



SAMOA

## FILM CONTROL ACT 1978

### Arrangement of Provisions

#### **PART 1 PRELIMINARY**

1. Short title and commencement
2. Interpretation
3. Administration
- 3A. Act to bind the Government

#### **PART 2 FILM CONTROL BOARD**

4. Film Control Board
5. Functions of Board
6. Terms of office of appointed members
7. Extraordinary vacancies
8. Meetings of Board
9. Remuneration of Board members

#### **PART 3 LICENSING OF EXHIBITORS AND LENDERS**

10. Exhibitor's licence
11. Suspension or revocation of exhibitor's licence
12. Exhibitor's licence may be dispensed within certain cases
13. Duties of licensee

#### **PART 4 CENSORSHIP**

14. Appointment of Principal Censors
15. Films not to be exhibited or lent unless approved by the Principal Censor
16. Application for approval of film
17. Principal Censor may require film to be exhibited for purpose of censorship
18. Powers of Principal Censor
19. Classification of films
20. Certificates of approval or refusal and register of films
21. Nature of Principal Censor's certificate to be displayed
22. Revocation of certificate of approval
23. Censorship of advertisement of films
24. Principal Censor may retain films and advertisements if approval refused
25. Appeal from decision of Principal Censor
26. Offences

#### **PART 5 MISCELLANEOUS**

27. Appointment of officers
28. Non-liability of Government
29. Powers of entry
- 29A. Seizure of films
30. Regulations

---

**FILM CONTROL ACT 1978****1978****No.26**

**AN ACT** to establish a Film Control Board and to make better provision for the control of the exhibition of films, the censorship of films and matters incidental thereto.

*[Assent date: 18 December 1978]*

*[Commencement date: 12 October 1979]*

**PART 1**  
**PRELIMINARY**

**1. Short title and commencement** – This Act may be cited as the Film Control Act 1978, and comes into force on a date to be appointed by the Head of State, acting on the advice of Cabinet by Order.

**2. Interpretation** – In this Act, unless the context otherwise requires:

“advertisement” includes a picture, photograph, poster, figure display or other matter or thing, visual or oral, describing or announcing in a manner or form the exhibition or proposed exhibition of a film;

“Board” means the Film Control Board established under section 4;

“Principal Censor” means the Principal Censor of films appointed under section 14 and includes an assistant Principal Censor;

“exhibitor” in relation to a film, means a person who, presents a film by broadcast, cable or satellite television, or who exhibits a film to the public, or to any section of the public or, other than a private residence, to a group or class of persons, whether or not a charge is made for admission to the premises in which the exhibition is held; and “exhibit” and “exhibition” have corresponding meanings;

“film” includes a cinematograph film, video recording and any other record of visual moving images that is capable

- of being used for the subsequent display of those images by any means, and includes any part of a film, and a copy or part of a copy of the whole or any part of a film;
- “lender” in relation to a film, means a person who sells a film or lends a film by way of hire or otherwise in the course of business; and “lend”, “lent” and “lending” have corresponding meanings;
- “premises” means a building, enclosure, ground or open-air space;
- “prescribed” means prescribed by regulations made under this Act;
- “public exhibition” includes the activities of exhibitors in relation to films, and the lending of a film;
- “trailer” means a short film used or intended to be used for the purpose of advertising any other film.

**3. Administration** – The Minister responsible for Justice is responsible for the due administration of this Act.

**3A. Act to bind the Government** – This Act binds the Government.

## **PART 2 FILM CONTROL BOARD**

- 4. Film Control Board** – (1) There is a Board to be called the Film Control Board consisting of the following members:
- (a) the Chief Executive Officer for the Ministry responsible for Justice, as the Chairperson;
  - (b) the Minister of Education, Sports and Culture;
  - (c) the Commissioner of Police Service;
  - (d) the Comptroller of Customs;
  - (e) the Chief Executive Officer for the Ministry responsible for Women;
  - (f) one person appointed by the Head of State, acting on the advice of Cabinet, to represent religious organisations;
  - (g) two persons appointed by the Head of State, acting on the advice of Cabinet, to represent the public.

