

CHAPTER 230
THE FILMS AND STAGE PLAYS ACT
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

Section Title

PART I
PRELIMINARY PROVISIONS

1. Short title.
2. Interpretation.

PART II
MAKING OF FILMS

3. No film to be made without permit.
4. Application for film permit.
5. Film permit.
6. Alterations and additions to films.
7. Requirement for foreign production company.
8. Offences under Part II.
9. Power to exempt films.

PART III
LICENSING OF THEATRES

10. Appointment of licensing authorities.
11. Theatre licences.
12. Supervision to ensure safety.
13. Power to exempt premises.

PART IV
EXHIBITION OF FILMS

14. Establishment of Tanzania Film Board and Regional Film Committee.
15. Functions of Board.
16. Restriction on exhibitions.
17. Restriction on display of posters.
18. Application for certificate of approval.
19. Certificate of approval.
20. Validity of certificate of approval.

21. Effect of adding matter to film after its approval.
22. Review of decision of Board.

PART V

REGULATION OF STAGE PLAY PERFORMANCES

23. Appointment of stage play authorities.
24. Restriction on performances of stage plays.
25. Application for certificate of approval.
26. Certificate of approval.
27. Effect of failing to alter play, or of adding matter.
28. Power to exempt stage plays.

PART VI

MISCELLANEOUS PROVISIONS

29. Appointment of Secretary of Board.
30. Power of Minister to give directions to Board committees and stage plays authorities.
31. Revocation of licences, etc., by Minister.
32. Power of Board to establish committees and to delegate.
33. Profit returns.
34. Minister may delegate his functions.
35. Power of entry, etc.
36. Penalty.
37. Offences by corporations, societies, etc.
38. Appeals.
39. Repeal and savings.
40. Regulations.

CHAPTER 230

THE FILMS AND STAGE PLAYS ACT

An Act to replace the Cinematograph Ordinance; to provide for regulating the making of cinematograph films, exhibiting of cinematograph pictures and performance of stage plays and for the licensing of theatres and to provide for related matters.

[1st July, 1984]

[GN. No. 140 of 1984]

Acts Nos.
4 of 1976
7 of 1982
10 of 2013
9 of 2019

GN. No.
615 of 2019

PART I

PRELIMINARY PROVISIONS

Short title

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

Interpretation

Act No.
9 of 2019 ss. 19
and 20
GN. No.
615 of 2019

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

“admitted” means admitted, whether on payment, gratuitously or by invitation;

“amateur” means a person who makes films for his own entertainment and without expectation or hope of reward for the making of the films;

“Board” means the Tanzania Film Board;

“certificate of approval” means a certificate granted under this Act for the public exhibition of a film or for the public display of posters or for the public performance of a stage play;

“cinematograph picture” means any picture whether with sound effects or not, made by means of a cinematograph or other similar apparatus;

“classification and certification” means a motion picture content rating system designated to classify films with regard to suitability for audiences in terms of issues such as sex, violence, substance abuse, profanity, impudence or other type of mature 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 projection of a cinematograph picture and includes the production of any music or other sound effect whatsoever which accompanies the projection;

“film” means a cinematograph film and includes any commentary, wherever spoken and whether the person speaking appears in the film or not, and any music or other sound effect whatsoever, associated with the film, and any part of a film;

“film association” means any group, network or federation dealing with matters related to film and stage plays;

“film industry” means the technological and commercial institutions of film making, film production companies, film studios, filming and photographic agents and fixers, cinematography, animation, film product, screen writing, pre-production, film festivals, distribution and actors, film directors and other film crew personnel;

“film permit” means a permit to make the film of a cinematograph picture;

“making of a film” means the act of photographing, performing or otherwise taking part in or arranging any scenes or episodes for the purpose of the production of a film;

“Minister” means the Minister responsible for matters relating to films and stage plays;

“poster” means any poster or other advertisement advertising a film or exhibition;

“public exhibition” and “public performance” means an exhibition and a performance respectively to which the public are admitted;

“Regional Film Committee” means a Regional Film Committee established under section 14;

“stage play” means tragedy, comedy, farce, opera, barletta, interlude, melodrama, revue, pantomime, dialogue, prologue, epilogue and every other dramatic entertainment and any part thereof;

“Tanzania Film Board” means the Tanzania Film Board appointed under section 14;

“theatre” means any building, premise, venue, video exhibition centres or place at which a film is publicly exhibited or a stage play is publicly performed;

“theatre licence” means a licence to use a place as a theatre.

