

# *The Film and Video Classification Act*

*being*

Chapter F-13.2 of the *Statutes of Saskatchewan, 1984-85-86* (consult Table of Statutes of Saskatchewan for effective dates) as amended by the *Statutes of Saskatchewan, 1986, c.5*; *1988-89, c.42*; [1993, c.17](#); [1996, c.27](#); and [2006, c.20](#).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER F-13.2

### An Act respecting Film and Video Classification

#### Short title

1 This Act may be cited as *The Film and Video Classification Act*.

#### Interpretation

2 In this Act:

- (a) **“associate”** means a person, including an officer or a director, who performs services related to the management of the business of an exhibitor, retail distributor or wholesale distributor;
- (a.1) **“board”** means the Saskatchewan Film Classification Board continued pursuant to subsection 3(1);
- (b) **“chairperson”** means the chairperson designated pursuant to subsection 3(2);
- (c) **“distribution”** means retail distribution or wholesale distribution;
- (d) **“exhibition”** means showing, projecting or otherwise displaying of film in a theatre to the public;
- (e) **“exhibitor”** means a person who engages in exhibition of films on a continual and successive basis;
- (f) **“film”** means photographic moving picture film or any other means by which moving pictures are displayed and includes video tape, video cassette, video discs or other similar video devices by which moving pictures are shown, projected or displayed;
- (g) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (h) **“owner”**, when used in connection with a film, means a person having a proprietary right in the film;
- (i) **“person”** includes a partnership, unincorporated syndicate, unincorporated association or unincorporated organization;
- (j) **“proprietary right”** means an interest as owner or lessee or an interest under an agreement authorizing the right to use, distribute or exhibit a film;
- (k) **“retail distribution”** means the sale, lease, rental, exchange or other means of dispersal of film to members of the public, other than retail distributors, wholesale distributors or exhibitors;
- (l) **“retail distributor”** means a person who engages in retail distribution on a continual and successive basis;
- (m) **“theatre”** means a building or hall or any premises, room or place, including an open-air place, to which the public is admitted and where film is or is to be shown, projected or displayed;

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(n) “**wholesale distribution**” means the sale, lease, rental, exchange or other means of dispersal of film to retail distributors, exhibitors or other persons who engage in dispersal of films on a continual and successive basis but not to the general public;

(o) “**wholesale distributor**” means a person who engages in wholesale distribution on a continual and successive basis.

1984-85-86, c.F-13.2, s.2; 1996, c.27, s.3

**Board**

3(1) The Saskatchewan Film Classification Board is continued.

(2) The board is to consist of a chairperson, designated by the Lieutenant Governor in Council, and not less than two other board members, all of whom are to be appointed by the Lieutenant Governor in Council.

(3) The board may:

(a) charge the owner of a film or any other person who proposes to exhibit or distribute a film any fees that may be prescribed in the regulations for classification and review of films and for performing any other services or functions;

(a.1) charge an exhibitor, retail distributor or wholesale distributor any fee for registration that may be prescribed in the regulations;

(b) exempt in accordance with the criteria to be prescribed in the regulations and, subject to any terms and conditions that the board considers appropriate, any person, class of persons, film or class of films from all or any provision of this Act or the regulations;

(c) require an owner, wholesale distributor, retail distributor or exhibitor to submit to it a film, any information relating to the content of the film or advertising associated with the film for the purpose of allowing the board to perform its duties prescribed by this Act, the regulations or the Lieutenant Governor in Council;

(d) perform any duties, in addition to those described in clauses (a) and (c), that are prescribed by this Act, the regulations or the Lieutenant Governor in Council.

(4) The board may require proof that the owner acquired a proprietary right in any film before the date the owner presented the film to it for approval.

1984-85-86, c.F-13.2, s.3; 1996, c.27, s.4.

