Hon Mario de Marco

Legal Notice under Chapter 444 of the Laws of Malta

L.N. XX of 2012

MALTA COUNCIL FOR CULTURE AND THE ARTS ACT
(Cap 444)

CINEMA AND STAGE REGULATIONS, 2012

In exercise of the powers conferred by Article 33 of the Malta Council for Culture and the Arts Act, the Minister responsible for Culture has made the following regulations:

Title.
1. The title of these regulations is the Cinema and Stage Regulations.

Definitions
2. For the purposes of these Regulations, unless the context otherwise requires:
“Act” means the Malta Council for Culture and the Arts Act, Chapter 444 of the Laws of Malta;
“Minister” means the Minister responsible for Culture.

Board of Film Age-Classification
3. (1) There shall be a board, to be called the Board of Film Age-Classification, hereinafter referred to as the ''Film Board'', which shall consist of a chairperson and such number of other members, not being less than three and not more than seven, as shall be appointed annually by the Minister responsible for Culture, and shall exercise and perform the functions assigned to it by these Regulations.
(2) It shall be the function of the Film Board to classify films on the basis of guidelines to be drawn up by the Film Board based on the following main criteria:
(a) the standards of morality, decency and propriety generally accepted by reasonable adults; and
(b) the literary, artistic or educational merit, if any, of the production; and
(c) the general character of the production including whether it is of medical, legal or scientific character; and
(d) the person or class of persons to whom it is intended or by whom the production is likely to be viewed.
(3) The names of the members of the Film Board shall be published annually in the Government Gazette.
(4) Every film shall be classified according to age category by at least two members of the Film Board in accordance with the provisions of these Regulations.
(5) When, upon any occasion, the Film Board desires to obtain the advice of any person upon any particular matter or matters, the chairman of the said Film Board may co-opt such person to be a member for such meeting or meetings as may be required, and such person, while so co-opted, shall have all the rights and privileges of a member, save that he shall not be entitled to take part in any decision or in the report referred to in regulation 6.
(6) The provisions of sub-regulation (3) shall not apply to any persons co-opted to be members as provided in sub-regulation (5).
(7) The fees payable to every age-classifier of film shall be the following:
(a) one euro and sixteen cent (1.16) per film trailer;
(b) nine euro and thirty-two cent (9.32) per film;

(8) The Chairman of the Board of Film Age-Classification shall be paid a fee of eight hundred and fifteen euro and twenty-eight cent (815.28) per annum in addition to the fees provided for in sub-regulation (7).

Age-Classification of films
4. The age-classification of films shall be carried out by the Film Board shall be informed to the Commissioner of Police, and shall be duly notified to the licensees of cinematographs.

Application for examination
5. Applications for the age-classification of films by age-classifiers shall be made to the Chairman of the Film Board on forms to be obtained from the Film Board, in paper or electronic format, free of charge.

Examination by age-classifiers
6. (1) The examining age-classifiers shall classify a named film to which an application refers, into one of the following categories, whether having regard, in their discretion, to public morality, decency or propriety, or to the public interest, and shall advise the Commissioner of Police of such classification:

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

(2) In examining a film submitted for age-classification the Film Board may call upon the person presenting the film for classification and discuss the age-rating to be given to the film with them.
(3) The Film Board shall, together with the classification, issue, whether in electronic or other form, notices to the public containing additional information as to the content of the films so classified.

Issue of certificate
7. (1) The Film Board shall issue an age-classification certificate accordingly, which shall be delivered to all applicants.
(2) The age-classification certificate shall be exhibited in a conspicuous place at the entrance of the premises and may be communicated to the public by any other means.

Review of decision of examining age-classifiers
8. (1) Where the examining age-classifiers have reported that a film -

(a) is fit for exhibition in any of the categories specified in regulation 6, with or without suppressed parts; or
(b) is not fit for exhibition in any category specified in regulation 6;

the person who has applied for the examination of the film may, if he feels aggrieved by the decision, within ten days of receiving said decision, apply in writing to the Classification Appeals Board (hereinafter referred to as "Appeals Board") for a review of such decision. The Appeals Board may confirm or reverse the decision of the Film Board.
(2) The Appeals Board shall be composed of not less than 3 and not more than 5 persons, appointed by the Minister responsible for Culture, of which one of them shall be named Chairman:
Provided that the members of the Appeals Board shall not be the same members as those sitting on the Board of Film Classification.
(3) On receipt of such application, the chairman of the Appeals Board shall make the necessary arrangements for the film to be examined again by at least three classifiers whose decision, subject to the provisions of regulation 9, shall be final.
(4) Any person who feels aggrieved by the decision of the Appeals Board shall have a right to apply to the

