

# **FILMS, STAGE PLAYS AND PUBLICATIONS ACT**

**No. .... Of 2016**

**Date of Assent:**

**Date of Commencement: By Notice in the gazette**

An Act of Parliament to provide for the regulation of the creation, exhibition and distribution of films, for the classification of broadcast content ,online content outdoor advertisements ,print publications, stage plays, for the registration of cinemas and theatres and for purposes incidental thereto and connected therewith.

## **ARRANGEMENT OF SECTIONS**

### **PART I – PRELIMINARY**

#### **Short title and commencement**

1. This Act may be cited as the Films, Stage Plays and Publications 2016

#### **Interpretation**

2. In this Act, unless the context otherwise requires –

**“Adult content”** means content in films, games and publications that is classified as suitable for persons above the age of 18

**“Audiovisual commercial”** means images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity. Such images accompany or are included in a programme in return for payment or for similar consideration or for self-promotional purposes.

**“Board”** means the Kenya Film Classification Board

**“Broadcaster”** any legal or natural person who composes or packages or

distributes television or radio programme services for reception by the public or sections of the public or subscribers to such a service, irrespective of technology used;

**“Broadcasting station”** means a station equipped to broadcast radio/television programmes;

**“Broadcasting”** means unidirectional conveyance of sounds or television programmes, whether encrypted or not by radio or other means telecommunications, for reception by the public;

**“Certificate of approval”** means a certificate issued by the Board

**“Child of tender years”** means child under the age of ten (10) years;

**“Child”** means any human being under the age of eighteen (18) years;

**“Distributor”** in relation to a film and/ games, or publications means a person who conducts business in the selling, hiring out of exhibition of films and/or games and includes online distribution of content;

**“Exhibit”** means give or make, or cause or permit to be given or made, or take part or assist in the giving or making of, any exhibition;

**“Exhibition”** means the a public display, showing, presentation, demonstration, exposition, showcase of works of art and includes the projection of a film or other optical effect by means of a cinematograph or similar apparatus;

**“Exhibitor”**, in relation to films and/or games, means any person who exhibits or causes to be exhibited any film and/or game to the public, or to a section of the public, whether or not a charge is made for admission to the premises in which the exhibition is held

**“Film”** means any sequence of visual images recorded in such a manner that by using such recording, such images will be capable of being seen as moving pictures, which series of images, with or without associated sounds, is intended for distribution and exhibition;

**“Game”** means a computer game, video game or other interactive computer software for interactive game play where the results are changed at various stages of the game and determined in response to the decision, inputs and direct involvement of the game player or players and includes all gaming applications by whatever name called.

**“Making of a film or television programme/show”** means the acts of photographing performing or otherwise taking part in or arranging any scenes or episodes for the purpose of the production of a film or television programme.

**“Programme”** means a body of live or recorded material consisting of images, sounds or both embodied in signals and emitted for the purpose of ultimate broadcasting;

**“Programming Code”** means a code of practice for both radio and television broadcasters setting the standards for the time and manner of programmes to be broadcast by a licensee prescribed by or approved by the Communications Authority established under the Kenya Information and Communications Act or its successors

**“Programming”** means scheduling of programmes

**“Public Exhibition”** and “public performance” mean respectively an exhibition and a performance to which the public are admitted, whether on payment or gratuitously;

**“Stage play”** means any performing art, intended for public theatrical performance and includes tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, dialogue, prologue, epilogue, live musical performances, or other dramatic entertainment or any part thereof;

**“Theatre”** means any building, tent or other erection of whatever nature, or any premises or land, open to the public gratuitously or otherwise, where any stage play or public entertainment is performed or presented

### **Application of the Act.**

**3. (1)** The provisions of this Act or any regulations made under the Act applies to—

- (a) The creation, exhibition, broadcasting and distribution of films
- (b) the exhibition of stage Performances
- (c) the exhibition and distribution of posters, and other media used to promote a film or a stage play
- (d) classification of broadcast content
- (e) programme and non-programme matter, namely commercials, infomercials, documentaries, interviews, programme promotions, programme listings, community service announcements and station identifications
- (f) Gaming applications
- (g) Video on demand
- (h) Over the top services
- (i) Outdoor advertising
- (j) Print publications

## **PART II: ESTABLISHMENT OF THE KENYA FILM CLASSIFICATION BOARD**

**4. (1)** There is established a State Corporation to be known as the Kenya Film Classification Board, (herein after referred as ‘the Board’.)

(2) The Board is a body corporate with perpetual succession and a common seal, and capable, in its corporate name, of -

- (a) Suing and being sued;

- (b) taking, purchasing or otherwise acquiring, holding and disposing of movable and immovable property;
- (c) borrowing money;
- (d) entering into contracts; and
- (e) doing or performing all such other things or acts for the proper performance of its functions as may be lawfully done by a body corporate.

**5.** The headquarters of the Board shall be in Nairobi

**6.** The objects and purposes of the Board is to regulate the creation, exhibition and distribution of films, for the classification of broadcast content, online content and outdoor advertisements, for the registration of stage performances, theatres and cinemas and to provide consumer advice to enable adults to make informed viewing, listening, reading and gaming choices for themselves and for children under their care.

### **Functions of the Board**

**7.** (1) Without prejudice to any provisions of this Act the functions of the Board are to —

- (a) monitor and enforce compliance with the provisions of this Act
- (b) classify films, broadcast and online content, stage performances, gaming applications, publications and related promotional materials;
- (c) impose age restriction on viewership
- (d) register local and international film makers, agents, distributors and exhibitors.
- (e) develop standards, regulations and guidelines for the film industry;
- (f) advice the government on the regulation of the film industry;
- (g) develop a national catalogue of classified films;
- (h) protect children from exposure to disturbing and harmful materials and from premature exposure to adult experiences;
- (i) prevent the use of children in pornographic productions;
- (j) prevent the exposure of children to all forms of pornography;
- (k) prevent -

- (i) the creation, exhibition and distribution of films and stage performances,
- (ii) the exhibition of broadcast or online content, outdoor advertising and games,

that are not reflective of national values and aspirations of the people of Kenya

### **Board of Directors**

**8.** (1) There is established a board of directors of the Board.

(2) The board of directors is the governing body of the Board. The membership of the board of directors comprises-