PART II MAKING OF FILMS

No film to be made without permit

3.-(1) Subject to the provisions of subsection (2) of this section and of section 9 of this Act, no person shall direct, or take part or assist in the making of a film, whether intended for exhibition or sale either within or outside Mainland Tanzania except under and in accordance with the terms and conditions of a film permit granted by the Minister under this Part.

(2) A film permit shall not be necessary for the making of a film by an amateur for private exhibition to his family and his friends.

Application for film permit

4.-(1) Every application for a film permit shall be made to the Minister in writing and shall be accompanied by a full description of the scenes and a synopsis of the spoken parts, if any, of the entire film to be made, notwithstanding that part of the film is made or is to be made outside the United Republic:

Provided that, the Minister may in his discretion in any particular case accept an application notwithstanding that it is not accompanied by such description and synopsis if he has been given such other information as he requires for the determination of the application.

(2) Where any title, subtitle, text, description, synopsis or other part of the film is in a language other than *Swahili* or English the Minister may require a translation thereof into *Swahili* or English, certified to his satisfaction, or may submit the same for the examination and report of such person or persons as he may appoint for the purpose.

(3) Where the film is to include any scenes likely to endanger the safety of any person or property or in which animals are to be photographed, the applicant shall state in his application the precautions proposed to be taken to preserve the safety of any such person or property, or to prevent cruelty or suffering to such animals.

Film permit

5.-(1) The Minister may, in his discretion, grant or refuse to grant a film permit for which application has been made under this Act, or may issue it subject to the observance of any regulations made under this Act, or to such special conditions and restrictions to be specified in such permit as he may deem fit.

(2) Before granting a film permit the Minister may require the applicant to enter into a bond with or without sureties in such sum as the Minister may require to secure that film, so far as it is made, subject to any regulations, or special conditions made by the Minister under subsection (1) and in accordance with the description, synopsis and other information supplied to the Minister, together with any alterations and additions for which permission has been granted under section 6 of this Act.

(3) The Minister may also require as a condition of the grant of a film permit that a public officer duly authorised in that behalf shall be present at the making of the film or any part thereof, and further that any such officer may, in the exercise of his discretion having regard to any special or general directions issued to him, intervene to stop the making of any scene which in his opinion is objectionable or endangers the safety of any person or of any property not being in the possession or disposition of the maker of the film or which is cruel or causes suffering to any animal and, in the event of

any such intervention, every such officer is hereby authorised to use such reasonable force as in the circumstances may be necessary to stop the making of the scene.

(4) Where a public officer intervenes to stop the making of a film, he shall forthwith notify the Minister of such intervention and the reasons therefor, and the Minister may either permit the making of the film to be resumed or, having first given the holder of the film permit an opportunity of being heard, permit the making of the film to be resumed on such conditions as he may deem fit or refuse to permit the making of the film to be resumed.

Alterations and additions to films

6.-(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 film permit has been granted, the holder of the permit shall apply in writing to the Minister for permission to make the alteration or addition, and the application shall be accompanied by the film permit and by particulars of the proposed alterations and additions and, if the alterations or additions are in a language other than *Swahili* or English, and the Minister so requires, a translation thereof into *Swahili* or English certified to the satisfaction of the Minister.

(2) The decision of the Minister on the application shall be endorsed on the film permit and if permission is granted, there shall also be endorsed any condition which is attached to the permission.

Requirement for foreign production company
Act No. 9 of 2019 s. 21

7.-(1) Any foreign production company or individual using Tanzania Mainland scene, content and location for filming the whole or any part of a film, advertisement, documentary or program, shall-

- (a) submit to the Board raw footage;
- (b) acknowledge all physical locations used for filming;
- (c) submit a copy of a finished film, advertisement, documentary or program;

- (d) sign a prescribed clearance form before exiting Mainland Tanzania and submit the same to the Board or any other authority appointed by the Board; and
- (e) grant rights to the Government of Tanzania to use content for purposes of promoting Mainland Tanzania and its potential resources, tourism, photographic location and cultural attraction which are distributed through public broadcasts, cable programs, sound or visual recordings or any other digital platform used by public broadcaster:

Provided that, such use is compatible with fair practice and that the source and the name of the executive producer and production company are mentioned in the film, documentary or advertisement.

