

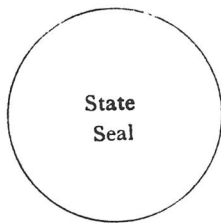


STATE OF BRUNEI

No. 8 OF 1962

THE CENSORSHIP OF FILMS AND
PUBLIC ENTERTAINMENTS ENACTMENT, 1962

I assent,



SIR OMAR ALI SAIFUDDIN
H.H. the Sultan of Brunei.

21st August, 1962.

An Enactment to provide for the censorship of cinematograph films and other public entertainments and to make consequential provision.

[21.8.62]

BE IT ENACTED by His Highness the Sultan with the advice and consent of the Legislative Council as follows :—

PART I

Preliminary

Short title.

1. This Enactment may be cited as the Censorship of Films and Public Entertainments Enactment, 1962.

- Interpretation.** 2. In this Enactment —
- “advertising matter” means any photograph, picture, poster, figure, text and any other matter of whatsoever nature advertising a film or public entertainment;
- “the Board” means the Board of Review constituted under the provisions of subsection (1) of section 10;
- “the Censor” means such members of the Panel of Censors, not being less than three in number, as the Secretary shall in any particular case appoint to exercise the duties of censorship hereunder;
- “exhibition” means exhibition in a place to which the public or any class of the public has or may have access;
- “public entertainment” includes theatricals, stage plays, *wayang-wayang*, concerts, animal or circus performances, marionette shows and other dramatic, spectacular or operatic performances of whatsoever nature, to which the public or any class of the public is admitted, whether gratuitously or otherwise, but always excepting cinematograph shows;
- “the Secretary” means the Secretary of the Panel of Censors appointed under section 3.

PART II

Centralized Censorship of Films and Certain Public Entertainment

- Appointment of a Panel of Censors.** 3. (1) There shall be established a Panel of Censors consisting of not more than twelve members.
- (2) Members of the Panel of Censors shall be appointed by the Sultan in Council and every appointment shall be notified in the *Gazette*.
- (3) The Secretary of the Panel of Censors shall be a person appointed by the State Secretary.

**Films to be
shewn to the
Censor.**

4. Except as hereinafter provided, every film which is intended for exhibition in the State of Brunei shall, before exhibition and at the owner's or hirer's risk and expense and at such time and place as the Secretary may appoint, be shewn to such members of the Panel of Censors (not being less than three in number) as the Secretary shall appoint to exercise the duties of censorship hereunder in respect of such film. At the time when such film is shewn for censorship, no person other than the Censor shall be present save the operator and such persons as have the special permission of the Censor to attend for specific purposes or technical reasons.

**Powers of
Censor.**

5. (1) Upon viewing a film or upon other evidence as the Censor may consider sufficient, the Censor may —

- (a) authorize exhibition without alteration or excision;
- (b) authorize exhibition subject to alteration or excision or both and with the condition that the film shall be shewn again for censorship after such alteration or excision has taken place and before exhibition;
- (c) authorize exhibition with or without alteration or excision but subject to conditions; or
- (d) refuse authority for exhibition.

(2) Where the owner or hirer of a film is aggrieved by a decision of the Censor under subsection (1), the Censor shall, at the request of such person, furnish him with short reasons for such decision.

**Alteration or
excision.**

6. Any alteration or excision necessitated by a decision of the Censor under section 5 may be made by the Censor with the consent of the owner or hirer. Any film returned to the owner or hirer for alteration or excision shall, if the Censor so requires be shewn again to the Censor within forty-eight hours and any excluded lengths of film shall be delivered to the Censor for retention while the film remains in the State of Brunei.

**Statutory
declarations
regarding iden-
tification of films.**

7. (1) The Censor and the Secretary may each personally take a statutory declaration to the effect that a film identified in such declaration is in every way a duplicate, or that films so identified are in every way duplicates, of a film shewn or to be shewn for censorship.

(2) Any person who makes a statutory declaration under this section which is false or incorrect in any material particular shall be liable to the penalty provided under section 3 of the Statutory Declaration Enactment.

Cap. 12.

