NOTICE

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GOVERNMENT NOTICE

DEPARTMENT OF HOME AFFAIRS

No. R. 184 **20 March 2014**

FILMS AND PUBLICATIONS ACT, 1996

FILMS AND PUBLICATIONS REGULATIONS, 2014

The Minister has, under section 31(1) of the Films and Publications Act, 1996 (Act No. 65 of 1996), after consultation with Council or Appeal Tribunal, whichever is applicable, made the regulations in the Schedule.

SCHEDULE

PART 1
DEFINITIONS

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned and, unless the context otherwise indicates—

"Act" means the Films and Publications Act, 1996 (Act No. 65 of 1996);

"adult content" means content in films, games and publications that is classified as suitable for people of 18 years and above;

"adult premises" means any premises—

(a) at which the holder of a registration certificate to distribute or exhibit materials classified as "X18" may conduct business;

(b) at which entry of any person under the age of 18 years, is prohibited; and

(c) which is licensed to conduct the business of adult premises under the Businesses Act, 1991 (Act No. 71 of 1991).

"BOS system" means the Board Online Submission system, a secure online submission and registration system accessed through a pin code allocated by the Board to films and games distributors;

"business of adult premises" means a business contemplated in section 24(1) of the Act;

"chief classifier" means a classifier from the panel of classifiers appointed in terms of section 4A(1)*(e)* of the Act, and designated to chair a meeting of a classification committee;

"classification guidelines" means the classification guidelines contemplated in section 4A(1)*(a)* of the Act;

"classifier" means a person appointed in terms of section 4A(1)*(e)* of the Act to examine and classify any film, game or publication submitted to the Board in terms of the Act;

"film festival" means an organised, extended exhibition of films in one or more cinemas or screening venues, usually in a single locality showcasing international releases as well as films produced by film producers in the domestic film industry;

"free-to-air-service" has the meaning assigned to it in section 1 of the Electronic Communications Act, 2005 (Act No. 36 of 2005);

"home-entertainment format" means a film in a format intended for viewing in private, through any electronic, mechanical or other device;

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"**ICASA**" means the Independent Communications Authority of South Africa, established in terms of section 3 of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000);

"**Press Ombudsman**" means the Ombudsman appointed in terms of the Constitution of the Press Council of South Africa;

"**prescribed fee**" means the applicable fee prescribed by regulation by the Minister from time to time, under section 31(1)*(a)* of the Act;

"**public-entertainment format**" means a film that is intended for screening or exhibition to the public in cinemas, theatres and other public places;

"**rating**" means the allocation of an appropriate age restriction on a film, game or publication to—

(a) provide consumer advice to enable adults to make informed viewing, reading and gaming choices, both for themselves and for children in their care; and

(b) protect children from exposure to disturbing and harmful materials and from premature exposure to adult experiences;

"**registration certificate**" means a certificate issued by the Board in terms of section 18 of the Act to registered distributors or exhibitors of films or games in order to—

(a) distribute specified films or games;

(b) exhibit or broadcast films; or

(c) distribute films or games contemplated in section 24 of the Act from adult premises.

PART 2

REGISTRATION AS DISTRIBUTOR OR EXHIBITOR

Registration as distributor or exhibitor

2.(1) An application for registration as a distributor or exhibitor of films or games in terms of section 18(1)*(a)* of the Act shall be made on Form BOARD/E attached as Annexure "A" or submitted through the BOS system to the Board.

(2) An application contemplated in subregulation (1) shall be accompanied by the following documents:

(a) Proof of payment of the prescribed fee;

(b) an original valid tax clearance certificate issued by the South African Revenue Service; and

(c) proof of registration of the business of the distributor or exhibitor in terms of the applicable legislation.

(3) In the event that the application contemplated in subregulation (1) is made by an applicant who is not a resident of the Republic of South Africa, the application shall be accompanied by the following documents:

(a) Proof of payment of the prescribed fee;

(b) an original valid tax clearance certificate issued by the relevant tax and revenue service authority that has jurisdiction in the country in which the applicant resides; and

(c) the registration number of the business in terms of the laws of the country in which the business is registered.

(4) The Board may issue to a distributor or exhibitor—

(a) a registration certificate, valid for a period of one year from the date of issue thereof; or

(b) a temporary registration certificate, valid for a period of not more than three months from the date of issue thereof, and

(c) may, in issuing such certificates referred to in *(a)* and *(b)*, impose any conditions it considers necessary for the better achievement of the objects and purposes of the Act.

(5) In the event that the application contemplated in subregulation (1) is made by an applicant who is a broadcaster contemplated in section 18(6) of the Act and who is licensed and authorised by ICASA to broadcast films classified as "X18", the application shall be accompanied by—

(a) a certified copy of the original licence and authorisation, issued by ICASA to broadcast films classified as "X18" and containing any conditions imposed;

(b) proof of payment of the prescribed fee;

(c) an original valid tax clearance certificate issued by the South African Revenue Service; and

(d) a detailed statement on the measures put in place by the applicant to ensure that children below the age of 18 years are not exposed and are protected from exposure and access to films classified as "X18".

Renewal of registration certificate as distributor or exhibitor

3.(1) An application for the renewal of a registration certificate as distributor or exhibitor, including as an online distributor, shall be—

(a) made on Form BOARD/E, attached as Annexure "A", or submitted through the BOS system to the Board; and

(b) accompanied by the supporting documents—

(i) set out in regulation 2(2), in the case of a distributor or exhibitor who is a resident of the Republic of South Africa; or

(ii) set out in regulation 2(3), in the case of a distributor or exhibitor who is not a resident of the Republic of South Africa; and

before the date of expiry or, in the case of a registration certificate contemplated in regulation 2(4)*(b)*, within 30 days from the date of expiry of the registration certificate.

(2) If an application for the renewal of a registration certificate as distributor or exhibitor is not made within 30 days from the date of expiry of that registration certificate, such distributor or exhibitor shall cease to be registered as a distributor or exhibitor of films or games.

Display of registration certificate

4. Unless otherwise permitted by the Board, a registration certificate as a distributor or exhibitor must be displayed conspicuously inside all premises at which the distribution or exhibition of films and games occurs and in any other registered business of the distributor or exhibitor .

