SUBSIDIARY LEGISLATION 542.01

CINEMA AND STAGE AGE-CLASSIFICATION REGULATIONS

30th November, 2012

LEGAL NOTICE 416 of 2012, as amended by Act XV of 2015 and Legal Notice 387 of 2020.

Citation.

1. The title of these regulations is the Cinema and Stage Age-Classification Regulations.

Definitions. *Amended by: XV. 2015.37.*

2. For the purposes of these regulations, unless the context otherwise requires:

Cap. 542.

"Act" means the Arts Council Malta Act;

S.L. 10.17

"licence" and "licensee" means the venues, operators and owners of venues respectively, permitted by law to publicly exhibit cinematographic works and stage productions, in line with the meanings as used in the Cinema and Stage Regulations;

"Minister" means the Minister responsible for Culture.

Board of Film Age-Classification. *Amended by: L.N. 387 of 2020.*

3. (1) There shall be a board, to be called the Board of Film Age-Classification, hereinafter referred to as the "Film Board", which shall consist of a Chairman and such number of other members, not being less than five and not more than eight, as shall be appointed annually by the Minister, which Board shall exercise and perform the functions assigned to it by these regulations. The members of the Film Board shall occupy such post for a period of one year, which period may be renewed.

(2) It shall be the function of the Film Board to classify films on the basis of guidelines to be drawn up, published and periodically updated by the Film Board based on the following main criteria:

(*a*) the general character of the production including whether it is of medical, legal or scientific character; and

(*b*) the literary, artistic or educational merit, if any, of the production; and

(*c*) the standards of morality, decency and propriety generally accepted by reasonable adults; and

(*d*) the person or class of persons to whom it is intended or by whom the production is likely to be viewed.

(3) The names of the members of the Film Board shall be published annually in the Gazette.

(4) Every film shall be classified according to age category by at least two members of the Film Board in accordance with the provisions of these regulations.

(5) When, upon any occasion, the Film Board desires to obtain the advice of any person upon any particular matter or matters, the

Chairman of the said Film Board may co-opt such person to be a member for such meeting or meetings as may be required, and such person, while so co-opted, shall have all the rights and privileges of a member, save that he shall not be entitled to take part in any decision or in the report referred to in regulation 6.

(6) The provisions of sub-regulation (3) shall not apply to any persons co-opted to be members as provided in sub-regulation (5).

(7) The fees payable to every age-classifier of film shall be according to the Manual for setting the categorisation, classification and remuneration of Government appointed boards and committees.

(8) The Chairman of the Film Board shall be paid a fee of eight hundred and fifteen euro (€815) *per annum* in addition to the fees provided for in sub-regulation (7).

(9) The Film Board shall be composed of any number of members, as stipulated by these regulations, who shall possess knowledge and experience relevant to the classification of films and specifically in the following areas:

(*a*) film appreciation and the film and audiovisual industry;

(*b*) issues of public social and psychological concern, including educational issues; and

(*c*) development issues affecting persons under 18 years of age,

one of whom shall be appointed Chairman of the Film Board by the Minister; and any person or persons appointed under paragraph (c) shall be so appointed after consultation with the Commissioner for Children.

(10) Voting on the Film Board shall be by majority, but in the case of an equality of votes, the Chairman shall have a casting vote in addition to his original vote.

(11) The Film Board may regulate its own procedure generally, and, in particular, regarding the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes, the custody, production and inspection of such minutes, and such other matters as are related to its functions.

(12) The Film Board may act notwithstanding any vacancy among its members.

Age-Classification of films.

4. The age-classification of films shall be carried out by the Film Board and shall be communicated expediently to the applicant, and shall be duly notified to the licensees of cinematographs.

Application for examination.

5. Applications for the age-classification of films by age-classifiers shall be made to the Chairman of the Film Board on forms to be obtained from the Film Board, in paper or electronic format, free of charge.

Examination by age-classifiers.

6. (1) The examining age-classifiers shall, in their discretion, report whether, having regard to the guidelines drawn up in terms of regulation 3(2), the film to which the application refers may or

may not be passed for exhibition, and shall classify such film into one of the following categories, and shall advise the applicant and the general public of such classification:

(i) 'U' - UNIVERSAL. Suitable for all.