- (a) a non-executive Chairperson appointed by the President;
- (b) the Chief Executive Officer, appointed under section 14. The Chief Executive Officer is an ex-officio member of the Board;
- (c) the Principal Secretary of the Ministry for the time being responsible for matters relating to films and stage performances or his representative appointed by name and in writing;
- (d) the Principal Secretary to the National Treasury or his representative appointed by name and in writing;
- (e) five other persons, not being public officers, appointed by the cabinet secretary, through an open and competitive process by name and in writing;
- (f) a corporation secretary appointed under section 16 who is the secretary to the board of directors

(2) A person does not qualify for appointment as a chairperson of the board unless that person-

- (a) is a Kenyan citizen;
- (b) holds a bachelor's degree in a relevant field ;
- (c) has at least ten years' management or leadership experience;
- (d) meets the requirements of chapter 6 of the Constitution; and
- (e) has not served as an employee of the Board or its predecessor in the five year period immediately preceding the appointment.

(3) A person does not qualify for appointment under subsection 1 (e) unless that person-

- (a) is a citizen of Kenya;
- (b) holds a bachelor's degree;
- (c) meets the requirements of Chapter 6 of the Constitution; and
- (d) has not served as an employee of the Board or its predecessor in the five year period immediately preceding the appointment.

9. (1) In appointing the members of the board of directors under section 8(2)(e), the Cabinet Secretary shall have due regard-

- (a) to the need to have a mix of skills across all functions of the Board
- (b) to the constitutional principle that not more than two thirds of the elective or appointive bodies shall be of either gender
- (c) to the constitutional principle that fair competition and merit shall be the basis of appointments
- (d) to the constitutional principle that appointments to the public office shall reflect the ethnic and regional diversity of the people of Kenya
- (e) to the constitutional principle that the appointments should afford adequate and equal opportunities for appointment, training and advancement, at all levels of the public service to-

- (i) men and women;
- (ii) the youth
- (iii) persons with disabilities.

(2)The terms of directors shall be staggered.

### **Tenure and vacation of office**

10. (1) The Chairperson of the Board of Directors holds office for a term of three years and is eligible for re-appointment once.

(2) A member of the Board of Directors appointed under section 8(2)(e) holds office for a term of three years and is eligible for re-appointment once.

(3) The chairman of the Board of Directors, may, at any time, resign from office by giving notice, in writing to the Cabinet Secretary

(4)A member of the Board of Directors, other than an *ex officio* member may, at any time, resign from office by giving notice, in writing to the cabinet secretary with a copy to the Chairman of the Board.

(5)A member of the Board of Directors, other than an *ex-officio* member, who is absent from three consecutive meetings of the Board of Directors without the permission of the Cabinet secretary shall cease to be a member of the Board of Directors upon de-gazetement by the Cabinet Secretary

## **Conduct of meetings of the board of directors**

**11.** The conduct of the meetings of the board of directors shall be in accordance with the 2<sup>nd</sup> Schedule.

## **Disclosure of interest**

**12.(1)**A member of the board of directors who has an interest in a matter for consideration by the Board of Directors must disclose, in writing, the nature of that interest and is disqualified from participating in any deliberations of the Board of Directors relating to that matter.

## **Delegation of functions**

**13.** Subject to this Act, the Board of Directors may, by resolution, either generally or in any particular case, delegate to any committee of the Board of Directors or to any member, officer, employee of the Board, the exercise of any of the powers or the performance of any of the functions or duties of the Board of Directors under this Act.

## **Contracting out**

**14 (1)** The Board may contract out any of its services provided that such contracting out shall not abrogate from the Board's regulatory functions

## **Appointment of the Chief Executive Officer**

**15. (1)** the board of directors must appoint a person to be the Chief Executive Officer of the Board through a transparent and competitive process.

**(2)** A person does not qualify for appointment to the position of Chief Executive Officer unless that person-

(a) Has a Masters Degree

(b) Has at least ten years' experience in the film or broadcast industry, five of which was in senior management level

(c) Meets the requirements of Chapter 6 of the Constitution

**(3)**The Chief Executive Officer holds office for a term of three years but is, upon recommendation of the board, eligible for re-appointment for one further term of three years.

## **Functions of the Chief Executive Officer**

**16. (1)** The Chief Executive Officer -

- (a) is responsible to the Board for the day to day management of the Board
- (b) Exercises such powers as are necessary for the performance of the functions of the Board
- (c) Performs such other duties as may from time to time be determined by the board of directors.
- (d) May, from time to time, in writing, either generally or particularly, delegate to any member of the management of the Board all or any of the powers, exercisable by him under this act or under any written law but not including the power of delegation

## **Appointment of the Corporation Secretary**

**17 (1)** The board of directors must appoint a Corporation Secretary on such terms and conditions as the Board may determine.

(2) Corporation Secretary perform such duties as the Board may, from time to time, assign.

(3) Subject to any written law applicable to state corporations, the Corporation Secretary is responsible to the Chief Executive Officer

## **Qualifications of the corporation secretary**

**18. (1)** A person does not qualify for appointment to the position of the Corporation Secretary unless that person-

- (a) is an Advocate of the High Court of Kenya who is for the time being entitled to practice law in Kenya; and
- (b) is a Certified Public Secretary in good standing, registered with the Institute of Certified Public Secretaries of Kenya.

## **Other staff of the Board**

**19.** The Board may employ such other staff on such terms and conditions as the board of directors may approve.

**20.** The Board may, from time to time appoint as film examiners, such number of persons as it may determine, and upon such terms as the board may determine, having regard to the number of films requiring examination.



## **PART III— REGISTRATION OF FILM MAKERS**

### **Making of Films**

**21.** (1) Subject to the provisions of this Act, no film shall be made within Kenya for-

- (a) public exhibition;
- (b) broadcasting;
- (c) distribution;
- (d) hire or sale ;

except and in accordance with the terms and conditions of a Filming Certificate issued under this Part.

(2) Where a film is made in contravention of the provisions of subsection (1) every person engaged in the making of the film as a proprietor, producer, promoter, financier, actor or photographer, is guilty of an offence.

(3) A person guilty of an offence under this section is liable upon conviction a fine of not less than five hundred thousand shillings or to imprisonment for two years or both.