**Power to approve, disapprove, etc.**

4(1) The board may:

(a) approve or disapprove films that are intended for exhibition or distribution in Saskatchewan;

(b) require the exhibitor, retail distributor or wholesale distributor, as the case may be, who intends to exhibit or distribute a film approved by the board to remove any portion of the film that the board does not approve of.

(2) The board shall perform its duties pursuant to this section in accordance with this section and in accordance with the criteria to be prescribed in the regulations.

(3) The board shall base its approval, disapproval or requirement to remove a portion of a film on:

(a) an actual viewing by the board of the film and on criteria that are to be prescribed in the regulations;

(b) an approval, disapproval or requirement to remove a portion of the film by:

(i) a body that classifies, reviews or otherwise approves films and that is established pursuant to the legislation of another province or territory of Canada; or

(ii) any other body recognized in the regulations;

when the board is satisfied that the approval, disapproval or requirement to remove a portion of the film is based on criteria that are compatible and consistent with the criteria that are to be followed by the board in approving films and that are to be prescribed in the regulations;

(c) the information relating to the content of the film that is to be prescribed in the regulations; or

(d) all or any combination of the bases described in clauses (a) to (c).

(4) **Repealed.** 1996, c.27, s.5.

1984-85-86, c.F-13.2, s.4; 1996, c.27, s.5.

#### Power to classify

5(1) Where a film is approved by the board pursuant to section 4, the board shall, in accordance with this section:

(a) classify the film into a category of classification for films that is prescribed in the regulations; or

(b) approve a classification previously applied to the film.

(2) Where the board classifies a film, it shall base its classification of a film on:

(a) an actual viewing by the board of the film and any criteria that are to be prescribed in the regulations;

(b) a classification previously applied to the film by:

(i) a body that classifies, reviews or otherwise approves films and that is established pursuant to the legislation of another province or territory of Canada; or

(ii) any other body recognized in the regulations;

when the board is satisfied that the classification is based on criteria that are compatible and consistent with the criteria that are to be followed by the board in classifying films and that are to be prescribed in the regulations;

(c) the information relating to the content of the film that is to be prescribed in the regulations; or

(d) all or any combination of the bases described in clauses (a) to (c).

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- (3) The board shall approve a classification previously applied to the film only where:
- (a) the classification was previously applied by a board described in clause 4(3)(b); and
  - (b) the board is satisfied that the classification is based on criteria that are compatible and consistent with the criteria that are to be followed by the board in classifying films and that are to be prescribed in the regulations.
- (4) Where the board considers it to be appropriate, it may replace a classification previously given or approved by the board and any such reclassification is to be made in the same manner as a classification pursuant to this section.
- (5) Where a film or any information relating to the content of the film is submitted to the board to allow the board to approve and classify or approve a classification for the film, the board may retain the film or the information for any period of time that it considers appropriate.

1984-85-86, c.F-13.2, s.5.

**Power to regulate advertising and display**

**6(1)** The board may:

- (a) approve, prescribe or prohibit:
    - (i) advertising associated with a film or with the exhibition or distribution of a film;
    - (ii) the manner in which advertising described in subclause (i) is displayed; and
    - (iii) the manner in which film to be distributed is displayed;
  - (b) require that the owner of a film or any other person proposing to exhibit or distribute a film ensure that the film and any advertising associated with the film display the classification for that film given or approved by the board and any additional information that the board may require.
- (1.1) Any decision made pursuant to clause (1)(a) is to be made:
- (a) in accordance with any criteria prescribed in the regulations; or
  - (b) by adopting an approval, prescription or prohibition previously given to the advertising by:
    - (i) a body that classifies, reviews or otherwise approves films and that is established pursuant to the legislation of another province or territory of Canada; or
    - (ii) any other body recognized in the regulations.
- (2) Where any advertising associated with a film is submitted to the board to allow the board to approve, prescribe or prohibit the advertising, the board may retain the advertising for any period of time that it considers appropriate.

1984-85-86, c.F-13.2, s.6; 1996, c.27, s.6.

