

Malawi

## Censorship and Control of Entertainments Act Chapter 21:01

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# Malawi

## Censorship and Control of Entertainments Act

### Chapter 21:01

Commenced on 2 December 1968

*[This is the version of this document at 31 December 2014.]*

*[Note: This version of the Act was revised and consolidated in the Fifth Revised Edition of the Laws of Malawi (L.R.O. 1/2018), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]*

**An Act to regulate and control the making and the exhibition of cinematograph pictures, the importation, production, dissemination of undesirable publications, pictures, statues and records, the performance or presentation of stage plays and public entertainments, the operation of theatres and like places for the performance or presentation of stage plays and public entertainments in the interest of safety, and to provide for matters incidental thereto or connected therewith**

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the Censorship and Control of Entertainments Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

“**Board**” means the Board of Censors established under [section 3](#);

“**cinematograph exhibition**” means any exhibition of cinematograph pictures, whether with sound effects or not, presented by means of a cinematograph or other similar apparatus for presenting cinematograph pictures;

“**cinematograph picture**” means any film, picture or other visual image, or part thereof, whether with sound effect or not made by means of a cinematograph camera or other similar apparatus for recording films, pictures, or visual images, and intended for public exhibition or for sale or hire either within or outside Malawi;

“**licensing officer**” means the Minister or such other person or persons as the Minister may appoint to be a licensing officer, whether for the whole of Malawi or such area thereof as may be specified in the appointment;

“**picture**”, for the purposes of Part VII, includes—

- (a) any drawing, illustration, painting, woodcut or similar presentation;
- (b) any print, photograph, engraving, lithograph or similar presentation;
- (c) any object in which a picture is contained;
- (d) any exhibition for the purpose of advertising,

but does not include a cinematograph picture;

“**place**” includes a vehicle, vessel or aircraft;

“**play**”, in relation to a record, means to render audible the sounds recorded thereon;

“**public**”, in relation to the exhibition of any cinematograph picture, publication, picture or statue, the playing of any record, or the performance or presentation of any stage play or public entertainment, means the exhibition, playing, performance or presentation thereof, as the case may be—

- (a) in public; or
- (b) at any place to which admission is obtained—
  - (i) by membership of any association of persons;
  - (ii) for any consideration, direct or indirect; or
  - (iii) by virtue of any contribution towards any fund;

“**public entertainment**” includes any concert, animal or circus performance, zoo, waxworks, puppet performance, dancing exhibition, picture or art exhibition, game of skill or chance, acrobatic or other exhibition of skill, professional wrestling and boxing bout, to which the public are admitted either gratuitously or for reward, but does not include athletic games or sports;

“**publication**” includes—

- (a) any newspaper, book, periodical, pamphlet, poster, playing card, calendar or other printed matter;
- (b) any writing or typescript which has in any manner been duplicated or exhibited or made available to the public or any section of the public;

“**record**” means any contrivance or device in or on which sound has been recorded for reproduction;

“**stage play**” includes any tragedy, comedy, play, opera, farce, revue, variety, burlesque, interlude, melodrama, pantomime, dialogue, prologue, epilogue or other dramatic entertainment or any part thereof;

“**statue**” includes any figure, cast, carving, molding or model;

“**theatre**” means any building, tent or other erection of whatever nature, or any premises, place or open space in which a cinematograph exhibition, stage play or public entertainment is presented or performed before the public either gratuitously or for reward.

## Part II – Board of Censors

### 3. Establishment of Board of Censors

- (1) There is hereby established a Board of Censors which shall consist of not less than six nor more than ten members appointed by the Minister as follows—
  - (a) one member, designated Chairman of the Board by the Minister;
  - (b) one member to represent the Ministry responsible for cultural affairs;
  - (c) not less than two nor more than eight other members.
- (2) Members of the Board shall not, by virtue only of their appointments to the Board, be deemed to be officers in the public service.

*[24 of 1972]*

*[3 of 1981]*

*[25 of 1983]*

#### 4. Tenure of office of members of Board

- (1) A member of the Board shall hold office for two years. All members whose appointments are terminated shall be eligible for reappointment.
- (2) The Chairman of the Board may, by notice in writing to the Minister, resign his appointment, and any other member of the Board may resign by giving notice in writing to the Chairman, but no such resignation shall take effect until seven days after the receipt of the notice by the Minister or the Chairman, as the case may be.

