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c 389 Theatres and Cinematographs Act

Ontario

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CHAPTER 389

The Theatres and Cinematographs Act

1. Notwithstanding anything to the contrary in any other Regulations. Act the Lieutenant-Governor in Council may make regulations similar or different in different localities, or with reference to different classes of building, or having application to different classes of performances or to different conditions governing the erection, operation and safety of theatres, public halls and buildings occupied by film exchanges, including inspection and supervision, and shall have every power for such purpose which shall be necessary to carry into effect the terms of this section. R.S.O. 1937, c. 319, s. 1.

2. The Lieutenant-Governor in Council may impose a Licensing and regulating theatres, picture shows, etc. licence upon and make regulations for licensing and defining theatres and public halls and the using and operating of cinematographs, moving picture machines or other similar apparatus, for prescribing terms and conditions under which such machines shall be operated, for licensing, operating and defining film exchanges, for prohibiting or regulating films or slides to be exchanged or exhibited, for prescribing the terms and conditions under which such films may be sold, leased or exchanged, providing for payment of licence fee or fees on each film displayed in Ontario, for regulating and examining, re-examining and grading projectionists and apprentices, for prohibiting or regulating the printing, exhibition or display of pictures or advertising matter, requiring that a proportion of the films available for distribution to exhibitors, and the films exhibited in each theatre, shall be of British manufacture and origin, and fixing such proportions on a monthly or yearly basis, and fixing fees to be paid for censoring films, pictures or advertising matter. R.S.O. 1937, c. 319, s. 2; 1941, c. 55, s. 38.

3.—(1) The Lieutenant-Governor in Council may appoint a Board of Censors. Board of Censors, to hold office during pleasure, composed of such number of persons as may be deemed necessary, who shall have power to permit or to prohibit the exhibition of any film or slide which it is proposed to use in Ontario and to permit or prohibit the exhibition of any film or slide in any theatre, and the Treasurer of Ontario may from time to time appoint temporary members of the Board of Censors.

Appeal
from
Board.

(2) There shall be an appeal from the Board of Censors to the person, body or court designated and subject to the conditions prescribed by regulation of the Lieutenant-Governor in Council.

Inspector.

(3) The Lieutenant-Governor in Council may appoint an inspector to inspect theatres, cinematographs, moving picture machines or other similar apparatus and perform such other duties as the Lieutenant-Governor in Council may require.

Secretary
and clerical
assistance.

(4) The Lieutenant-Governor in Council may appoint a secretary to the inspector and such other assistants as may be deemed necessary and every such assistant shall have authority to act in lieu of the inspector when directed by him so to do, and the inspector shall prescribe the duties of each of such assistants and shall have the superintendence of the office. R.S.O. 1937, c. 319, s. 3.

Films to be
stamped by
Board of
Censors.

4. No cinematograph, moving picture machine or other similar apparatus shall exhibit any films which have not been stamped by the Board of Censors, and no such cinematograph, moving picture machine or other similar apparatus shall be kept or exhibited for entertainment until the owner, user or exhibitor of such apparatus has complied with the regulations and obtained a licence from the Treasurer of Ontario. R.S.O. 1937, c. 319, s. 4.

Stamps to
show on
film.

5. All films passed or permitted to be exhibited by the Board of Censors shall be stamped in such manner that the stamp will show plainly upon the film. R.S.O. 1937, c. 319, s. 5.

Licence fee.

6.—(1) Every owner, lessee or manager of a theatre and the user or exhibitor of every cinematograph, moving picture machine or other similar apparatus, the owner, lessee or manager of every film exchange and the person operating such cinematograph, moving picture machine or other similar apparatus shall each pay in such manner as may be fixed by regulation to the Treasurer of Ontario an annual licence fee.

Amount.

(2) The amount of the licence fee shall be fixed by the regulations, and no municipal corporation shall charge a greater licence fee than is so fixed. R.S.O. 1937, c. 319, s. 6.

Exhibiting
in violation
of regula-
tions.

7. Any person in charge of such cinematograph, moving picture machine or other similar apparatus, or the owner, proprietor, manager or person having control thereof who uses any such machine for public entertainment without having complied with, or in contravention of the regulations, or without having a licence therefor from the Treasurer of Ontario, or who exhibits films not authorized by the Board of Censors

as required by this Act shall be guilty of an offence against this Act. R.S.O. 1937, c. 319, s. 7.

8. No municipal corporation shall issue a licence to any theatre or for any cinematograph, moving picture machine or other similar apparatus to which this Act applies until the applicant produces a licence for such theatre, cinematograph, moving picture machine or other similar apparatus from the Treasurer of Ontario, nor shall a municipal corporation refuse a licence to any holder of a provincial licence, and any member or officer of a municipal corporation who is a party to the issue or refusal of any licence in contravention of this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of \$20. R.S.O. 1937, c. 319, ss. 8, 14 (1).