**Power to enter**

7(1) For the purposes of administering and enforcing this Act and the regulations, the board or any person authorized by the board, at any reasonable time without a warrant, may:

- (a) enter any theatre or any place connected with that theatre, other than a private dwelling place, where a film or advertising associated with a film is or may be located;
  - (b) enter any premises, other than a private dwelling place, where a film is or is to be distributed;
  - (c) require the production of a film and any advertising associated with the film that the board or person considers necessary;
  - (d) require any owner of a film or any owner, operator or person in charge of the theatre or premises to give the board or person all reasonable assistance;
  - (e) remove, with the consent of the owner, any film or advertising for the purposes of viewing the film and of making copies of the film or advertising associated with the film on giving a receipt for the film or advertising; and
  - (f) seize any film where the board or person has reasonable grounds to believe that:
    - (i) the film will be exhibited in a theatre and has not been approved or does not have attached to it evidence of approval pursuant to this Act or the regulations; or
    - (ii) the film will be distributed by a wholesale distributor or retail distributor and has not been approved or classified or does not show evidence of approval or classification pursuant to this Act or the regulations.
- (2) The board or any person authorized by the board shall:
- (a) carry out the viewing of any film and the copying of any film and advertising removed pursuant to clause (1)(e) with reasonable dispatch; and
  - (b) promptly return the film and advertising to the person from whom the film and advertising were taken.

1996, c.27, s.7.

**Warrant**

7.1 A justice of the peace or a provincial court judge may issue a warrant authorizing the person named in the warrant to enter and search the place named in the warrant and:

- (a) to seize any film or advertising that the owner refused consent to the removal of, pursuant to clause 7(1)(e), where the justice or judge is satisfied by evidence given under oath by the board or any person authorized by the board that:
  - (i) the owner of the film refused consent to the removal of the film or advertising; and
  - (ii) the board or person authorized by the board needs to view or make a copy of the film or advertising for the purposes of administering and enforcing this Act and the regulations; or

(b) to seize any film or advertising associated with a film that may constitute evidence of a violation of this Act or the regulations where the justice or judge is satisfied by evidence given under oath by the board or any person authorized by the board that:

- (i) there are reasonable grounds for believing that a violation of this Act or the regulations has occurred; and
- (ii) there is evidence of that violation to be found at the place to be searched.

1996, c.27, s.7.

**Registration required**

8(1) No person shall distribute or exhibit a film in Saskatchewan unless the person is registered with the board.

- (2) An applicant for registration shall provide to the board:
  - (a) the applicant's address for service in Saskatchewan;
  - (b) any additional information that may be prescribed in the regulations; and
  - (c) any fee that may be prescribed in the regulations.
- (3) The board may:
  - (a) register an applicant where the board is satisfied that the applicant has complied with this Act and the regulations; and
  - (b) make the registration subject to any terms and conditions that the board considers appropriate.
- (4) The board may refuse to register an applicant where:
  - (a) the applicant or an associate of the applicant has violated this Act, the regulations or a term or condition of registration; or
  - (b) the past conduct of the applicant or an associate of the applicant is such that it is contrary to the public interest for the person to carry on the business of distributing or exhibiting films.

1996, c.27, s.8.

**Amendment, suspension or cancellation of registration**

8.1(1) After providing the registrant with an opportunity to be heard, the board may:

- (a) make a registration subject to new or additional terms and conditions; or
  - (b) amend or revoke any of the terms and conditions of registration.
- (2) After providing the registrant with an opportunity to be heard, the board may suspend or cancel a registration:
- (a) on any ground on which the board might have refused to register an applicant;
  - (b) where the registrant or an associate of the registrant has violated any provision of this Act or the regulations or has failed to comply with any of the terms and conditions of registration;

- (c) where the registrant has made a material misstatement in the application for registration or in any of the information or material required to be submitted by the registrant to the board;
  - (d) where the registrant or an associate of the registrant has been guilty of misrepresentation, fraud or dishonesty; or
  - (e) where the registrant or an associate of the registrant has demonstrated his or her incompetency or untrustworthiness to carry on the business with respect to which the registration was issued.
- (3) No registrant shall fail to comply with the terms and conditions of registration.
  - (4) Every registration expires one year after the day on which it was issued unless previously suspended or cancelled.