*[8 of 1980]*

#### 5. Proceedings of Board

- (1) The Chairman of the Board shall preside at meetings of the Board, but in the absence of the Chairman the other members present shall elect one of their number to perform the functions of the Chairman at that meeting.
- (2) The quorum of the Board shall be any three members thereof.
- (3) Decisions of the Board shall be in accordance with the vote of the majority of members present and voting thereon, but in the event of an equality of votes the Chairman or the person performing the functions of Chairman at the meeting concerned, shall have a casting vote in addition to his deliberative vote.
- (4) The Board shall meet at least once every three months, but the Chairman may, and upon application in writing by at least three members of the Board shall, convene an extraordinary meeting of the Board at any time.
- (5) The Board shall cause minutes of all proceedings at meetings of the Board and at meetings of the committees appointed under [section 7](#) to be entered in books kept for that purpose. Any such minutes, if purporting to be approved and signed by the Chairman of the next succeeding meeting of the Board or, as the case may be, the committee concerned, shall, unless the contrary is proved, be evidence of the proceedings at the meeting to which they relate and such meeting shall be deemed to have been duly convened and held and all proceedings thereat to have been duly transacted and all appointments of the members present at such meetings shall be deemed valid.
- (6) Save as otherwise provided in this Act, the Board may—
  - (a) regulate its own procedures; and
  - (b) make administrative rules generally for the control, administration and management of the Board and its committees and for the conduct of its business.

*[3 of 1981]*

*[25 of 1983]*

#### 6. Functions of Board

- (1) The functions of the Board shall be—
  - (a) to consider or examine any cinematograph picture, publication, picture, statue, record, stage play or public entertainment submitted to it for consideration or examination;
  - (b) to make such enquiries as it considers necessary in respect of any cinematograph picture, publication, picture, statue, record, stage play or public entertainment which is alleged to be, or which it has reason to believe is undesirable within the meaning used in [section 23](#) (2).
- (2) For the purposes of this section the Board may require that it, or any committee appointed under [section 7](#), be given to examine and inspect, or has exhibited, performed, played or presented

before it any cinematograph picture, publication, picture, statue, record, stage play or public entertainment intended for exhibition, performance or presentation to the public, whether gratuitously or for reward, at any time or place specified by the Board.

## 7. Committees of the Board

- (1) For the purpose of carrying out its functions, the Board may, by resolution, appoint one or more committees, as it considers necessary, to inspect, examine and report on any cinematograph film, publication, picture, statue, record, stage play or public entertainment.
- (2) The Board shall determine the powers, and regulate the procedure, of all committees appointed under subsection (1) and may, subject to such conditions, exceptions and qualifications as it may specify, delegate to such committees any of its functions.
- (3) The membership of any committee appointed under this section may include persons who are not members of the Board.

*[25 of 1983]*

## 7A. Readers and viewers

- (1) There shall be such numbers of readers and viewers as the Board deem necessary for the purposes of this Act and who shall from time to time be appointed by the Board pursuant to this section.
- (2) No person shall be appointed a reader or a viewer unless he has attained the Malawi Certificate of Education or possesses educational qualifications of a standard equivalent to or higher than such Certificate.
- (3) The duties of a reader shall be to read and understand such books, magazines, newspapers, periodicals and other publications as are submitted to him for that purpose by the Board; to interpret the same in relation to the provisions of [section 23](#) (2), and to furnish to the Board his unbiased opinion in writing as to whether or not such publication constitutes an undesirable publication within the meaning of [section 23](#) (2) together with a statement of his reasons for such opinion.
- (4) The duties of a viewer shall be—
  - (a) to view, hear and understand such cinematograph pictures, stage plays and public entertainments;
  - (b) to view and understand such pictures or statues; and
  - (c) to hear and understand such records,  
as are submitted to him for viewing or hearing, or as he is directed to view or hear, by the Board;
  - (d) to interpret the same in relation to the provisions of [section 23](#) (2); and
  - (e) to furnish to the Board his unbiased opinion in writing as to whether or not such cinematograph picture, stage play, public entertainment, picture, statue or record, as the case may be, constitutes an undesirable publication within the meaning of [section 23](#) (2) together with a statement of his reasons for such opinion.
- (5) Readers and viewers shall be appointed for a term not exceeding two years but shall be eligible for re-appointment.
- (6) The appointment of any reader or viewer may be terminated after not less than one month's notice in writing given to him by the Board.
- (7) Any reader or viewer may relinquish his appointment not less than one month after giving to the Board notice of his intention to do so.

