c 498 Theatres Act

Ontario
1. In this Act,

(a) "Board" means the Board of Censors referred to in section 3;

(b) "Director" means the Director appointed under this Act;

(c) "exhibit", when used in respect of film or moving pictures, means to show film for viewing for direct or indirect gain or for viewing by the public and "exhibition" has a corresponding meaning;

(d) "film" means cinematographic film, videotape and any other medium from which may be produced visual images that may be viewed as moving pictures;

(e) "film depot" means any building or premises in which film is assembled for shipment;

(f) "film exchange" means the business of renting, leasing, selling or distributing film;

(g) "inspector" means an inspector appointed under this Act;

(h) "Minister" means the Minister of Consumer and Commercial Relations;

(i) "projection equipment" or "projector" means the equipment necessary or used for the transducing from a film to moving images, including equipment for accompanying sound;

(j) "projection room" means the room in which projection equipment is located while in use;
(k) "projectionist" means a person who operates projection equipment;

(l) "regulations" means the regulations made under this Act;

(m) "standard film" means cinematographic film of 35 millimetres or more in width;

(n) "Treasurer" means the Treasurer of Ontario and Minister of Economics. R.S.O. 1970, c. 459, s. 1; 1972, c. 1, s. 56; 1972, c. 3, s. 17 (1); 1975, c. 60, s. 1; 1979, c. 29, s. 1.

Director

2.—(1) The Lieutenant Governor in Council may appoint a Director to administer and enforce this Act and the regulations and he has all the powers of an inspector.

Assistant Director

(2) The Lieutenant Governor in Council may appoint an Assistant Director who shall act in lieu of the Director,

(a) in the absence of the Director; or

(b) when so instructed to act by the Director,

and when so acting has all the powers of the Director. R.S.O. 1970, c. 459, s. 2.

Board

3.—(1) The board known as the Board of Censors is continued and shall consist of the Director who shall be chairman of the Board and the Assistant Director who shall be vice-chairman of the Board and such other persons as the Lieutenant Governor in Council may appoint.

Powers

(2) The Board has power,

(a) to censor any film and, when authorized by the person who submits film to the Board for approval, remove by cutting or otherwise from the film any portion thereof that it does not approve of for exhibition in Ontario;

(b) subject to the regulations, to approve, prohibit or regulate the exhibition of any film in Ontario;
(c) to censor any advertising matter in connection with any film or the exhibition thereof;

(d) subject to the regulations, to approve, prohibit or regulate advertising in Ontario in connection with any film or the exhibition thereof;

(e) to classify any film as adult entertainment;

(f) to classify any film as restricted entertainment; and

(g) to carry out its duties under this Act and the regulations.

(3) The Board may designate one or more of its members to exercise the powers of the Board under clauses (2) (c) and (d) and in the exercise of such powers the member or members so designated have a right of entry to any theatre. R.S.O. 1970, c. 459, s. 3.

4.—(1) The Lieutenant Governor in Council may appoint one or more inspectors who shall carry out such duties as may be assigned to them by this Act or the regulations or by the Director. R.S.O. 1970, c. 459, s. 4 (1).

(2) It is the duty of an inspector and he has power,

(a) to inspect theatres, buildings or premises occupied by film exchanges, projectors and film;

(b) to supervise projectionist’s examinations and tests;

(c) by order in writing, to prohibit the use or exhibition of any film that he believes on reasonable and probable grounds may not be safely used or exhibited;

(d) by order in writing, to prohibit the use of a projector that he believes on reasonable and probable grounds was installed or operated contrary to this Act or the regulations;

(e) to seize, remove and hold any projector that he believes on reasonable and probable grounds was installed or was or is operated, or any film or advertising that he believes on reasonable and
probable grounds was exhibited or was or is used, contrary to this Act or the regulations;

(f) in the performance of his duties to enter any building or premises in which film is exhibited or that is occupied by a film exchange. R.S.O. 1970, c. 459, s. 4 (2); 1971, c. 50, s. 82 (1); 1975, c. 60, s. 2.

5. The Director may require any person having in his possession or under his control films that have been approved by the Board to make a return to the Director showing the number and names of such films and any other information he may require. R.S.O. 1970, c. 459, s. 5.

