

**ACT 76**  
**CINEMATOGRAPH ACT, 1961**

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**ACT 76**  
**CINEMATOGRAPH ACT, 1961(1)**

**AN ACT to provide for the regulation and control of cinematograph exhibitions and for related matters.**

## *Safety Regulations*

### **1. Exhibition of films**

(1) A person shall not conduct, present or give, or allow to be conducted, presented or given, a film exhibition in any premises other than premises licensed under this Act by the Inspector-General of Police.

(2) This section and sections 2 to 4 do not apply to a private residence.

### **2. Notice of exhibition by occupier**

(1) The occupier of premises at which it is proposed to give an exhibition shall ascertain

(a) whether the premises have been licensed, and

(b) the provisions contained in the licence.

(2) The occupier shall notify the Inspector-General of Police where the occupier has reason to believe that there is an intention to proceed with an exhibition without a licence, or with a licence, but without complying with a provision of the licence.

### **3. Safety precautions**

The Regulations may prescribe the safety precautions to be observed in licensed premises.

### **4. Conditions of licence**

(1) The Inspector-General of Police shall not grant a licence for the purposes of this Act, unless the Inspector-General is satisfied that the Regulations in respect of safety of premises in which film exhibitions are given, have been substantially complied with.

(2) Subject to subsection (1), the Inspector-General may grant licences for the use of premises for film exhibitions to persons who or which the Inspector-General thinks fit and on the terms and conditions and subject to the restrictions that the Inspector-General may determine.

(3) A licence shall, unless revoked, be in force until the 31st day of December in the year in which the licence is granted.

### **4A. Child not allowed on cinema premises**

A person exhibiting a film to the public shall not allow a child below the apparent age of eighteen years to enter or remain on the premises where the film is being exhibited unless the child is lawfully on the premises by virtue of subsection (1) (a) or (b) of section 7.2(2)

## *Censorship of Films*

### **5. Board of Control**

The Minister may appoint a Board of Control for the purposes of this Act.

### **6. Censorship of films**

(1) A person shall not exhibit or present an exhibition of, or allow to be presented or exhibited, a film

unless the film has been passed for exhibition under section 7.

(2) A person shall not display or cause or allow to be displayed a poster intended to advertise the exhibition unless the poster has first been passed by the Board.

(3) This section does not apply to an exhibition given in private premises to which the public are not admitted.

## **7. Examination of films and posters**

(1) A person desiring to exhibit a film shall first submit the film to the Board for examination and the Board may, having viewed and examined the film,

- (a) pass and issue a "U" Certificate, for a film which is suitable for showing to all audiences;
- (b) pass and issue an "A" Certificate, for a film which is suitable for showing but restricted to adults and children under the age of eighteen years if the children are accompanied by adults;
- (c) pass and issue an "X" Certificate, for a film which is suitable for showing to adults only;
- (d) direct the applicant to carry out the excision or modifications in the film which it thinks necessary before passing the film under paragraph (a) or (b) or (c);
- (e) refuse to pass the film for exhibition.<sup>3(3)</sup>

(2) Where the Board refuses to pass a film or part of a film the Board may retain that film or excise and retain that part until its exportation or until it is otherwise disposed of in accordance with the direction of the Board.

(3) The Board may approve or refuse to approve a poster intended to advertise a film exhibition or approve part of a poster while refusing to approve another part.

(4) The Board shall signify its decision in the prescribed form and shall also affix to the film itself an identification mark recording its decision.

(5) Where the Board passes and issues a certificate for a film, the exhibitor shall show a filmlet depicting the certificate of the Board granted under this section before showing the main credit title of the film.<sup>4(4)</sup>

## **8. Certification of films**

The Minister may make Rules setting out the principles which shall guide the Board in the performance of the Board's functions.

## **9. Educational films**

The Board shall, on the written application of a person desiring to import a film which the applicant claims to be of an educational character or to export a film produced in the Republic which the applicant claims to be of an educational character, and on payment of the prescribed fee, examine the film and if satisfied that it is of an educational character, certify it as a film of an educational character.

### **9A. Fees for examination of films**

Fees shall be paid to the Board for the examination of films at the following rates:

- (a) one hundred thousand cedis for a reel of feature film;

(b) fifty thousand cedis for a filmlet or trailer.5(5)

### *Miscellaneous*

#### **10. Obligation to show Ghana films**

(1) A person who exhibits films to the public may be required by the Regulations to include in the exhibition, at the times and on the conditions that are prescribed, films produced or sponsored by the Ghana Film Production Corporation.

(2) The Regulations may require the exhibitor to include a notice of the film in a newspaper advertisement or printed notice advertising an exhibition which is to include that film.

#### **11. Storage of films and materials**

The Regulations may prescribe the conditions under which a film and materials used in connection with the film may be kept or stored and the obligations of a person to whom the Regulations apply.

#### **12. Inflammable films**

(1) A person shall not use, or cause or allow to be used, an inflammable film for a film exhibition in any premises other than licensed premises in which the use of the film is authorised by the terms of the licence.