(ii) 'PG' - PARENTAL GUIDANCE. General viewing, but some scenes may be unsuitable for young children.

(iii) '12A' - Suitable for persons of 12 years and over:

Provided that persons younger than 12 years may attend only when accompanied by an adult.

(iv) '12' - Suitable only for persons of twelve years and over.

(v) '15' - Suitable for persons of fifteen years and over.

(vi) '18' - Suitable only for persons of eighteen years and over.

(2) In examining a film submitted for age-classification the Film Board may call upon the person presenting the film for classification and discuss the age-rating to be given to the film with such person.

(3) The Film Board shall, together with the classification, issue, whether in electronic or other form, reasons justifying the age-classification, and notices to the public containing additional information as to the content of the films so classified.

Issue of certificate.

7. (1) The Film Board shall issue an age-classification certificate accordingly, which shall be delivered to all applicants.

(2) The age-classification certificate and notices to the public containing additional information shall be exhibited in a conspicuous place at the entrance of the premises and may be communicated to the public by any other means.

Review of decision of examining age-classifiers.

8. (1) Where the examining age-classifiers have reported that a film -

(*a*) is fit for exhibition in any of the categories specified in regulation 6; or

(*b*) is not fit for exhibition in any category specified in regulation 6;

the person who has applied for the examination of the film may, if he feels aggrieved by the decision, within five days of receiving said decision, apply in writing to the Classification Review Board (hereinafter referred to as "Review Board") for a review of such decision. The Review Board may confirm or reverse the decision of the Film Board.

(2) The Review Board shall be composed of three (3) persons appointed by the Minister, one of whom shall be appointed Chairman of the Review Board:

Provided that the members of the Review Board shall not be

the same members as those sitting on the Film Board.

(3) The Review Board shall be composed of persons who possess knowledge and experience relevant to the classification of films and specifically in the areas identified in regulation 3(9):

Provided that the person appointed under the area of expertise referred to in regulation 3(9)(*c*) shall be so appointed after consultation with the Commissioner for Children.

(4) Voting on the Review Board shall be by majority, and each member of the Review Board must be present for a vote to be taken. In the case of an equality of votes, the Chairman shall have a casting vote in addition to his original vote.

(5) On receipt of such application, the Chairman of the Review Board shall make the necessary arrangements for the film to be examined again by all members of the Review Board whose decision, subject to the provisions of regulation 9, shall be final.

(6) In its deliberations, the Review Board shall reach its decision in terms of these regulations and the guidelines drawn up in terms of regulation 3(2), and shall give reasons for the decision. The Review Board shall notify the applicant with its final decision regarding the age-classification and the reasons for which it was taken.

(7) Any person who feels aggrieved by the decision of the Review Board shall have a right to apply to the Administrative Review Tribunal established by article 5 of the Administrative Justice Act, citing grounds contained in said Act, within twenty days from when the decision by the Review Board is given, to demand the review of the said decision.

Cap. 490.

Cap. 490.

(8) The provisions of the Administrative Justice Act, in so far as they apply to the Administrative Review Tribunal, shall apply to any proceedings before the said Review Board and the words "public administration" in the said enactment shall be construed as a reference to the Film Board and the Review Board.

(9) Any court proceedings pending on the date of the coming into force of these regulations, before any court from a decision of the Film Board or the Review Board shall continue to be heard by that court without prejudice to regulation 9.

Re-submission.

9. Where a film, with or without a second examination as provided in regulation 8, has not been passed by the Film Board as fit for exhibition in any category specified in regulation 6, such film may not be submitted again for classification before the expiration of one year from the decision.

Admission to film exhibition.

10. Whenever a particular film is classified under any of the categories specified in regulation 6(1), no persons below the age specified in any particular age-classification thereof shall be admitted to the exhibition of that film and in each such case the certificate referred to in regulation 7 shall include an intimation to the effect that such persons are not allowed admission to the exhibition of that film. Furthermore in each such case an intimation to the same effect set out in large type shall be affixed at the

entrance of the premises.

Films which may be shown in the same programme.

