

2016

CHAPTER F-13.21

An Act respecting Film and Video Classification, repealing *The Film and Video Classification Act* and making consequential amendments to other Acts

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(Assented to November 30, 2016)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART I Preliminary Matters

Short title

- 1 This Act may be cited as *The Film and Video Classification Act, 2016*.

Interpretation**2** In this Act:

“**approval**”, except in section 20, means an approval by the director or a review body with or without restrictions or conditions of:

- (a) a film for exhibition or distribution pursuant to section 3; or
- (b) advertising associated with a film or the exhibition or distribution of a film pursuant to section 5;

“**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;

“**authority**” means the Financial and Consumer Affairs Authority of Saskatchewan;

“**classification**” means the classification of a film into a prescribed category of classification by the director pursuant to section 4;

“**decision**” includes an order, an approval, a disapproval, a classification, a prohibition, a cancellation, a suspension, a registration, an amendment, a revocation, a refusal, a restriction pursuant to subsections 4(3) or 5(3) and a requirement to remove a portion of a film pursuant to clause 3(1)(b);

“**director**” means the Director of Film Classification appointed pursuant to section 14;

“**distribution**” means retail distribution or wholesale distribution;

“**exhibition**” means showing, projecting or otherwise displaying of film in a theatre to the public;

“**exhibitor**”, except in section 7, means a person who engages in exhibition of films on a continual and successive basis;

“**film**” means photographic moving picture film or any other means by which moving pictures are displayed and includes videotape, video cassette, videodisc or other similar video devices by which moving pictures are shown, projected or displayed;

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

“**owner**”, when used in connection with a film, means a person having a proprietary right in the film;

“**permitted age**” means, with respect to a film, the minimum age at which an individual is permitted pursuant to the regulations to view, purchase, rent, lease or exchange the film;

“**person**” includes a partnership, unincorporated syndicate, unincorporated association or unincorporated organization;

“**prescribed**” means prescribed in the regulations;

“**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;

“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;

“retail distributor” means a person who engages in retail distribution on a continual and successive basis;

“review body” means:

- (a) 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
- (b) any other prescribed body;

“theatre” means 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;

“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;

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

PART II

Approval, Classification and Advertising

Power to approve, disapprove, etc.

3(1) The director may do all or any of the following:

- (a) approve or disapprove films in Saskatchewan;
 - (b) require the exhibitor, retail distributor or wholesale distributor who intends to exhibit or distribute a film approved by the director to remove any portion of the film that has been disapproved by the director.
- (2) The director shall perform his or her duties pursuant to this section in accordance with this section and the prescribed criteria.
- (3) The director shall base his or her approval, disapproval or requirement to remove a portion of a film on any or all of the following:
- (a) an actual viewing by the director of the film having regard to prescribed criteria;
 - (b) an approval, disapproval or requirement to remove a portion of the film by a review body if the director is satisfied that the approval, disapproval or requirement to remove a portion of the film is based on prescribed criteria that are compatible and consistent with the criteria that are to be followed by the director in approving films;
 - (c) the prescribed information relating to the content of the film.

Power to classify

- 4(1) If a film is approved by the director pursuant to section 3, the director shall, in accordance with this section:
- (a) classify the film into a prescribed category of classification for films; or
 - (b) adopt a classification previously applied to the film.
- (2) If the director classifies a film, he or she shall base his or her classification of a film on any or all of the following:
- (a) subject to subsection (3), an actual viewing by the director of the film having regard to prescribed criteria;
 - (b) subject to subsections (3) and (4), a classification previously applied to the film by a review body;
 - (c) the prescribed information relating to the content of the film.
- (3) When classifying a film pursuant to either or both of clauses (2)(a) and (b), the director may in his or her decision state that, for the purposes of subsection 6(2), he or she is restricting his or her decision regarding the film to a specific exhibitor, time of exhibition or location.
- (4) The director shall adopt a classification previously applied to the film only if:
- (a) the classification was previously applied by a review body; and
 - (b) the director is satisfied that the classification is based on criteria that are compatible and consistent with the prescribed criteria that are to be followed by the director in classifying films.
- (5) If the director considers it to be appropriate, he or she may replace a classification previously given or adopted by the director and any reclassification is to be made in the same manner as a classification pursuant to this section.
- (6) If a film or any information relating to the content of the film is submitted to the director to allow the director to approve and classify or adopt a classification for the film, the director may retain the film or the information for any period that he or she considers appropriate.