1996, c.27, s.8.

**Board to maintain register**

**8.2(1)** The board shall maintain a register showing:

- (a) the names and addresses for service of all exhibitors, retail distributors and wholesale distributors registered with it pursuant to subsection 8(1);
  - (b) the classifications of all films approved for distribution or exhibition in Saskatchewan; and
  - (c) any information that may be prescribed in the regulations.
- (2) Subject to subsection (3), the board shall make the register available for public inspection during the normal business hours of the board.
  - (3) The board may withhold from public inspection any parts of the register or information or material that:
    - (a) relates to the business and operations of exhibitors, retail distributors or wholesale distributors; and
    - (b) in the opinion of the board, will be unduly detrimental to the business and operations of exhibitors, retail distributors and wholesale distributors if disclosed to the public.

1996, c.27, s.8.

**Approval required**

**9** No exhibitor, retail distributor or wholesale distributor of a film shall exhibit or distribute a film unless:

- (a) the film has been approved or classified pursuant to this Act; and
- (b) where a film has been approved subject to certain portions of the film being removed, those portions have been removed.

1996, c.27, s.9.

**Forfeiture**

- 10(1)** Where a person has been convicted for a violation of this Act, the regulations or a directive of the board, any films seized in connection with that violation are forfeited to the Crown in right of Saskatchewan.
- (2) Where a film has been forfeited, the person from whom the film was seized or any other person claiming to be entitled to the film may apply to the board in the manner prescribed in the regulations to recover the film.
- (3) The board may dispose of the film to the applicant where:
- (a) the board is satisfied that it is appropriate to do so; and
  - (b) the applicant has paid the fee prescribed in the regulations.
- (4) Any films seized in connection with an alleged violation of this Act, the regulations or a directive of the board are to be returned to the person from whom they were seized where:
- (a) no prosecution for a violation of this Act, the regulations or a directive of the board is commenced within 30 days after the date of the seizure; or
  - (b) a prosecution respecting the films seized results in an acquittal and no appeal is taken within the appeal period.
- (5) All films forfeited to the Crown in right of Saskatchewan pursuant to this section are to be sold or otherwise disposed of by the board in any manner that may be prescribed in this section or the regulations.

1996, c.27, s.10.

**Appeal committee**

- 11(1)** In this section and in section 13, “**appeal committee**” means the committee appointed pursuant to subsection (2).
- (2) The Lieutenant Governor in Council may appoint an appeal committee for the purpose of considering and determining appeals from the decisions of the board and, where he appoints an appeal committee, may prescribe in the regulations the practice and procedure to be followed in making appeals pursuant to this section.
- (3) A decision of the board may be appealed to the appeal committee, within 30 days of a decision by the board or any longer period allowed by the board, by:
- (a) the owner of a film or any other person who, in the opinion of the appeal committee, has an interest in the matter; or
  - (b) an applicant or registrant with respect to a registration decision pursuant to section 8 or 8.1.
- (4) On hearing the appeal, the appeal committee may:
- (a) confirm the board’s decision, vary the board’s decision or substitute the committee’s decision for the decision of the board; and
  - (b) make any order as to costs of the hearing that the appeal committee considers appropriate.
- (5) The decision of the appeal committee is final.

1984-85-86, c.F-13.2, s.11; 1986, c.5, s.7; 1997, c.27, s.11.

**Prohibition on attendance at exhibition, sale, rental, etc.**

12(1) In this section, “**permitted age**” means, with respect to a film, the minimum age at which an individual is not prohibited by the regulations from viewing, purchasing, leasing or exchanging the film.

