

MEMORANDUM TO CABINET BY THE HONOURABLE
THE PRIME MINISTER

Film Censorship Appeals Board

The Malta United Film Corporation have submitted that the system of appeals against decisions by the Board of Film Censors as provided by the Cinema and Stage Regulations, is capable of improvement.

2. At present, when an appeal against a decision is lodged the Chairman of the Board appoints a panel consisting of not less than three members of the Board to review the decision. The M.U.F.C. suggest that the panel's decisions tend to be influenced especially in those cases where the Chairman of the Board was himself one of the censors who originally gave a rating to a film. The M.U.F.C. therefore submit that a totally independent Appeals Board should be set up.

3. The Commissioner of Police considers that, provided that the members of the Appeals Board are appointed by Government, the suggestion is a reasonable one.

4. Hon. Ministers may wish to record their view whether or not they agree that the Cinema and Stage Regulations should be amended to provide for the setting up of an Appeals Board. The amendments that would be required are set out in the accompanying draft prepared by the Crown Advocate General.

3rd June, 1967.

mt

CODE OF POLICE LAWS (CAP. 13)

Cinema and Stage (Amendment) Regulations, 19

Date of commencement: 19

IN Exercise of the powers conferred by section 187 of the Code of Police Laws, the Honourable the Prime Minister has made the following regulations:-

Citation.

1. These regulations may be cited as the Cinema and Stage (Amendment) Regulations, 19 and shall be read and construed as one with the Cinema and Stage Regulations, 1937, hereinafter referred to as "the principal regulations".

Amends regulation 43 of the principal regulations.

2. In regulation 43 of the principal regulations, immediately after the words "the examining censors" there shall be inserted the words "or the Film Censorship Appeals Board hereinafter constituted, as the case may be,".

Substitutes regulation 44A of the principal regulations.

3. For regulation 44A of the principal regulations there shall be substituted the following:

"44A. (1) There shall be a Film Censorship Appeals Board, hereinafter referred to as "the Appeals Board", which shall consist of three members appointed annually by the Governor-General.

(2) The Governor-General shall appoint one of the members of the Appeals Board as Chairman and another as Vice-Chairman, who shall act as Chairman whenever the Chairman is absent from these Islands or is, by reason of sickness or other just cause, unable to attend the sittings of the said Board.

(3) The Governor-General shall also appoint another person as substitute member of the Appeals Board who shall act as a/....

as a member of the Board when any of its ordinary members is absent from these Islands or is, by reason of sickness or other just cause, unable to attend the sittings of the Board.

(4) No person may be appointed a member of the Appeals Board if he is a member of the Board of Film and Stage Censors.

(5) If any member of the Appeals Board shall have examined as a member of the Board of Film and Stage Censors a film which has been referred for re-examination by the Appeals Board, such member shall abstain from such Board and his place shall be taken by the substitute member.

(6) The Appeals Board shall exercise and perform the functions assigned to it by these regulations.

(7) The names of the members and of the substitute member of the Appeals Board shall be published in the Government Gazette."

4. Regulation 44B of the principal regulations shall be amended -

(a) by its renumbering as regulation 44C; and

(b) by the substitution of the words "Saving the provisions of regulation 44B, where a film has not been passed" for the words "where a film, with or without a second examination as provided in regulation 44A, has not been passed".

5. Immediately after regulation 44A of the principal regulations there shall be added the following new regulation:

"44B (1) Where a film has been passed by the examining censors as -

(a) fit for exhibition in any of the categories specified in paragraphs (ii) and (iii) of regulation 43, with or

without/....

without suppressed parts; or

(b) fit for exhibition in the category specified in paragraph (1) of the regulation 43 with suppressed parts; or

(c) not fit for exhibition in any of the categories specified in regulation 43,

the person who had applied for the examination of the film may, within 10 days from the date of the decision of the examining censors, apply to the Chairman or Vice-Chairman, as the case may be, of the Appeals Board for a review of such decision.

(2) On receipt of such application, the Chairman or Vice-Chairman, as the case may be, of the Appeals Board shall make the necessary arrangements for the film to be re-examined by the said Board the decision of which shall be final.

(3) The re-examination of a film by the Appeals Board shall be held not later than 15 days from the receipt of the relative application by the Chairman or Vice-Chairman, as the case may be, of the Appeals Board".

6. In paragraph (1) of regulation 45 of the principal regulations, -

(a) for the words "that the film has been passed by the censors for exhibition" there shall be substituted the words "that the film has been passed by the Board of Censors or by the Appeals Board for exhibition, as the case may be"; and

(b) for the words "that the film has been passed by the censors shall be shown" there shall be substituted the words "that the film has been passed by the Board of Censors or by the Appeals Board, as the case may be, shall be shown".

7. In regulation 46 of the principal regulations, for the words "Whenever the censors declare" there shall be substituted the words "Whenever the Board of Censors or the Appeals Board, as the case may be, declare".

Amends
regulation
45 of the
principal
regulations.

Amends
regulation
46 of the
principal
regulations.

Amends regulation 46A of the principal regulations.

8. In regulation 46A of the principal regulations, for the words "passed by the Board of Censors" there shall be substituted the words "passed by the Board of Censors or by the Appeals Board, as the case may be".

Amends regulation 48 of the principal regulations.

9. In regulation 48 of the principal regulations, for the words "by the censors" there shall be substituted the words "by the Board of Censors or by the Appeals Board, as the case may be".

Amends regulation 50 of the principal regulations.

10. In regulation 50 of the principal regulations, immediately after paragraph (1) thereof there shall be added the following new paragraph:

"(1A) When, in respect of any film, the Appeals Board shall have revoked or otherwise changed the decision of the Board of Censors, the licensee of a cinema shall at every performance reserve, free of charge, three stalls in the pit for the members of the Appeals Board."

Saving.

11. Any application which, on the date of commencement of these regulations, shall have been made to the Chairman of the Board of Film and Stage Censors for a review of their decision and which is still pending on such date, shall be deemed to have been made under the principal regulations as amended by these regulations and shall be referred by the said Chairman to the Chairman or Vice-Chairman, as the case may be, of the Appeals Board as soon as such Board shall have been constituted.

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