Administrative Review Tribunal established by article 5 of the Administrative Justice Act, citing grounds contained in said Act, within ten days from when the decision by the Appeals Board is given, to demand the review of the said decision.
(5) The provisions of the Administrative Justice Act, in so far as they apply to the Administrative Review Tribunal, shall apply to any proceedings before the said Tribunal and the words "public administration" in the said enactment shall be construed as a reference to the Film Board and the Appeals Board.
(6) Any court proceedings pending on the 1st October, 2011, before any court from a decision of the Board of Film and Stage Classification shall continue to be heard by that court without prejudice to regulation 9.

Re-submission.
9. Where a film, with or without a second examination as provided in regulation 8, has not been passed by the Board as fit for exhibition in any category specified in regulation 6, such film may not be submitted again for classification before the expiration of one year from the decision.

Admission to film exhibition
10. Whenever a particular film is classified under any of the categories specified in regulation 6, no persons below the age specified in any particular age-classification thereof shall be admitted to the exhibition of that film and in each such case the certificate referred to in regulation 6(b) shall include an intimation to the effect that such persons are not allowed admission to the exhibition of that film. Furthermore in each such case an intimation to the same effect set out in large type shall be affixed at the entrance of the premises.

Films which may be shown in the same programme
11. (1) The films which may be shown in the same programme as the category of main feature films indicated in the First Column below shall be of the category or categories stated in the Second Column below, and it shall be an offence to exhibit, with such main feature films, any film, not being an advertising film passed by the Board, classified in a different category.

First Column	*Second Column*
Main Feature	Other Films
U	U
PG	PG and U
12	12, PG and U
12A	12A, 12, Pg and U
15	15, 12A, 12, PG and U
18	18, 15, 12A, 12, PG and U

(2) Where in the case of a double feature, this comprises an 18 category film and a film in any other category, the 18 category film shall be deemed to be the main feature film, and where it comprises a 15 category film and a 12A, 12 or PG or U category film, the 15 category film shall be deemed to be the main feature film, and where it comprises a 12A category film and a 12 or PG or U category film, the 12A category film shall be deemed to be the main feature; and where it comprises a 12 category film and a PG or U category film, the 12 category film shall be deemed to be the main feature film, and where it comprises a PG category film and a U category film, the PG category film shall be deemed to be the main feature film.

Proof by licensee
12. In the cases referred to in regulations 10 and 11, the licensees of cinematographs and, as the case may be, their agent or servant shall not be guilty of the offence of admitting to the exhibition of a film or programme a person below the requisite age, if he proves to the satisfaction of the court that, having regard to the circumstances, he had reason to believe that the person was of the requisite age, and shall in no case be guilty of an offence if any person over the age specified in the category gains admission to an exhibition of a film or programme from which he is excluded on account of age.

Exhibition of poster
13. The licensee shall insert on every poster and advertisement exhibited to the public, as soon as the certificate referred to in regulation 7 is issued, one of the following notices, as the case may be, in block letters:

TEXT NOTICES FOR CINEMA PREMISES

U certificate	Persons of all ages admitted
PG certificate	Persons of all ages admitted but very young children to be accompanied by parents or guardians
12 certificate	Persons of 12 years and over admitted
12A certificate	Suitable for persons of 12 years and over, provided that persons younger than 12 years may attend only when accompanied by an adult
15 certificate	Suitable for persons of 15 years and over
18 certificate	Suitable for persons of 18 years and over

Meaning of “'film”
14. For the purpose of these Regulations the word "film" or "films" shall include posters, notices, photographs, pamphlets or synopsis relative to films.

Responsibility of licensee
15. The licensee shall be responsible for the correct exhibition of the film to which the certificate refers, as well as for the strict observance of the provisions of these Regulations.

Suspension of exhibition
16. It shall be lawful for the Commissioner of Police, for reasons of public order or morality or for non-compliance with any of these Regulations, to order the suspension of any exhibition and the closing of any cinematograph building for a period not exceeding fifteen days.

