres.

- 11A (1) An exhibition of any video tape shall not be given, unless the regulations made by the Minister for securing safety and maintaining the public health and sanitation in or near any video centre are complied with, or save as otherwise provided by this Act, elsewhere than in a video centre licensed for the purpose in accordance with this Act.
- (2) In respect of any part of Guyana, other than Georgetown and New Amsterdam, the Board referred to in section 11 (2), and in respect of Georgetown and New Amsterdam, the Board referred to in section 11 (20), may grant licences to any person it thinks fit to use the video centre specified in the licence for the purposes of video exhibition on the terms and conditions and under the restrictions which, subject to regulations of the Minister, the Board by the respective licences determines:

Provided that in granting a licence, the Board may have regard to the existing facilities for the exhibition of cinematograph film or video tapes within a distance of one mile from the place at which the video centre is proposed to be located.

- (3) The provisions of subsections (3) to (6), (8) to (10), (12) to (16), (18) and (19) of section 11 shall, *mutatis mutandis*, apply in relation to a video centre as they apply in relation to the premises to which that section applies.
- (4) Nothing in this section shall apply to a video exhibition given for raising funds for the purposes of charity or sport or in aid of a voluntary organisation, with the permission in writing of the Commissioner of Police, who may grant such permission subject to such conditions as he may think proper; and any such permission may be suspended, cancelled or modified by the Commissioner of Police:

Provided that the Commissioner of Police shall, before taking action to suspend, cancel or modify any permission granted, give a reasonable opportunity of being heard to the person to whom the permission was granted.”.

14 Section 12 of the Principal Act is hereby amended by the insertion, after the word “cinematograph”, of the words “or video set”, after the word “premises” wherever it occurs of the words “or video centre”, and after the word “them”, of the words “or it”.

Amendment
of section 12
of the Principal Act.

15. Section 15 of the Principal Act is hereby amended in the following respects —

Amendment
of section 15
of the Principal Act.

- (1) by the insertion in subsection (1)(b), after the word “film”, of the words “or of a video tape”;
- (2) by the insertion, after subsection (3), of the following subsection as subsection (4) —

“(4) Nothing in this Act shall apply to a cinematograph film or video tape exhibited for broadcast or cable transmission by a licensed commercial or educational broadcaster or television cable network.”.

Insertion of
new section
17 in the
Principal
Act.

16. The Principal Act is hereby amended by the insertion, after section 16, of the following new section as section 17 —

“Other laws
not deroga-
ted.”

17. The provisions of this Act, in so far as they relate to video exhibitions shall be in addition to, and not in derogation of, the provisions of any other written law for the time being in force or any instrument having the force of law relating to the importation or use of a video set or video tape.”.

Amendment
of the Schedules to the
Principal Act.

17. The First, Second and Third Schedules to the Principal Act are hereby amended by the substitution, for the words “CINEMATOGRAPH ACT”, of the words “CINEMATOGRAPH AND VIDEO ACT”.

Consequential
amendment
to section 54
of Tax Act,
Cap. 80:01

18. Section 54 of the Tax Act is hereby amended by the insertion —

- (a) in subsection (2), after the word “cinematograph”, of the words “or video”;
- (b) after subsection (2), of the following subsection as subsection (3) —

‘(3) In this section, the term “premises” in relation to a video entertainment, includes a video centre as defined in the Cinematograph and Video Act.’

Cap. 21:02.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Cinematograph Act, Cap. 21:02, so as to regulate video exhibitions in accordance with the existing provisions governing the cinematograph exhibitions. A specific provision is proposed to be incorporated in section 3 of the Act making it lawful for any publisher of a newspaper or periodical or any agency or media for advertising a cinematograph or video exhibition to ask for the production of the censorship committee's certificate before taking up its advertisement. Consequential amendment to the Tax Act, Cap. 80:01 is also proposed providing for taking out of a quarterly licence under that Act by the proprietor of a video centre as in the case of the proprietor of a cinematograph entertainment.

Y. Harewood-Benn,
Minister of Information and Public Service.

(Bill No. 9/1986)

(No. MI: 6/2/3)