PART 3

PROCEDURE FOR APPOINTMENT OF CLASSIFICATION COMMITTEES

Appointment of classification committees

5.(1) The Board shall, whenever a film, game or publication is submitted for examination and classification, appoint a classification committee consisting of at least three classifiers, one of whom shall be designated the chief classifier, from the panel of classifiers appointed in terms of section 4A(1)*(e)* of the Act, to examine, classify and rate that film, game or publication, as the case may be, in accordance with the relevant sections of the Act and any applicable classification guidelines.

(2) In order to ensure that the classification committee is constituted by classifiers with the relevant skills and experience necessary for the proper examination and appropriate classification and rating of the film, game or publication referred to it, the Board shall—

(a) have regard to the nature, genre, theme or content of the film, game or publication to be examined, classified and rated; and

(b) ensure that the chief classifier has not less than 12 months or relevant experience in the examination, classification and rating of the type of material referred to that classification committee.

PART 4

SUBMISSION OF PUBLICATIONS, FILMS AND GAMES FOR CLASSIFICATION AND DISPLAY REQUIREMENTS

Request for examination and classification of publications

6.(1) A request made in terms of section 16(1) of the Act that a publication which is to be or is being distributed in the Republic be referred to a committee for classification or rating in terms of section 16(4) of the Act, shall be submitted in writing to the Board and shall contain—

(a) the title of the publication, the date and number of the edition or issue, the name and address of such publisher's South African distributor;

(b) the publication or a copy thereof or, where it is impractical to submit the publication or a copy thereof, the full address of the place where the Board may examine the publication;

(c) the full name and address, contact telephone, cellular phone or fax number and an e-mail address, if available, of the person making the request, unless that person wishes to remain anonymous; and

(d) the reasons for requesting the examination and classification of the publication, with reference to the page numbers and specific paragraphs or lines forming the subject of the request.

(2) The Board shall, upon receipt of a request contemplated in subregulation (1)—

(a) acknowldege receipt of the request and, if the request meets all the requirements of subregulation (1), inform the requester of the time, date and venue when the publication will be examined for classification or ratingand of his or her rights in terms of section 19 of the Act;

(b) where the request does not meet all the requirements of subregulation (1), inform the requester in writing to submit the outstanding documents or information before the publication may be examined and classified or rated; and

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(c) where the person requesting classification or rating is not the publisher or distributor, provide a copy of the completed request to—

(i) the publisher or distributor of the publication forming the subject of the request; or

(ii) any person whose financial interests could be detrimentally affected by a decison of the Board on such application, and inform such person concerned of his or her rights in terms of section 19 of the Act.

(3) The exemption of *bona fide* newspapers in terms of section 16(1) and (2) of the Act shall only apply to newspapers that are subject to regulation by the Press Ombudsman as defined in these Regulations.

Compulsory submission of publications

7. Any person, other than the publisher of a *bona fide* newspaper, who intends to publish for distribution or exhibition, or to distribute or exhibit, a publication contemplated in section 16(2) of the Act, shall submit the publication to the Board, with Form BOARD/PB attached as Annexure "B", and the prescribed fee, for examination and classification, before it may be distributed or exhibited within the Republic.

Display of certificate of classification on publications classified as "X18"

8.(1) If a publication is a magazine or newspaper classified as "X18", it must be distributed in a wrapper, which is marked "X18" and, except for a newspaper contemplated in section 16 (1) and (2), the certificate of classification must be conspicuously displayed on the bottom right hand corner of the magazine cover.

(2) If a publication is a book which is classified as "X18", the conditions of display of the certificate of classification shall be imposed by the classification committee.

Display of publications containing adult content

9.(1) Any publication, including a *bona fide* newspaper contemplated in section 16(1) and (2) of the Act, containing adult content shall—

(a) be enclosed in a wrapper or bag prior to being distributed or displayed in any outlet, other than adult premises, for distribution or exhibition; and

(b) not be displayed within easy reach of children, or next to or among publications intended for children;

(2) Except for a newspaper contemplated in section 16(1) and (2), a certificate of classification shall be conspicously displayed on the bottom right hand corner of the cover of any publication containing adult content.

Application for classification of films

10.(1) Where a person applies for the classification of a film, or the trailer of a film, in terms of section 18(1)*(b)* of the Act, such application shall be made on Form BOARD/FL, attached as Annexure "C" or submitted through the BOS system, and accompanied by copies of the film or trailer, the prescribed fee and confirmation of such person's right to distribute that film or trailer in the Republic.

(2) Where a film, or the trailer of a film, to be classified is in home-entertainment format, a copy of that film or trailer, in the format of its intended distribution, must accompany the application for classification.

(3) Where a film, or the trailer of a film, to be classified is in a public-entertainment format, the applicant must, at his or her own expense, arrange for the screening of that film or trailer to the Board at a venue, and on a date and at a time agreed to by the Board.

(4) Where a film, or the trailer of a film, has been classified in terms of the Act, the person who applied for the classification of that film or trailer must, if the film or trailer is in a home-entertainment format, provide a copy of that film or trailer in the format in which it was classified, to the Board free of charge.

Application for classification of exempted films

11. An application for the classification of a film which has been exempted in terms of section 22 or 23 of the Act shall, if it is intended for general distribution or exhibition, be

made on Form BOARD/RC/P, attached as Annexure "D", or submitted through the BOS system to the Board, and accompanied by the prescribed fee.

Classification of music DVDs, educational films and children's films

12. An application for the classification of music DVDs, educational films and children's films shall be made on Form BOARD/CM attached as Annexure "E", or submitted through the BOS system to the Board, and accompanied by the prescribed fee.

Display of certificate of classification on music DVDs, educational films and children's films

13. A certificate of classification for music DVD's, educational films and children's films shall be conspicuously displayed on the front cover and on the disc of music DVDs and films.

Display of classification decisions

14.(1) Every film and game or game in home-entertainment format and every publication, classified in terms of the Act, shall display, conspicuously and clearly visible on the front cover or packaging of the holder of the film or game, the classification triangle, as will be provided by the Board at the prescribed fee, showing the classification reference number, the classificfation, age restriction, consumer advice and any other condition imposed on the distribution or exhibition of that film or game.

(2) The following are the prescribed specifications for the certificate of classification contemplated in section 18A(1) of the Act:

(a) Height – 15 mm;

(b) width – 10 mm;

(c) in colour; and

(d) in triangular format, in the illustration attached as Annexure "K".