**Advertising
matter.**

8. (1) All advertising matter relating to films shall before publication be delivered to the Censor or a reproduction thereof shall, with the Censor's approval, be so delivered, and such further information as the Censor may require shall be furnished therewith.

(2) The Censor may, upon examination of such advertising matter, authorize publication thereof subject to any conditions which the Censor may think fit to impose, or may refuse authority for publication.

**Censorship
mark.**

9. The Secretary shall adopt, and at his discretion shall change or amend, a censorship mark which shall be, until the contrary is proved, evidence that a film or advertising matter relating to a film, as the case may be, with which or upon which it is displayed has been censored and authorized for exhibition or publication, as the case may be, in accordance with the provisions of this Enactment.

**Appeals from
decision of the
Censor.**

10. (1) The owner or hirer of a film or of advertising matter relating to a film who is aggrieved by a decision of the Censor relating to such film or advertising matter may, by notice in writing to the Censor within twenty-eight days of such decision, appeal to a Board of Review consisting of the State Secretary, the State Education Officer, the Commissioner of Police and such other persons, if any, as may from time to time be appointed by the Sultan.

(2) The State Secretary shall be the Chairman of the Board but, in the event of his absence from any meeting of the Board, the members present shall appoint one of their members as Chairman. The Chairman shall have a deliberative and a casting vote.

(3) Upon appeal under this section or upon a direction under section 11, the Board shall have all the powers of the Censor under this Enactment, and its decision shall supersede that of the Censor in any matter under review.

**Special review
by the Board.**

11. If the Mentri Besar, whether pursuant to a written request by any person or of his own motion, considers that a film exhibited, or which he has reason to believe is about to be exhibited, in the State of Brunei should not be exhibited, he may direct that such film be reviewed by the Board, and may further direct that such film shall not be exhibited until it has been so reviewed.

Exemption.

12. (1) A film or advertising matter relating to a film shall be exempted from the provisions of section 4 if —

- (a) it is exhibited or published by or with the approval of a Government department; or
- (b) it has been approved for exhibition or publication by the Official Censor in Singapore or in Malaya and has not been altered in any way subsequent to such approval.

(2) Paragraph (b) of subsection (1) shall have no application to any film or advertising matter relating to a film which the Secretary may, by any general or special direction in writing under his hand, require to be submitted to the Censor.

(3) For the purposes of this section, "Official Censor" includes any person in Singapore or Malaya, as the case may be, from time to time discharging duties similar to those now discharged in Singapore or Malaya, respectively, by the Official Censor.

Fees.

13. (1) The Sultan in Council may, by notification in the *Gazette*, prescribe fees to be charged in respect of any of the services rendered or duties performed under this Enactment.

(2) The Board may, in any particular case, direct that any fees payable for review by it be reduced or may waive such fees.

Censorship of public entertainments.

14. (1) Whether or not Part II has been complied with, the Mentri Besar may prohibit for the time being the exhibition of any particular public entertainment, or the publication of any advertising matter relating thereto, and at the same time call for the script or a full description thereof for submission to the Censor.

(2) The Censor shall, with respect to any public entertainment, the script or a description of which has been submitted to the Censor under subsection (1), have the same powers as the Censor has under paragraphs (a), (c) and (d) of subsection (1) of section 5 with respect to films.

(3) A proprietor or person responsible for the exhibition of public entertainment, who is aggrieved by a decision of the Censor under this section with respect to such entertainment, shall have the same rights as the owner or hirer of a film under subsection (2) of section 5 and subsection (1) of section 10.

(4) The Board shall, with respect to any public entertainment which is the subject of a decision by the Censor which has been appealed from to it, have all the powers of the Censor, and its decision shall supersede that of the Censor.

Offences and penalties.

15. (1) Any person who exhibits or publishes, or causes or suffers to be exhibited or published, any film or advertising matter relating to a film, the exhibition or publication of which has not been duly authorised, shall be guilty of an offence and shall be liable, on conviction, to imprisonment for twelve months and a fine of five thousand dollars.