*[3 of 1981]*



## 8. Remuneration, etc., of Board and committee members, readers and viewers

Members of the Board, committee members appointed under [section 7](#) and readers and viewers appointed pursuant to [section 7A](#), may be paid such remuneration and allowances out of moneys appropriated by Parliament for the purpose as may for the time being have been approved by the Minister

*[3 of 1981]*

## Part III – Theatre licences

### 9. Theatre licences

- (1) Any person who uses or causes, permits or suffers to be used any building, tent, or other erection, or any premises, place or open space as a theatre, unless there has first been obtained from the appropriate licensing officer a licence in respect thereof (hereinafter referred to as a “theatre licence”) or who uses such building, tent, erection, premises, place or open space as a theatre otherwise than in accordance with the terms and conditions of a theatre licence issued under this Act, shall be guilty of an offence.
- (2) A licensing officer may refuse to grant a theatre licence or may grant it subject to such terms and conditions as the licensing officer thinks desirable for securing the safety, health and convenience of persons attending the theatre, or conformity of the theatre or any equipment or lighting therein with any rules made under this Act.
- (3) A licensing officer may issue a theatre licence either generally or for cinematograph exhibitions only, or for stage plays only or for any specified type of public entertainment only or in respect of any specified cinematograph exhibition, stage play or public entertainment, or for such period not exceeding twelve months as the licensing officer thinks fit, or for any combination of the above.
- (4) A licensing officer may revoke or suspend a theatre licence at any time if, in his opinion, the safety, health or convenience of persons attending the theatre is not adequately provided for, or if the structure, equipment or lighting has ceased to comply with any rules made under this Act.
- (5) A licensing officer may issue a theatre licence upon condition that the theatre shall not be used for the purposes specified in the licence except under the superintendence of some officer or person specified in the licence, and in such case, it shall be lawful, at any time, for the officer or person so specified to order any cinematograph exhibition, stage play or public exhibition presented in the theatre to cease or to give any other directions which he thinks necessary for ensuring the safety of the theatre and of the audience.
- (6) Any licensee or any owner or manager of a theatre, or other person responsible for the presentation of any cinematograph exhibition, stage play or public entertainment who fails to comply with any order or direction given under subsection (5) shall be guilty of an offence.
- (7) A theatre licence may, on application made in writing, be transferred or amended by a licensing officer.

*[3 of 1981]*

## Part IIIA – Premises licence

*[7 of 1986]*

### 9A. Premises licence

- (1) No person shall use or operate any premises for the purpose of letting to the public for gain or reward any cinematograph picture unless there is in respect of such premises a valid licence (hereinafter referred to as the “premises licence”) issued under sub-regulation (3) or use or operate

such premises for such purpose otherwise than in accordance with the terms and conditions of the premises licence.

- (2) A person who contravenes subsection (1) shall be guilty of an offence, and liable to a fine of K1,000 or imprisonment for three months.
- (3) A licensing officer may refuse to grant a premises licence or may grant it subject to such terms and conditions as he thinks desirable for ensuring compliance with the provisions of this Act or of any rules made thereunder relating to classification and exhibition of cinematograph pictures.
- (4) Every premises licence shall expire on the 31st December following the date of its issue but may at any time before expiry and with the approval of the Board—
  - (a) be transferred to any other premises or licensee;
  - (b) be amended by a licensing officer.
- (5) A premises licence shall be subject to payment by the licensee of such annual fee as the Minister may prescribe and where the period for which the licence is issued does not exceed nine months the fee payable shall be proportionately reduced.

## Part IV – Cinematograph exhibitions

### 10. Certificates of approval

No person shall present any cinematograph exhibition to which the public is admitted either gratuitously or for reward, except under the authority of and in accordance with a certificate of approval (hereinafter referred to as a “certificate”) issued under this Act in respect of such cinematograph exhibition and every part thereof, and any person who contravenes this section shall be guilty of an offence.

### 11. Applications for certificates

- (1) An application for a certificate shall be made in writing to the Board, and shall be accompanied by a statement of the theatre or theatres where, and the time or times when, the cinematograph exhibition is intended to be presented (unless, for satisfactory reasons given, these particulars cannot be specified), and such other particulars and descriptions as the Board may, from time to time require.
- (2) Where the application for a certificate is made in respect of a cinematograph exhibition which is to be presented in a language other than English, it shall, if the Board so requires, be accompanied by a translation into English by an interpreter approved by the Board of all dialogue, titles and subtitles spoken or used in the cinematograph exhibition.