(2) Where a film is to be exhibited at a theatre or to be distributed on a premises, no owner, lessee or manager of the theatre or of the premises, as the case may be, shall permit any person apparently under the permitted age for that film to view or purchase, lease or exchange that film.

(3) Where:

- (a) an owner, lessee or manager of a theatre where film is to be exhibited; or
- (b) an employee of the owner, lessee or manager who is in charge of the theatre where film is to be exhibited;

has or ought to have reasonable grounds to believe that a person in or proposing to enter into the theatre is under the permitted age for the film, he shall demand from that person proof, that is satisfactory to the owner, lessee, manager or employee, as the case may be, that the person is of the permitted age or older before the film is exhibited to that person.

(4) Where:

- (a) an owner, lessee or manager of a premise where film is to be distributed; or
- (b) an employee of the owner, lessee or manager who is in charge of the premises where film is to be distributed;

has or ought to have reasonable grounds to believe that a person who is to view, purchase, rent, lease or exchange a film or to whom a film is to be otherwise distributed is under the permitted age for the film, he shall demand from that person proof, that is satisfactory to the owner, lessee, manager or employee, as the case may be, that the person is of the permitted age or older before the film is distributed to that person.

(5) Where a person who is requested pursuant to subsection (3) or (4) to supply proof of age fails or refuses to supply proof of age or supplies proof of age that he is under the permitted age for a film:

- (a) in the case of the theatre where the film is to be exhibited, the owner, lessee or manager or employee of the owner, lessee or manager of the theatre shall require that person to leave the theatre; or
- (b) in the case of the premises where the film is to be distributed, the owner, lessee or manager or employee of the owner, lessee or manager of the premises shall not distribute the film to that person.

(6) A person who is required to leave a theatre pursuant to subsection (5) shall do so immediately.

(7) A person who fails to immediately leave a theatre after he is required to do so pursuant to subsection (5) may be ejected from the theatre.

**Exemptions**

**13(1)** This Act does not apply to:

- (a) a film owned or sponsored by:
  - (i) a church or religious society, where the film is designed for purposes of worship or religious instruction; or
  - (ii) a university, school or other educational institution for which the minister responsible for the administration of *The Education Act* is responsible, where the film is designed for educational purposes;
- (b) films designed for the purpose of advertising, demonstrating or instructing in the use of commercial or industrial products; or
- (c) any other films or classes of films, persons or classes of persons or advertising associated with films that may be exempted in the regulations or by the board pursuant to clause 3(3)(b).

(2) Where a dispute arises as to whether or not a film, class of films, person or class of persons or advertising associated with films is exempt pursuant to subsection (1), the question may be appealed to the appeal committee by the board, the owner of the film or any interested person and the decision of the appeal committee is final.

1984-85-86, c.F-13.2, s.13; 1988-89, c.42, s.42.

**Offence and penalties**

**14(1)** No person shall fail to comply with any provision of this Act or the regulations or any decision of the board.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction:

- (a) for a first offence:
  - (i) in the case of an individual, to a fine not exceeding \$5,000, to imprisonment for a term not exceeding six months or to both; or
  - (ii) in the case of a corporation, to a fine not exceeding \$100,000; and
- (b) for a second or subsequent offence:
  - (i) in the case of an individual, to a fine not exceeding \$10,000, to imprisonment for a term not exceeding one year or to both; or
  - (ii) in the case of a corporation, to a fine not exceeding \$500,000.

(3) If a corporation commits an offence pursuant to this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in this section whether or not the corporation has been prosecuted or convicted.

2006, c.20, s.12.