(3) The certificate contemplated in subregulation (2) may not be reproduced in any format other than in terms of these Regulations and the Act.

(4) Every poster, and every advertisement in any media, of a film or game classified in terms of the Act, shall display, conspicuously and clearly visible on the poster or in the advertisement, the classification, age restriction, consumer advice and any other condition imposed on the exhibition or distribution of that film, game or publication.

(5) The format of the display of a certifcate of classification on a poster shall be of a design similar to that displayed on the front cover or packaging of a film or game in home-entertainment format, but of a size, including that of the text, which is conspicuous at a distance of one metre of the poster.

Re-classification of film, game or a publication

15.(1) An application for the re-classification of a film, game or publication in terms of section 18B of the Act, shall be made by completing and submitting to the Board on Form BOARD/RC, attached as Annexure "G", accompanied by the prescribed fee.

(2) Where the film, game or publication is not, in all respects, the same as that which was first classified in terms of the Act, a copy of the film or game, if it was in a home-entertainment format, or a copy of the publication, incorporating any changes made since it was first classified, must be submitted with the application form.

(3) In the case of a film or game in a public-entertainment format, the applicant shall, where required to do so, at his or her own expense, make arrangements for the exhibition of the film, or a demonstration of the game, to the Board on a date and at a time and venue appointed by the Board.

Application for classification of games

16.(1) An application for the classification of a game in terms of section 18(1)*(b)* of the Act shall be made on Form BOARD/GM, attached as Annexure "F", or submitted through the BOS system to the Board, and accompanied by the prescribed fee and copies of every game intended to be distributed or exhibited.

(2) Every game submitted for classification must be accompanied by a recording of the game played at each level or stage of the game and copies of illustrations associated with the game intended for exhibition.

(3) If the Board is of the opinion that a demonstration of the game is necessary for the proper examination of the game for classification, the applicant shall, on a date and at a time and venue appointed by the Board, demonstrate that game to the Board.

(4) Where a game has been classified, the person who applied for the classification of that game shall provide a classified copy thereof to the Board, free of charge, in the format in which it will be distributed or exhibited.

Application to appear before Board

17. An application to appear before the Board or classification committee in terms of section 19 of the Act shall be made, in writing to the Board, by a person contemplated in section 19 of the Act, within 5 days from the date upon which that person becomes aware of a complaint lodged in terms of section 16 of the Act.

PART 5

PROCEDURE FOR CLASSIFICATION OF FILMS, GAMES AND PUBLICATIONS

Procedure for classification of films, games and publications by classification committees

18.(1) Every member of a classification committee shall, in respect of every film, game or publication referred to that classification committee for classification—

(a) examine such film, game or publication in its entirety, except with respect to child pornography, having regard to sections 16(4), 16(6), 18(3) and 18(5) of the Act and the classification guidelines;

(b) immediately after the examination of such film, game or publication, record his or her opinion in the classification report about the appropriate classification and rating of that film, game or publication, with reference to the classification guidelines and the relevant sections of the Act; and

(c) immediately after completion of the classification report contemplated in paragraph *(b)*, together with other members of the classification committee, discuss such opinion with the chief classifier on the appropriate classification or rating of that film, game or publication in order to reach consensus or make a majority decision regarding the final classification and rating of that film, game or publication.

(2) When the members of the classification committee have reached consensus or made a majority decision, the chief classifier shall record the consensus or majority decision of the classification committee in the final classification committee report, specifying the reasons for that decision with reference to the classification guidelines and the relevant sections of the Act.

(3) Where a classification committee fails to reach consensus or make a majority decision, the chief classifier shall request the Board, in writing in the final classification committee report, to appoint an additional classifier to that classification committee.

(4) Where the Board, in response to a request by the chief classifier, appoints an additional classifier to the classification committee, the film, game or publication to be classified shall be regarded as not having been classified or rated and the procedures set out in subregulations (1) and (2) shall apply afresh to that film, game or publication.

(5) Where, in the opinion of a classification committee, an expert opinion may be required for the proper classification or rating of a film, game or publication, the chief classifier shall request the Board, in writing, to appoint an expert to assist the classification committee in the classification or rating of a film, game or publication.

(6) An expert appointed to assist the classification committee shall not be entitled to vote on the appropriate classification or rating of that film, game or publication, but may express his or her opinion, in writing, for the benefit of the classification committee.

(7) Where, in the opinion of a classification committee, a demonstration of a game containing contentious material is necessary for the proper classification or rating of that game, the chief

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classifier shall request the Board, in writing, to arrange for such demonstration of that game to that classification committee.

(8) The chief classifier shall, at the end of a meeting of a classification committee—

(a) collate all the reports of classifiers;

(b) ensure that every report has been duly signed by the relevant classifier; and

(c) submit all the reports to the classification office of the Board, accompanied by the film or game, if it is in a home-entertainment format, or publication.

(9) Every member of a classification committee shall, treat as confidential all discussions, notes and reports related to the examination and classification of a film, game or publication referred to the classification committee and shall not divulge any such information to the public or the applicant.

(10) If, after examination by the classification committee, the committee is satisfied that a film, game or publication contains material contemplated in section 16(4)*(a)* or *(b)* or section 18(3)*(a)* or *(b)* of the Act and a report containing such classification decision has been compiled, the classification decision must be referred to the chief executive officer of the Board to deal with the matter in terms of section 16(5) or (6) or section 18(4) or (5) of the Act, as the case may be.

(11) Where a film, game or publication has been classified, the person who applied for the classification of that film, game or publication shall provide a classified copy thereof to the Board, free of charge, in the format in which it will be distributed.