### 12. Issue of certificates

- (1) After considering an application for a certificate, the Board may refuse the application or may issue a certificate subject to such terms and conditions as may be specified in the certificate.
- (2) The Board may, with the approval of the Minister, direct that a certificate shall be issued free in cases where the cinematograph exhibition is to be given for any charitable, educational or public purpose.
- (3) A certificate shall be issued on behalf of the Board by the Chief Censoring Officer, or by such other officer of the Board as the Board may authorize, upon receipt by him of the prescribed fee, if any, and in accordance with such general or special direction as the Board may give.

*[3 of 1981]*

*[25 of 1983]*

### 13. Classification of and conditions attached to certificates

- (1) Where the Board decides to authorize the issue of a certificate in respect of any cinematograph exhibition it shall authorize such issue in accordance with the classifications and conditions specified in subsection (2), and may authorize the issue subject to any or all of the following conditions—
  - (a) that the cinematograph exhibitions may only be presented at such theatre or theatres as the Board may, in its discretion, specify;
  - (b) that the cinematograph exhibition may be presented only after any specified portion or portions have been excised therefrom.
- (2) Certificates shall be issued in accordance with one or other of the following classifications—
  - (a) “U” certificate—suitable for exhibition to persons of any age;
  - (b) “A” certificate—suitable for exhibition to persons of any age provided that persons less than 14 years of age are accompanied by a person aged 18 years or more;
  - (c) “AA” certificate—suitable for exhibition to persons aged 14 years or more;
  - (d) “X” certificate—suitable for exhibition to persons aged 18 years or more.

*[3 of 1981]*

*[25 of 1983]*

## Part V – Stage plays and public entertainments

### 14. Entertainment permits

No person shall promote, present, cause, permit or suffer to be promoted or presented or shall direct, assist or take part in any performance or presentation of any stage play or public entertainment to which the public is admitted either gratuitously or for reward except under the authority of and in accordance with a permit, hereinafter referred to as an entertainment permit, issued in accordance with this Act, in respect of that performance or presentation, and any person who contravenes this section shall be guilty of an offence.

### 15. Applications for entertainment permits

- (1) An application for an entertainment permit shall be made in writing to the Board at least two weeks before the time when the stage play or public entertainment is intended to be first performed or presented, and shall be accompanied by a statement of the theatre or theatres where and the time or times when the stage play or public entertainment is to be performed or presented, together with the full text of the stage play or a sufficient description which the Board may from time to time require.
- (2) Where the text of any stage play sent to the Board is not in the English language, the Board may, if it thinks fit, require the applicant to furnish a true translation of the text in English by an interpreter approved by the Board.

## 16. Issue of entertainment permits

- (1) After considering an application for an entertainment permit the Board may refuse the issue of such permit or may issue such permit either unconditionally or subject to such terms and conditions as the Board may think fit, including all or any of the following—
  - (a) that the stage play or public entertainment shall not be performed or presented before children of or under a specified age;
  - (b) that the stage play or public entertainment shall be performed or presented only at such theatre or theatres as the Board may in its discretion specify;
  - (c) that the stage play or public entertainment shall be performed or presented only after any specified portion or portions thereof have been excised.
- (2) A permit shall be issued on behalf of the Board by the Chief Censoring Officer, or by such other officer of the Board as the Board may authorize, upon receipt by him of the prescribed fee, if any, and in accordance with such general or special directions as the Board may give.
- (3) The Board may, with the approval of the Minister, direct that an entertainment permit shall be issued free in cases where the stage play or public entertainment is to be performed or presented for any charitable, educational or public purpose.

*[3 of 1981]*

*[25 of 1983]*

## 17. Additional entertainment permit required

- (1) Where an entertainment permit has been issued for any stage play or public entertainment, no material alteration or addition to such stage play or public entertainment may be made in any performance or presentation thereof to which the public is admitted, either gratuitously or for reward, except under the authority of and in accordance with an additional entertainment permit issued in the manner provided in sections [15](#) and [16](#) in respect of such alteration or addition.
- (2) Any person who promotes, presents, causes, permits or suffers to be promoted or presented, or who directs, assists or takes part in any performance or presentation of any stage play or public entertainment or any part thereof in contravention of subsection (1) shall be guilty of an offence.