(2) A person who contravenes the provisions of subsection (1) shall, on conviction, be liable to a fine of not less than five *percentum* of the production cost of the film, advertisement, documentary or program.

(3) Every foreign film producer shall include a public liability insurance policy and insurance policy in every contract he signs with actors and crew.

(4) A person who contravenes the provisions of subsection (3) shall, on conviction, be liable to a fine of not less than one *percentum* of the production cost of the film.

[s. 6A]

Offences under
Part II

8.—(1) Where any film is made in contravention of the provisions of subsection (1) of section 3 of this Act the producer, proprietor, promoter and photographer thereof, and every other person engaged in the making of the film, shall each commit an offence.

(2) Where any film in respect of which a film permit has been granted is made otherwise than in accordance with the particulars furnished to the Minister of the alteration or addition in respect of which permission has been granted by the

Minister under section 6 of this Act, the producer, proprietor, promoter and photographer thereof, and every other person engaged in the making of the film, and, where the holder of the film permit is not one of the aforesaid persons, such holder also, shall each commit an offence.

(3) A person who obstructs or hinders any public officer in the exercise of his duties under subsection (3) of section 5 of this Act commits an offence.

[s. 7]

Power to exempt
films

9. The Minister may by notice in the *Gazette*, exempt from the provisions of this Part any film or any class of films, generally or by reference to the person or category of persons making such film or films.

[s. 8]

PART III LICENSING OF THEATRES

Appointment
of licensing
authorities
Act No.
7 of 1982
3rd Sch.

10.—(1) The Minister shall, by notice in the *Gazette*, appoint any public officer or designate any department of the Government or other public institution as a licensing authority for purposes of this Part, for such areas as he shall specify.

(2) Notwithstanding subsection (1), every township authority shall be the licensing authority for purposes of this Part in relation to its area of jurisdiction.

[s. 9]

Theatre licences

11.—(1) A person shall not use any place as a theatre except under and in accordance with the terms and conditions of a theatre licence granted by a licensing authority under this Part.

(2) An application for a theatre licence shall be made to the licensing authority appointed for the area where the premises are situated.

(3) The licensing authority may refuse to grant a theatre licence or may grant it subject to such terms and conditions as it may think desirable for the protection of public health and for the purpose of ensuring the safety of persons attending the theatre.

(4) Where the licensing authority considers that public health and the safety of persons attending exhibitions or performances at such theatre are adequately provided for, it may grant a theatre licence either generally or in respect of any single exhibition or performance or for such period not exceeding twelve months as it may think fit.

(5) A theatre licence may at any time be revoked by the licensing authority which granted the licence upon the breach of any of its terms or conditions or if it shall be made to appear to the licensing authority that public health is not adequately protected or that the safety of persons attending the exhibition or performance is or may be endangered.

[s. 10]

Supervision to
ensure safety

12. A licensing authority may grant a theatre licence upon condition that the exhibition or performance be conducted under the superintendence of some officer or person designated in the licence, and, in such case, it shall be lawful, at any time, for the officer or person so designated to order such exhibition or performance to cease or to give any other direction which he may think necessary for ensuring the safety of the premises at which the exhibition or performance takes place and of the persons attending thereat.

[s. 11]

Power to exempt
premises

13. Notwithstanding the provisions of this Part, a licensing authority may in writing or by notice in the *Gazette*, exempt any premises or class of premises within the area for which it is the licensing authority from the provisions of the Part.

[s. 12]

PART IV

EXHIBITION OF FILMS

Establishment
of Tanzania
Film Board and
Regional Film
Committee
Act No.
9 of 2019 s. 19
GN. No.
615 of 2019

14.—(1) The Minister shall, by notice in the *Gazette*, establish a Tanzania Film Board.

(2) The Minister may also establish, by notice in the *Gazette*, one or more Regional Film Committee for such area or areas as he shall specify.

(3) The Tanzania Film Board shall have concurrent jurisdiction with every Regional Film Committee established under subsection (2).

(4) The Tanzania Film Board and every Film Committee established under this section shall consist of not less than five and not more than thirty members.