6.—(1) Any person to whom an inspector has issued an order under section 4 or who claims an interest in any projector, film or advertising seized by an inspector under section 4 may, within ten days after the issue of such order or after seizure, apply to the Director for a review of the order or release of the projector, film or advertising and the Director may, after a hearing, confirm, vary or annul the order of the inspector or direct the release of the projector, film or advertising.

(2) Where a projector, film or advertising has been seized by an inspector under section 4, the Director may, subject to appeal as herein provided, direct that the projector, film or advertising is forfeited to the Crown. 1971, c. 50, s. 82 (2).

7. No person shall obstruct the Director, Assistant Director, a member of the Board or an inspector in the performance of his duties or furnish him with false information. R.S.O. 1970, c. 459, s. 7.

8.—(1) Every constable and other police officer in the performance of his duties may enter any theatre during an exhibition or performance.
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(2) The Fire Marshal, Deputy Fire Marshal and every district deputy fire marshal, inspector or assistant to the Fire Marshal, appointed or designated under the Fire Marshals Act, may enter and inspect any theatre. R.S.O. 1970, c. 459, s. 8.

9.—(1) All licences and renewals, suspensions or cancellations thereof under this Act shall be issued or made by the Director.

(2) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice of a hearing by the Director, until the decision of the Director has become final.

(3) Where, under this Act, the Director is authorized to refuse to renew or to suspend or cancel a licence after a hearing, the notice of the hearing shall contain a statement of the facts or conduct which the Director believes warrant the intended action and shall afford to the licensee a reasonable opportunity to show or to achieve compliance before such hearing with all lawful requirements for the issue or retention of the licence.

(4) The Director shall afford to an applicant or licensee who will be affected by a decision pursuant to a hearing or his representative, an opportunity to examine, before such hearing, any written or documentary evidence that will be introduced or any report the contents of which will be given in evidence at the hearing. 1971, c. 50, s. 82 (3).

THEATRES

10. Theatres are classified and defined as follows:

1. Class A theatre means a building in which standard film is used to exhibit moving pictures and which may be used to exhibit shows and theatrical performances.

2. Class B theatre means a building in which standard film is used to exhibit moving pictures and which may be used to exhibit shows or theatrical performances provided no movable scenery is used.
3. Class C theatre means a building in which standard film is used to exhibit moving pictures and that may be used to exhibit theatrical performances provided no movable scenery is used and no change of dress or costume is made in the theatre.

4. Class D theatre means any premises in which moving pictures are exhibited and viewed by the public from vehicles and commonly known as a drive-in theatre. R.S.O. 1970, c. 459, s. 10.

11. No person shall use any building as a Class A, Class B or Class C theatre without a licence therefor under this Act and no person shall use any premises as a Class D theatre without a licence therefor under this Act. R.S.O. 1970, c. 459, s. 11.

12.—(1) Subject to subsection (2), an applicant for a theatre licence is entitled, on payment of the prescribed fee, to be granted a theatre licence for the class of theatre prescribed by this Act applicable to the building in which the theatre is located, or the premises in which the films are exhibited.

(2) The Director may, after a hearing, refuse to issue a theatre licence to an applicant therefor if,

(a) a theatre licence was previously issued to him under this Act and such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist; or

(b) the theatre or the building in which the theatre is located or the premises in which films are exhibited do not conform to the requirements of this Act and the regulations. 1971, c. 50, s. 82 (4).

13. Subject to section 14, the holder of a theatre licence is entitled to a renewal thereof upon application therefor and payment of the prescribed fee. 1971, c. 50, s. 82 (5), part.

14.—(1) The Director may, after a hearing, refuse to renew, or suspend or cancel a theatre licence,

(a) if the licensee, manager or person in charge of the theatre has contravened any of the provisions of this Act or the regulations and his conduct
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raises a reasonable doubt as to whether he will comply with this Act and the regulations in operating the theatre; or

(b) if the theatre, or the building in which the theatre is located or the premises in which the films are exhibited do not conform to the requirements of this Act and the regulations.

(2) The Director may provisionally suspend a theatre licence if he believes on reasonable grounds that the theatre cannot be safely operated as a theatre and shall immediately give notice of such provisional suspension to the licensee, manager or person in charge of the theatre.