(2) If a member of the Board is temporarily incapacitated by illness, absence, or other sufficient cause from attending a meeting of the Board:

(a) for the Chief Executive responsible for Justice and the Minister of Education, Sports and Culture and the Commissioner of Police Service and the Comptroller of Customs and the Chief Executive responsible for Women Affairs an authorised senior officer of his or her Department; and

(b) for an appointed member, a person nominated for the purpose by the Minister, –

may attend the meeting as the deputy of such member.

(3) No deputy shall act as the Chairperson of the Board.

(4) A person who attends a meeting of the Board under this section is, for the purposes of that meeting, taken to be a member of the Board.

**5. Functions of Board** – (1) The Board shall regulate and control the public exhibition of films and censorship thereof.

(2) The Board has other functions and powers as are conferred on it by this Act.

**6. Terms of office of appointed members** – (1) Except as otherwise provided by this Act, a member of the Board appointed under section 4(1)(c) must be appointed for a term of 3 years but may be re-appointed.

(2) Despite anything to the contrary in this section, an appointed member of the Board, unless sooner vacates office under section 7(1), continues in office until the member's successor comes into office.

**7. Extraordinary vacancies** – (1) An appointed member of the Board may be removed from office by the Head of State for disability, bankruptcy, neglect of duty, or misconduct or may resign his or her office by written notice given to the Minister.

(2) If an appointed member of the Board dies, or resigns, or is removed from office, the office becomes vacant and the vacancy is taken to be an extraordinary vacancy.

(3) An extraordinary vacancy must be filled by the appointment of a person in the same manner as the appointment of the vacating member.

(4) A person appointed to fill an extraordinary vacancy must be appointed for the residue of the term for which the vacating member was appointed.

(5) The powers of the Board are not affected by any vacancy in its membership.

**8. Meetings of Board – (1)** The first meeting of the Board is to be held on a day to be appointed in that behalf by the Chairperson.

(2) Subsequent meetings of the Board are to be held at such times and places as the Board appoints.

(3) The Chairperson of the Board, or any 4 members, thereof, may call a special meeting of the Board.

(4) At all meetings of the Board, the quorum necessary for the transaction of business is 5 members.

(5) The Chairperson shall preside at all meetings of the Board at which he or she is present.

(6) Subject to section 4(3), the members present shall elect 1 of their numbers to preside at a meeting, from which the Chairperson is absent.

(7) All questions arising at a meeting of the Board is decided by a majority of the valid votes recorded thereon.

(8) At a meeting of the Board, the Chairperson or other person presiding has a deliberative vote and, in the case of equality of votes, a casting vote.

(9) A resolution in writing signed or assented to by letter or telegram by all members of the Board is as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted.

(10) Subject to the provisions of this Act and of any regulations hereunder, the Board may regulate its procedure in such manner as it thinks fit.

**9. Remuneration of Board members** – A member of the Board who is not a full time salaried employee of the Government is entitled to be paid, out of the funds of the Board, such remuneration and allowance as may be fixed by Cabinet.

### **PART 3**

### **LICENSING OF EXHIBITORS AND LENDERS**

**10. Exhibitor's licence** – (1) Subject to subsection (7), no person shall exhibit, or cause or permit or suffer to be exhibited, a film unless the person is the holder of a licence (“licence”), issued under this section and valid in respect of the exhibition of such film.

(1A) No person shall lend a film unless the person is the holder of a licence.

(2) A person who exhibits, or causes or permits or suffers to be exhibited, a film in contravention of subsection (1) or in contravention of any of the terms or conditions of a licence commits an offence and is liable on conviction to:

- (a) for a company, a fine not exceeding 100 penalty units;
- (b) for an individual, a fine not exceeding 50 penalty units or a term of imprisonment not exceeding 1 year, or both.

(2A) A person who lends, or causes or permits or suffers to be loaned, a film in contravention of subsection (1A) or in contravention of any of the terms or conditions of a licence commits an offence and is liable on conviction to:

- (a) for a company, a fine not exceeding 100 penalty units;
- (b) for an individual, a fine not exceeding 50 penalty units or a term of imprisonment not exceeding 1 year, or both.