### **Application for Filming Certificate**

**22.** (1) An application for a filming certificate is to be made to the Chief Executive Officer

(2)The application under sub-section (1) must be in writing

(3)The application shall contain-

- (a) a full description of the scenes in the film; and
- (b) the full text of the spoken parts (if any) of the entire film

(4)The Chief Executive Officer may accept an application under subsection (1) notwithstanding that it is not accompanied by such description and text if the applicant has given such other information as is necessary for the determination of the application

(6) If any title, sub-title, text, description, synopsis or other part of the film is in a language other than English, the applicant shall provide a translation thereof into English, certified to the satisfaction of the Chief Executive Officer.

(5) The provisions of this section applies, notwithstanding that part of the film is made or is to be made outside Kenya.

## **Issuing of Filming Certificates**

**23.** (1) Upon considering the application under section 21, the Chief Executive Officer may

- (a) Issue a filming certificate for which the application has been made
- (b) issue a filming certificate subject to the condition that a police officer of the rank of Inspector or above, or other person appointed for the purpose by the Chief Executive Officer, shall be present at the making of the film, and to such other conditions as he may think fit;
- (c) reject the application.

(2) Before granting a filming certificate, the Chief Executive Officer may require the applicant to execute a bond, with or without sureties, in such sum, not exceeding the amount prescribed in the regulations made under this Act, as the Chief Executive Officer may require, to ensure that the film;

(a) is made in accordance with the conditions (if any) contained in the filming certificate; and

(b) does not depart from description, text and other information supplied to the Chief Executive Officer, or any alterations and additions for which permission has been granted under section 24 of this Act.

## **Films to be made in accordance with furnished particulars**

**24.** (1) No film shall be made otherwise than in accordance with the particulars furnished to the Chief Executive Officer, except in so far as permission to make alterations or additions has been granted under section 25.

(2) Where any film in respect of which a filming certificate has been issued is made in contravention of the provisions of subsection (1) of this section, every other person engaged in the making of the film as the producer, the proprietor, the promoter, financier, actor or photographer shall be guilty of an offence

(3) A person guilty of an offence under this section is liable upon conviction a fine of not less than two hundred thousand or a prison term not exceeding two years or both

(4) Where the holder of the filming certificate is not one of the persons named in sub-section 2, that holder is guilty of an offence under this section.

### **Alterations and additions to films**

**25.** (1) Where it is desired to make any material alteration or addition to the text, synopsis or scenes of a film which is to be made and in respect of which a filming certificate has been issued, the holder of the certificate shall apply in writing to the Chief Executive Officer for permission to make the alteration or addition,

(2) the application under subsection (1) shall be accompanied by-

- (a) the filming certificate
- (b) particulars of the proposed alterations and additions and,
- (c) if the alterations or additions are in a language other than English, and the Chief Executive Officer so requires, a translation thereof into English, certified to the satisfaction of the Chief Executive Officer

(3) Upon considering the application for alterations and additions, the Chief Executive Officer may;

(a) Issue a registration certificate approving the alterations or additions;  
or

(b) issue a certificate approving the alterations or additions subject to the condition that a police officer of or above the rank of Inspector, or other person appointed for the purpose by the Chief Executive Officer, shall be present at the making of the film, and to such other conditions as the Chief Executive Officer may think fit.

(c) reject the application

(3) The decision of the Chief Executive Officer on the application shall be endorsed on the filming certificate, and if permission is granted there shall also be endorsed any condition which is attached to the permission.

### **Power of police officer or appointed person at making of a film**

**26.** (1) Where a filming certificate is issued subject to the condition that a police officer or other person appointed for that purpose shall be present at the making of the film, such police officer or other person may, having regard to any special or general directions given to him by the Chief Executive Officer,

intervene to stop the making of any scene which, in his or her opinion, the making of the film

- (a) endangers the safety of any person or property (other than property in the possession or disposition of the producer, the promoter or any other person engaged in the making of that film) or
- (b) is cruel or causes unnecessary suffering to an animal, or
- (c) is being made in contravention of any of the provisions of this Act or of any regulations made there under, or
- (d) is being made in violation of any of the conditions contained in the certificate or attached to any permission granted under section 23 of this Act.

(2) Where a police officer or other person appointed for that purpose intervenes as aforesaid, the police officer or that other person shall immediately notify the Chief Executive Officer of such intervention and of the reasons therefor.

(3) On receipt of a notification by the police officer or other person appointed for that purpose the Chief Executive Officer

- (a) permit the making of the film to be resumed or;
- (b) permit the making of the film to be resumed on such additional conditions as he may think fit; or
- (c) refuse to permit the making of the film to be resumed and revoke the film registration certificate in respect of the film.

(4) Before taking any action under sub-section(3) the Chief Executive Officer shall give the holder of the filming certificate an opportunity of being heard,

(5) Any person who obstructs or hinders any police officer or other person other person appointed for a purpose in the exercise of his or her duties under this section is guilty of an offence.

(6) Where, after such intervention as aforesaid, the making of a film is resumed without the permission of the Chief Executive Officer or in contravention of any condition imposed under subsection (2) of this section, the producer, the proprietor, the promoter and the photographer of the film and every other person engaged in the making of the film, and, where the holder of the filming certificate is not one of the aforesaid persons, such holder also, shall each be guilty of an offence.

(7) A person guilty of an offence under this section is liable upon conviction a fine of not less than five million shillings or to imprisonment for a term not exceeding four years or both

## **PART IV FILM CLASSIFICATION**

### **Film Classification**

**27.** (1) Films, posters and trailers are classified by film examiners appointed or co-opted under this Act

(2) A person shall not be appointed as a film examiner unless the person meets the qualifications prescribed by the board

### **Classification guidelines**

**28.** The Board may from time to time prescribe guidelines to be applied in the classification of films, stage plays, posters, audio visual commercials and publications

### **Application for classification of a film**

**29 (1)** an application for the classification of a film is to be made to the Board in the prescribed form.

(2) The application for classification must be accompanied by;

- (a) the entire film to which the application relates; and
- (b) a copy of every poster intended to be publicly displayed in connection with the film or its exhibition; or ,
- (c) trailers, if any, to be used in promoting the film
- (d) if the Chief Executive Officer in any particular case so directs, a full description of the film and of the visual and verbal contents thereof.
- (e) if the film or poster intended to be exhibited or distributed in connexion with the film contains writing or speech in a language other than English, the Chief Executive Officer may require a translation thereof into English, certified to the satisfaction of the Chief Executive Officer.