(3) Where the Director has provisionally suspended a theatre licence under subsection (2), if the licensee,

(a) within ten days after receiving notice of the provisional suspension requests the Director to hold a hearing, the Director shall hold a hearing and may thereafter revoke the provisional suspension or, if he finds that the theatre cannot be safely operated, may suspend or cancel the licence; or

(b) does not request the Director to hold a hearing within ten days after receiving notice of the provisional suspension, the Director may cancel the licence and no new licence in place of it shall be issued until such time as the Director finds, on application of the licensee, that the theatre can be safely operated. 1971, c. 50, s. 82 (5), part.

15. Every theatre licence shall be displayed at all times in a conspicuous place at the entrance to the theatre. R.S.O. 1970, c. 459, s. 16.

16. No municipality shall,

(a) license a theatre unless a licence therefor is in force under this Act;

(b) refuse to licence a theatre when a licence therefor is in force under this Act; or

(c) charge a greater fee for licensing a theatre than that charged for a theatre licence under this Act in respect of the same theatre. R.S.O. 1970, c. 459, s. 17.
17. The licensee, manager or person in charge of a theatre is responsible for ensuring that the provisions of this Act and the regulations respecting theatres and the exhibition of moving pictures therein are complied with. R.S.O. 1970, c. 459, s. 18.

18. No projector shall be operated in a theatre unless the projection equipment is installed in conformity with this Act and the regulations and has been approved by an inspector. R.S.O. 1970, c. 459, s. 19.

19.—(1) All aisles, approaches, passageways, exits and stairways in a theatre shall be kept free and unobstructed and the public shall not be permitted to stand therein except in standing areas approved by the Director.

(2) The licensee of every theatre who desires standing areas in the theatre shall submit a plan of the foyer and lobby of the theatre, in triplicate, to the Director who shall indicate on the plan the standing areas approved by him and shall return one copy of the plan to the licensee.

(3) A copy of every plan showing the standing areas approved by the Director shall be kept in the office of the manager in the theatre in respect of which the plan was submitted and shall be available for inspection at all times. R.S.O. 1970, c. 459, s. 20.

20.—(1) No person apparently under twelve years of age not accompanied by a person apparently sixteen years or more of age shall be permitted to purchase a ticket of admission or be granted admission to an exhibition of moving pictures in a theatre,

(a) after the hour of 7.30 p.m. on any day;

(b) during the school term of public and secondary schools in the municipality in which the theatre is situated, except,

(i) during school holidays between the hours of 9 a.m. and 7.30 p.m., and

(ii) during any other day during the term between the hours of 3.30 p.m. and 7.30 p.m.

(2) Where an exhibition of moving pictures is given in a theatre and persons under twelve years of age not accompanied by persons sixteen years or more of age are permitted to attend, a matron shall be on duty in the theatre.
(3) Every matron shall be eighteen years or more of age and dressed in a uniform of a type approved by the Director.

(4) No person apparently under eighteen years of age shall be permitted to purchase a ticket of admission or be granted admission to or permitted to remain in a theatre where a film classified as restricted entertainment is about to be or is being exhibited.

(5) In any prosecution for a contravention of subsection (1) or (4), the provincial judge shall determine from the appearance of any person and other relevant circumstances whether he is apparently under the age referred to in subsection (1) or (4), as the case may be. R.S.O. 1970, c. 459, s. 21.

21.—(1) Where a fire, panic or accident occurs in a theatre, the licensee or, in his absence, the manager shall immediately notify the Director thereof by telephone or telegraph and, except in the case of a fire confined to the projection room, shall forthwith notify him in writing stating the apparent cause of the fire, panic or accident and any damage or injury resulting therefrom. R.S.O. 1970, c. 459, s. 22.

22.—(1) The national anthem shall be played in every theatre at the commencement of the first or at the conclusion of the last exhibition or performance given each day.

(2) Where a matinee exhibition or performance is given and the theatre is closed for any period of time before the evening exhibitions or performances are given, the national anthem shall be played at the commencement or conclusion of the matinee exhibition or performance and at the commencement of the first or at the conclusion of the last evening exhibition or performance given each day. R.S.O. 1970, c. 459, s. 23.

23.—(1) Where a film that has been classified as adult or restricted entertainment is exhibited in a theatre, such signs as the regulations may prescribe indicating that the film exhibited is adult or restricted entertainment shall be displayed in such manner as the regulations may prescribe.
(2) All advertising matter in connection with a film classified by the Board as adult or restricted entertainment or the exhibition thereof shall indicate in such manner as the regulations may prescribe that the film is adult or restricted entertainment. R.S.O. 1970, c. 459, s. 24.