11. (1) The films which may be shown in the same programme as the category of main feature films indicated in the First Column below shall be of the category or categories stated in the Second Column below, and it shall be an offence to exhibit, with such main feature films, any film, not being an advertising film passed by the Film Board, classified in a different category.

First Column	Second Column
Main Feature	Other Films
U	U
PG	PG and U
12A	12A, Pg and U
12	12, 12A, PG and U
15	15, 12A, 12, PG and U
18	18, 15, 12A, 12, PG and U

(2) Where in the case of a double feature, this comprises an 18 category film and a film in any other category, the 18 category film shall be deemed to be the main feature film; and where it comprises a 15 category film and a 12A, 12 or PG or U category film, the 15 category film shall be deemed to be the main feature film; and where it comprises a 12A category film and a PG or U category film, the 12A category film shall be deemed to be the main feature; and where it comprises a 12 category film and a 12A, PG or U category film, the 12 category film shall be deemed to be the main feature film; and where it comprises a PG category film and a U category film, the PG category film shall be deemed to be the main feature film.

Proof by licensee.

12. In the cases referred to in regulations 10 and 11, the licensees of cinematographs and, as the case may be, their agent or employee shall not be guilty of the offence of admitting to the exhibition of a film or programme a person below the requisite age, if he proves to the satisfaction of the court that, having regard to the circumstances, he had reason to believe that the person was of the requisite age, and shall in no case be guilty of an offence if any person under the age specified in the category gains admission to an exhibition of a film or programme from which he is excluded on account of age.

Exhibition of poster.

13. The licensee shall insert on every poster and advertisement exhibited to the public, as soon as the certificate referred to in regulation 7 is issued, one of the following notices, as the case may be, together with any notices to the public containing additional information in terms of regulation 6(3), in block letters:

TEXT NOTICES FOR CINEMA PREMISES

U certificate	Persons of all ages admitted
PG certificate	General viewing, but some scenes may be unsuitable for young children

12A certificate	Suitable for persons of 12 years and over, provided that persons younger than 12 years may attend only when accompanied by an adult
12 certificate	Persons of 12 years and over admitted
15 certificate	Suitable for persons of 15 years and over
18 certificate	Suitable for persons of 18 years and over

Meaning of "film".

14. For the purpose of these regulations the word "film" or "films" shall include posters, notices, photographs, pamphlets or synopsis relative to films.

Responsibility of licensee.

15. The licensee shall be responsible for the correct exhibition of the film to which the certificate refers, as well as for the strict observance of the provisions of these regulations.

Theatrical productions.

16. (1) All dramatic and other stage productions to which the public is admitted, whether by payment or otherwise, must be given a reasonable and proper age-classification, according to the age-classification ratings listed in regulation 6(1). The age-classification shall be exhibited in a conspicuous place at the entrance of the premises and may be communicated to the public by any other means.

(2) The person responsible for determining the age-classification in accordance with these regulations in respect of dramatic and other stage productions shall be the producer; in the absence of an identified producer, it shall be the director; in the absence of both it shall be the registered licensee of the venue; and in his absence, the owner of the venue.

(3) Where necessary, notices to the public containing added information as to the content of the dramatic and other stage productions so classified shall be provided to the public by the person responsible for determining the age-classification in terms of sub-regulation (2). Such notices shall be exhibited, together with the age-classification given, in a conspicuous place at the entrance of the premises and may be communicated to the public by any other means.

(4) The person responsible for determining the age-classification for dramatic and other stage productions in terms of sub-regulation (2), shall do so in line with the guidelines issued by the Guidance Board referred to in regulation 17.

(5) Any recommendation, advice, notice or alternative issued by the Guidance Board for a named dramatic and other stage production shall be exhibited by the responsible person as mentioned in sub-regulation (2), in a conspicuous place at the entrance of the premises and may be communicated to the public by any other means.

Theatre Guidance Board.
Amended by: XV. 2015.37.