(5) Each member of the Tanzania Film Board and Regional Film Committee shall hold office for such term as the Minister may determine at the time of his appointment and shall be eligible for reappointment from time to time on the expiration of his term of office.

(6) Where a member of the Tanzania Film Board and Regional Film Committee is absent from the United Republic or is unable to perform his functions for any reason, the Minister may appoint another person to be a temporary member of the Board or committee to perform the functions of such person for the period during which such person is absent or disabled from acting.

(7) The Tanzania Film Board and every Regional Film Committee shall sit on such occasions and at such places as it may in its discretion determine.

(8) The business of the Tanzania Film Board and Regional Film Committee shall be conducted in such manner as may be prescribed:

Provided that, until such procedure has been prescribed the Tanzania Film Board and Regional Film Committee shall conduct its business in such manner as it shall determine.

[s. 13]

Functions of
Board
Act No.
9 of 2019 s. 22
GN. No.
615 of 2019

15.-(1) The Board shall have the following functions:

- (a) to regulate film industry and stage plays, foreign and local motion pictures, television, radio and stage plays' practitioners and dealers, stage plays production and performances;
- (b) to monitor the quality of motion pictures and stage plays;
- (c) to license distribution, exhibition, motion pictures, stage plays' exhibition venues, libraries, studios, production and distribution companies and individuals, online distribution and exhibition infrastructures;
- (d) to accredit, classify and register practitioners and dealers of motion pictures, television plays, radio plays and stage plays;
- (e) to coordinate and promote development of film sector, local and international markets, motion picture festivals and awards, talent identification, talent promotion, activities and events related to film and stage plays;
- (f) to classify and certify motion pictures, video films and stage plays;
- (g) to advise the Government and stakeholders on matters of or related to the film sector in Mainland Tanzania;
- (h) to solicit for opportunities and investments in motion pictures and stage plays;
- (i) to supervise and regulate professionalism, ethics and etiquettes in the film industry and stage play; and
- (j) to perform any other functions related to motion pictures and stage plays.

(2) Without prejudice to subsection (1), it shall be the duty of the Tanzania Film Board and every Regional Film committee to examine every film, and every poster or description thereof, submitted to it under this Act, with a view to deciding whether, and if so in what manner, it should be approved for exhibition:

Provided that, and notwithstanding the provision of section 19 of this Act, if the Board so decides, it may approve a film or poster for exhibition to the public without examining it.

(3) There shall be film committee established in every district which shall be established by the Board.

(4) The film committee established under subsection (3) shall perform duties as may be directed by the Board.

[s. 14]

Restriction on
exhibitions
Act No.
9 of 2019 ss. 19
and 23

16.—(1) A person shall not, direct or assist or take part in or permit in any premises under his control or management, an exhibition of a film unless a certificate of approval in respect thereof approving the film for such exhibition has been granted by the Board:

Provided that, a certificate of approval shall not be necessary for the exhibition of any film—

- (a) owned by or issued or shown on behalf of the Government;
- (b) made by an amateur and exhibited privately to his family and his friends;
- (c) solely for the purpose of classification and certification; and
- (d) during and for the purpose of manufacture:

Provided further that, the Board may in its discretion require any film of the description contained in paragraph (b) or (d) to be produced before it for censoring and such film shall not be exhibited after being so required unless and until a certificate of approval has been granted in respect of such film.

(2) Notwithstanding the provisions of subsection (1), where the Minister is of opinion that any film or any class of film, should not be exhibited at all, that is to say, either publicly or privately, without a certificate of approval having been issued in respect thereof, he may, by notice in writing served personally or by registered post on any person who appears to him to be likely to exhibit the film or a film of that class, as the case may be, or by notice in the *Gazette*, require that such film or class of film, shall not be exhibited at all, either publicly or privately, unless the Board has issued a certificate of approval in respect thereof, and thereafter the person who has been given notice

as aforesaid shall not, or, where notice has been given in the *Gazette*, no person shall, exhibit the film, or, as the case may be, any film of that class, at any exhibition whatsoever unless the Board has issued a certificate of approval in respect thereof, or otherwise than in accordance with its terms and conditions.

(3) A person who exhibits any film in contravention of the provisions of subsection (1) or subsection (2) of this section, commits an offence.