Films, games or publications containing child pornography

19.(1) If the classification committee discovers an image or scene of child pornography during any classification process, the film, game or publication classification process shall be handled as follows:

(a) The classification process shall be stopped, unless the classification committee is satisfied that the image or scene evokes aesthetic rather than erotic feelings and—

(i) depicts a child engaged or participating in sexual conduct;

(ii) depicts a child engaged in a display of genitals which amounts to sexual exploitation or in such manner that it is capable of being used for the purpose of exploitation; or

(iii) depicts a child assisting another person participating in sexual conduct;

(b) in the event that the classification committee stops the classification process as envisaged in paragraph (a), the members of the committee shall compile their classification reports noting the time, scene or page in the film, game or publication at which child pornography appeared and submit such reports to the chief executive officer;

(c) the chief executive officer shall hand a copy of the report to the National Director of Public Prosecutions;

(d) the chief executive officer shall, in writing, inform the applicant who submitted the film, game or publication for classification of the decision, in terms of section 16(4)*(a)* of the Act, to refuse to classify the film, game or publication and of his or her right to appeal to the Appeal Tribunal within 30 days from the date of such notification;

(e) the chief executive officer shall, after 30 days from the date of the notification to the applicant, and if no notice of appeal has been lodged, refer the matter to the Child Protection Unit of the South African Police Service by submitting to that Unit—

(i) copies of the classification committee's reports;

(ii) an affidavit recording the chain of events; and

(iii) the film, game or publication containing child pornography.

(2) If the appeal is heard and the decision of child pornography is confirmed, the Board shall advise the applicant or distributor to surrender all films, games or publications and other material that contain child pornography to the Board for handing over thereof, as

contemplated by subregulation 1*(a)*, to the Child Protection Unit of the South African Police Service for criminal investigation or prosecution.

PART 6

ADULT PREMISES

Application for exemption to distribute films, games and publications classified as "X18"

20.(1) Any person who intends to apply for an exemption to distribute a film, game or publication classified as "X18" in terms of section 24(1) of the Act, shall first obtain a licence to conduct the business of adult premises, issued by a licensing authority in terms of the Businesses Act, 1991 (Act No. 71 of 1991), before submitting an application for an exemption on Form BOARD/AD, attached as Annexure "H", and submit the application to the Board, accompanied by—

(a) the licence issued by the licensing authority;

(b) proof of payment of the prescribed fee;

(c) an original valid tax clearance certificate issued by the South African Revenue Service;

(d) proof of registration of the business in terms of the applicable legislation; and

(e) an illustration in the form of a photograph, of the prominent display at the entrance of the premises, prohibiting the entry of persons under the age of 18 years.

(2) Notices stating that no persons under the age of 18 years may enter the licensed premises where films or publications classified as "X18" are distributed shall be conspicuously displayed on the outer side of the entrance to such premises.

(3) A film, game or publication classified as "X18" may not be distributed on any of the platforms listed here, namely—

(a) by mail order;

(b) on the internet;

(c) on mobile phones;

(d) on social networking sites;

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(e) through the use of multimedia electronic devices, or any other means in conflict with the provisions of the Act;

(f) through public broadcasting by a free-to-air service; or

(g) by any retail outlet other than adult premises.

PART 7

OBLIGATIONS OF INTERNET SERVICE PROVIDERS IN RELATION TO DUTY TO REGISTER WITH BOARD AND ONLINE SUBMISSION OF FILMS, GAMES AND PUBLICATIONS FOR CLASSIFICATION

Internet service providers

21.(1) An application for registration as an internet service provider in terms of section 27A of the Act shall be made on Form BOARD/E, attached as Annexure "A".

(2) An application contemplated in subregulation (1) shall be accompanied by the following documents:

(a) Proof of payment of the prescribed fee;

(b) an original valid tax clearance certificate issued by the South African Revenue Service; and

(c) the registration number of the business in terms of the applicable South African laws.

(3) Every internet service provider shall, when making an application for registration as internet service provider, indicate in the application form all measures or steps taken or put in place to ensure that children are not exposed to child pornography and pornography.

(4) The Board may, in terms of section 27A of the Act, require an internet service provider to demonstrate that the measures contemplated in subregulation (3) are still effective.

(5) No person may host any website or provide access to the internet as an internet service provider, unless such person is registered with the Board in terms of section 27A of the Act.

Display of registration certificate

22. The registration certificate as internet service provider shall be conspicuously displayed in the premises at which the business of the internet service provider is being conducted.

Submission of online content for classification

23. Any person, except the publisher of a *bona fide* newspaper contemplated in section 16(1) and (2) of the Act, who has been issued with a registration certificate by the Board as a distributor of a film, game or publication and who wishes to distribute online any film, game or publication shall, unless that film, game or publication is already classified by the Board, submit such film, game or publication for classification through the BOS system.

PART 8
EXEMPTIONS

Application to be exempted from the Act in respect of certain films, games and publications.

24.(1) Any person or institution may, in respect of films, games or publications that, include educational or cultural materials endorsed by learning instututions, films on skills demonstrations or instructions, music, sports, physical exercise, design and spiritual events, upon payment of the prescribed fee and on Form BOARD /EX attached as Annexure "I", apply for exemption from section 24A of the Act by submitting—

(a) the full name and surname of the applicant or, in the case of a registered business, full names and surnames of all those directly connected with the business and the nature of the business;

(b) the physical address of the person or institution applying for exemption;

(c) the contact details of the person or institution applying for exemption;

(d) the occupation of the person, if applicable; and

(e) detailed reasons for the application for exemption.

(2) Every application for exemption of a film, game or publication shall be considered separately and on its own merit.

Procedure for exemption of films intended for exhibition at film festivals

25.(1) Any person or institution may, in writing, on Form BOARD /EX attached as Annexure "F", accompanied by proof of payment of the prescribed fee, apply to the Board for exemption from classification and from section 24A(2)(*a*) of the Act in respect of films intended for exhibition at a film festival, by submitting 30 days prior to the date of the festival—

(a) an application for exemption in writing and a detailed statement stating the basis of the application;

(b) a list and copies of all films to be exhibited at the film festival;

(c) a brief synopsis of each film indicating the various classfication elements in respect of each film as precribed in Board's classification guidelines;

(d) an affidavit by the applicant to the effect that there is or has been no contravention of chapter 1, 2 and 3 of the Criminal Law (Sexual Offences Act and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) and section 24B of the Act.

(2) Upon receipt of the application and supporting documents, the Board shall make a decision whether to grant an exemption or not.

(3) In the event that the Board decides not to grant an exemption to a film submitted in terms of subregulation (1), the Board shall submit such film for classification in terms of section 18 of the Act.

(4) Where the Board submits any film for classification in terms of subregulation (3) the applicant shall be liable for the full classification fee.