Power to regulate advertising and display

- 5(1) The director may:
- (a) approve, restrict 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 advertising described in subclause (i) is to be distributed; and

- (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 director and any additional information that the director may require.
- (2) Subject to subsection (3), any decision made pursuant to clause (1)(a) is to be made:
 - (a) in accordance with any prescribed criteria; or
 - (b) by adopting an approval, restriction or prohibition previously given to the advertising by a review body.
- (3) When giving an approval, restriction or prohibition pursuant to subsection (1) or adopting an approval, restriction, or prohibition pursuant to clause (2)(b), the director may in his or her decision state that, for the purposes of subsection 6(2), he or she is restricting his or her decision regarding the advertising to a specific exhibitor, time of exhibition or location.
- (4) If any advertising associated with a film is submitted to the director to allow the director to approve, restrict or prohibit the advertising, the director may retain the advertising for any period that he or she considers appropriate.

PART III Exhibition and Distribution

Requirements for exhibition or distribution

- 6(1) No exhibitor, retail distributor or wholesale distributor of a film shall exhibit or distribute a film unless it is:
 - (a) approved pursuant to section 3; and
 - (b) classified pursuant to section 4.
- (2) No exhibitor, retail distributor or wholesale distributor of a film shall exhibit or distribute a film except in accordance with any condition or restriction imposed by the director pursuant to this Act.
- (3) If a film has been approved subject to certain portions of the film being removed, no film shall be exhibited or distributed unless those portions have been removed.

Prohibition on attendance at exhibition

- 7(1) In this section, “**exhibitor**” means:
 - (a) an owner, lessee or manager of a theatre where a film is to be exhibited; or
 - (b) an employee of the owner, lessee or manager who is in charge of the theatre where a film is to be exhibited.

(2) Subject to subsection (4), if a film is to be exhibited at a theatre, no exhibitor shall permit any person apparently under the permitted age for that film to view that film.

(3) Subject to subsection (4), if an exhibitor 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, the exhibitor shall demand from that person proof, that is satisfactory to the exhibitor, that the person is of the permitted age or older before the film is exhibited to that person.

(4) Subsections (2) and (3) do not apply if:

- (a) the classification of the film allows a person who is under the permitted age to view the film if accompanied by an adult; and
- (b) the person who is apparently under the permitted age is with a person who is apparently an adult.

(5) If a person who is requested pursuant to subsection (3) to supply proof of age fails or refuses to supply proof of age or supplies proof of age that shows that he or she is under the permitted age for a film, the exhibitor shall require that person to leave the theatre.

(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 or she is required to do so pursuant to subsection (5) may be ejected from the theatre.

Prohibition on purchase, lease or exchange of film

8(1) In this section, “**distributor**” means:

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

(2) If a film is to be distributed on a premises, no distributor shall permit any person apparently under the permitted age for that film to view, purchase, rent, lease or exchange that film.

(3) If a distributor 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, the distributor shall demand from that person proof, that is satisfactory to the distributor, that the person is of the permitted age or older before the film is distributed to that person.

(4) If a person who is requested pursuant to subsection (3) to supply proof of age fails or refuses to supply proof of age or supplies proof of age that he or she is under the permitted age for a film, the distributor shall not distribute the film to that person.

PART IV
Registration

Registration required

- 9(1) No person shall distribute or exhibit a film in Saskatchewan unless the person is registered.
- (2) An applicant for registration shall provide to the director:
- (a) the applicant's address for service in Saskatchewan;
 - (b) any additional prescribed information; and
 - (c) any prescribed fee.
- (3) The director may:
- (a) register an applicant if the director 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 director considers appropriate.
- (4) The director may refuse to register an applicant if:
- (a) the applicant or an associate of the applicant has contravened any provision of this Act or the regulations or in the opinion of the director has failed to comply with 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.
- (5) Each registration continues in force unless it is suspended or cancelled.
- (6) Every registrant must submit to the director an annual return respecting prescribed matters on or before the anniversary date of the registration in accordance with the regulations.