[s. 15]

Restriction on
display of posters
Act No.
9 of 2019 ss. 19
and 24

17.—(1) A person shall not display or advertise or cause or permit to be displayed or advertised in a public place, so as to be visible from a public place, any film poster unless the Board has first approved a poster for public display through any platform or media display.

(2) Where, under paragraph (b) of subsection (1) of section 18 of this Act, the Board has directed that a description only of a poster is needed to be furnished, and a poster advertising the film or exhibition is displayed in a public place or so as to be visible from a public place, an authorised person may, if he considers that the poster is objectionable or does not conform to the description furnished under the said paragraph, and on production of his authority if so requested, require any person displaying the poster or causing or permitting it to be displayed, to remove it or delete, alter or obliterate a specified part thereof.

(3) A person who contravenes the provisions of subsection (1) of this section, or who fails to comply with any requirement of an authorised person under subsection (2) of this section, commits an offence.

(4) In this section, “authorised person” means a person who is authorised in writing by the Board for purposes of this Part.

[s. 16]

Application for
certificate of
approval
Act No.
9 of 2019 s. 19

18.—(1) Every application for a certificate of approval shall be made to the Board and shall 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 else, where the Board in any particular case so directs, a full description thereof and of the visual and verbal contents thereof.

(2) Where an application is made for a certificate of approval in respect of a film or for the approval of a poster, containing writing or speech in a language other than *Swahili* or English, the Board may require a translation thereof into *Swahili* or English, certified to the satisfaction of the Board, or may submit the same for the examination and report of such person or persons as the Board may appoint for the purpose.

[s. 17]

Certificate of
approval
Act No.
9 of 2019 s. 19

19.—(1) Subject to any regulations made in that behalf by the Minister under this Act, on completion of the examination of a film, the Board may-

- (a) approve it for exhibition to the public;
- (b) approve for such exhibition subject to such excisions as it thinks proper;
- (c) refuse to approve it for such exhibition; or
- (d) where the film is the subject of a notice under subsection (2) of section 16 of this Act-
 - (i) approve it for exhibition by such persons to such persons or in such places as the Board thinks proper; or
 - (ii) refuse to approve its exhibition.

(2) On completion of the examination of a poster the Board may-

- (a) approve it for public display;
- (b) approve it for public display subject to such deletions or alterations as it thinks proper; or
- (c) refuse to approve it for public display.

(3) Where the Board approves a film subject to excisions therefrom, the Board may itself make, or cause to be made, the excisions and retain in its possession the excised parts.

(4) The Board shall not -

- (a) approve any film or poster which in its opinion tends to prejudice the maintenance of public order or offend decency, or the public exhibition or display of which would in its opinion for any other reason be undesirable in the public interest;
- (b) grant any certificate of approval in respect of a film which has been refused a certificate of approval by any film committee, or in respect of which an application has been made to another film committee and remains undetermined;
- (c) grant a certificate of approval in respect of any film in respect of an approval that has been cancelled or revoked by the Minister under this Act; or
- (d) vary any conditions or restrictions specified in a certificate of approval granted by film committee in respect of a film,

and any purported grant of approval or certificate of approval, or variation of conditions or restrictions, in contravention of the provisions of this subsection shall be of no effect.

[s. 18]

Validity of
certificate of
approval
Act No.
9 of 2019, s. 19

20.—(1) Where the Board approves a film or poster it shall grant to the applicant a certificate of approval thereof in the prescribed form and such certificate shall authorise the exhibition or display of the film or poster to which it relates in any part of Mainland Tanzania subject to such conditions and restrictions as may therein be specified.

(2) Where the Board approves a film or poster as aforesaid subject to excisions, deletions or alterations, any person who-

- (a) exhibits such film, from the parts which the Board directed to be excised, deleted or altered have not been excised, deleted or altered in accordance with the Board's direction; or

(b) displays or causes or permits to be displayed in a public place or so as to be visible from a public place, such poster, from the parts which the Board directed to be excised, deleted or altered in accordance with the Board's direction,
commits an offence.

[s. 19]

Effect of adding
matter to film
after its approval
Act No.
9 of 2019 s. 19

21. Where any matter other than the certificate of approval and the decision of the Board, is added to a film after it has been approved by the Board, the film shall be deemed, for purposes of this Act, to be a film in respect of which a certificate of approval has not been granted.