(5) No exemption shall be granted in respect of a film which if submitted for classification, would be classified as " X18".

(6) No application for exemption that is submitted less than 30 days prior to the film festival shall be considered by the Board.

(7) Where the application for an exemption is approved, the applicant shall ensure that before screening the film at the relevant film festival or cinema, he or she displays a cautionary message indicating that the film—

(a) was exempted from classification at the request of the applicant;

(b) was not classified by the Board in terms of section 18 of the Act; and

(c) may not be screened without a classification at any other event or venue.

(8) The applicant may not beyond the exemption period publicly screen or distribute such film.

(9) The cautionary notice contemplated in subregulation (7) shall be as follows:

WARNING

"This film has not been classified in terms of the Films and Publications Act, 1996, and has been exempted from such classification for the purposes of this film festival which begins on [insert date] and ends on[insert date].This film may not be screened at any venue or event without submission for classification to the Board."

(10) The notice contemplated in subregulation (9) shall be displayed for not less than 10 seconds.

PART 9

APPEALS

Appeal against classification decision in respect of films or games

26.(1) An appeal against a decision contemplated in section 20(1) of the Act shall be made on form BOARD/AP, attached as Annexure 'K ' for a film, advertisement, trailer or game and submitted to the Appeal Tribunal, with proof of payment of the prescribed fee, within 30 days from the date on which the applicant was notified of the decision of the Board.

(2) The Appeal Tribunal may, at its discretion, require that the film, advertisement, trailer or game be re-screened at the expense of the applicant, unless a copy of the video or disc, or video or disc version of the film, advertisement or trailer, had already been provided to the Board and there have since been no changes to the film, advertisement, trailer or game.

(3) The form contemplated in subregulation (1) shall be signed by the appellant in person or by his or her legal representative and shall be accompanied by a statement from the appellant setting out the detailed grounds for appeal and the relief sought.

Appeal against decision in respect of complaint against publication referred to Board

27. (1) An appeal against a decision by the Board or the classification committee in respect of a complaint received by the Board in terms of section 16(1) of the Act, shall be made on Form BOARD/AP attached as Annexure "K" and submitted to the Appeal Tribunal with proof of payment of the prescribed fee, within 30 days from the date on which the applicant was notified of the decision of the Board.

(2) The form contemplated in subregulation (1) shall be signed by the appellant in person or by his or her legal representative and shall be accompanied by a statement from the appellant setting out the detailed grounds for appeal and the relief sought.

PART 10
GENERAL PROVISIONS

Application for authorisation to screen trailers with higher ratings in same screening with films with non-restrictive ratings

28. An application for approval to exhibit in public, during the same screening session, or to distribute on the same film, an advertisement or a trailer of a film with a more restrictive classification than the featured film shall be made on Form BOARD/CN, attached as Annexure "L" and submitted to the Board with the proof of payment of prescribed fee.

Application for copy of classification decision

29. (1) An application for a copy of any classification decision of a classification committee shall be made on Form BOARD/CP, attached as Annexure "M", and submitted to the Board with proof of payment of the prescribed fee.

(2) An application for a copy of a decision contemplated in subregulation (1) shall be made by the person who initially submitted a film, game or publication for classification or his or her nominee.

Application for list of films classified by Board

30. An application for a list of all films classified by the Board shall be made on Form BOARD/LF, attached as Annexure "N" and submitted to the Board with proof of payment of the prescribed fee.

Notice of contravention

31.(1) A compliance officer may issue a notice of contravention on Form BOARD/NC, attached as Annexure "O", to any person who is found to have been in contravention of provisions of the Act.

(2) The notice of contravention contemplated in subregulation (1) shall contain the following information:

(a) The date of contravention;

(b) the provision of the Act contravened;

(c) a statement explaining the steps taken to determine that there is contravention of the Act; and

(d) the date of a follow-up visit.

Notice to remove from display

32. A notice to remove non-compliant films, games and publications must be on Form BOARD/NR, attached as Annexure "P", and contain the following information:—

(a) The name and physical address of the business;

(b) the date of the notice;

(c) the section of the Act contravened;

(d) the number and list of titles of films, games and publications to be removed;

(e) the conditions of such removal; and

(f) a statement of the right to object to the notice of removal.

Conditions for films, games and publications removed from display

33. Films, games and publications removed from display in terms of regulation 32 must—

(a) Be sealed in a marked seal bag and seal numbers recorded in the notice;

(b) be stored in safe storage within the premises; and

(c) not be displayed until the distributor or exhibitor complies with the Act.

Repeal of Regulations

34. The Regulations published in Government *Gazette* No. R. 207 of 15 March 2010 are hereby repealed.

Short title

35. These Regulations are called the Films and Publications Regulations, 2014.

Annexure A

BOARD/E

FILM AND PUBLICATION BOARD
420 WITCH HAZEL, ECO GLADE 2, ECO PARK
CENTURION 0169
PRIVATE BAG X 31, HIGHVELD 0169
E-MAIL: clientsupport@fpb.org.za
Website: www.fpb.org.za

Application for an FPB license

The Board may refuse to process your submission if this form is not completed in all details

Section 18(1) (a) and/ Section 27A (1) of the *Films and Publications Act 65 of 1996*, as amended

TYPE OF LICENSE: (Please tick applicable)

New Applicant (mainstream) ☐

New Applicant (Adult) ☐ NB: Must have a 2H license issued by the municipality

Renewal ☐ Please provide registration number FPB8/.....

Internet Service Provider ☐

Online content distributor ☐

Applicant/Owner.....

Identity Number .....

CONTACT DETAILS

Postal Address (Where license will be posted).....

.....Postal Code (Compulsory).....

Tel ..... Fax .....e-mail.....

Cell.....

Contact Person .....

BUSINESS INFORMATION

Business Name (if different to applicant name).....

Address (Physical Address where business is carried out) .....

..... Province .....

Tax Ref. No.....

Nature of Business (tick appropriate) Exhibitor of films ☐

Distributor of films ☐

Internet Service ☐

Distributor of Games ☐
Online Content Distributor ☐

Documents Required:

Certified copy of valid tax clearance certificate
NB: Validity of certificate will be confirmed with SARS

CIPRO Certificate

Proof of payment of applicable fee

2(H) License (Only for distributors of Adult Material)

Applicant's Signature .....