Theatrical productions
17. (1) All dramatic and other stage productions to which the public is admitted, whether by payment or otherwise, must be given a reasonable and proper age-classification, which age-classification shall be taken from the list in regulation 6. The age-classification shall be exhibited in a conspicuous place at the entrance of the premises and may be communicated to the public by any other means.
(2) The person responsible for determining the age-classification in accordance with these Regulations in respect of dramatic and other stage productions shall be the producer; in the absence of an identified producer, it shall be the director; in the absence of both it shall be the registered licensee of the venue; and in his absence, the owner of the venue.
(3) Where necessary, notices to the public containing added information as to the content of the dramatic and other stage productions so classified shall be provided to the public by the person responsible for determining the age-classification in terms of sub-regulation (2) above. Such notices shall be exhibited, together with the age-

classification given, in a conspicuous place at the entrance of the premises and may be communicated to the public by any other means.
(4) The person responsible for determining the age-classification for dramatic and other stage productions in terms of sub-regulation (2) above, shall do so in line with the guidelines issued by the Guidance Board.
(5) Any recommendation, advice, notice or alternative issued by the Guidance Board for a named dramatic and other stage production shall be exhibited by the responsible person as mentioned in sub-regulation (2) above, in a conspicuous place at the entrance of the premises and may be communicated to the public by any other means.

Theatre Guidance Board
18. (1) There shall be a Board to be known as the Guidance Board which shall be appointed by the Minister responsible for Culture and shall consist of:

a) The Chairman of the Malta Council for Culture and the Arts *ex officio*, who shall be the Chairman of the Guidance Board;
b) One person with expertise in the sector nominated by the Ministry responsible for Culture;
c) One person who has the appropriate knowledge and working experience in the industry of dramatic and stage productions;
d) A person appointed after consultation with the Children's Commissioner.

The members of the Guidance Board shall occupy such post for a period of three years.
(2) Voting shall be by majority, but in the case of an equal vote, the Chairman shall have a casting vote.

Functions of the Guidance Board
19 (1) The Guidance Board shall have the following functions:

a) To draft guidelines, and update them from time to time, to be consulted by the person responsible for determining the age-classification in terms of regulation 17(2) in deciding the appropriate age-classification to assign to their productions;
b) Upon the written request of the person responsible for determining the age-classification in terms of regulation 17(2), give its recommendation, in writing and in a timely fashion, as to which age-classification would be suitable for the dramatic and other stage production in question;
c) Receive complaints and grievances by any member of the public who feels aggrieved or offended by any dramatic or stage production.

(2) Complaints and grievances made by members of the public in terms of sub-regulation (1)(c) above must be addressed to the Guidance Board and submitted in writing.
(3) Upon receiving any such complaint or grievance, the Guidance Board must confer with the person responsible for determining the age-classification in terms of regulation 17(2) and may ask to see a rehearsal or staged version of the dramatic and other stage production.
(4) The Guidance Board may decide:
(a) to reject the claims contained in the complaint or grievance; or
(b) to recommend an alternative age-classification for the dramatic and other stage production; or
(c) to recommend that notices regarding the content of the dramatic and other stage production be drawn up and communicated to the public.
(5) Any guidance, advice, recommendation, opinion or guideline issued by the Guidance Board must be released in writing and must be made available to the public.
(6) The Guidance Board shall keep a record of all requests, complaints and correspondence received by it and of all advice, recommendations, opinions and guidelines it issues.
(7) The actions and recommendations by the Guidance Board shall respect the provisions of the Administrative Justice Act (Cap. 490) and the principles contained therein.

Use of cinema for dramatic or other stage production
20. Every cinema exhibitor shall have the right, by giving fourteen days clear notice in writing to an importer of films with whom he has contracted to exhibit a film or films, on any particular day, to use his cinema for a

dramatic or other stage production on that day, not being a Sunday or public holiday, and provided that the exhibitor shall not make use of this facility more than once in any week, he shall not be deemed to have committed any infringement of his contract with the importer by the exercise of such right.

Commission of offence

21. (1) Any person who gains admission to an exhibition of a film or programme from which he is excluded on account of age shall be guilty of an offence.

(2) Any person who in any place to which the public is admitted, whether for payment or otherwise, presents a dramatic or stage production without displaying:

(a) the age-classification in respect thereof;

(b) the guidance, opinion or recommendation given by the Guidance Board, if any;

shall be guilty of an offence against these Regulations.

Offences and penalties

22. Any person who is found guilty by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) of an offence against these regulations shall be liable to a fine (ammenda) of not less than eleven euro and sixty-five cent (11.65) for each contravention, provided that in the case of a second or subsequent offence committed within six months from the date of any previous conviction under these regulations or any other regulations relating to cinemas, such fine shall be of not less than twenty-three euro and twenty-nine cent (23.29) and not more than forty -six euro and fifty - nine cent (46.59) for each contravention.