24. The council of a city, town, village or township may pass by-laws prohibiting the construction of a theatre within sixty metres of a church or place of worship. R.S.O. 1970, c. 459, s. 25; 1978, c. 87, s. 14.

PROJECTIONISTS

25. No person shall,

(a) operate a projector designed for the use of standard film; or

(b) operate a projector in a theatre,

unless such person is licensed as a projectionist under this Act and no licensee, manager or person in charge of a theatre shall permit any person to operate a projector in a theatre unless such person is licensed as a projectionist under this Act. R.S.O. 1970, c. 459, s. 26.

26. Projectionist licences are classified as first class, second class and apprentice. R.S.O. 1970, c. 459, s. 27.

27. An application for examinations and tests for any class of projectionist licence shall be made to the Director accompanied by the prescribed fee. R.S.O. 1970, c. 459, s. 28.

28. The examinations and tests provided by the Director shall be designed to determine the competence and ability of an applicant to act as a projectionist under the class of licence for which he applies. 1971, c. 50, s. 82 (6).

29.—(1) Where an applicant fails to pass the examinations and tests required by the Director, he is not eligible to try the examinations and tests a second time until he has worked as an apprentice or as the holder of a second-class licence, as the case may be, for such further period as the Director requires.

(2) Where an applicant fails to pass the examinations and tests a second time, he is not eligible to try such examinations and tests again except by leave of the Director. R.S.O. 1970, c. 459, s. 29.
30.—(1) Subject to subsection (4), the holder of a second-class licence who has passed the examination and tests required by the Director for a first-class licence is entitled, on payment of the prescribed fee, to be issued a first-class licence by the Director.

(2) Subject to subsection (4), a person,

(a) who is the holder of an apprentice licence and who has served as an apprentice for the period prescribed by the regulations; or

(b) who has operated projection equipment elsewhere than in Ontario for a period longer than the period prescribed by the regulations to be served by an apprentice,

and who has passed the examinations and tests required by the Director for a second-class licence, is entitled, on payment of the prescribed fee, to be issued a second-class licence by the Director.

(3) Subject to subsection (4), a person,

(a) who is eighteen years or more of age; and

(b) who furnishes to the Director,

(i) proof of age,

(ii) satisfactory evidence of physical ability to handle projection and fire-fighting equipment, and

(iii) satisfactory evidence that he does not suffer from any physical or mental disability that would prevent him from operating projection equipment safely,

is entitled, on payment of the prescribed fee, to be issued an apprentice licence by the Director.

(4) The Director may, after a hearing, refuse to issue a projectionist licence to a person to whom a projectionist licence was previously issued under this Act if such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist. 1971, c. 50, s. 82 (7), part.
31. Projectionist licences are not transferable. 1971, c. 50, s. 82 (7), part.

32. Subject to section 33, the holder of a projectionist licence is entitled to a renewal thereof upon application therefor and payment of the prescribed fee. 1971, c. 50, s. 82 (7), part.

33. The Director may, after a hearing, refuse to renew or suspend or cancel the licence of a projectionist,

(a) if he has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in the operation of a projector; or

(b) if he suffers from any physical or mental disability that prevents him from operating projection equipment safely or from handling fire-fighting equipment. 1971, c. 50, s. 82 (7), part.

34. No licensee, manager or person in charge of a theatre shall knowingly permit a projectionist to contravene any of the provisions of this Act or the regulations. R.S.O. 1970, c. 459, s. 35.

CENSOR OF FILMS AND ADVERTISING

35. All film before being exhibited in Ontario shall be submitted to the Board for approval, accompanied by the prescribed fee. R.S.O. 1970, c. 459, s. 36.

36. When film is approved by the Board, it shall be so stamped. R.S.O. 1970, c. 459, s. 37.

37.—(1) Every film or class of film submitted to the Board for approval under section 35 shall be in such lengths or units as are prescribed by the regulations and each such length or unit shall be in a container therefor.

(2) A certificate signed by the chairman or vice-chairman of the Board shall be issued in respect of the approval of the film in each container and shall accompany the film at all times. 1975, c. 60, s. 3.