Amendment, suspension or cancellation of registration

- 10(1) After providing the registrant with an opportunity to be heard, the director may:
- (a) make a registration subject to new or additional terms and conditions; or
 - (b) amend or revoke any terms and conditions of registration.
- (2) After providing the registrant with an opportunity to be heard, the director may suspend or cancel a registration:
- (a) on any ground on which the director might have refused to register an applicant;

- (b) if the registrant has made a material misstatement in the application for registration or in any information or material submitted by the registrant to the director;
 - (c) if the registrant or an associate of the registrant has been convicted of an offence in relation to misrepresentation, fraud or dishonesty; or
 - (d) if 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.

Director to maintain register

- 11(1) The director shall maintain a register showing:
- (a) the names and addresses for service of all exhibitors, retail distributors and wholesale distributors registered pursuant to subsection 9(3);
 - (b) the classifications of all films approved for distribution or exhibition in Saskatchewan; and
 - (c) any prescribed information.
- (2) Subject to subsection (3), the director shall make the register available for public inspection during the normal business hours of the director.
- (3) The director may withhold from public inspection any parts of the register or information or material that contains:
- (a) trade secrets of an exhibitor, retail distributor or wholesale distributor; or
 - (b) information, the disclosure of which could reasonably be expected to:
 - (i) result in financial loss or gain to an exhibitor, retail distributor or wholesale distributor;
 - (ii) prejudice the competitive position of an exhibitor, retail distributor or wholesale distributor; or
 - (iii) interfere with the contractual or other negotiations of an exhibitor, retail distributor or wholesale distributor.

PART V
Appeals and Exemptions

Appeals

- 12(1) A decision of the director may be appealed to the authority.
- (2) The following persons may appeal pursuant to subsection (1) within 30 days after the date of the director's decision:
- (a) the owner of a film;

- (b) an applicant or registrant with respect to a registration decision pursuant to section 9 or 10;
 - (c) any other person who, in the opinion of the authority, has an interest in the matter.
- (3) On hearing the appeal, the authority may do any of the following:
- (a) confirm the director's decision;
 - (b) vary the director's decision;
 - (c) substitute the authority's decision for the decision of the director;
 - (d) make any order as to the costs of the appeal that the authority considers appropriate.
- (4) The decision of the authority is final.

Exemptions

13(1) This Act does not apply to:

- (a) a film owned or sponsored by:
 - (i) a church or religious society, if 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, 1995* is responsible, if the film is designed for educational purposes;
 - (b) a film designed for the purpose of advertising, demonstrating or instructing in the use of commercial or industrial products; or
 - (c) any other film or class of films, person or class of persons or advertising associated with films that may be exempted in the regulations or by the director pursuant to clause 14(6)(c).
- (2) If a dispute arises as to whether 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 referred to the authority by the director, the owner of the film or any interested person, and the decision of the authority is final.

PART VI

Administration, Enforcement, Offences and Penalties

Director appointed

14(1) The minister may appoint:

- (a) a Director of Film Classification; and
 - (b) one or more Deputy Directors of Film Classification.
- (2) The director may delegate to any person the exercise of any powers given to the director and the fulfilling of any duties imposed on the director pursuant to this Act or any other Act.
- (3) The director may impose any terms and conditions on a delegation pursuant to this section that the director considers appropriate.

- (4) The exercise of any of the director's powers or the carrying out of any of the directors duties by a person to whom they are delegated is deemed to be the exercise or the carrying out by the director.
- (5) A Deputy Director of Film Classification may exercise all the powers and fulfil all the duties of the director.
- (6) The director may:
- (a) charge the owner of a film or any other person who proposes to exhibit or distribute a film any prescribed fees for classification and review of films and for performing any other services or functions;
 - (b) charge an exhibitor, retail distributor or wholesale distributor any prescribed fees for registration;
 - (c) exempt in accordance with the prescribed criteria, and subject to any terms and conditions that the director considers appropriate, any film or class of films, person or class of persons or advertising from all or any provision of this Act or the regulations;
 - (d) require an owner, wholesale distributor, retail distributor or exhibitor to submit to the director a film, any information relating to the content of the film or advertising associated with the film for the purpose of allowing the director to perform his or her duties set out in this Act or the regulations; and
 - (e) perform any duties, in addition to those described in clauses (a) to (d), that are set out in this Act or the regulations.
- (7) The director may require evidence satisfactory to the director that the owner acquired a proprietary right in any film before the date on which the owner presented the film to him or her for approval.