### **Classification of films posters and trailers**

**30. (1),** Films are classified as follows -

- (a) General exhibition
- (b) Unsuitable for children under the age of ten years
- (c) Unsuitable for children under the age of thirteen years

- (d) Unsuitable for children under the age of sixteen years; or
- (e) Suitable for adults only; or
- (f) Restricted

(2) Posters and trailers are classified as \_

- (a) 'approved for public display'; or
- (b) 'not approved for public display'

### **Certificate of approval for trailers and posters**

**31.** (1) if the Board approves a poster or trailer for public display, the Board shall give the applicant a certificate of approval in the prescribed form

### **Display of classification decisions for films**

**32.** (1) where a film has been classified in accordance with this Act-

- (a) the classification label shall be displayed conspicuously on or through the cover or packaging, or,
- (b) before commencement of any program on broadcast stations promotional materials and adverts of the film:

(2) A person who exhibits or distributes any film, in contravention of the provision of this section is guilty of an offence and liable upon conviction to a fine of not less than five hundred thousand shillings or a prison term not exceeding three years or both.

(3) A person who displays a wrong classification label is guilty of an offence and liable upon conviction to a fine of not less than five hundred thousand shillings or a prison term not exceeding three years or both.

### **Re-classification**

**33** (1) Where a film has been classified in accordance with this act, the producer or promoter or distributor of the film may, after a period of three years from the date when a film was first classified in terms of this Act, apply, in the prescribed manner, for a less restrictive classification of that film

**34** The provisions of this this part and of Part IV do not apply to -

- (1) Films prepared or approved by the Kenya Institute of Curriculum Development for educational purposes within an educational institution; or
- (2) Films prepared by an educational institution registered or created under any written law for educational purposes within an educational institution; or
- (3) Films prepared for use by the medical profession

## **PART V EXHIBITION AND DISTRIBUTION OF FILMS**

### **Restriction on the exhibition and distribution of films, commercials, games**

- 35.** (1) A person must not distribute or exhibit any film, commercial or game to the public unless;
- (a) that person, is registered with the Board as a distributor or exhibitor of films, commercials or games; and
  - (b) the film, commercials or game is classified by the Board underpart III of this Act.
- (2) A person who exhibits, distributes any film, in contravention of sub-section (1) is guilty of an offence and liable upon conviction to a fine of not more than two million or a term of imprisonment not exceeding five years or both.

### **Restrictions on posters**

**36(1)**No person shall display, or cause to be displayed or permit to be displayed, in a public place, or so as to be visible from a public place, a poster in connection with a stage play unless the board has first approved the poster for public display

(2) Posters are classified as \_

- (a) 'approved for public display'; or
- (b) 'not approved for public display'

(3) A person who displays, or cause to be displayed or permit to be displayed a poster in contravention of sub-section (1) commits an offence and is liable on conviction to a fine of two hundred thousand shillings or a term of imprisonment not exceeding two years or both

### **Application for a certificate for exhibition or distribution**

**37.** (1) an application for registration as an exhibitor or distributor of films is to be made to the Board in the prescribed form

(2) A person who displays, or cause to be displayed or permit to be displayed a certificate in contravention of sub-section (1) commits an offense and is liable on conviction to a fine of two hundred thousand shillings or a term of imprisonment not exceeding two years or both

### **Display of certificate of exhibition and distribution**

**38. (1)**The certificate for exhibition and distributions must be displayed in a conspicuous part of the premises where the exhibition or distribution is to take place

(2)A person who fails to display a certificate in a conspicuous part of the premises where the exhibition or distribution is to take place commits an offense and is liable on conviction to a fine of one hundred thousand shillings or a term of one year imprisonment or both.

### **PART VI INTERNET SERVICE PROVIDERS (ISP)**

**39(1)** Internet Service Providers must-

- a) ensure that
  - (i)Exhibitors and distributors who use their platforms are registered in accordance with the provisions of this act
  - (ii) the content to be exhibited or distributed through their platforms is classified in accordance with the provisions of this act
  - (iii)all programs being streamed through their platforms comply with the classification guidelines of the Board.
- b) take reasonable steps to prevent the use of their services for hosting or distributing pornography, radicalization materials, glamorization of use of drugs and alcohol, hate speech and demining any religion and community
- c) report all persons maintaining or hosting or distributing all content reasonably suspected to be in violation of this Act

**(2)** An internet service provider who fails to comply with the provisions of sub-section(1) commits an offense and is liable on conviction to a fine of two million shillings or to a term of imprisonment not exceeding two years or both



## **PART VII: STAGE PLAYS**

### **Approval and Classification of Stage Plays**

**40(1)** No stage play may be exhibited in a place to which the public or a section of the public is invited to attend, whether or not a charge is made for admission to the premises in which the exhibition is held, unless such stage play has been classified by the board

**(2)** A person who exhibits a stage play in contravention of subsection (1) is guilty of an offense and liable on conviction to a fine of two hundred thousand shillings or a term of two years imprisonment or both

### **Applications for classification of stageplays**

**41 (1)** an application for the classification of a stage play is to be made to the Board in the prescribed form.

**(2)**The application for classification must be accompanied by;

- (a) the script of the stage play to which the application relates; and
- (b) a copy of every poster intended to be publicly displayed in connection with the stage play or its exhibition; or ,
- (c) audio-visual commercials , if any, to be used in promoting the stage play
- (d) if the stage play or poster intended to be exhibited or distributed in connexion with the stage play contains writing or speech in a language other than English, the Chief Executive Officer may require a translation thereof into English, certified to the satisfaction of the Chief Executive Officer.

### **Classification of stageplays**

**42.**Stage plays are classified as

- (a) 'Suitable for general exhibition'
- (b) 'Unsuitable for persons under the age of 18'
- (c) 'Restricted'

### **Conditions restricting the publication of advertisements**

**43.(1)** Where the Board classifies a stage play as unsuitable for persons under the age of 18, the board may impose conditions restricting the publication of advertisements in respect of the stageplay and the places where the stageplay may be exhibited.