[s. 20]

Review of
decision of Board
Act No.
9 of 2019 s. 19

22.—(1) Where the Board has granted a certificate of approval in respect of a film, whether with or without special conditions or restrictions, and the Board or the Minister is of the opinion that the Board should review its decision in the light of prevailing public opinion or other circumstances the Board may, and shall, if so directed by the Minister, review its decision and on any such review the provisions of this Act relating to an application for a certificate of approval shall, *mutatis mutandis*, apply to such review.

(2) After reviewing the grant of a certificate of approval pursuant to the provisions of subsection (1), the Board may revoke such certificate of approval or any special conditions or restrictions attached thereto or attach such special conditions and restrictions thereto as it deems fit and such certificate of approval, if revoked, shall cease to have effect or, varied as aforesaid, shall have effect as so varied.

[s. 21]

PART V

REGULATION OF STAGE PLAY PERFORMANCES

Appointment
of stage play
authorities

23. The Minister may, by writing under his hand or by notice in the *Gazette*, appoint any person or body of persons or designate any department of the Government or other public institution to be a stage plays authority for purposes of this Part, for such area or areas as he shall specify.

[s. 22]

Restriction on
performances of
stage plays

24.—(1) A person shall not, present or cause or permit to be presented, or direct or produce or take part or assist in the direction or production of, any public performance of a stage play, unless a stage plays authority has granted a certificate of approval authorising such performance.

(2) A person who contravenes the provisions of subsection (1) of this section, commits an offence.

[s. 23]

Application for
certificate of
approval

25.—(1) Every application for a certificate of approval in respect of a stage play shall be made in writing to the stage plays authority in the area in which it is to be staged, and shall be accompanied by a copy of the play, which copy may in the discretion of the stage plays authority be returned forthwith or retained during the currency of any certificate of approval granted in pursuance of the application, or for such other period as the stage plays authority may consider necessary for the proper performance of its functions.

(2) Where the stage play contains writing in a language other than *Swahili* or English, the stage plays authority may require a translation thereof into *Swahili* or English language, certified to its satisfaction:

Provided that, the stage plays authority may, if it thinks fit, dispense with such translation, and instead submit the play or a part thereof for the examination and report of such person or persons as it may appoint for the purpose.

[s. 24]

Certificate of approval

26. A stage plays authority may grant a certificate of approval in respect of a stage play, or may grant it on condition that specified deletions or alterations be made from or to the play, or may refuse to grant a certificate of approval if it considers that the play tends, or would tend to offend decency or prejudice the maintenance of public order, or that the public performance of the play would for any other reason be undesirable in the public interest.

[s. 25]

Effect of failing to alter play, or of adding matter

27. Where-

- (a) a certificate of approval in respect of a stage play has been granted subject to specified deletions or alterations being made from or to the play and the play is performed without all specified deletions or alterations having been made; or
- (b) at any performance of a stage play any other matter beyond that comprised in the copy of the play submitted to the stage plays authority under subsection (1) of section 25 of this Act is included or performed at the performance,

the performance shall be deemed, for purposes of section 24 of this Act, to be a performance in respect of which a certificate of approval has not been granted.

[s. 26]

Power to exempt stage plays

28. Notwithstanding the provisions of this Part-

- (a) the Minister may, by notice in the *Gazette*, exempt from the provisions of this Part, any stage play, or class of stage plays generally, or by reference to the persons or category of persons performing in or producing such stage plays;
- (b) a stage plays authority may in writing similarly exempt any stage play or stage plays performed in the area for which it is appointed.

[s. 27]

PART VI

MISCELLANEOUS PROVISIONS

Appointment
of Secretary of
Board
Act No.
9 of 2019 s. 19

29.—(1) The Minister may appoint a public officer to be the Secretary of the Board.

(2) The Secretary shall perform such functions as may be conferred upon him by or under this Act, or as may be assigned to him from time to time by the Minister or the Board.

[s. 28]

Power of Minister
to give directions
to Board
committees
and stage plays
authorities
Act No.
9 of 2019 s. 19

30. The Minister may give the Board, a Regional Film Committee or a stage plays authority directions of a general or specific character as to the performance of any functions or duties conferred or imposed by or under this Act upon the Board, a Regional Film Committee or a stage plays authority, and directions so given shall be given effect accordingly.