Power to enter

- 15(1)** For the purposes of administering and enforcing this Act and the regulations, the director or any person authorized by the director, 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 director 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 director 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 if the director or person has reasonable grounds to believe that:
 - (i) the film will be exhibited in a theatre and there is no evidence that it has been approved or classified 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 director or any person authorized by the director shall:
 - (a) carry out the viewing of any film and the copying of any film and advertising removed pursuant to clause (1)(e) as soon as is reasonably possible; and
 - (b) promptly return the film and advertising to the person from whom the film and advertising were taken.

Warrant

16(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 15(1)(e), if the justice or judge is satisfied by evidence given under oath or affirmation by the director or any person authorized by the director that there are reasonable grounds to believe that:
 - (i) the owner of the film refused consent to the removal of the film or advertising; and
 - (ii) the director or person authorized by the director 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 contravention of this Act or the regulations if the justice or judge is satisfied by evidence given under oath or affirmation by the director or any person authorized by the director that:
 - (i) there are reasonable grounds to believe that a contravention of this Act or the regulations has occurred; and
 - (ii) evidence of that contravention is likely to be found at the place to be searched.

(2) A warrant issued pursuant to this section authorizes the person named in the warrant to:

- (a) enter any place named in the warrant and any land or premises connected with that place;
- (b) examine the place mentioned in clause (a); and
- (c) carry out any of the activities mentioned in subsection (1).

(3) A person named in a warrant issued pursuant to this section may request the assistance of a peace officer in enforcing the warrant.

Order for compliance

17(1) If it appears to the director that any person has failed to comply with or is contravening any provision of this Act or the regulations or any decision of the director or authority and notwithstanding the imposition of any penalty with respect to the non-compliance or contravention and in addition to any other rights the director may have, the director may apply to the Court of Queen's Bench for an order:

- (a) directing the person to comply with the provision or the decision or restraining the person from contravening 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 contravening the provision or decision.

(2) On an application pursuant to subsection (1), the court may grant the order or any other order that the court thinks fit.

(3) An application pursuant to this section may be made without notice if a judge of the Court of Queen's Bench considers it proper to do so.

Offence and penalties

18(1) No person shall fail to comply with any provision of this Act or the regulations or any decision of the director or authority.

(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.

Forfeiture

19(1) If a person has been convicted of a contravention of this Act, the regulations or a decision of the director, any films seized in connection with that contravention are forfeited to the Crown in right of Saskatchewan.

(2) If 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 director in the prescribed manner and form to recover the film.

(3) The director may return the film to a person mentioned in subsection (2) if:

- (a) the director is satisfied that it is appropriate to do so; and
- (b) the applicant has paid the prescribed fee.

(4) Any films seized in connection with an alleged contravention of this Act, the regulations or a decision of the director are to be returned to the person from whom they were seized if:

- (a) no prosecution for a contravention of this Act, the regulations or a decision of the director 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 applicable 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 director in the manner prescribed in the regulations.

PART VII**Agreements and Regulations****Agreements**

20(1) Subject to the approval of the Lieutenant Governor in Council, the director may:

- (a) enter into an agreement with another body that the Lieutenant Governor in Council may authorize for the purpose of establishing a joint classification mechanism; or
- (b) enter into an agreement with another body for the purpose of:
 - (i) approving or disapproving films intended for exhibition or distribution in Saskatchewan;
 - (ii) adopting classifications of films for exhibition or distribution in Saskatchewan;
 - (iii) registering persons who intend to distribute or are distributing films in Saskatchewan;

- (iv) approving, restricting or prohibiting matters pertaining to advertising of films in Saskatchewan; and
- (v) sharing of records and information with respect to exhibitors and distributors.

(2) If the director 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.