(3) Application for a licence must be made in the prescribed form to the Board and the Board may determine classes of licences for exhibitors who are:

- (a) broadcast, cable or satellite television service providers;
- (b) picture theatres;
- (c) educational institutions;
- (d) internet or other computer based suppliers; and
- (e) other classes of exhibitors as determined by the Board.

(4) The Board may in its discretion either:

- (a) refuse an application for a licence if it is not satisfied that the proposals for the exhibition or lending of films are suitable for the purpose of which the application is made, or if the applicant is a person

who has been convicted of an offence under this Act; or

- (b) grant a licence either—
- (i) generally, in which case the licence shall, unless sooner revoked or surrendered, remain in force until 3 December following the day of its issue; or
  - (ii) specially, in respect of such period, not exceeding 7 days as may be specified in the licence.

(5) A licence is to be in the prescribed form and, on payment of the prescribed fee, may be granted subject to such terms and conditions as the Board considers necessary in the public interest: **PROVIDED THAT** the Board may remit or waive a fee payable under this subsection in the case of a film exhibition held for a charitable educational or public purpose.

(6) A licence may, where appropriate, be limited in its application so as to authorise the exhibition of films only at such premises or at such times as may be specified in such licence.

(7) Films may be exhibited without a licence:

- (a) *(Repealed by section 7(k) of the Film Control Amendment Act 1998);*
- (b) in a hospital, nursing home, institution for the care of the aged or of children, or educational institution, where entrance to exhibition, is restricted to the inmates or students and the staff of such hospital, nursing home or institution; or
- (c) by a charitable, philanthropic, religious, educational, social or sporting body or organisation where—
  - (i) the film is exhibited to further the bona fide objects or purposes of the body or organisation, those objects or purposes being other than the exhibiting of film; and
  - (ii) admission to the exhibition is restricted to the members of that body or organisation and their families; and
  - (iii) the public generally is not invited by public notice or advertisement, or by a communication of whatever nature addressed to the public at large, to attend that exhibition; and

- (iv) after meeting actual expenses and charges incurred in that exhibition, any proceeds deriving from the exhibition are applied solely and entirely towards the funds of the body or organisation so exhibiting film, and no portion of those proceeds is payable to a person by way of fee, commission, or other financial reward for acts performed or services rendered by that person in arranging, providing, or carrying out the exhibition except a fee payable to a projectionist for projecting the film.

**11. Suspension or revocation of exhibitor's licence – (1)**

A licence issued under section 10 may be suspended or revoked by the Board if the holder of the licence has been convicted of an offence under this Act or any other Act relating to the showing or viewing of indecent films, or if in the opinion of the Board, the safety, health or convenience of persons attending any exhibition of films held under the authority of the licence is not adequately provided for.

(2) If the holder of an exhibitor's licence has been convicted of an offence under this Act, the Court may, in addition to any other penalty it may impose, suspend or revoke the licence.

(3) If an exhibitor's licence is suspended or revoked under subsection (1) or (2), the Board shall not grant any further licence to such exhibitor while such suspension or revocation remains in force.

**12. Exhibitor's licence may be dispensed within certain cases** – Despite anything contained in this Part, the Board may, if the Principal Censor certifies that a film falls within any of the following categories, authorise in writing a person to exhibit such film in any suitable premises without an exhibitor's licence:

- (a) films depicting wholly or mainly surgical or medical techniques and intended to be used for instructional purpose;
- (b) films intended to be used wholly or mainly by educational institutions for educational purposes;



- (c) films intended to be use wholly or mainly by religious organisations for purposes of religious instruction;
- (d) films depicting wholly or mainly industrial or manufacturing processes;
- (e) films being wholly or mainly commercial advertisements relating to the advertiser's or sponsor's activities;
- (f) scientific films, including natural history films, intended to be used for educational purposes;
- (g) films depicting wholly or mainly cultural, sporting or recreational activities, and intended to be used wholly or mainly by cultural, sporting or recreational organisations for instructional or educational purposes;
- (h) films depicting wholly or mainly natural scenery.

**13. Duties of licensee** – The holder of a licence shall ensure that an exhibition is conducted in such a manner where appropriate as to provide for the safety, convenience and good order of the persons attending the exhibition and that there is a responsible and competent person operating the projector used in the premises for the purpose of the exhibition and otherwise in compliance with this Act and any conditions of a licence issued under this Act.