(3) Where certificates are lost or destroyed, application for duplicate certificates may be made to the Board setting forth the title of the film and the number of certificates lost or destroyed, and accompanied by the prescribed fee. R.S.O. 1970, c. 459, s. 38 (2).
38. No person shall exhibit or cause to be exhibited in Ontario any film that has not been approved by the Board. R.S.O. 1970, c. 459, s. 39.

39. No person shall alter or cause to be altered any film from its state as approved by the Board. R.S.O. 1970, c. 459, s. 40.

40.—(1) No person shall use or display any advertising matter in connection with film or the exhibition thereof unless a sample of the advertising matter has been approved by the Board.

(2) Before advertising matter in connection with film or the exhibition thereof is used or displayed in Ontario, a sample thereof in duplicate accompanied by the prescribed fee shall be submitted to the Board for approval.

(3) Where a sample of advertising matter is approved by the Board, it shall be so stamped and one sample shall be returned to the person who submitted it. R.S.O. 1970, c. 459, s. 41.

FILM EXCHANGES

41. No person shall carry on the business of a film exchange without a licence therefor from the Director. 1975, c. 60, s. 4.

42.—(1) Subject to subsection (2), an applicant for a film exchange licence is entitled, on payment of the prescribed fee, to be granted a film exchange licence.

(2) The Director may, after a hearing, refuse to issue a film exchange licence to an applicant therefor,

(a) if a film exchange licence was previously issued to him under this Act and such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist; or

(b) where the application is for a standard film exchange licence, if the building in which the film exchange is located,

(i) is not of fire resistive construction in that portion of the building in which film is handled or stored,

(ii) is occupied in whole or in part as a dwelling,

(iii) is occupied in whole or in part by another business that is dangerous to the carrying on of the business of the film exchange, or
(iv) otherwise does not comply with this Act and the regulations. 1971, c. 50, s. 82 (8).

Renewal of licence

43. Subject to section 45, the holder of a film exchange licence is entitled to a renewal thereof upon application therefor and payment of the prescribed fee. 1971, c. 50, s. 82 (9), part.

Transfer of licence

44.—(1) The holder of a film exchange licence is entitled to transfer his licence with the written consent of the Director.

Consent of Director

(2) The Director shall not refuse his consent under subsection (1) if the transferee would be entitled to the issue of the film exchange licence if he made application therefor. 1971, c. 50, s. 82 (9), part.

Refusal to renew, suspension or cancellation

45. The Director may, after a hearing, refuse to renew or suspend or cancel any film exchange licence if,

(a) the licensee has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in carrying on the business of a film exchange; or

(b) the issue of a licence would be refused under clause 42 (2) (b) if the licensee were an applicant for a licence. 1971, c. 50, s. 82 (9), part.

Distribution of standard film

46. No film exchange shall supply standard film to any person who does not hold a theatre licence under this Act or a licence under this Act to exhibit standard film in any building or premises other than a theatre in respect of which a licence is in force under this Act. R.S.O. 1970, c. 459, s. 48.

Distribution of advertising matter

47. No film exchange or agent therefor shall supply any person with advertising matter in connection with film or the exhibition thereof that has not been approved by the Board. R.S.O. 1970, c. 459, s. 49.

Fire loss

48. Where a fire occurs in a building or premises occupied by a film exchange or where any film of the film exchange is damaged or lost by reason of a fire elsewhere than in the building or premises occupied by the film exchange, the licensee of the film exchange or, in his absence, the person in
charge shall forthwith notify the Director in writing stating the apparent cause of the fire and any damage or loss resulting therefrom. R.S.O. 1970, c. 459, s. 50.

49. No film other than film having a cellulose acetate base or a base having equivalent slow-burning characteristics and commonly known as safety film shall be kept or stored in a film exchange or film depot. R.S.O. 1970, c. 459, s. 51.

BUILDING PLANS

50.—(1) No person shall construct or alter any building or premises intended for use as a theatre or to be occupied by a film exchange until the plans of the proposed construction or alteration have been submitted to the Director and have been approved by the Director in that they comply with the provisions of this Act and the regulations and provide for the safe operation of the theatre or film exchange.

(2) Before refusing approval of any plans submitted to him under subsection (1), the Director shall hold a hearing of the application for approval. 1971, c. 50, s. 82 (10).

51. The Director shall not approve the plans for the construction of a Class D theatre unless there is submitted with the application for such approval a copy of a resolution of the council of the local municipality in which such theatre is proposed to be constructed authorizing the construction of such theatre in the municipality, and such approval shall not be deemed to be a licence under section 11. R.S.O. 1970, c. 459, s. 53.

