

BECHUANALAND PROTECTORATE.

No. 36 of 1920.

[Promulgated 13th August, 1920.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

Entitled the "Control and Inspection of Pictures (Bechuanaland Protectorate) Proclamation, 1920."

Whereas it is desirable to control the making and public exhibition in the Bechuanaland Protectorate of cinematograph films or pictures and posters or placards relating thereto and to provide for their inspection;

Now therefore under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows:—

1. It shall not be lawful in the Bechuanaland Protectorate to make cinematograph films portraying gatherings of natives or scenes of native life, or to take photographs for the purpose of making such films without first obtaining permission in writing from the Resident Commissioner. The grant or refusal of such permission shall be in the discretion of the Resident Commissioner, who may attach to any permission granted 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 Resident Commissioner's 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 fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

2. It shall be lawful for the Resident Commissioner by written notice to the proprietor, to order that any picture intended for public exhibition or for purposes of advertisement be first exhibited or submitted to any Assistant Commissioner or Magistrate 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 ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

3. Any person deputed by the Resident Commissioner 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 ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

4. The Resident Commissioner may in his discretion declare any picture to be an objectionable picture and, by notice in writing or by telegram to the proprietor, prohibit the exhibition of such picture in any theatre or its use for purposes of advertisement.

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 penalty not exceeding twenty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

5. A picture shall be deemed to be objectionable which represents

- (a) scenes suggestive of immorality or indecency; or
- (b) executions, murders, or other revolting scenes; or
- (c) scenes of debauchery, low habits of life, or other scenes such as would injuriously affect the minds of young persons; or
- (d) successful crime or violence such as would injuriously affect the minds of young persons; or
- (e) scenes calculated to give offence to the religious convictions or the feelings of any section of the public; or
- (f) scenes which are in any way prejudicial to the peace, order, or good government of the Bechuanaland Protectorate.

6. (1) In any prosecution for an offence under section one of this Proclamation 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 Government Secretary to be a true copy shall be accepted in evidence and shall be of like value and effect as the original.

7. 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.

8. Proclamation No. 18 of 1912 shall be and is hereby repealed.

9. This Proclamation may for all purposes be cited as the "Control and Inspection of Pictures (Bechuanaland Protectorate) Proclamation 1920."

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Ninth day of August One thousand Nine hundred and Twenty.

BUXTON,
High Commissioner.

By Command of His Excellency the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.