Capacity.....

Date.....

NB: No license will be issued without all the required documents.

Comments (Office use) .....

.....

FPB/PB

Annexure B

Request for classification of publication
[regulation 7]

FILM AND PUBLICATION BOARD
420 WITCH HAZEL, ECO GLADE 2, ECO PARK
CENTURION 0169
PRIVATE BAG X 31, HIGHVELD 0169
E-MAIL: clientsupport@fpb.org.za
Website: www.fpb.org.za

The Film and Publication Board may refuse to process your application if this form is not fully completed

Reg Office No	

DATE OF APPLICATION		DATE RECEIVED (Office use)	

APPLICANT	

POSTAL ADDRESS			
		POSTAL CODE	

CONTACT PERSON	

TEL		FAX		E-MAIL	

PUBLICATION TITLE	

TYPE:BOOK,MAGAZINE, other	
ISSUE OR EDITION	

NAME OF PUBLISHER/IF DIFFERENT FROM APPLICANT	

SUBJECT OR GENRE	

AUTHOR IF BOOK	

DESCRIPTION OF CONTENTS WITH REFERNCE TO PAGE NUMBERS, may use separate page

NUMBER POF PAGES					

SIGNED		DATE		CAPACITY	

Annexure C
BOARD/FL

FILM AND PUBLICATION BOARD
420 WITCH HAZEL, ECO GLADE 2, ECO PARK
CENTURION 0169
PRIVATE BAG X 31, HIGHVELD 0169
E-MAIL: clientsupport@fpb.org.za
Website: www.fpb.org.za

Application for classification of films in terms of section 18(1)
[regulation 10]

Reg Office no:	

DATE OF APPLICATION		DATE RECEIVED (Office use)	
DATE OF PREVIOUS CLASSIFICATION			
PREVIOUS CLASSIFICATION DECISION			

APPLICANT	

POSTAL ADDRESS			
		POSTAL CODE	

CONTACT PERSON	

TEL		FAX		E-MAIL	

TITLE (for distribution/exhibition)	

PREVIOUS TITLE (if different)	

ORIGINAL		RE-RELEASE	

FORMAT	35MM		VIDEO		DVD		VCD		CD-ROM		OTHER		

RUNNING-TIME IN MINUTES, AS SUBMITTED	

SUBJECT OR GENRE	

DIRECTOR	

CAST INCLUDES	

LANGUAGE	ORIGINAL		DUBBED		SUB-TITLED	

PREVIOUS CLASSIFICATION AND CONSUMER ADVICE		CERTIFICATE NUMBER		FORMAT	

SIGNED		DATE		CAPACITY	

Annexure D
BOARD/RC/P

FILM AND PUBLICATION BOARD
420 WITCH HAZEL, ECO GLADE 2, ECO PARK
CENTURION 0169
PRIVATE BAG X 31, HIGHVELD 0169
E-MAIL: clientsupport@fpb.org.za
Website: www.fpb.org.za

Application for classification of exempted films
[regulation 11]

The Film and Publication Board may refuse to process your application if this form is not fully completed

Reg Office no:	

DATE OF APPLICATION		DATE RECEIVED (Office use)	
DATE OF EXEMPTION			
BASIS OF EXEMPTION			

APPLICANT	
POSTAL ADDRESS	
	POSTAL CODE
CONTACT PERSON	

TEL		FAX		E-MAIL	

TITLE (for distribution/exhibition)	
PREVIOUS TITLE (if different)	

ORIGINAL		RE-RELEASE	

FORMAT	35MM		VIDEO		DVD		VCD		CD-ROM		OTHER	

RUNNING-TIME IN MINUTES, AS SUBMITTED	
SUBJECT OR GENRE	
DIRECTOR	
CAST INCLUDES	

LANGUAGE	ORIGINAL		DUBBED		SUB-TITLED	

SIGNED		DATE		CAPACITY	

Annexure E
BOARD/CM

FILM AND PUBLICATION BOARD
ECO GLADE 2, 420 WITCH HAZEL,
ECO PARK CENTURION 0169
PRIVATE BAG X 31, HIGHVELD 0169
E-MAIL: clientsupport@fpb.org.za
Website: www.fpb.org.za

Application for classification of music DVD's, educational films and children's films

[Regulation 12]

The Film and Publication Board may refuse to process your application if this form is not fully completed

Reg Office no:	

DATE OF APPLICATION		DATE RECEIVED (Office use)	
DATE OF EXEMPTION			
BASIS OF EXEMPTION			

APPLICANT	

POSTAL ADDRESS			
		POSTAL CODE	

CONTACT PERSON	

TEL		FAX		E-MAIL	

TITLE (for distribution/exhibition)	

PREVIOUS TITLE (if different)	

ORIGINAL		RE-RELEASE	

FORMAT	35MM		VIDEO		DVD		VCD		CD-ROM		OTHER		

RUNNING-TIME IN MINUTES, AS SUBMITTED	

SUBJECT OR GENRE	

DIRECTOR	

CAST INCLUDES	

LANGUAGE	ORIGINAL		DUBBED		SUB-TITLED	

SIGNED		DATE		CAPACITY	

Annexure F

BOARD/GM

FILM AND PUBLICATION BOARD
420 WITCH HAZEL, ECO GLADE 2, ECO PARK
CENTURION 0169
PRIVATE BAG X 31, HIGHVELD 0169
E-MAIL: clientsupport@fpb.org.za
Website: www.fpb.org.za

Request for classification of games
[regulation 16]

The Film and Publication Board may refuse to process your application if this form is not fully completed

Ref No (Office use)	

DATE OF APPLICATION		DATE RECEIVED (Office use)	

APPLICANT	

POSTAL ADDRESS			
		POSTAL CODE	

CONTACT PERSON					
TEL		FAX		E-MAIL	

TITLE OF GAME			
COUNTRY OF ORIGIN		YEAR OF PRODUCTION	
PUBLISHER		GENRE	

FORAMAT	PC		CONSOLE		ARCADE		MOBILE GAME		OTHER

PROOF OF RIGHT TO DISTRIBUTE GANE IN THE REPUBLIC OF SOUTH AFRICA

DESCRIPTION OF GAME PLAY AND TARGET MARKET							
ORIGINAL		ADD-ON		COMPILATION		BUDGET-LINE	

ELSPA RATING		REASON FOR RATING	

ESRB RATING		REASON FOR RATING	
SIGNED		DATE		CAPACITY	

NOTE: 1. Proof of your right to distribute or exhibit this game in South Africa, in the format submitted, must be attached to this form.
2. Unless exempted from the cash-on-submission basis, payment in full of the applicable amount must be made before this application may be processed. Where payment has been made by direct deposit into the account of the Board, proof of such deposit must be attached to this form.
3. You must provide, free of charge, a copy of this game, to the Board for its records.