[s. 29]

Revocation of
licences, etc., by
Minister

31.—(1) Whenever it is made to appear to the Minister that the public interest so requires, he may revoke any permit, licence, certificate of approval, approval, permission or other authorisation issued or granted under this Act.

(2) Every revocation made pursuant to the provisions of subsection (1) shall be by notice in the *Gazette* or by notice in writing served personally or by registered post on the person to whom the permit, licence, certificate of approval, approval or other authorisation, as the case may be, was issued or granted.

[s. 30]

Power of Board
to establish
committees and
to delegate
Act No.
9 of 2019 s. 19

32.—(1) The Board and every Regional Film Committee may, from time to time, establish committees of members of the Board for the better carrying out of its functions under this Act and, subject to the provisions of this section, may delegate, subject to such terms, conditions and restrictions as it may specify, to any such committee all or any of its functions, powers or duties conferred or imposed upon the Board by

or under this Act and where any delegation is so made the delegated function, power or duty may be exercised or as the case may be, performed by the committee subject to the terms, conditions and restrictions specified by the Board.

(2) The Board may revoke any delegation made by it under this section, and no delegation made under this section shall prevent the Board from its exercising or performing the function, power or duty delegated.

(3) The Board shall not have power under this section to delegate its power of delegation.

[s. 31]

Profit returns
Act No.
9 of 2019 s. 25

33.—(1) The Board shall, for every usage, sale and re-sale of contents filmed in Mainland Tanzania by a foreign film producer, be entitled to a prescribed benefit.

(2) The Minister may make regulations prescribing for—

(a) determinations of benefits referred to under subsection (1);

(b) terms and conditions for acquisition of producers' filming permits issued pursuant to section 5.

(3) The Board shall set guidelines and procedures for accessing famous filming locations.

[s. 31A]

Minister may
delegate his
functions

34. The Minister may, by writing under his hand or by notice in the *Gazette*, delegate to any public officer any of his functions under this Act.

[s. 32]

Power of entry,
etc.

35.—(1) A police officer, a member of the Board or any person authorised by the Minister in writing in that behalf, may, if he has reasonable cause to believe that an exhibition of a film or performance of a stage play is being or is about to be made or given on any premises, demand that the person in charge of those premises allow him free entry to the premises and afford him all reasonable facilities to ascertain whether such exhibition or performance is being or is about to be made or given and

whether the provisions of this Act and of the regulations thereunder, and the terms and conditions of any certificate of approval, approval or permission issued or granted thereunder, are being, or as the case may be, will be, observed.

(2) Where any such police officer, member of the Board or person authorised by the Minister, after production of his authority to any person reasonably requiring the same, is unable to obtain entry to the premises without unreasonable delay, he may without warrant enter the premises and inspect the same to ascertain the matters specified under subsection (1).

(3) Where any such officer, member or person as aforesaid is satisfied that an exhibition or performance is being made or given in contravention of any of the provisions of this Act or of any regulations thereunder, or the terms and conditions of any certificate of approval, approval or permission issued or granted thereunder, he may order that the exhibition or performance be stopped and shall not be further made or given until all the said provisions, terms and conditions are complied with to his satisfaction.

(4) A person who prevents or obstructs any police officer, member of the Board or person authorised by the Minister acting under this section in the performance of his duties, or who fails to comply with an order given to him under subsection (3) of this section, commits an offence.

[s. 33]

Penalty
Acts Nos.
10 of 2013 s. 25
9 of 2019 s. 26

36.—(1) A person who commits an offence under this Act shall be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding two years or to both.

(2) Where any person is convicted of an offence under this Act or any regulations made thereunder, then, in addition to or in lieu of any other penalty, the court by which such person is convicted may—

- (a) where the offence relates to the making of a film, order the confiscation and destruction of the film and footage clip or any material used to make such film, if any, or

any part thereof in respect of which the offence was committed, and may revoke the film permit, if any, relating to the making of the film, whether the person convicted is the holder thereof or not;

- (b) where the offence relates to exhibition, order the confiscation and destruction of the film or any part thereof in respect of which the offence was committed, and may, in addition, or instead, revoke any certificate of approval, approval or permission granted under this Act.

[s. 34]

Offences by
corporations,
societies, etc.