#### **PART 4 CENSORSHIP**

**14. Appointment of Principal Censors** – (1) There shall be appointed under the Public Service Act 2004:

- (a) a Principal Censor of films; and
- (b) other persons as may be necessary, to be known as assistant censors, to assist the Principal Censor or to act in his or her stead:

**PROVIDED THAT** no member of the Board may be appointed as the Principal Censor or an assistant censor.

(2) Subject to any directions given by the Principal Censor, an assistant censor has and may exercise all or any of the powers, duties, discretions and authorities conferred upon the Principal Censor by or under the provisions of this Act:

**PROVIDED THAT** a decision of an assistant censor is to be signified in the name of the Principal Censor and is deemed to be a decision of the Principal Censor.

(3) The Board may give the Principal Censors directions as to the policy to be adopted in the exercise of the power and the duties conferred upon them by or under the provisions of this Act and the Principal Censors shall at all times act in compliance with such directions.

**15. Films not to be exhibited or lent unless approved by the Principal Censor – (1)** No person shall exhibit or lend a film, other than a film exempted under subsection (2) from the operation of this Part, unless the film has been approved by the Principal Censor for public exhibition.

(2) The Board may by certificate in the prescribed form, exempt a film or any class of films from the operation of this Part, and by notice to be served on the holder of any such certificate may revoke such certificate if satisfied that such revocation is in the public interest.

**16. Application for approval of film –** Subject to section 20(2), an application for the approval of a film by the Principal Censor is to be made in the prescribed form and accompanied by the prescribed fee.

**17. Principal Censor may require film to be exhibited for purpose of censorship – (1)** The Principal Censor may require a film in respect of which his or her approval is sought under this Part to be exhibited before him or her for the purpose of censorship, at such time and place mutually convenient to him or her and to the applicant, at the expense and risk of the applicant.

(2) The Principal Censor's decision is final as to:

- (a) the eligibility of a person to be present at an exhibition held under this section; and
- (b) the number of persons to be present at any such exhibitions:

**PROVIDED THAT** the applicant and his or her barrister and solicitor are entitled to attend the exhibition.

**18. Powers of Principal Censor** – (1) Without unreasonable delay the Principal Censor shall, in respect of a film for which his or her approval is sought under this Part, either:

- (a) approve the film for public exhibition; or
- (b) refuse to approve the film for public exhibition, either unconditionally, or until such alterations or excisions as he or she may specify have been made to the film:

**PROVIDED THAT** the Principal Censor shall not refuse to approve a film for public exhibition without the film having first been exhibited to him or her under section 17.

(2) In determining whether to approve a film for exhibition, the Principal Censor shall consider the following matters:

- (a) the extent and degree to which, and the manner in which—
  - (i) the film describes, depicts or otherwise deals with matters including sex, horror, crime, cruelty, violence, offensive language or anti-social behaviour;
  - (ii) the film degrades, demeans or dehumanises a person or group of persons;
  - (iii) the film represents members of any particular class of the public as inferior to other members of the public by reason of any characteristic of members of that class on grounds of descent, sex, language, religion, political or other opinion, social origin, race, place of birth, family status, or any of them;
- (b) whether the film is contrary to public order or undesirable in the public interest.

**19. Classification of films** – (1) The Principal Censor shall, in approving a film for public exhibition under the provisions of section 18, classify it in any of the following categories:

- (a) approved for general exhibition; or
- (b) approved for exhibition to a specified class or description of persons only (being persons of or over the age of 5 years), or for specified purposes only, or on one or more specified occasions only.

(1A) In approving films under subsection (1), the Principal Censor may determine the titles to be given to classes of film

classification; including symbols or abbreviated styles representing those classes.

(2) No person shall exhibit or cause to be exhibited a film approved under the provisions of subsection (1) contrary to any such approval.

**20. Certificates of approval or refusal and register of films – (1)** The Principal Censor shall:

- (a) signify his or her approval of a film and the category into which he or she has classified it or his or her refusal to approve a film by a certificate in the appropriate prescribed form;
- (b) keep in his or her office a register of films in which shall be entered with respect to each film the several particulars set out in the certificate issued under this section and such other particulars as may be prescribed;
- (c) arrange, as he or she sees fit, to publish in the Savali lists of approved films and their classifications.