**(2)** A person who exhibits a stage play in violation of a condition imposed by the board under sub-section (1) is guilty of an offense and liable on conviction to a fine of two hundred thousand shillings or a term of two years imprisonment or both

### **Restrictions on admission**

**44(1)** Where a stage play is classified as 'unsuitable for persons under the age of 18' the exhibitor must ensure that persons under the age of 18 are not admitted to the exhibition

**(2)** A person who admits a person under the age of 18 to an exhibition of a stage play classified as 'unsuitable for persons under the age of 18 commits an offense and is liable on conviction a fine of two hundred thousand shillings or a term of two years imprisonment or both

**(3)** where a stage play is classified as restricted, the stage play must not be exhibited in a place to which the public or a section of the public is invited to attend, whether or not a charge is made for admission to the premises in which the exhibition is held

**(4)** A person who exhibits a stage play in contravention of subsection (3) commits an offense and is liable on conviction a fine of two hundred thousand shillings or a term of two years imprisonment or both

### **Stage plays to be conducted in accordance with furnished particulars**

**45.(1)** No stage play shall be exhibited otherwise than in accordance with the particulars furnished to the board, except in so far as permission to make alterations or additions has been granted under section 25.

**(2)** A person who exhibits a play in contravention of sub-section (1) is commits an offense and is liable on conviction to a fine of two hundred thousand shillings or to a term of two years imprisonment or both

## **Alterations and additions to**

**46. (1)** Where it is desired to make any material alteration or addition to the text, synopsis or scenes of a stage play which has been classified, the producer or exhibitor may apply in writing to the Board for permission to make the alteration or addition,

**(2)** the application under subsection (1) shall be accompanied by-

- (b) Particulars of the proposed alterations and additions and,
- (c) if the alterations or additions are in a language other than English, and the Chief Executive Officer so requires, a translation thereof into English, certified to the satisfaction of the Chief Executive Officer

**(3)** Upon considering the application for alterations and additions, the board may;

- (a) Issue a certificate approving the alterations or additions and retain the classification; or
- (b) Issue a certificate approving the alterations or additions and reclassify the stage play
- (c) Reject the application

## **Criteria to be applied by Board**

**46** In performing its functions under this Act the Board shall have due regard to the nature of the stage play performance under consideration and to all other relevant factors that bear upon the classification or conditions that should be assigned to, or imposed in respect of, the stage performance.

## **Conditions in respect of stage performances**

**47 (1).** Where the Board assigns a classification to a stage play, it may impose such conditions in respect of the performance as it thinks fit to ensure that changes are not made in the nature of the performance of a kind that would affect the classification of the stage play.

## **Places where certain stage plays may take place**

**48(1)** A stage play classified as 'suitable for adults only' may only take place in a theatre or other place approved by the Board.

**(2)** Where stage play classified as 'suitable for adults only' takes place otherwise than as allowed by subsection (1) of this section, the producer, promoter, exhibitor, actor or any other person involved in staging the performance commits an offence and is liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or both

### **Free licenses.**

**49.** The Board may direct that a license be issued free in cases where the stage play is to be given for any charitable, educational or public purpose.

### **Exhibition of posters for stage performances.**

**50.(1)** A person must not publicly exhibit any poster or advertisement containing any illustration or scenic description of any stage performance unless the poster or advertisement has been approved by the Board

**(2)** A person who publicly exhibits any poster or advertisement in contravention of sub-section (1) commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or both

## **PART VIII: OUTDOOR ADVERTISEMENTS**

### **Approval of outdoor advertising signs**

**51.(1)** No person may erect an billboard digital billboard sign or use or continue to use an advertising sign or structure or device as an advertising sign without the prior written approval of the Board on the content thereof

**(2)** the content of the Advert is classified as either 'approved for public display' or 'restricted'.

**(3)** An advert classified as 'restricted' shall not be displayed to the public.

**(4)** No advertising sign erected and displayed with approval of the Board, may in any way be altered or upgraded, other than for maintenance work which may be required for the upkeep of an advertising sign, without prior written approval of the Board.

**(3)** A person who erects an outdoor advertising sign or uses or continues to use an advertising sign or structure or device as an advertising sign in contravention of sub-section (1) commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years or both

## **PART IX AUDIO-VISUAL COMMERCIALS**

### **Approval of audio - visual commercials**

**52. (1)** No person shall broadcaster an audio or audio-visual commercial unless the commercial has been classified by the board.

**(2)** Audio-visual commercials are classified as

- (a) suitable for the watershed period;
- (b) unsuitable for watershed period ;or
- (c) restricted

**(3)** Audio-visual commercials which in any way, including its presentation, deceives or is likely to deceive the person to whom it is addressed or whom it reaches and which, by reason of its deceptive nature, is likely to affect their economic behaviour are prohibited and are classified as 'restricted'

**(4)** An audio-visual commercial classified as 'restricted' must not be broadcast

**(5)**A person who exhibits an audio-visual commercial in contravention of sub-section (1) and (4) commits an offense and is liable upon conviction to a fine not exceeding two hundred thousand shillings or both such fine and imprisonment

## **PART X: PUBLICATIONS**

### **Meaning of objectionable and prohibited publications**

**53 (1).** Publications are classified as either 'Objectionable' or 'Not objectionable'

For the purposes of this Act, a publication is objectionable if, in the opinion of the board,—

(a) the publication, or, where the publication comprises 2 or more distinct parts or items, any one of its parts or items describes, depicts, expresses or otherwise deals with matters such as sex, horror, crime, cruelty, violence or the consumption of drugs or other intoxicating substances in such a manner that the availability of the publication is likely to be injurious to the public good; or

(b) its effect or, where the publication comprises 2 or more distinct parts or items, the effect of any one of its parts or items is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it; or

(b) the publication, or, where the publication comprises 2 or more distinct parts or items, any one of its parts or items describes, depicts, expresses or otherwise deals with matters of race, ethnicity, political affiliation or religion in such a manner that the availability of the publication is likely to cause feelings of enmity, hatred, ill-will or hostility between different racial, ethnic, political or religious groups.

