

## **PUBLIC CONSULTATION DOCUMENT**

### **Cinema and Stage Classification**

17 January 2012

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#### **Background**

The National Cultural Policy was launched in July 2011. This policy states that:

*In terms of freedom of expression, the Ministry responsible for Culture shall initiate the process of updating Maltese legislation in this regard to make it reflect 21<sup>st</sup> century reality. This will commence by placing the responsibility of the classification board within the Ministry responsible for culture.*

The Ministry for Tourism, Culture and the Environment is launching a public consultation regarding the changes necessary to implement this part of the policy.

The changes recommended place the responsibility for the classification of film and theatre under the Ministry responsible for Culture. The changes being proposed bring Malta in line with prevailing European and Commonwealth practice in this area of governance.

#### **The Present Situation**

Film and Theatre classification in Malta is regulated by the Cinema and Stage Regulations, Subsidiary Legislation number 17 enacted in 1937 under the Code of Police Laws. The Regulations establish the Board of Film and Stage Classification, which Board has the power to, *a priori*, award age-classifications to films, stills, trailers and posters and to dramatic and other stage productions.

These amendments will bring us more in line with common practice in the EU and Commonwealth countries and towards self-regulation of the sector.

Such a self-regulating system is already followed in Malta albeit in another entertainment sector. Classification in television broadcasting is regulated locally through the Television Programmes (Classification Certificates) Regulations SL 350.01, introduced by Legal Notice 44 of 1994). These stipulate that every broadcaster shall appoint a person/s to be responsible for the issue of classification certificates for works broadcast as part of the television broadcasting service provided by the broadcaster.

It also emerged that our film classification levels need to be amended slightly to align them closer to European film classification. The age-classifications used in Malta are different to those used in other countries having a similar system to ours. Moreover, the appeals procedure outlined in the current legislation is unsatisfactory in a democratic society and a new appeal is being proposed, by creating a new Appeals Board for film classification.

### **Way Forward**

In the light of the above, it is being proposed:

- that the Cinema and Stage Regulations are transferred from under the Code of Police laws and brought under the Malta Council for Culture and the Arts Act;
- our stage and theatre classification practices are amended to allow for self-classification for theatrical productions.

In substance the changes being proposed are to:

#### **In respect of Film:**

- Reconstitute the existing Board, renamed as the Board of Film Age-Classification, which shall be responsible for the *a priori* classification of films. The Board of Film Age-Classification will be placed under a duty to publish the age-classifications given to films, citing the reasons for such a classification.
- A film Appeals Board shall be created to hear appeals from the aggrieved party in connection with the age-classification given to a named film.

#### **In respect of Theatre:**

- remove the Board's role of classifying dramatic and other stage productions, and leave that responsibility in the hands of the producer and/or director of the production, hence self-regulation;
- Establish a Guidance Board that will be composed of four members:

- the Chairman of the Malta Council for Culture and the Arts *ex officio* as Chairman of the Guidance Board;
- one person appointed after consultation with the Children’s Commissioner;
- one person with expertise in the sector nominated by the Ministry responsible for Culture;
- and a representative from the theatre industry – for example from the Association of Performing Arts Practitioners Malta.

All shall be appointed by the Minister for Culture.

The Guidance Board’s functions are the following:

- a. To create a list of guidelines to be adopted by stage producers when awarding an age-classification to the production;
- b. To assist producers/directors who seek its counsel by suggesting appropriate age-classifications for their stage productions, or confirming the age-classification given by the producer/director in the first instance;
- c. To receive complaints from the general public about the age-classification given to a production and issue its advice on whether the age-classification should be reviewed or not – this advice is always not binding on the producer/director, however must be made public in order to better inform the public.

Further changes are the following:

- Create a proper appeals procedure to decisions of the Board of Film Age-Classification;
- Impose obligation to issues so called “Warning labels” on both films and dramatic and other stage productions in order to increase the audience’s awareness of content. For example: “Warning: contains scenes of graphic violence”; “Warning: contains foul language and scenes of horror which may frighten”;
- Remove the obligation to have the age-classification certificate issued by the Commissioner of Police – in the case of films this will be issued by the Board of Film Age-Classification, and for stage productions, the producer/director give the age-classification;
- Remove the obligation to obtain a certificate from Customs authorities for a film to be shown in Malta [possible infringement of EU freedom of movement of goods in having such a law];
- Tidy up the rest of the legislation so that the age-classifications found at the beginning of the Regulations are repeated fully in the final provisions of the Regulations.

- The proposed age-classifications are:

Existing legislation:	Proposal:
<p>(i) 'U' - UNIVERSAL. Suitable for all.</p> <p>(ii) 'PG' - PARENTAL GUIDANCE. Some scenes are unsuitable for young children and the guidance of parents or guardians is deemed necessary.</p> <p>(iii) '12' - Suitable only for persons of twelve years and over.</p> <p><del>(iv) '14' - Suitable only for persons of fourteen years and over.</del></p> <p><del>(v) '16' - Suitable only for persons of sixteen years and over.</del></p> <p>(vi) '18' - Suitable only for persons of eighteen years and over.</p>	<p>(i) 'U' - UNIVERSAL. Suitable for all.</p> <p>(ii) 'PG' - PARENTAL GUIDANCE. Some scenes are unsuitable for young children and the guidance of parents or guardians is deemed necessary.</p> <p>(iii) '12' - Suitable only for persons of twelve years and over.</p> <p><b>(iv) '12A' – Suitable for persons of 12 years and over:</b>  <b>Provided that persons younger than 12 years may attend only when accompanied by an adult.</b></p> <p>(v) '15' - Suitable for persons of fifteen years and over.</p> <p>(vi) '18' - Suitable only for persons of eighteen years and over.</p>

These amendments, including the Legal Notices amending the provisions governing the age classification of Film and Dramatic and Other Stage Productions are being put forward for general public consultation.

Documents for consultation may be accessed from: <http://doi.gov.mt/classification.asp>  
 Comments and reactions may be sent via email to: [classification.mtce@gov.mt](mailto:classification.mtce@gov.mt)

The consultation process is open for a period of 3 weeks and ends on the 7<sup>th</sup> of February 2011.

## **Annex**

Legal Notice enacting Cinema and Stage Regulations under Malta Council for Culture and the Arts Act.