52. In the event of a conflict between this Act and the regulations and a municipal building by-law, this Act and the regulations prevail. R.S.O. 1970, c. 459, s. 54.

MISCELLANEOUS LICENCES

53.—(1) No person shall operate a projector designed for the use of film other than 35 millimetre cinematographic film for hire or gain without a licence therefor from the Director. 1975, c. 60, s. 5.

(2) Subject to section 55, an applicant for a licence under this section is entitled, on payment of the prescribed fee, to be issued the licence. 1971, c. 50, s. 82 (11).
54.—(1) No person shall exhibit standard film in any building or premises other than a theatre in respect of which a licence is in force under this Act without a licence therefor from the Director. R.S.O. 1970, c. 459, s. 56 (1).

(2) Subject to section 55, an applicant for a licence under this section is entitled, on payment of the prescribed fee, to be issued the licence. 1971, c. 50, s. 82 (12).

(3) A licence issued under this section remains in force for such term as is specified in the licence. R.S.O. 1970, c. 459, s. 56 (3).

55.—(1) The Director may, after a hearing, refuse to issue a licence to an applicant for a licence under section 53 or 54 who was previously issued a licence of the type for which he applies if such licence was cancelled and the grounds for such cancellation continue to exist.

(2) The Director may, after a hearing, cancel a licence issued under section 53 or 54 if the licensee has contravened any of the provisions of this Act or the regulations and his conduct raises a reasonable doubt as to whether he will comply with this Act and the regulations in operating a projector or exhibiting films pursuant to the licence. 1971, c. 50, s. 82 (13).

APPEAL

56. No licence shall be suspended under this Act for a period longer than three months. 1971, c. 50, s. 82 (14), part.

57.—(1) Any person who considers himself aggrieved by a decision of the Director or Assistant Director under this Act may, within fifteen days after receipt of the decision, appeal to the judge of the county or district court of the county or district,

(a) in the case of a decision relating to a licence for or approval of a theatre or film exchange in which the building or premises to which the decision relates are located; or

(b) in any other case, where the person to whom the decision relates resides,

by applying to the judge for a hearing.
(2) A judge to whom an application is made under subsection (1) may extend the time for making the application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension and may give such direction as he considers proper consequent upon the extension.

(3) Where a person appeals under this section to a judge, the judge shall appoint a time for and hear the appeal by way of a hearing *de novo* and the judge may affirm or reverse the decision of the Director or make a new decision in substitution therefor and for such purpose has all the powers of the Director to make such decision as he considers proper.

(4) The appellant and the Director or the Assistant Director from whose decision the appeal is taken are parties to an appeal under this section.

(5) The oral evidence taken before the judge at a hearing shall be recorded, and if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court.

(6) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. 1971, c. 50, s. 82 (14), *part.*

58.—(1) Any party to proceedings before a judge under section 57 may appeal from his decision to the Divisional Court in accordance with the rules of court.

(2) Where any party appeals from a decision of a judge, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision was made, which, together with the transcript of the evidence if it is not part of the judge’s record, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

(4) An appeal under this section may be made on questions of law or fact or both and the court may exercise all the powers of the judge, and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper. 1971, c. 50, s. 82 (14), *part.*
59. The bringing of an appeal under section 57 or 58 does not affect the suspension or cancellation of a licence pending the disposition of the appeal. 1971, c. 50, s. 82 (14), part.

60. Where a licence has been suspended or cancelled under this Act pursuant to a decision of the Director or Assistant Director or by a judge or court on appeal therefrom, the Minister may, where he considers that undue hardship will be caused by such suspension or cancellation, and that it is not contrary to the purposes of this Act to do so, annul the suspension or cancellation. 1971, c. 50, s. 82 (14), part.

OFFENCES

61.—(1) Every person who,

(a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(b) knowingly fails to comply with any order, direction or other requirement made under this Act; or

(c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein. 1975, c. 60, s. 6.

62. All fees collected under this Act shall be paid to the Treasurer and shall form part of the Consolidated Revenue Fund. R.S.O. 1970, c. 459, s. 59.