**(2)** In determining for the purposes of this Act whether or not any publication is objectionable, the following matters shall be considered:

(a) the extent and degree to which, and the manner in which, the publication —

(i) describes, depicts or otherwise deals with acts of torture, the infliction of serious physical harm, sexual conduct or violence or coercion in association with sexual conduct;

(ii) exploits the nudity of persons or children or both;

(iii) promotes or encourages criminal acts or acts of terrorism;

(iv) represents, directly or indirectly, that members of any particular community or group are inherently inferior to other members of the public or of any other community or group;

(b) the impact of the medium in which the publication is presented;

(c) the character of the publication, including any merit, value or importance that the publication has in relation to literary, artistic, social, cultural, educational, scientific or other matters;

(d) the standards of morality, decency and propriety that are generally accepted by reasonable members of the community; and

(e) the persons, classes of persons or age groups of the persons to whom the publication is intended or is likely to be made available.

**(3)** The Chief Executive Officer shall keep and maintain a Register containing all publications which the board determines to be objectionable.

### **Power to prohibit importation, sale or circulation of objectionable publications**

**54.(1)** If the Board advises the Cabinet secretary that the importation, sale or circulation of any publication or series of publications published or printed outside Kenya or within Kenya by any person would be contrary to the public interest, the Cabinet secretary may, by order published in the Gazette, prohibit the importation, sale or circulation of that particular publication or series of publications or all publications published or printed by that person.

**(2)** An order made under subsection (1) shall, unless a contrary intention is expressed therein, apply to any translation into any language of the publication specified in the order.

**(3)** The Cabinet secretary may at any time vary or amend any order made under subsection (1)

### **Offences**

**55.** (1) A person who imports, publishes, sells, offers for sale, supplies, offers to supply, exhibits, distributes or reproduces any prohibited publication or any extract therefrom shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding two hundred thousand or to imprisonment for a term not exceeding two years or to both, and for a subsequent offence to imprisonment for a term not exceeding four years.

**(2)** A person who without reasonable excuse has in his possession any prohibited publication or any extract therefrom shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding two hundred thousand or to imprisonment for a term not exceeding two years or to both, and for a subsequent offence to imprisonment for a term not exceeding four years without the option of a fine.

**(3)** In any proceedings against any person for an offence under subsection (2), that person shall be presumed, until the contrary is proved, to have known the contents and the nature of the contents of any publication immediately after such publication came into his possession.

**(4)** For purposes of this part and any other written law prohibiting obscenity or pornography, the board may use any classification guidelines under this Act, to declare writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph film or other object to be objectionable

**(5)** The question whether or not a publication is objectionable is a matter for the expert judgment of the board or its authorized officer, and evidence as to or proof of any of the matters or particulars that the person is required to consider in determining that question is not essential to its determination.

### **Power to examine packages**

**56.** A police officer or authorized officer of the board of may detain, open and examine any package or article which he suspects to contain any prohibited publication or extract therefrom and during such examination may detain any person importing, distributing or posting such package or article, or in whose possession such package or article is found.

**(2)** If any prohibited publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer and the person importing, distributing or posting it, or in whose possession it is found, may forthwith be arrested by such officer and proceeded against for the commission of an offence under this part

### **Examination of articles coming into Kenya**

**57(1)** A police officer, a customs or excise officer, an officer of a public postal service or authorised officer of the board may detain, open and examine any article coming into Kenya in any manner whatsoever from any place outside Kenya which he has reason to believe contains or consists of an obscene or objectionable publication.

### **Forfeiture**

**58.** A court before which any proceedings are taken under this Act, if satisfied that any document produced in the proceedings is a prohibited publication or an extract therefrom, shall, whether the alleged offender is convicted or not, order such publication or extract therefrom to be forfeited to the state, and be destroyed or otherwise disposed of in such manner as the court thinks fit.

### **Issue of search warrant**



**59.** Whenever it is shown to a court that there is reasonable cause to believe that in any premises or place there is concealed or deposited any prohibited publication or extract therefrom, the court may, by warrant directed to a police officer, empower that officer to enter such premises or place by force if necessary to search for, seize and detain any such publication.

**60.** Whenever it appears to a police officer, not below the rank of inspector, that there is reasonable cause to believe that in any premises or place there is concealed or deposited any prohibited publication or extract therefrom, and he has good grounds for believing that, by reason of the delay in obtaining a search warrant, the object of the search is likely to be frustrated, the police officer may enter and search such premises or place as if he were empowered to do so by a warrant issued under subsection (1).

### **Exemptions**

**61(1)** Where any publication is a prohibited publication, an obscene or objectionable publication under this Act, any person may apply to the Cabinet secretary for an exemption from any of the provisions of this Act in respect of that publication.

**(2)** Every application shall be in the form provided for the purpose by the Chief Board and shall be accompanied by such fee as the Cabinet secretary may prescribe by regulations.

**(3)** On receiving an application under this section in relation to a publication, the Cabinet secretary, if satisfied that the publication should be made available to a limited class of persons or to a particular person for educational, professional, scientific, artistic or technical reasons, may exempt that class of persons or that person from any such provision of this Act as he may specify in respect of that publication for such period as he thinks fit.

**(4)** An exemption under this section may be granted absolutely or subject to such conditions as may be specified by the Cabinet secretary.

## **PART XI ENFORCEMENT**

### **Appointment of Compliance Officers**

**62. (1)** The Board shall, for the purposes of enforcing the provisions of this Act, appoint such number of persons to be known as compliance officers as the Board considers appropriate and shall issue to them, in writing and in such form as may be prescribed, certificates of authority to act as such inspectors

### **Powers of Compliance Officers**

**63.** (1) A compliance officer may, for the purpose of achieving the objects of this Act-

- (a) at all reasonable times, enter and inspect any premises or places in which the business of the sale, hire or exhibition of films or games is being conducted.
- (b) at all reasonable times, enter and inspect any premises or places in which stage play is being or is about to be presented with a view to seeing whether the provisions of this Act or any rules made under this Act and the conditions of any licenses or permits granted under this Act have been complied with.
- (c) to interview any person whom he finds any premises or places in which the business of the sale, hire or exhibition of films or games is being conducted

(2) Upon entry of any premises as contemplated in subsection, the compliance officer may—

- (a) Demand the production of a certificate of registration as a distributor or exhibitor of films issued by the Board.
- (b) examine or inspect any film or games being offered for sale or hire for compliance with the requirements of this Act;
- (c) instruct that films, being offered for sale or hire that do not comply with the requirements of this Act or any decision of the Board with regard to the distribution of that film be removed from any display or offer for sale or hire until such films comply with the requirements of this Act or any decision of the Board
- (d) Confiscate and seize any film that is being exhibited or distributed in contravention of this Act
- (e) Arrest any person involved either directly or indirectly in the exhibition or distribution of any film that is being exhibited or distributed in contravention of this Act
- (f) If such officer is satisfied that a stage play is being performed or presented contrary to the provisions of this Act or of any rules, licenses or permits issued under this Act, he or she may order that the stage play or public entertainment shall stop.