Annexure G
BOARD/RC

FILM AND PUBLICATION BOARD
420 WITCH HAZEL, ECO GLADE 2, ECO PARK
CENTURION 0169
PRIVATE BAG X 31, HIGHVELD 0169
E-MAIL: clientsupport@fpb.org.za
Website: www.fpb.org.za

Application for reclassification of in terms of section 18B
[regulation 15]

The Film and Publication Board may refuse to process your application if this form is not fully completed

Reg Office No.:	

DATE OF APPLICATION		DATE RECEIVED (Office use)	
DATE OF PREVIOUS CLASSIFICATION			
PREVIOUS CLASSIFICATION DECISION			

APPLICANT	

POSTAL ADDRESS			
		POSTAL CODE	

CONTACT PERSON	

TEL		FAX		E-MAIL	

TITLE (for distribution/exhibition)	

PREVIOUS TITLE (if different)	

ORIGINAL		RE-RELEASE	

FORMAT	35MM		VIDEO		DVD		VCD		CD-ROM		OTHER	

RUNNING-TIME IN MINUTES, AS SUBMITTED	

SUBJECT OR GENRE	

DIRECTOR	

CAST INCLUDES	

LANGUAGE	ORIGINAL		DUBBED		SUB-TITLED	

PREVIOUS CLASSIFICATION AND CONSUMER ADVICE		CERTIFICATE NUMBER		FORMAT	

SIGNED		DATE		CAPACITY	

Annexure H

BOARD/AD

FILM AND PUBLICATION BOARD
420 WITCH HAZEL, ECO GLADE 2, ECO PARK
CENTURION 0169
PRIVATE BAG X 31, HIGHVELD 0169
E-MAIL: clientsupport@fpb.org.za
Website: www.fpb.org.za

Application for a FPB license as a Distributor of Adult of Adult Films

The Board may refuse to process your submission if this form is not completed in all details

Ref.No. (Office use) .....

Applicant/Owner) .....

Identity Number.....

Postal Address (Where license will be posted) .....

.....Postal Code (Compulsory).....

Tel..... Fax.....e-mail.....

Cell.....

Contact Person.....

Business Name (if different to applicant name).....

Address(Physical Address where business is carried out).....

.....Province.....

SARS Tax Reference No.....

Nature of Business (tick one or more)
Distributor of Adult Films
Business of adult premises
Other (please describe)

Document Required:
Certified copy tax clearance certificate
NB:Validity of Certificate will be confirmed with SARS
Proof of payment of applicable fee
License to conduct the business of adult premises (Adult Premises)i.t.o item2(h) act 71 of 1991
Other (Please describe).....

Applicant's Signature.....

Capacity.....

Date.....

NB:No license will be used issues without all of the required documents

Comments (Office use) .....

.....

Date:.....

Annexure I
BOARD/EX

FILM AND PUBLICATION BOARD
420 WITCH HAZEL, ECO GLADE 2, ECO PARK
CENTURION 0169
PRIVATE BAG X 31, HIGHVELD 0169
E-MAIL: clientsupport@fpb.org.za
Website: www.fpb.org.za

Application exemption in terms of section 22 or 23
[regulation 24]
The Film and Publication Board may refuse to process your application if this form is not fully completed

Ref. No. (Office Use)	

DATE OF APPLICATION		DATE RECEIVED (Office use)	

APPLICANT	

POSTAL ADDRESS			
		POSTAL CODE	

CONTACT PERSON	

TEL		FAX		E-MAIL	

TITLE (for distribution/exhibition)	

PREVIOUS TITLE (if different)	

ORIGINAL		RE-RELEASE	

FORMAT	35MM		VIDEO		DVD		VCD		CD-ROM		OTHER		

RUNNING-TIME IN MINUTES, AS SUBMITTED	

SUBJECT OR GENRE	

DIRECTOR	

CAST INCLUDES	

LANGUAGE	ORIGINAL		DUBBED		SUB-TITLED	

PREVIOUS CLASSIFICATION AND CONSUMER ADVICE		CERTIFICATE NUMBER		FORMAT	

SIGNED		DATE		CAPACITY	

NOTE: 1 Proof of your right to distribute and/or exhibit this film in South Africa, in the format submitted, must be attached to this form
2 Unless exempted from the cash-on-submission basis, payment in full of the applicable amount must be made before this application may be processed. Where payment has been made by direct deposit into the account of the Board, proof of such deposit must be attached to this form.

3 You must provide, free of charge, a copy of this film, as soon as it becomes available in home-entertainment format, to the Board for its records.

Annexure K

BOARD/AP

FILM AND PUBLICATION BOARD
ECO GLADE 2, 420 WITCH HAZEL STREET
ECO PARK CENTURION 0169
PRIVATE BAG X 31, HIGHVELD 0169
E-MAIL: clientsupport@fpb.org.za
Website: www.fpb.org.za

IN THE FILM AND PUBLICATION BOARD APPEAL TRIBUNAL

(HELD AT JOHANNESBURG)

[Regulation 26]

Ref No:_____

In the matter between:

_____ Applicant

And

FILM AND PUBLICATION BOARD Respondent

NOTICE OF APPEAL

---

1. Be pleased to take notice that the appellant, duly represented by_____ in his or her capacity as _____ hereby appeals against the decision of the Classification Committee of the Film and Publication Board for the film/publication _____ taken on the _____ day of _____ 20____.

Witness:

1. _____

2. _____

_____
FOR APPLICANT

Dated at---------- on this the---------day of----------201--------.

Witness:

3. _____ _____
RESPONDENT

4. _____

Dated at_____on this the_____day of_____201___.