REGULATIONS

63.—(1) The Lieutenant Governor in Council may make regulations,

1. prescribing the type of construction, heating, ventilating and lighting for theatres or any class thereof or for buildings or premises occupied or to be occupied
by film exchanges and regulating and governing the design, construction, alteration, maintenance, repair, heating, ventilating and lighting of theatres or any class thereof or of buildings or premises occupied by film exchanges;

2. prescribing, regulating and governing the equipment to be used for the prevention and extinguishment of fire in theatres or any class thereof or in buildings or premises occupied by film exchanges;

3. prescribing the equipment, apparatus or furnishings or the type thereof to be used in theatres or any class thereof or in buildings or premises occupied by film exchanges;

4. regulating and governing the arrangement and use of equipment, apparatus or furnishings in theatres or any class thereof or in buildings or premises occupied by film exchanges;

5. prescribing the type of construction for vaults to be used for the storage of film or any class or type thereof;

6. providing that any material to be used in the construction, alteration, maintenance, repair, heating, ventilating or lighting of theatres or any class thereof or of buildings or premises occupied or to be occupied by film exchanges shall be approved by the Director and that any equipment, apparatus or furnishings to be used in theatres or in buildings or premises occupied by film exchanges or the arrangement or use thereof shall be approved by the Director;

7. regulating and governing the storage of film or any type or class thereof, advertising matter in connection with film or the exhibition thereof, film cement or any flammable material;

8. providing that film depots shall conform to any of the provisions of this Act or the regulations respecting film exchanges;

9. prohibiting and regulating the use and exhibition of film or any type or class thereof;

10. prohibiting and regulating the use and display of any advertising matter in connection with any film or the exhibition thereof;
11. requiring any proportion of films available for distribution to exhibitors or of films exhibited in theatres or any class thereof to be of Canadian manufacture and origin and fixing such proportion on a monthly or yearly basis;

12. prescribing the responsibilities and duties of projectionists or of any class thereof;

13. prescribing the terms and conditions under which projection equipment may be operated;

14. prescribing the terms and conditions under which film or any type or class thereof may be sold, rented, leased, exhibited or distributed;

15. prescribing the nature of the plans to be submitted to the Director under this Act and the qualifications of persons by whom such plans are to be prepared and certified;

16. prescribing the signs that shall be displayed in respect of the exhibition in a theatre of film classified by the Board as adult or restricted entertainment and the manner in which the signs shall be displayed;

17. prescribing the manner in which advertising matter in connection with any film classified by the Board as adult or restricted entertainment or the exhibition thereof shall indicate that the film has been so classified;

18. regulating and governing the conduct of projectionists or other persons in theatres or any class thereof or in buildings or premises occupied by film exchanges;

19. providing for the issue, expiry, renewal and transfer of theatre licences or film exchange licences or any class thereof and prescribing the fees therefor;

20. prescribing the fees to be paid by applicants for examinations and tests for any class of projectionist licence;

21. providing for the issue, expiry and renewal of projectionist licences or any class thereof and prescribing the fees therefor;

22. prescribing the period of time to be served by a person holding an apprentice licence as a pro-
jectionist before he is eligible to be granted a second-class licence as a projectionist;

23. prescribing the fees to be paid for censoring and approving of film or reels or of any type or class of film or reels;

24. prescribing the lengths or units in which film or any class of film shall be submitted to the Board for approval under section 35;

25. prescribing the fees to be paid for censoring and approving of advertising matter in connection with any film or the exhibition thereof;

26. prescribing the fees to be paid for the issue of certificates of approval and duplicates thereof;

27. providing for the issue of licences to exhibit standard film in buildings or premises other than a theatre in respect of which a licence is in force under this Act and prescribing the fees therefor;

28. providing for the issue, expiry and renewal of licences to operate projectors designed for the use of film 16 millimetres in width and prescribing the fees therefor;

29. prescribing forms and stampings and providing for their use;

30. exempting any theatre, film exchange, projector, or film, or any class or type thereof, from any of the provisions of this Act or the regulations. R.S.O. 1970, c. 459, s. 60 (1); 1971, c. 50, s. 82 (16, 17); 1975, c. 60, ss. 7, 8; 1979, c. 29, s. 6.

(2) Any regulation made under this section may be limited as to time or place, or both.

(3) Any word or expression used in this Act or the regulations may be defined in the regulations for the purposes of the regulations. R.S.O. 1970, c. 459, s. 60 (2, 3).