(2) *(Repealed by section 7 of the Film Control Amendment Act 2010).*

**21. Nature of Principal Censor's certificate to be displayed – (1)** The owner, manager or occupier of any premises in which a film other than a film exempted from the operation of this Part, is exhibited or any other person responsible for the exhibition of any such film in such premises, shall display in a conspicuous position in the lobby or entrance to such premises, at all times whilst such premises are open to the public, a notice of such dimensions and in such form as may be prescribed notifying, for public information, the nature of the certificate which has been issued by the Principal Censor in respect of that film.

(2) A lender shall fix to each film being lent, a label in a form acceptable to the Principal Censor, indicating the classification given to the film under this Act.

**22. Revocation of certificate of approval –** The Board may:

- (a) by notice published in the Savali, or in any other publication that the Board determines to be appropriate, revoke a certificate if satisfied that such revocation is in the public interest or that any

condition subject to which such certificate was issued has not been complied with; and

- (b) issue a certificate of a different classification in its place:

**PROVIDED THAT** the Board shall not revoke any such certificate without the film to which it relates first having been exhibited to it and section 25(4) applies as if an appeal had been brought under that section.

**23. Censorship of advertisements of films – (1)** No person shall announce, print, publish, distribute, exhibit, display or otherwise disseminate in a manner whatsoever or cause to be so announced, printed, published, distributed, exhibited, displayed or disseminated an advertisement of or with respect to a film or portion of a film (other than a film exempted under section 10 from the operation of this Part) unless:

- (a) such advertisement has been approved by the Principal Censor; and
- (b) such advertisement includes or is accompanied by a statement, clearly displayed or announced, as to the nature of the certificate which has been issued by the Principal Censor in respect of the film to which such advertisement refers, or otherwise than in the form in which such advertisement was approved by the Principal Censor:

**PROVIDED THAT** this subsection does not apply to an advertisement announcing only the title or titles of a film or films whether accompanied by a statement as to proposed times or dates of exhibition thereof or not.

**(2)** The Principal Censor shall, in respect of an advertisement for which his or her approval is sought under the provisions of this section either:

- (a) approve such advertisement or any part thereof; or
- (b) refuse to approve such advertisement or any part thereof absolutely or until such alteration as he or she may specify has been made thereto.

**(3)** The approval or refusal of approval by the Principal Censor of an advertisement or any part thereof for which his or her approval is required under the provisions of this section is to be signified in such form and in such manner as may be prescribed.

(4) A prototype copy of an advertisement is, for the purposes of this section, taken to be the same advertisement.

**24. Principal Censor may retain films and advertisements if approval refused** – A film or advertisement to which the Principal Censor has refused approval under this Part of this Act may be retained by the Principal Censor until such time as the applicant has made arrangements to the satisfaction of the Principal Censor for the export of such film or advertisement from Samoa or for the disposal thereof in such manner as the Principal Censor may direct:

**PROVIDED THAT** if no such arrangements are made to the satisfaction of the Principal Censor within a period of 3 months after the date of his or her signification of his or her refusal of approval of such film or advertisement the Principal Censor may cause such film or advertisement to be destroyed at the expiration of 1 month after the date of notification to the applicant of the intention to destroy it.

**25. Appeal from decision of Principal Censor** – (1) An applicant who is dissatisfied with the decision of the Principal Censor in relation to a film or advertisement in respect of which his or her approval is sought under this Part may, within 21 days after notification to him or her of the decision of the Principal Censor appeal against that decision to the Board by delivering or posting to the Secretary of the Board a notice of appeal in the prescribed form accompanied by the prescribed fee:

**PROVIDED THAT** such fee is refunded if the appeal is allowed.

(2) On receipt of a notice of appeal under subsection (1), the Secretary of the Board shall:

(a) arrange a time, date and place for the hearing of the appeal; and

(b) cause notice of such time, date and place to be given to the appellant not less than 24 hours before the time so appointed.