## 18. Cruelty to animals

Any person who maltreats any animal taking part in any stage play or public entertainment shall be guilty of an offence.

## Part VI – The making of cinematograph pictures

### 19. Film permits

- (1) No person shall direct or assist or take part in the making of any cinematograph picture in Malawi unless a permit, hereinafter referred to as a film permit, has first been issued under this Act authorizing the making of such cinematograph picture.
- (2) Any person who contravenes this section, or who directs, or assists or takes part in the making of any cinematograph picture otherwise than in accordance with any terms and conditions subject to which a film permit has been issued in respect of such cinematograph picture, shall be guilty of an offence.

## 20. Application for film permits

- (1) An application for a film permit shall be made in writing to the Board at least fourteen days before the making of the cinematograph picture is intended to be commenced.
- (2) Every application for a film permit shall be accompanied by a full description of the scenes and the full text of the spoken parts (if any) of the cinematograph picture to which the application relates, and any other particulars or descriptions that the Board may require.
- (3) Where a cinematograph picture is to include any scenes the making of which is likely to endanger the safety of any person or of any property (not being in the possession or disposition of the person responsible for, or directing or supervising the making of, the cinematograph picture), or in which animals are to be photographed, the applicant for a film permit in respect thereof shall state in the application the precautions proposed to be taken to preserve the safety of any such person or property, or to prevent cruelty or unnecessary suffering to such animals.
- (4) Where any application for a film permit relates to a cinematograph picture of which the text, description, synopsis or any other part is in a language other than English, a translation thereof into the English language by an interpreter approved by the Board shall accompany the application:

Provided that the Board may in its discretion dispense with such translation and may submit the original text, description, synopsis to such person or persons as they may appoint for examination and report, and the Board may act upon such report in its discretion.

## 21. Issue of film permits

- (1) After considering an application for a film permit the Board may refuse the issue of such permit or may issue such permit subject to any conditions which may be prescribed or to any special conditions which may be specified in such permit.
- (2) In addition to the powers conferred by subsection (1) the Board may, on or before issuing a film permit, require the applicant to enter into a bond with or without sureties in such sum not exceeding one thousand Kwacha as the Board shall determine, conditioned that the cinematograph picture will be made in accordance with the detailed descriptions supplied to the Board and subject to any special terms or conditions specified in the film permit.
- (3) The Board may also require as a condition of the issue of a film permit that a public officer duly authorized in that behalf by the Board shall be present at the making of such scene or scenes of the cinematograph picture as may be specified by the Board, and further that such public officer may, in the exercise of his discretion, having regard to any special or general directions issued to him by the Board, intervene to stop the making of any scene which in his opinion is objectionable to be witnessed or endangers the safety of any person not performing in the scene or of any actor or property (not being in the possession or disposition of the person responsible for, or directing or supervising the making of, the cinematograph picture) or which is cruel or causes unnecessary suffering to any animal.
- (4) In the event of any intervention under subsection (3), the person authorized may use such force as may be reasonably necessary to stop the making of any such scene, and any person who—
  - (a) resists, hinders or obstructs the person authorized when so intervening; or
  - (b) fails to desist from the making of any such scene when so required by the person authorized, shall be guilty of an offence.

- (5) A permit shall be issued on behalf of the Board by the Chief Censoring Officer, or by such other officer of the Board as the Board may authorize, upon receipt by him of the prescribed fee, if any, and in accordance with such general or special directions as the Board may give.

*[3 of 1981]*

*[25 of 1983]*

## 22. Additional film permits required

Where a film permit has been issued for the making of any cinematograph picture, no material alteration or addition may be made to the text, synopsis or scenes intended to be made except under the authority of and in accordance with an additional film permit issued in the manner provided in sections 20 and 21 in respect of such alteration or addition, and any person who directs or assists or takes part in the making of any cinematograph picture in contravention of this section shall be guilty of an offence.

## Part VII – Publications, pictures, statues and records

### 23. Prohibition of importation, etc., of undesirable publications, pictures, statues and records

- (1) Any person who—
- (a) imports, prints, publishes, manufactures, makes or produces, distributes, displays, exhibits or sells or offers or keeps for sale any publication, picture, statue or record; or
  - (b) publicly plays any record,

which is undesirable or which has, under section 24 been declared by the Board to be undesirable, shall be guilty of an offence:

Provided that, where a person has imported such a publication, picture, statue or record, nothing in this section shall prevent him from returning it to the source whence he imported it.

