

THE CINEMATOGRAPH PROCLAMATION (CHAPTER 159)
as amended by
THE GENERAL LAW (REMOVAL OF DISCRIMINATION) REVISION LAW, 1964
(No. 28 of 1964)
(Promulgated 19th November, 1964)
and
**THE CONSTITUTIONAL AMENDMENT (ADAPTATION OF EXISTING
LAWS) ORDER, 1966**
(Legal Notice No. 84 of 1966)
(Date of Commencement 30th September, 1966)

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L.N. No. 84
of 1966

CHAPTER 159
CINEMATOGRAPH

To regulate and control the exhibition of cinematograph films.

(13th August, 1929)

Short Title.

1. This Proclamation may be cited as the Cinematograph Proclamation.

Interpretation.

2. In this Proclamation unless inconsistent with the context —

“proprietor” shall include the owner of and any person having the right to exhibit or use any picture and the lessee or manager of a theatre ;

“theatre” shall include any hall, building, or place used or proposed to be used for the exhibition of pictures ;

“picture” shall include any cinematograph film or poster or placard used for advertising any such picture or film.¹

Permit to Take Films.¹

3. It shall not be lawful in Botswana² to make cinematograph films¹ for hire or reward or for the purpose of public exhibition or advertisement, or to take photographs for the purpose of making such films without first obtaining permission in writing from the President.² The grant or refusal of such permission shall be in the discretion of the President², who may attach to any permission such conditions as he may deem fit. Any person who contravenes or attempts to contravene any of the provisions of this section or who having obtained the President's² permission under this section fails to comply with any condition attached thereto shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or in default of payment to imprisonment for a period not exceeding three months.

Inspection of Pictures.

4. It shall be lawful for the President² by written notice to the proprietor, to order that any picture intended for public exhibition or for the purposes of advertisement be first exhibited or submitted to the Minister or any District Officer named in such order for inspection.

Any proprietor failing to comply with such order shall be guilty of an offence and liable on conviction to a fine not exceeding R20 or in default of payment to imprisonment for a period not exceeding one month.

(1) amended by Law 28/1964

(2) amended by L.N. 84/1966

Trial Exhibitions.

5. Any person deputed by the President¹ may enter any theatre where a trial exhibition of any picture is made or where such picture is being publicly exhibited to inspect the same.

Any person preventing or obstructing such entry shall be guilty of an offence and liable on conviction to a penalty not exceeding R20 or in default of payment to imprisonment for a period not exceeding one month.

Objectionable Pictures.

6. (1) The President¹ shall declare any picture to be objectionable if he is satisfied, either on the report of any such person as is mentioned in section 4 or 5 or on any other grounds that such picture represents in an offensive manner —

- (a) impersonation of the Queen;
- (b) scenes holding up to ridicule or contempt any member of the Queen's naval, military or air forces;
- (c) scenes tending to disparage public characters;
- (d) scenes calculated to affect the religious convictions or feelings of any section of the public;
- (e) scenes suggestive of immorality or indecency;
- (f) executions, murders, or other revolting scenes;
- (g) scenes of debauchery, drunkenness, brawling, or of any other habit of life not in accordance with good morals and decency;
- (h) successful crime or violence; or
- (i) scenes which are in any way prejudicial to the peace, order or good government of Botswana¹.

(2) The President¹ may in his discretion declare any picture other than such as is described in the preceding subsection to be objectionable.

(3) If the President¹ has declared any picture to be objectionable in terms of subsection (1) or (2), he shall cause notice thereof to be given in writing, by telegram or by radio to any proprietor, prohibiting the exhibition of such picture in any theatre or its use for purposes of advertisement.

(4) Any proprietor exhibiting or using or permitting to be exhibited or used, any picture, the exhibition or use whereof has been so prohibited, shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or in default of payment thereof to imprisonment not exceeding twelve months, or to such imprisonment without the option of a fine.

(1) amended by L.N. 84/1966

(2) deleted by Law 28/1964

Onus of Proof.

8. (1) In any prosecution for an offence under section 3 the onus of proving that he has obtained such permission as is therein mentioned shall be upon the accused.

(2) Where proof is required in any such prosecution of the terms of any such permission or of any condition attached thereto, a copy thereof certified by the Minister to be a true copy shall be accepted in evidence and shall be of like value and effect as the original.