(3) In an appeal brought under this section the appellant, his or her barrister and solicitor, and the Principal Censor have the right to be present at the hearing thereof and may make representation either orally or in writing to the Board:

**PROVIDED THAT** the Board may require the appellant, his or her barrister and solicitor, and the Principal Censor to retire while it considers its decision.

(4A) The Board shall require a film or advertisement in respect of which such appeal has been brought to be exhibited before it or submitted for its inspection, as the case may be, at such time and place as may be mutually convenient to the Board and to the appellant and at the expense and risk of the appellant.

(4B) No person other than the appellant, his or her barrister and solicitor, his or her projectionist, and the Principal Censor shall be present at such exhibition except at the invitation of the Board.

(5) Upon consideration of an appeal the Board shall:

- (a) uphold the decision of the Principal Censor absolutely; or
- (b) vary or reverse the decision of the Principal Censor and, within the limits imposed upon the Principal Censor under this Part, make such other order in relation to such film or advertisement as it considers appropriate.

(6) If the Board varies or reverses a decision of the Principal Censor, it shall, in writing, direct the Principal Censor to approve or refuse approval of such film or advertisement in accordance with the decision of the Board, and the Principal Censor shall, where necessary, cancel any previous certificate or signification or refusal and issue such other certificate or signification as are necessary to accord with the decision of the Board.

(7) Subject to the provisions of this section, the Board in determining an appeal brought thereunder may regulate its own procedure.

**26. Offences – (1)** A person who:

- (a) exhibits, or cause or permits or suffers to be exhibited, a film in contravention of any of the provisions of this Part; or
- (aa) lends a film in contravention of an obligation in this Part; or
- (b) exhibits, or causes or permits or suffers to be exhibited, a film in respect of which the Principal Censor's certificate of approval has been revoked; or

- (bb) lends a film in respect of which the Principal Censors certificate of approval has been revoked; or
  - (c) announces, prints, publishes, distributes, exhibits, displays or otherwise disseminates in a manner whatsoever or causes to be so announced, printed, published, distributed, exhibited, displayed or disseminated an advertisement in contravention of this Part, –
- commits an offence and is liable on conviction to a fine for each offence not exceeding 20 penalty units in the case of an individual and 50 penalty units in the case of a company.

(2) In addition to a penalty imposed for an offence under subsection (1), the Court may order that a film or advertisement in respect of which such offence was committed be confiscated and disposed of in such manner as the Court may direct.

## PART 5 MISCELLANEOUS

**27. Appointment of officers** – (1) There shall be appointed under the Public Service Act 2004:

- (a) a Secretary of the Board; and
- (b) such other officers as may be necessary for the administration of this Act.

(2) An officer of the Public Service may be appointed under this section even if the officer holds any other office in the Public Service, and the officer may hold office under this section in conjunction with any other office in the Public Service.

**28. Non-liability of Government** – The Board or any other member, officer, employee or agent of the Board, and the Principal Censor is not personally liable for an act done or purported to be done or omitted to be done in good faith in the exercise or the performance of the powers, functions or duties under this Act.

**29. Powers of entry** – (1) A member of the Board, Principal Censor or police officer, or a person duly authorised in writing in that behalf by the Board may at all reasonable times, enter:

- (a) any premises to which the public have access on payment or otherwise in which a film is being



exhibited or in which he or she has reason to believe that a film is being or is about to be exhibited; or

(b) any premises where films are lent to the public, –  
for the purpose of ensuring that the provisions of this Act or of a licence or certificate issued under this Act are being complied with.

(2) A person who prevents or obstructs the entry of any such person into any premises under subsection (1) commits an offence and is liable on conviction to a fine not exceeding 2 penalty units.

**29A. Seizure of films** – (1) Without limiting section 29, where the Principal Censor or a police officer discovers a person (hereinafter referred to as “affected person”) offering for public supply, or exhibiting to the public, a film, not being a film that is exempted by section 15, and the Principal Censor or police officer believes, on reasonable grounds, that the film is supplied or exhibited in contravention of this Act, the Principal Censor or police officer may seize the film and any case or other container in or on which that film is kept or offered for public supply (hereinafter referred to as “seized material”) from that affected person.

(2) A police officer who seizes the seized material under subsection (1) must deliver the seized material to the Principal Censor within 24 hours from the time of seizure.