Regulations

21 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing the fees payable pursuant to this Act and establishing classes of films, owners, lessors, exhibitors or distributors of film and establishing different fees for each class;
- (c) exempting any person or class of persons, film or class of films or advertising associated with films from all or any portion of this Act or the regulations on any terms or conditions that may be prescribed and requiring compliance with those terms and conditions;
- (d) prescribing the terms and conditions pursuant to which films may be exhibited, distributed or advertised;
- (e) respecting the periods within 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) prescribing the criteria to be followed in approving or disapproving films;
- (g) prescribing criteria to be followed in classifying films;
- (h) prescribing criteria to be followed in approving, restricting or prohibiting advertising associated with films;
- (i) prescribing the information relating to the content of a film that is to be used to approve, disapprove or classify a film;
- (j) prescribing categories of classification for 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;
- (k) prescribing the criteria to be followed in approving, restricting or prohibiting the manner in which advertising associated with a film or the exhibition or distribution of a film is to be displayed;
- (l) prescribing the criteria to be followed in approving, restricting or prohibiting the manner in which film to be distributed is displayed;

- (m) prescribing the criteria to be followed in exempting any film or class of films, person or class of persons or advertising, materials or other information related to film and intended for public dissemination in Saskatchewan from this Act or the regulations;
- (n) prescribing the matters to be included in the annual return mentioned in subsection 9(6) and the manner in which the annual return is to be provided;
- (o) prescribing the practice and procedure to be followed in making appeals pursuant to section 12;
- (p) prescribing any additional duties of the director pursuant to clause 14(6)(e);
- (q) prescribing the manner and form in which an application to recover a film is to be made pursuant to subsection 19(2);
- (r) prescribing any matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (s) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

PART VIII

Repeal, Transition, Consequential Amendments and Coming into Force

S.S. 1984-85-86, c.F-13.2 repealed

22 *The Film and Video Classification Act* is repealed.

Transitional

23(1) In this section:

- (a) “**board**” means the Saskatchewan Film Classification Board continued pursuant to the former Act; and
- (b) “**former Act**” means *The Film and Video Classification Act*.

(2) Every decision made by the board continues in force as if made by the director pursuant to this Act and may be enforced and otherwise dealt with as if made pursuant to this Act.

(3) All agreements entered into pursuant to the former Act continue in force as if made pursuant to this Act and may be enforced and otherwise dealt with as if made pursuant to this Act.

S.S. 2006, c.20 amended

24(1) *The Film and Video Classification Amendment Act, 2006* is amended in the manner set forth in this section.

(2) Section 2 is amended by striking out “*The Film and Video Classification Act*” and substituting “*The Film and Video Classification Act, 2016*”.

(3) Section 3 is repealed and the following substituted:

“Section 2 amended

3 Section 2 is amended:

- (a) by adding the following definition in alphabetical order:

“**adult video game**” means an adult video game as defined in the regulations’;

(b) by repealing the definition of ‘film’ and substituting the following:

‘“**film**” means a photographic moving picture film or any other medium from which moving pictures may be produced and includes a videotape, video cassette, videodisc, video game and any other medium specified in the regulations’; **and**

(c) by adding the following definition in alphabetical order:

‘“**video game**” means an object, device or electronic file that:

- (a) stores recorded data or instructions;
- (b) receives data or instructions generated by a person who uses it; and
- (c) by processing the data or instructions, creates an interactive game capable of being played, viewed or experienced on or through a computer, gaming system, console or other technology;

but does not include any class of prescribed video games’ ”.

(4) Section 4 is repealed.

(5) Section 5 is repealed and the following substituted:

“Section 3 amended

5 The following subsection is added after subsection 3(3):

‘(4) This section does not apply to films that are video games’ ”.

(6) Section 6 is repealed and the following substituted:

“Section 4 amended

6 The following subsection is added after subsection 4(6):

‘(7) This section does not apply to films that are video games’ ”.

(7) Sections 5.1 and 5.2, as enacted by section 7, are amended by striking out “board” wherever it appears and in each case substituting “director”.

(8) Section 8 is repealed and the following substituted:

“Section 9 amended

8(1) Subsection 9(1) is amended by striking out ‘No’ and substituting ‘Subject to subsection (1.1), no’.

(2) The following subsection is added after subsection 9(1):

‘(1.1) Unless otherwise required by this Act or the regulations, a person distributing or exhibiting a film that is a video game is not required to be registered’ ”.

(9) Section 9 is repealed and the following substituted:

“Section 6 amended

9(1) Subsection 6(1) is amended by striking out ‘No exhibitor’ and substituting ‘Subject to subsection (4), no exhibitor’.