**(3)** An occupier of premises or place liable to inspection under this section, and any employer, servants and agents of such occupier, and any employee, shall furnish to a Compliance Officer all such information and documents for inspection.

**(4)** A person who-

- (a) Willfully delays or obstructs a Compliance Officer in the exercise of any power under this section; or

(b) refuses or neglects to answer any question or to furnish any information or to produce any document when required to do so under this Section commits an offence and shall be liable on conviction to a fine not exceeding Kenya Shillings one hundred thousand or to a term of imprisonment not exceeding one year or both such fine and imprisonment

(c) Fails to comply with an order of a compliance officer

(6) Every Compliance Officer shall, if so required on applying for admission to any premises or place for the purposes of this Act, produce a certificate of his appointment signed by the Chief Executive Officer or on its behalf by an authorized officer of the Fund

(7) When performing any function in terms of this section, a compliance officer may request the assistance of a police officer and such police officer shall be obliged to assist the compliance officer

**64.** Every Compliance Officer shall, if so required on applying for admission to any premises or place for the purposes of this Act, produce a certificate of his appointment signed by the Chief Executive Officer

### **Appeal and review of administrative decisions under the act**

## **PART XII—GENERAL PROVISIONS**

### **Funds of the Board**

**65** (1) The funds of the Board consist of—

- (a) monies that may accrue to the Board in the discharge of its functions;
- (b) grants and loans from the Government;
- (c) grants and loans from any body, organization or persons;
- (d) interest on savings made by the Board;
- (e) such monies that may be provided by Parliament for the purposes of the Board; and
- (f) money from any other source.

(2) The Board may open and operate its own bank accounts in both domestic and foreign currencies in banks approved by the Board.

(3) The Board may, with the approval of the Cabinet Secretary, invest any funds of the Board not immediately required for use by the Board in such securities as the Board deems fit.

### **Common ventures**

**66**(1) The Board may, with a written approval of the Cabinet Secretary —

- (a) subscribe to or purchase shares, debentures or other securities of a company;
- (b) form a company that would be a subsidiary of the Board;
- (c) enter into partnership with anybody, organisations or enterprise whose objectives are compatible with the purposes for which the Board has been established.

### **Annual Estimates**

**67(1)** At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Board for that year.

(2) The annual estimates shall make provision for the financial year concerned, and in particular shall provide for—

- (a) the payment of the salaries, allowances and other charges in respect of the staff of the Board and the members of the board of directors;
- (b) the payment of the pensions, gratuities and other charges in respect of retirement benefits to staff of the Board;
- (c) the proper maintenance of buildings and the grounds of the Board;
- (d) the proper maintenance, repair and replacement of the equipment and other movable property of the Board;
- (e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment or in respect of such other matters pertaining to the Board as the board of directors may decide;
- (f) the provisions of services;
- (g) the provision of personnel training.

(3) The annual estimates shall be submitted to the Cabinet Secretary for approval before the commencement of the financial year to which they relate provided that once approved, the sum provided in the estimates shall not be increased without the prior consent of the Cabinet Secretary.

(4) An expenditure shall not be incurred for purposes of the Board except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorisation of the Cabinet Secretary.

### **Business plan**

**68(1)** The Board shall prepare a five-year business plan which shall be reviewed yearly.

(2) The business plan shall contain financial targets and performance indicators for the Board

(3) The business plan and the revisions thereof shall be prepared by the Board at least six months prior to the commencement of the Board's financial year.

### **Borrowing**

**69.** The Board may borrow funds on such terms as may be approved by the Cabinet Secretary responsible for matters relating to finance upon recommendation of the Cabinet Secretary.

### **The financial year**

**70.** The financial year of the Board shall be the twelve calendar months commencing on the 1st day of July in each year and ending on the 30th day of June the following year.

### **Records and books of account of the Board**

**71(1)** The Board shall cause to be kept all proper books and records of the income, expenditure, assets and liabilities of the Board.

(2) Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-General or an auditor appointed under subsection (3), the accounts of the Board together with—

(a) a statement of income and expenditure during that year; and

(b) a statement of the assets and liabilities of the Board as at the last day of the financial year.

(3) The accounts of the Board shall be audited by the Auditor-General or by an auditor appointed by the Board with the written approval of the Auditor-General.

(4) The appointment of an auditor shall not be terminated by the Board without the prior written consent of the Auditor-General.

(5) The Auditor-General may give general or special directions to an auditor appointed under subsection (3) and the auditor shall comply with those directions.

(6) An auditor appointed under subsection (3) shall report directly to the Auditor-General on any matter relating to the directions given under subsection (5) of this section

(7) Despite anything in this Act, the Auditor-General may submit to the Cabinet Secretary a special report on any matters incidental to his or her

powers under this Act, and relevant sections of the Public Audit Act, 2003, shall apply, with necessary changes, to any report made under this section.

(8) The Cabinet Secretary shall lay the audit report before the National Assembly as soon as reasonably practicable after the report is submitted to him.

(9) The fee for any auditor, not being a public officer, shall be determined and paid by the Board.

### **Annual report by the Board.**

**72.** The Chief Executive Officer shall, within three months after the end of each financial year prepare a report of the operations of the Board during that year and shall submit such report to the Cabinet Secretary, through the Board, who shall cause it to be presented to the National Assembly together with the report of the Auditor- General and certified copies of the accounts referred to in section 33(2).