(2) Any person who, without the authority of the Censor, displays a censorship mark, or displays a mark calculated to be mistaken for a censorship mark, in connection with a film or advertising matter relating to a film shall be guilty of an offence and shall be liable, on conviction, to imprisonment for six months and a fine of two thousand dollars.

(3) Any person who contravenes, or causes or suffers to be contravened, a direction made by the Mentri Besar under section 11 shall be guilty of an offence and shall be liable, on conviction, to imprisonment for three months and a fine of one thousand dollars.

(4) Any person who exhibits, or causes or suffers to be exhibited any public entertainment or advertising matter relating to a public entertainment when such exhibition or advertising matter has been prohibited under subsection (1) of section 14 shall be guilty of an offence and shall be liable, on conviction, to imprisonment for six months and a fine of two thousand dollars.

(5) Any person who exhibits, or causes or suffers to be exhibited, any public entertainment the script or a description of which has been submitted to the Censor under the provisions of subsection (2) of section 14 and which public entertainment is not duly authorized for exhibition by the Censor, or, in the event of an appeal from the Censor's decision, by the Board, shall be guilty of an offence and shall be liable, on conviction, to imprisonment for six months and a fine of two thousand dollars.

(6) If, in proceedings under subsections (3), (4) or (5), the court is satisfied that the accused at the time when he is alleged to have committed the offence was unaware of and could not by the exercise of reasonable care have discovered the existence of the direction or prohibition, as the case may be, the accused shall not be liable to conviction for the offence.

(7) Without prejudice to the validity of any other means of communication which may seem to the court to be sufficient, a direction under section 11 or a prohibition under section 14 shall be deemed to have been communicated to a person charged with an offence under this section if such person was informed orally of the direction or prohibition by the Secretary or by any police officer.

(8) A document purporting to be a direction under section 11 or a prohibition under section 14 shall, until the contrary is proved, be evidence in any proceedings under subsections (3), (4) or (5) that such direction or prohibition has been duly made without proof that the signature to such direction or prohibition is that of the Mentri Besar.

PART III

Censorship by local Censors of Public Entertainments

- Local Censor.** 16. The Sultan in Council may appoint not more than five nor less than three persons (hereinafter called "the Local Censor") to be Censors for public entertainments for any particular area or District in the State.
- Offences and penalties.** 17. No public entertainment shall be exhibited unless it is exhibited under and in accordance with the approval of a Local Censor or, in the event of an appeal, the approval of the Board of Review, and, if it is exhibited otherwise than as aforesaid, the proprietor of such entertainment, and any person responsible for its exhibition, and any person who suffers it to be exhibited, shall be guilty of an offence and shall be liable, on conviction, to imprisonment for six months and a fine of two thousand dollars.
- Powers of Local Censor.** 18. A Local Censor shall, with respect to any public entertainment, have the same power as the

Censor has under paragraphs (a), (c) and (d) of subsection (1) of section 5 with respect to a film :

Provided that there shall be a right of appeal from any decision of a Local Censor and that, for the purposes of any such appeal, subsections (3) and (4) of section 14 shall apply to censorship by a Local Censor in like manner as they apply to censorship by a Censor, but with the substitution therein of the expression "Local Censor" for the expression "Censor".

PART IV

Miscellaneous

- Regulations.** 19. (1) The Sultan in Council may make regulations generally for carrying out the provisions of this Enactment and, in particular, such regulations may provide for —
- (a) the arrangements to be made for the censorship of any film or public entertainment, or of any advertising matter relating to a film or public entertainment; and
 - (b) the procedure to be followed upon any appeal to the Board of Review, upon any direction under section 11 or upon any prohibition under sections 11 or 14.
- (2) Any regulations made under this section may provide that a contravention of any regulation shall constitute an offence punishable by such penalties as may be prescribed not exceeding imprisonment for three months and a fine of one thousand dollars.

- Repeal.** 20. The Censorship of Public Entertainments
No. 5 of 1958. Enactment, 1958, is hereby repealed.

Passed this 19th day of July, 1962.

PENGIRAN MOMIN
*Clerk to the
Legislative Council,
Brunei.*