**Order for compliance**

**15(1)** Where it appears to the board that any person has failed to comply with or is violating any provision of this Act or the regulations or any decision of the board and notwithstanding the imposition of any penalty with respect to the non-compliance or violation and in addition to any other rights it may have, the board may apply to Her Majesty's Court of Queen's Bench for Saskatchewan for an order:

- (a) directing the person to comply with the provision or the decision or restraining the person from violating the provision or decision; and
- (b) if the person is a corporation, directing the directors and senior officers of the corporation to cause the corporation to comply with or to cease violating the provision or decision;

and the court may grant the order or any other order that the court thinks fit.

(2) An application pursuant to this section may be made *ex parte* if a judge of Her Majesty's Court of Queen's Bench considers it proper to do so.

1984-85-86, c.F-13.2, s.15.

**Agreements**

**15.1(1)** The board may, subject to the approval of the Lieutenant Governor in Council:

- (a) enter into an agreement with another body that the Lieutenant Governor in Council may authorize for the purpose of establishing a joint classification board; or
- (b) enter into an agreement with another body that the Lieutenant Governor in Council may authorize for the purpose of:
  - (i) approving or disapproving films intended for exhibition or distribution in Saskatchewan;
  - (ii) adopting or approving classifications of films for exhibition or distribution in Saskatchewan;
  - (iii) registering or licensing persons who intend to distribute or are distributing films in Saskatchewan;
  - (iv) approving, prescribing or prohibiting matters pertaining to advertising of films in Saskatchewan; and
  - (v) sharing of records and information with respect to exhibitors and distributors.

(2) Where the board enters into an agreement that provides that any matter mentioned in subclauses (1)(b)(i) to (iv) is to be done by another body, that body's decision respecting the matter is deemed to have been made pursuant to this Act.

1996, c.27, s.12.

**Regulations**

**16(1)** Subject to subsection (2) and for the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the fees payable pursuant to this Act and establishing classes of films, owners, lessors or distributors of film and establishing different fees for each class;
  - (b) **Repealed.** 1996, c.27, s.13.
  - (c) exempting any person or classes of persons, films or classes of films or advertising associated with films from all or any portion of this Act or the regulations;
  - (d) defining, enlarging or restricting the meaning of any word used in this Act;
  - (e) prescribing the terms and conditions pursuant to which films may be exhibited, distributed or advertised;
  - (e.1) respecting the periods by which exhibitors, retail distributors and wholesale distributors must comply with new or amended classification systems and new or amended terms and conditions pursuant to which films may be exhibited, distributed or advertised;
  - (f) respecting any other matter or thing that is required to be prescribed in the regulations;
  - (g) respecting any other matter or thing that may be necessary to carry out the provisions of this Act.
- (2) The Lieutenant Governor in Council shall make regulations:
- (a) prescribing the criteria to be followed by the board in approving or disapproving of films;
  - (b) prescribing criteria to be followed by the board in classifying films;
  - (c) prescribing criteria to be followed by the board in approving, prescribing or prohibiting advertising associated with films;
  - (d) prescribing the information relating to the content of a film that the board is to use to approve, disapprove or classify the film;
  - (e) prescribing a system of classification of films and, with respect to each classification, the ages of individuals who may be prohibited from viewing, purchasing, leasing or exchanging films of that classification;
  - (f) prescribing the criteria to be followed by the board in approving, prescribing or prohibiting the manner in which advertising associated with a film or the exhibition or distribution of a film is to be displayed;

(g) prescribing the criteria to be followed by the board in approving, prescribing or prohibiting the manner in which film to be distributed is displayed;

(h) prescribing the criteria to be followed by the board in exempting film or classes of film, persons or classes of persons or advertising, materials or other information related to film and intended for public dissemination in Saskatchewan from the Act or the regulations.

1984-85-86, c.F-13.2, s.16; 1996, c.27, s.13.

**R.S.S. 1978 c.T-11 repealed**

**17** *The Theatres and Cinematographs Act* is repealed.

1984-85-86, c.F-13.2, s.17.

Coming into force

**18** This Act or any part of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.

1984-85-86, c.F-13.2, s.18.