### **Charges and fees**

**73 (1)** The Board may determine, set out and levy charges—

(a) for any services performed by the Board; or

(b) for use of the facilities provided by the Board; or

(c) for the grant of a license, permit or certificate, based on the transparent principle of cost recovery, principles of public finance management as set out in the Constitution and the other statutes or the time being providing for public finance management and subject to the approval by the Cabinet Secretary.

(3) The schedule of charges shall be published in the gazette

### **Consultations with stakeholders or departments**

**74 (1)** In the performance of its functions and exercise of its powers, the Board shall, where appropriate, consult with Government departments, other authorities, bodies or persons, licencees and users of the Boards facilities and services.

(2) The Board shall establish any consultative mechanism it deems necessary to obtain the views of the licencees and users of the Board's facilities and services.

### **Restriction in the execution against property of the Board.**

**75(1)** Despite anything to the contrary in any law—

(a) where any judgment or order has been obtained against the Board, no execution or attachment or process in the nature thereof, shall be issued against the immovable property of the Board or any of its vehicles, vessels, aircraft or its other operational equipment, machinery, fixtures or fittings, but the Chief Executive Officer shall cause to be paid out of the revenue of the Board such amount as may, by the judgment or order or decree, be awarded against the Board to the person entitled thereto;

(2) no immovable property of the Board or any of its vessels, vehicles, aircraft or its equipment, machinery, fixture or fittings, shall be seized or taken by any person having by law, power to attach or distrain property without the previous written permission of the Chief Executive Officer

### **Service of notice on the Board**

**76. (1)** Any notice, summons, warrant, process or any other document required or authorised under this Act or any other law to be served on the Board or the Chief Executive Officer may be served—

(a) by delivering the notice or document to the Chief Executive Officer or to any authorised employee,

(b) by leaving it at the office of the Chief Executive Officer; or

(c) by sending it by registered post to the Chief Executive Officer

### **Recovery of debts**

**77.** All debts owed to the Board under this Act shall be recoverable summarily

### **Common seal**

**78.** The common seal of the Board established under this Act shall be kept in such custody as the Board may direct and must not be used except on the resolution of the board of directors.

### **Protection from personal liability**

**79.** A member or any officer, employee or agent of the Board shall not be liable for an act done omitted to be done or ordered to be done by that person in discharge of that persons' duties, if that person, at the time, in good faith, believed he or she had Board to do, or omit to be done, or order be done, the act complained of.

### **General prohibition and offences**

**80. (1)** A person who—

(i) Fails to comply with a lawful requirement or demand made or given

- by an authorized officer;
- (ii) Obstruct a person in the execution of his powers or duties under this Act;
- (iii) Knowingly or recklessly make a statement or representation which is false to an officer appointed under this act;
- (iv) furnishes a document or information required under this Act which is false; or
- (v) Furnishes a fake or forged or invalid licence or a licence that has been altered without authorization.

commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

(2) ) One half of all fines imposed and recovered by a competent court in respect of the contravention of any of the provisions of this Act or of any regulations made thereunder shall be paid into the revenues of the Board and the other half shall be paid into the general revenues of Kenya.

### **Offences relating to corporate body**

**81.** Where an offence under this Act is committed by a body corporate or any other association of individuals, a director, partner or any other person involved in, or acting or purporting to act in the management of affairs of body corporate or any other association of individuals commits an offence unless that person proves that—

- (a) the act or omission constituting the offence took place without his or her knowledge; or
- (b) He or she had exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances

### **General penalty**

**82.** A person who commits an offence under this Act for which no specific penalty is provided is liable, on conviction, to a fine not exceeding two hundred thousand or to imprisonment for a term not exceeding two years, or to both.

### **Regulations**

**83(1)** The Cabinet Secretary shall make regulations to give effect to and for the better carrying out of the objects and purposes of this Act, to provide generally for regulating the creation and exhibition of film stage Performances broadcast



and publications content

(2) Without limiting the generality of subsection (1), the Cabinet Secretary may make regulations for

- (a) Prescribe the classification guidelines for films, posters, outdoor advertisements and stage performances
- (b) Prescribe the manner and form in which an application for classification of a theatrical performance is to be made; and
- (c) prescribe and provide for the payment of fees in respect of a request for the classification of a theatrical performance; and
- (d) requiring that advertisements published in respect of theatrical performances classified under this Act bear symbols described in the regulations denoting those classifications; and

(4) Any regulations made under this section may provide in respect of any contravention thereof or noncompliance therewith for the impositions of penalties not exceeding in the case of any particular offence a fine of two million shillings or imprisonment for a term not exceeding three years, or to both.

#### **Restraint of breaches of this Act.**

**84.** (1) A person who has reason to believe that the provisions of this Act have been, are being, or are about to be violated, may petition the High Court for—

- (i) a declaration that the provisions of this Act are being, have been, are about to be contravened;
- (ii) an injunction restraining any specified person from carrying out the contravention;
- (iii) the writ of mandamus against an officer or a person who has failed to perform a duty imposed by or under this Act; or
- (iv) any remedy at law or equity for preventing or enforcing the provisions of this Act.

#### **Supersession**

**85.** Where any conflict arises between the provisions of this Act and any other Act the provisions of this Act shall prevail.

### **PART XIII—TRANSITIONAL PROVISIONS**

#### **Transitional provisions**

**86.** (1) The rights, assets and liabilities accrued in respect of the properties vested in the Kenya Film Classification Board established by the Acts repealed by section 83, or by any other legal instrument in force immediately before the

commencement of this Act, which shall cease to have effect upon the commencement of this Act (in this Part referred to as – the former agency) shall, by virtue of this subsection be transferred, vested in, imposed or be enforceable against the respective state agencies established under this Act.

(2) The persons employed by the former agency shall be transferred to the respective state agency established under this Act.

(3) Any proceedings taken by or against the former agencies immediately before the commencement of this Act may be continued by or against them by the state agency established under this Act.

(4) Any license or permit issued or granted by the former agency and in force immediately before the commencement of this Act shall remain in force for the unexpired period and shall be deemed to have been granted or issued under the provisions of this Act.

### **Repeal and amendment of Acts**

**87.** The Film and Stage Performances Act Cap 222 is repealed.

Section 181 of the Penal Code Cap 63 is amended by deleting the word ‘cinematograph films’ from para (a)