17. (1) There shall be a board, to be known as the Guidance Board, which shall be appointed by the Minister and shall consist of:

(*a*) the Chairman of the Arts Council Malta *ex officio*, who shall be the Chairman of the Guidance Board; and

(*b*) not more than four other members who shall possess knowledge and experience relevant to the classification of dramatic and stage productions and specifically in the following areas:

(i) knowledge and experience in the field of dramatic and stage productions;

(ii) issues of public social and psychological concern, including educational issues; and

(iii) development issues affecting persons under 18 years of age,

and any person or persons appointed under paragraph (*b*)(iii) shall be so appointed after consultation with the Commissioner for Children.

The members of the Guidance Board shall occupy such post for a period of three years, which period may be renewed.

(2) Voting shall be by majority, but in the case of an equality of votes, the Chairman shall have a casting vote in addition to his original vote.

Functions of the Guidance Board.

18. (1) The Guidance Board shall have the following functions:

(*a*) to draft guidelines, and update them from time to time, to be consulted by the person responsible for determining the age-classification in terms of regulation 16(2) in deciding the appropriate age-classification to assign to their productions;

(*b*) upon the written request of the person responsible for determining the age-classification in terms of regulation 16(2), give its recommendation, in writing and in a timely fashion, as to which age-classification would be suitable for the dramatic and other stage production in question;

(*c*) receive complaints and grievances by any member of the public who feels aggrieved or offended by any dramatic or stage production.

(2) Complaints and grievances made by members of the public in terms of sub-regulation (1)(*c*) shall be addressed to the Guidance Board and submitted in writing.

(3) Upon receiving any such complaint or grievance, the Guidance Board shall confer with the person responsible for determining the age-classification in terms of regulation 16(2) and may demand to see a rehearsal or staged version of the dramatic and other stage production.

(4) The Guidance Board may decide:

(*a*) to reject the claims contained in the complaint or grievance; or

(*b*) to recommend an alternative age-classification for the dramatic and other stage production; or

(*c*) to recommend that notices regarding the content of the

dramatic and other stage production be drawn up and communicated to the public.

(5) Any guidance, advice, recommendation, opinion or guideline issued by the Guidance Board shall be released in writing and shall be made available to the public.

(6) The Guidance Board shall keep a record of all requests, complaints and correspondence received by it and of all advice, recommendations, opinions and guidelines it issues.

Cap. 490.

(7) The actions and recommendations by the Guidance Board shall respect the provisions of the Administrative Justice Act and the principles contained therein.

Breach of these regulations.

19. Any breach of these regulations shall be brought to the attention of the boards established by these regulations, and such boards shall, unless in their opinion the matter is vexatious or frivolous, refer any such matter to the competent authorities.

Offences and penalties.

20. (1) Any person who gains admission to an exhibition of a film or programme from which he is excluded on account of age shall be guilty of an offence.

(2) Any person who is found guilty by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) of an offence against sub-regulation (1) shall be liable on conviction to a fine (*ammenda*) of not less than one hundred euro (€100) for each contravention, provided that in the case of a second or subsequent offence committed within six months from the date of any previous conviction under these regulations or any other regulations relating to cinemas, such fine shall be of not less than five hundred euro (€500) and not more than one thousand euro (€1000) for each contravention.

Other offences.

21. (1) Any person who exhibits a film in contravention of these regulations or who, in any place to which the public is admitted, whether for payment or otherwise, presents a dramatic or stage production without displaying -

(*a*) the age-classification in respect thereof; or

(*b*) the guidance, opinion or recommendation given by the Guidance Board, if any,

shall be guilty of an offence against these regulations.

(2) Any person who is found guilty by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) of an offence in terms of sub-regulation (1) shall be liable, on conviction:

(*a*) for offences related to films, to a fine (*ammenda*) of not less than one hundred euro (€100) and not more than five hundred euro (€500) for each contravention, provided that in the case of a second or subsequent offence committed within six months from the date of any previous conviction under these regulations or any other regulations relating to cinemas, such fine shall be of one thousand euro (€1000) for each contravention; and

(*b*) for offences related to dramatic or other stage productions, to a fine (*ammenda*) of not less than one hundred euro (€100), and not more than five hundred euro (€500) for each contravention provided that in the case of a second or subsequent offence committed within six months from the date of any previous conviction, such fine shall be of five hundred euro (€500) for each contravention.