37. Where any offence under this Act or any regulations made thereunder is committed by a company or other body corporate, or by a society, association or body of persons, every person charged with, or concerned or acting in, the control or management of the affairs or activities of such company, body corporate, society, association or body of persons commits an offence and is liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed, or that he took all reasonable steps to prevent its commission.

[s. 35]

Appeals
Act No.
9 of 2019 s. 19

38. A person who is aggrieved by a decision of the Board, a Regional Film Committee, a licensing authority or stage plays authority under this Act may appeal within the prescribed period and in the prescribed manner to the Minister, who may, subject to the provisions of this Act, confirm, vary or reverse the decision, and may give such directions in the matter as he deems fit and the Board, Regional Film Committee, licensing authority or stage plays authority, as the case may be, shall comply with the directions so issued.

[s. 36]

Repeal and
savings
Ord. No.
37 of 1935

39.-(1) [Repeals the Cinematograph Ordinance.]

(2) Notwithstanding the repeal of the Cinematograph Ordinance by this Act-

- (a) all subsidiary legislation made under the Cinematograph Ordinance and in force immediately before the commencement of this Act shall continue in force and be deemed to have been lawfully made under this Act until it is revoked, and may be varied or amended accordingly;
- (b) until new appointments are made under this Act, any appointment made under the Cinematograph Ordinance shall be deemed to have been made under this Act; and
- (c) all authorities, licences and permits issued or granted under the Cinematograph Ordinance and which are valid immediately before the commencement of the Act shall be deemed to have been lawfully issued or granted under the corresponding provision of this Act and shall continue in force until they are revoked or cancelled, and may be varied or amended accordingly.

[s. 37]

Regulations
Act No.
9 of 2019 s. 27

40. The Minister may make regulations generally for the better carrying out of the purposes and provisions of this Act, and, without prejudice to the generality of the foregoing, may make regulations-

- (a) prescribing fees to be paid for any certificate of approval, film permit or theatre licence under this Act;
- (b) prescribing charges for, or for matters incidental to, the attendance of any public officer at the making of a film under section 5 of this Act, or the attendance of any officer or other person, designated for that purpose, at any exhibition or performance under section 12 of this Act;
- (c) prescribing the conditions to be observed with regard to the erection, alteration and equipment of any theatre;

- (d) prescribing the conditions to be observed with regard to the safety of theatres from fire or other danger, the safety and control of persons attending at theatres;
- (e) prescribing the conditions to be observed for purposes of protecting the health of persons attending at theatres;
- (f) regulating the duties, functions, proceedings and the conduct of the business of the Board or committee appointed under section 14 of this Act and the manner in which the censorship of films and posters shall be conducted;
- (g) regulating the constitution, duties, functions, proceedings and the conduct of the business of stage plays authorities appointed under section 23 of this Act and the manner in which the censorship of stage plays shall be conducted;
- (h) prescribing forms for and the manner of making applications for certificates of approval, film permits and theatre licences under this Act;
- (i) making provision with regard to the form and manner in which applications for exemptions under sections 9, 13 or 28 of this Act shall be made;
- (j) prescribing the conditions subject to which certificates of approval, film permits and theatre licences under this Act shall be granted;
- (k) providing for the classification of films by the Board or committee and the manner in which such classification shall be made;
- (l) prohibiting or restricting the exhibition of any class of cinematograph picture before persons below any age which may be specified or prohibiting or restricting such exhibition before any person below such age, unless he is accompanied by a parent or guardian or such other conditions as may be specified;

- (m) making provision with regard to the giving of notice to intending viewers of any conditions and restrictions attached to the exhibition of any cinematograph picture or any class thereof and the manner in which such notice shall be given;
- (n) prescribing the conditions to be observed with regard to the conduct of any person or persons charged with, or acting in the control or management of the admission, on payment, of persons to any public exhibition or public performance;
- (o) prohibiting or restricting the participation by any person or category of persons in the sale or distribution of any tickets or other authorisation for admission of persons to any public exhibition or public performance, and making provision with regard to the manner in which and the places and times at which the sale or distribution of such tickets or authorisation shall be made;
- (p) prescribing the periods for which certificates of approval under this Act shall be granted;
- (q) prescribing the procedure for appeals to the Minister under this Act;
- (r) prescribing the code of conduct and discipline, professional ethics and etiquettes in the film industry and stage play; and
- (s) prescribing anything which under this Act is to be or may be prescribed.

[s. 38]