- (2) A publication, picture, statue or record shall be deemed to be undesirable if it or any part thereof—
- (a) is indecent or obscene or is offensive or harmful to public morals; or
  - (b) is likely to—
    - (i) give offence to the religious convictions or feelings of any section of the public; or
    - (ii) bring any member or section of the public into contempt; or
    - (iii) harm relations between any sections of the public; or
    - (iv) be contrary to the interests of public safety or public order; or
  - (c) discloses, with reference to any judicial proceedings—
    - (i) any matter which is indecent or obscene or is offensive or harmful to public morals or any indecent or obscene medical, surgical or physiological details the disclosure of which is likely to be offensive or harmful to public morals;
    - (ii) for the dissolution or a declaration of nullity of a marriage or for judicial separation or for restitution of conjugal rights, any particulars other than—
      - (A) the names, addresses and occupations of the parties and witnesses;
      - (B) a concise statement of the allegations, defences and counter-allegations in support of which evidence has been given;

- (C) submissions on any point of law arising in the course of the proceedings, and the decision of the court thereon;
  - (D) the judgment and the verdict of the court and any observations made by the judge in giving judgment.
- (3) Subsection (2) (c) (ii) shall not be construed so as to permit the disclosure of anything contrary to subsection (2) (c) (i).
- (4) This section shall not apply to—
- (a) the printing of any pleading transcript of evidence or other document for use in connexion with any judicial proceedings or the communication thereof to persons concerned in the proceedings;
  - (b) the printing, publishing or distribution of any notice or report in pursuance of the directions of any court;
  - (c) any separate volume or part of any *bona fide* series of law reports which does not form part of any other publication and consists solely of reports of proceedings in any court;
  - (d) any publication of a technical, scientific or professional nature bonafide intended for the advancement of or for use in any particular profession or branch of the arts, literature or science and approved for such purpose by the Minister;
  - (e) any publication of a bonafide religious character.
- (5) The Board may, on such conditions as it deems fit, in writing exempt any person or institution, from any provisions of this section, either, indefinitely or for a period determined by it, and may at any time by notice in writing to the person or institution concerned withdraw any exemption granted under this subsection.
- (6) No prosecution in respect of an offence under subsection (1) shall be instituted without the authority in writing given under the hand of the Chief Public Prosecutor.

#### **24. Power of Board to declare publications, pictures, statues and records undesirable**

- (1) The Board shall have power to declare whether or not any publication, picture, statue or record is in the opinion of the Board undesirable within the meaning of [section 23 \(2\)](#).
- (2) Whenever the Board has given any decision under subsection (1) declaring any publication or record to be undesirable, it shall without delay cause such decision to be notified in the *Gazette*.
- (3) No prosecution shall be instituted under this Act in respect of any publication, picture, statue or record, if the Board has, under subsection (1), declared that in the Board's opinion it is not undesirable.
- (4) Any publication picture, statue or record imported after the Board has, under subsection (1) declared that in the Board's opinion it is undesirable, shall be liable to forfeiture and shall be disposed of as the Board may direct.

### **Part VIII – General**

#### **25. Duty of owner or manager, etc., of theatre**

The owner, lessor, sub-lessor or occupier of, or any person who manages any theatre at which any cinematograph exhibition, stage play or public entertainment is or is intended to be performed or presented shall be responsible for ensuring that any licence or Permit required under this Act has been issued, and if so that the terms and conditions subject to which it has been issued are complied with, and shall give notice to the Board or to the Inspector General of Police if and so soon as he has reason to

believe that an offence under this Act or any rules made thereunder is being or is likely to be committed, and if he neglects or fails to give such notice he shall be guilty of an offence.