(2) The following subsection is added after subsection 6(3):

‘(4) Subsection (1) does not apply to films that are video games’”.

(10) Section 10 is repealed.

(11) Section 11 is repealed.

(12) Section 13 is repealed and the following substituted:

“New section 21

13 Section 21 is repealed and the following substituted:

‘Regulations

21 The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(b) prescribing the fees payable pursuant to this Act and establishing classes of films, owners, lessors, exhibitors or distributors of film and establishing different fees for each class;

(c) exempting any person or class of persons, film or class of films or advertising associated with films from all or any portion of this Act or the regulations, on any terms or conditions that may be prescribed and requiring compliance with those terms and conditions;

(d) for the purpose of the definition of “film”, specifying any medium from which moving pictures may be produced;

(e) for the purpose of the definition of “video game”, prescribing classes of video games not included in the definition;

(f) prescribing the terms and conditions pursuant to which films may be exhibited, distributed or advertised;

(g) respecting the periods within 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;

(h) prescribing a system of classification of films, including:

(i) establishing different classifications for different classes of films;

(ii) adopting by reference, in whole or in part, with any changes the Lieutenant Governor in Council considers necessary, a classification scheme established by another person or body, as amended from time to time;

- (iii) with respect to each classification, prescribing the ages of individuals who may be prohibited from viewing, purchasing, renting, leasing or exchanging films of that classification;
- (i) for the purposes of section 5.1:
 - (i) designating a person or body to classify video games, including:
 - (A) designating a different person or body with respect to different video games or classes of video games;
 - (B) prescribing criteria to be followed by the person or body in classifying video games; and
 - (ii) prescribing a video game or class of video games to which section 5.1 does not apply;
- (j) for the purposes of section 5.2:
 - (i) designating a person or body to approve or disapprove adult video games, including:
 - (A) designating a different person or body with respect to different adult video games or classes of adult video games;
 - (B) prescribing criteria to be followed by the person or body in approving adult video games; and
 - (ii) prescribing an adult video game or class of adult video games to which section 5.2 does not apply;
- (k) for the purposes of subsections 5.1(3) and 5.2(3), designating a person or body to reconsider a decision made by a person or body designated pursuant to clause (i) or (j) if the director is of the opinion that the decision should be reconsidered;
- (l) prescribing the practice and procedure to be followed in making reconsiderations pursuant to sections 5.1 and 5.2;
- (m) prescribing criteria to be followed in approving or disapproving films that are not video games;
- (n) prescribing criteria to be followed in classifying films that are not video games;
- (o) prescribing criteria to be followed in approving, restricting or prohibiting advertising associated with films;
- (p) prescribing the information relating to the content of a film that is to be used to approve, disapprove or classify the film;
- (q) prescribing the criteria to be followed in approving, restricting or prohibiting the manner in which advertising associated with a film or the exhibition or distribution of a film is to be displayed, including prescribing different criteria for each classification and each class of person that advertises;

- (r) prescribing the criteria to be followed in approving, restricting or prohibiting the manner in which film to be distributed is displayed, including prescribing different criteria for each classification and each class of persons that distributes film;
- (s) prescribing the criteria to be followed in exempting any film or class of films, person or class of persons or advertising, materials or other information related to film and intended for public dissemination in Saskatchewan from the Act or the regulations;
- (t) prescribing the matters to be included in the annual return mentioned in subsection 9(6) and the manner in which the annual return is to be provided;
- (u) prescribing the practice and procedure to be followed in making appeals pursuant to section 12;
- (v) prescribing any additional duties of the director pursuant to clause 14(6)(e);
- (w) prescribing the manner and form in which an application to recover a film is to be made pursuant to subsection 19(2);
- (x) prescribing any matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (y) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act’ ”.

S.S. 2012, c.F-13.5 amended

25 Section 2 of *The Financial and Consumer Affairs Authority of Saskatchewan Act* is amended:

(a) by repealing subclause (d)(xi) and substituting:

“(xi) *The Film and Video Classification Act, 2016*;

(b) by repealing subclause (e)(ix) and substituting:

“(ix) the Director of Film Classification appointed pursuant to *The Film and Video Classification Act, 2016*”; and

(c) by repealing subclause (e)(x).

Coming into force

26 This Act comes into force on proclamation.