(2) The Regulations may define “inflammable film” for the purposes of subsection (1) and, in the absence of the Regulations, the question of whether a film is inflammable is a question of fact for the Court.

#### **13. Powers of entry**

(1) A police officer or an authorised officer may at a reasonable time enter any premises, whether licensed or not, other than a private residence, in which the police officer or authorised officer has reason to believe that an exhibition is being or is about to be given to ascertain whether the provisions of this Act or of the Regulations, and the conditions of a licence or certificate granted under this Act, are being complied with.

(2) An authorised officer shall, if so required, produce to the occupier of the premises a certificate of the authorisation.

#### **14. Penalties**

A person who contravenes a provision of this Act, or of the Regulations, or a condition of a licence or certificate under this Act commits an offence and is liable on conviction to a fine not exceeding one hundred penalty units; and in the case of a continuing offence to a further penalty of fifty penalty units for each day during which the offence continues.

#### **15. Revocation of licence**

Where three or more convictions in respect of offences under this Act are recorded within a period of three years, in relation to a particular premises licensed under this Act, the Court recording the third or a subsequent conviction, may order the revocation of the licence.

## 16. Regulations

The Minister may, by legislative instrument, make Regulations for carrying this Act into effect.

## 17. Interpretation

In this Act, unless the context otherwise requires,

**“authorised officer”** means a person authorised by the Minister, or otherwise in accordance with the Regulations, to perform a function under this Act;

**“adult”** means a person of not less than eighteen years of age;

**“Board”** means the Board of Control appointed under section 5;

**“cinematograph”** means the presentation of moving pictures, whether with or without a form of sound reproduction;

**“Court”** means a court of competent jurisdiction;

**“exhibit”**, in relation to a film, does to include a television broadcast of the film;

**“film”** means a cinematograph film;

**“film of an educational character”** means a film which

- (a) is intended for use in education of all grades;
- (b) is intended for vocational training and guidance, including technical films relating to industry and films relating to scientific management;
- (c) deals with scientific or technical research or is designed to spread scientific knowledge;
- (d) deals with health questions, physical training, social welfare or relief;
- (e) is designed to promote and increase throughout the world knowledge and understanding of the several countries and peoples; or
- (f) is designed to supply information with regard to the work and aims of the United Nations and any other international organisations which are recognised by the Government for facilitating the international circulation of films of an educational character;

**“licensed”** means licensed under this Act;

**“Minister”** means the Minister responsible for Communications;

**“occupier”** includes the person managing or receiving rent from the premises concerned;

**“prescribed”** means prescribed by the Regulations;

**“premises”** includes buildings and lands;

**“Regulations”** means Regulations made under this Act.

## 18. Repeals and savings

*Spent.6(6)*

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## Endnotes

### 1 (Popup - Footnote)

1. The Act was assented to on 17th August, 1961.

### 2 (Popup - Footnote)

2. Inserted by paragraph (a) the Cinematograph (Amendment) Decree, 1975 (N.R.C.D. 350).

### 3 (Popup - Footnote)

3. Amended by [paragraph \(b\)](#) of the Cinematograph (Amendment) Decree, 1975 (N.R.C.D. 350). The previous provision states:

- “7. (1) Any person desiring to exhibit any film shall submit the film to the Board for examination and the Board may, having viewed and examined the film
- (a) pass the film for universal exhibition;
  - (b) pass the film for exhibition restricted to persons over the apparent age of sixteen years only;
  - (c) pass the film subject to such other conditions as it thinks fit to impose;
  - (d) direct the applicant to carry out such excisions or modifications in the film as it thinks necessary before passing the film under any of the foregoing paragraphs;

(e) refuse to pass the film for exhibition.”

### 4 (Popup - Footnote)

4. Amended by paragraph (c) of the Cinematograph (Amendment) Decree, 1975 (N.R.C.D. 350). Paragraph (c) added a new [subsection \(5\)](#) to the section.

### 5 (Popup - Footnote)

5. Inserted by paragraph (d) of the Cinematograph (Amendment) Decree, 1975 (N.R.C.D. 350). Revised with regards to the rates of fees in the light of the present value of the cedi.

### 6 (Popup - Footnote)

6. The repealed provision reads:

- “18. (1) The following enactments are repealed:
- the Cinematograph Exhibition Ordinance (Cap. 47);
  - the Celluloid and Cinematograph Film Ordinance (Cap. 257);
  - the Cinematograph Exhibitions (Amendment) Ordinance (No. 45 of 1952);
  - the Cinematograph Exhibitions (Amendment) Ordinance, 1955 (No. 17);
  - the Cinematograph (Amendment) Decree, 1975 (N.R.C.D. 350).

(2) All regulations scheduled, or made, and every licence and certificate granted, under an enactment repealed by this Act and in force immediately before the commencement of this Act shall continue in force as if made or granted under the corresponding provision of this Act.”