(3) Upon receipt of the seized material, the Principal Censor shall:

- (a) carry out an investigation confirming whether the affected person was offering for public supply, or exhibiting to the public, the film in contravention of the Act; and
- (b) thereafter, notify the affected person of his or her determination and the steps to be taken to comply with subsections (4), (5) and (6) where applicable.

(4) If the Principal Censor determines that the affected person has acted in contravention of this Act, the Principal Censor shall give the affected person 2 months from the date of the notice under subsection (3)(b) to comply with this Act in relation to the seized material.

(5) If the affected person complies with this Act in relation to the seized material under the notice in subsection (3)(b), the Principal Censor may return the seized material to that affected person.

(6) If the affected person does not comply with this Act in relation to the seized material in accordance with the notice in subsection (3)(b), the Principal Censor may dispose of the seized material.

**30. Regulations** – (1) The Head of State, acting on the advice of Cabinet, may make regulations for the carrying out of the provisions of this Act and in particular, but without prejudice to the generality of the foregoing, for all or any of the following purposes namely:

- (a) the censorship of films and advertisements;
- (aa) fees and charges for the purposes of this Act;
- (ab) forms for the purposes of this Act;
- (b) the conduct of appeals from decisions of the Principal Censor;
- (c) regulating the exhibition of films and prescribing the conditions to be observed in relation to the safety from fire or otherwise of any premises in which films are or are intended to be exhibited and the safety and conduct of persons attending and exhibition of films therein; and
- (d) the licensing of exhibitors and lenders.

(2) The amount of a fee or charge prescribed under subsection (1)(aa):

- (a) shall be proposed by the Ministry with the concurrence of the Board; and
- (b) subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.

**30A. Liability of officers of companies** – Where a company is convicted of an offence against this Act, a director and an officer concerned with the management of that company shall be guilty of the offence, where it is proved that the act or omission that constituted the offence took place with that person's knowledge, authority, permission or consent.

**31. Repeal and transitional** – (1) The Censorship of Films Ordinance 1960 (hereinafter referred to as the repealed Ordinance) is repealed.

(2) Despite subsection (1), a certificate or licence issued under the provisions of the repealed Ordinance is deemed to have been issued under the corresponding provisions of this Act:

**PROVIDED THAT** the provisions of section 16 apply to a film introduced into Samoa from abroad after the commencement of this Act despite a certificate issued in relation to such film under the repealed Ordinance.

## SCHEDULE 1

*repealed*

---

### REVISION NOTES 2008 – 2019

This is the official version of this Act as at 31 December 2019.

This Act has been revised by the Legislative Drafting Division from 2008 – 2019 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa;
- (b) Amendments have been made to up-date references to offices, officers and statutes. (“Secretary for Justice” changed to “CEO of the Ministry responsible for Justice” and “Secretary for Women Affairs” changed to “CEO of the Ministry responsible for Women”);
- (c) Insertion of the commencement date;
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General:
  - (i) “Every” and “any” changed to “a”;
  - (ii) “shall be” and changed to “is” or and “shall be deemed” changed to “is taken”;
  - (iii) “shall have” changed to “has”;
  - (iv) “shall be guilty” changed to “commits”;
  - (v) “notwithstanding” changed to “despite”;
  - (vi) “pursuant to” changed to “under”;
  - (vii) “it shall be lawful” changed to “may”;
  - (viii) “it shall be the duty” changed to “shall”;
  - (ix) Numbers in words changed to figures;
  - (x) “hereby” and “from time to time” (or “at any time” or “at all times”) removed;
  - (xi) “under the hand of” changed to “signed by”;

20

***Film Control Act 1978***

- (xii) Sections 14(1) and 27(1) paragraphed;
- (xiii) Part numbers changed to decimal.

The following amendments were made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*:

By the *Fees and Charges (Miscellaneous Amendments) Act 2017*, No. 13:

**Section 30** - amendments were made to paragraph (a), (d), insertion of new paragraphs (aa) and (ab), insertion of new subsection (2).

**Schedule 1** - repealed.



Lemalu Hermann P. Retzlaff  
Attorney General of Samoa

*This Act is administered by  
the Ministry of Justice and Courts Administration.*

---