Annexure K

Film and Publication Board

REPUBLIC OF SOUTH AFRICA

CERTIFICATE OF CLASSIFICATION

issued under the Films and Publications Act, 1996

The Film and Publication hereby certifies

made or distributed by

PG

L

means an all ages category but cautions sensitive viewers and indicates that parents and caregivers are in the best position to decide whether or not a child in their care may view the film or DVD for home entertainment purposes

'L' - material may only contain instances of low impact mild language

for distribution and/or exhibition, subject to the condition that the exhibitor or distributor meets all legal requirements for the exhibition and /or distribution of this film in the Republic.

FILM AND PUBLICATION BOARD

BOARD/CN

FILM AND PUBLICATION BOARD
420 WITCH HAZEL, ECO GLADE 2, ECO PARK
CENTURION 0169
PRIVATE BAG X 31, HIGHVELD 0169
E-MAIL: clientsupport@fpb.org.za
Website: www.fpb.org.za

Application for authorization to screen trailers with restricted films

[Regulation 28]

Board may refuse to process your submission if this form is not completed in all details

TYPE OF EXHIBITOR LICENSE: permanent/temporary/

APPLICANT/OWNER……

LICENSE NUMBER ……

FAX ……e-mail……

CELL……

CONTACT PERSON ……

ADDRESS (Address where the screening will take place) ……

……

……

MOTIVATION
……
……
……
……

APPLICANT'S SIGNATURE ……

CAPACITY……

DATE……

COMMENTS (Office use) ……

……
Date:……

Annexure M
BOARD/CP

FILM AND PUBLICATION BOARD
420 WITCH HAZEL, ECO GLADE 2, ECO PARK
CENTURION 0169
PRIVATE BAG X 31, HIGHVELD 0169
E-MAIL: clientsupport@fpb.org.za
Website: www.fpb.org.za

Application for copy of classification decisions
[regulation 29]
The Film and Publication Board may refuse to process your application if this form is not fully completed

FILM/PUBLIC/GAME	

DATE OF APPLICATION		DATE RECEIVED (Office use)	
DATE OF CLASSIFICATION			

APPLICANT		
IS THE APPLICANT THE ORIGINAL APPLICANT		

POSTAL ADDRESS			
		POSTAL CODE	

CONTACT PERSON	

TEL		FAX		E-MAIL	

TITLE	

ORIGINAL		RE-RELEASE	

FORMAT	35MM		VIDEO		DVD		VCD		CD-ROM		OTHER	

RUNNING-TIME IN MINUTES, AS SUBMITTED, if GAME OR FILM	

SUBJECT OR GENRE	

DIRECTOR	

CAST INCLUDES	

LANGUAGE	ORIGINAL		DUBBED		SUB-TITLED	

SIGNED		DATE		CAPACITY	

Annexure N

BOARD/LF

FILM AND PUBLICATION BOARD
420 WITCH HAZEL, ECO GLADE 2, ECO PARK
CENTURION 0169
PRIVATE BAG X 31, HIGHVELD 0169
E-MAIL: clientsupport@fpb.org.za
Website: www.fpb.org.za

APPLICATION FOR LIST OF CLASSIFIED FILMS, GAMES & PUBLICATIONS

[regulation 30]

The Film and Publication Board may refuse to process your application if this form is not fully completed

FILM/PUBLIC/GAME	

DATE OF APPLICATION		DATE RECEIVED (Office use)	

APPLICANT	

POSTAL ADDRESS			
		POSTAL CODE	

CONTACT PERSON					
TELELPHONE		FAX		E-MAIL	

PREFERRED METHOD OF DELIVERY	

SIGNED		DATE		CAPACITY	

*Attach proof of payment of prescribed fee

Film and Publication Board

Film and Publication
Eco Glade 2, 420 Witch Hazel, Eco Park, Centurion 0169
Tel.: (011) 661 0051, Fax (011) 661 0074, e-mail:clientsupport@fpb.org.za
internet: www.fpb.org.za

Annexure O

BOARD/NC

Notice of Contravention
[Regulation 31(1)]

Date:_____

Visit sequence no:_____

Business name: _____

Physical Address: _____

_____

Tel/Fax:----------

RE: NOTICE OF CONTRAVENTION IN TERMS OF THE FILMS AND PUBLICATIONS BOARD ACT 65 OF 1996

Name of Inspector:	**Date of Inspection:**
I have carried out an inspection of your premises in terms of section 15 of the above mentioned Act. In terms of the abovementioned section you are hereby instructed to take the specified steps below within _____ days from the date of this notice in order to comply with the Act. Should you be unable to meet this deadline you may make representations to this office stating when and how you propose to comply herewith or request an extension of time. **Failure to comply with this notice, may result in a penalty being issued against you in terms of s30(4)*(a)* of the Film and Publication Act, 1996**	

Section	**Steps to be taken to deal with contravention**

INSPECTOR:_____

RECEIVED BY:_____

DATE OF FOLLOW UP VISIT:_____

Annexure P

FILM AND PUBLICATION BOARD
420 WITCH HAZEL, ECO GLADE 2, ECO PARK
CENTURION 0169
PRIVATE BAG X 31, HIGHVELD 0169
E-MAIL: clientsupport@fpb.org.za
Website: www.fpb.org.za

BOARD/NR

Notice to remove non-compliant films, games or publication
[Regulation 32]

Date:_____

Visit sequence no:_____

Seal bag no:_____

Business name: _____

Physical Address: _____

_____

Tel/Fax:_____

NOTICE OF INSTRUCTION TO REMOVE IN TERMS OF S.15 (2) (d) OF THE FILM AND PUBLICATION ACT 65 OF 1996

Name of Inspector:	**Date of Contravention Notice:**

I have carried out an inspection of your premises in terms of section 15 of the above mentioned Act.
In terms of the abovementioned section you are hereby instructed to remove from display all films/games/publications contained in the inventory attached to this notice due to non compliance with the sections of the act referred to below.

Conditions of removal from display:

1. The films/games/publications are to be sealed in a tamper proof seal bag and stored away.
2. The films/games/publications may not be displayed until a determination has been made by the Board or until non compliance is rectified whichever occurs first.

Objection to notice to removal:
You may object to the notice by completing the Notice of Objection form and submit same to the Board for determination.

Sections Contravened	**Explanation**

INSPECTOR: _____

RECEIVED BY: _____

DATE OF FOLLOW UP VISIT: _____