## 26. Power of entry

- (1) Any member of the Board, and any administrative officer, police officer of or above the rank of sub-inspector or licensing officer, or any person authorized in that behalf by the Board, may at all reasonable times enter upon any premises or place in which he has reason to believe that any cinematograph exhibition, stage play or public entertainment is being or is about to be presented or performed, or any cinematograph picture is being or is about to be made or which he has reason to believe is being used or operated as premises where cinematograph pictures are let to the public for gain or reward with a view to ascertaining whether the provisions of this Act or any rules made thereunder, and the terms and conditions of any licence or permit issued under this Act, are being complied with.
- (2) In the event of any of the persons referred to in subsection (1) being satisfied that a cinematograph exhibition, stage play or public entertainment is being or is about to be performed or presented or that a cinematograph picture is being or is about to be made in contravention of this Act or any rules made thereunder or of the terms and conditions of any licence or permit issued thereunder, he may order that such cinematograph exhibition, stage play or public entertainment, or the making of such cinematograph picture shall stop and, in the case of a cinematograph picture, he may seize such cinematograph picture.
- (3) Any person who resists, obstructs or hinders the entry of the persons referred to in subsection (1) in the performance of their duties under that subsection or who refuses or fails to comply with an order given under subsection (2) shall be guilty of an offence.

*[7 of 1986]*

*[22 of 1989]*

## 27. Exhibition of posters

No person shall publicly exhibit any poster or advertisement containing any illustration or scenic description of any cinematograph exhibition, stage play or public entertainment unless such poster or advertisement has been approved by the Board or by a person appointed by the Board in that behalf, and any person who publicly displays any poster or advertisement in contravention of this section shall be guilty of an offence.

*[25 of 1983]*

## 28. Private exhibitions, etc., in theatres

The Minister may at any time prohibit or restrict the private performance or presentation of any cinematograph exhibition, stage play or public entertainment in any theatre required to be licensed under this Act, and any person who promotes, presents, causes, permits or suffers to be promoted or presented, or directs, assists or takes part in any such cinematograph exhibition, stage play or public entertainment in contravention of such prohibition or any restriction imposed under this section shall be guilty of an offence.

## 29. Board's power to order surrender of script, etc.

- (1) The Board may, by order in writing, direct that any cinematograph picture or any script of, or text or synopsis of, or any poster or advertisement of, or any article used in, any cinematograph exhibition, stage play or public entertainment shall be surrendered to it, and any person to whom such order is directed who fails fully and promptly to comply with such order shall be guilty of an offence.



- (2) On the surrender of such script, text, synopsis, poster, advertisement or thing to the Board under this section the Board may apply to the High Court for an order authorizing the forfeiture thereof or may release the same subject to such conditions as it deems fit.

*[7 of 1986]*

### **30. Appeals**

Any person aggrieved by the refusal by the Board or by the Chief Censoring Officer, or any other person duly authorized in that behalf by the Board, to issue any certificate, entertainment permit, film permit or theatre licence under this Act or by the terms and conditions subject to which such certificate, permit or licence is issued may, within seven days, appeal to the Minister in writing, and the Minister's decision thereon shall be final and shall not be questioned in any court.

*[25 of 1983]*

### **31. Minister may cancel any certificate, permit or licence**

The Minister may at any time cancel any certificate, entertainment permit, film permit or theatre licence issued under this Act without assigning any reason therefor and without payment of compensation.

### **32. Penalties**

Any person guilty of an offence under this Act for which no other penalty is prescribed shall be liable to a fine of K200 and to imprisonment for six months, and where the offence is a continuing one shall be liable in addition to a fine of K40 and imprisonment for one month for each day on which the offence continues.

*[3 of 1981]*

*[7 of 1986]*

### **33. Exemptions**

The Minister may, by notice in the *Gazette*, and subject to such conditions, if any, as he may impose, exempt any publication, production, theatre, cinematograph exhibition, stage play, public entertainment or cinematograph picture, or any part thereof, or any person owning, managing, promoting, presenting, directing, assisting or taking part in any such theatre, cinematograph exhibition, stage play, public entertainment or cinematograph picture, as the case may be, from any of the provisions of this Act or of any rules made thereunder.

### **34. Rules**

The Minister may make rules for the better carrying out of the purposes and provisions of this Act, and without derogation from the generality of the foregoing such rules may provide for—

- (a) the forms to be used for the purposes of this Act and the manner of making applications for certificates, licences or permits;
- (b) the fees to be charged in respect of anything required to be done or any applications made or certificates, licences or permits issued under this Act;
- (c) the conditions to be observed in reference to the erection, alteration, and equipment of any theatre; and
- (d) the conditions to be observed in reference to the safety from fire or otherwise of any theatre or for the safety and control of persons attending such theatre.

*[3 of 1981]*

*[25 of 1983]*