Municipal licences not to be issued until provincial licence granted.

9. A child under the age of 16 years unaccompanied by an adult shall not be permitted to attend any exhibition by cinematograph, moving picture machine or other similar apparatus for admission to which a fee is charged, except on Saturday of each week and on school, public and legal holidays, between the hours of 9 a.m. and 6 p.m., during which hours a matron to be remunerated by the exhibitor shall be engaged in each theatre whose duty it shall be to supervise the conduct of such children and of adults toward them while in such theatre, the appointment of such matron to be sanctioned in such manner as the Treasurer of Ontario may direct, and the Treasurer of Ontario may at any theatre in his discretion dispense with the attendance of a matron. R.S.O. 1937, c. 319, s. 9.

Children under 16 years of age attending shows.

10. Every person who contravenes any of the provisions of this Act, except sections 8, 11 and 23, or any regulation shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$20 and not more than \$200, and a further penalty of \$25 for every day after conviction upon which such offence continues. R.S.O. 1937, c. 319, ss. 10, 14 (1).

Penalty.

11. If any breach of this Act or of any of the regulations causes directly or indirectly bodily injury or loss of life, the owner, lessee, manager, operator or other person through or by whom such breach occurred shall, in addition to any other penalty prescribed by law, be liable to imprisonment for a term of not more than one year. R.S.O. 1937, c. 319, s. 11.

Liability for bodily injury or loss of life.

12. For the purpose of enforcing the provisions of this Act and of the regulations, the Ontario Provincial Police or the inspector or such other person appointed under this Act are hereby empowered and directed at any time to inspect any

Inspection by Ontario Provincial Police.

cinematograph, moving picture machine or other similar apparatus which is used or kept on premises licensed under this Act. R.S.O. 1937, c. 319, s. 12.

Duty of
chief
constable.

13. In a city, town or village it shall also be the duty of the chief constable or chief of police to enforce the provisions of this Act and the regulations. R.S.O. 1937, c. 319, s. 13.

Application
of penalties.

14. The penalties recovered for a contravention of this Act shall be paid to the Treasurer of Ontario. R.S.O. 1937, c. 319, s. 14 (2).

Regulations
generally.

15. The Lieutenant-Governor in Council shall have power to make such regulations as may be deemed necessary, advisable or convenient for the purpose of carrying into effect the provisions of this Act. R.S.O. 1937, c. 319, s. 15.

Returns.

16. Every owner, lessee or manager of a theatre and the user or exhibitor of every moving picture machine, cinematograph or other similar apparatus shall make such returns to the Treasurer as the Lieutenant-Governor in Council may by regulation require, respecting,

- (a) the seating capacity of the theatre or other building in which exhibitions are given;
- (b) the construction of the theatre or other building and the means of exit therefrom;
- (c) the number of performances or exhibitions given during the period fixed by the regulations and the nature thereof;
- (d) the number of persons admitted to such performances or exhibitions;
- (e) the charges made for admission to such theatre or other building or to any part thereof or to any class of seats therein at such performances or exhibitions;
- (f) the receipts from the sale of tickets or admissions to the said performances or exhibitions;
- (g) any other matter that the Lieutenant-Governor deems necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 319, s. 16.

Declarations
and
affidavits,
how taken.

17. Declarations or affidavits in connection with the issue of any licence under this Act or required by regulations passed pursuant to this Act, may be taken before any person having authority to administer oaths or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor. R.S.O. 1937, c. 319, s. 17.

18. At every theatre in Ontario the National Anthem shall be played at the conclusion of each performance. R.S.O. 1937, c. 319, s. 18. Playing of National Anthem.

19. The council of a municipal corporation may pass by-laws prohibiting the erection of any theatre within 200 feet of a church or place of worship. R.S.O. 1937, c. 319, s. 19 (1). Prohibiting erection of theatre near church.

20. The inspector may in his discretion refuse to grant or may revoke for cause, or suspend any licence issued under this Act but any such decision of the inspector shall be subject to appeal to the Treasurer of Ontario. R.S.O. 1937, c. 319, s. 20. Discretion as to granting, refusing or revoking licences.

21. A projectionist or apprentice may appeal from any decision of the inspector to an appeal board appointed by the Treasurer of Ontario. R.S.O. 1937, c. 319, s. 21; 1941, c. 55, s. 38. Appeal by operator or apprentice.

22. A licence to operate a theatre shall be granted only when the building in which the theatre is located is of fire-resistive construction, provided that the inspector may in his discretion extend the time for altering or otherwise rendering any such building fire-resistive. R.S.O. 1937, c. 319, s. 22. Fire prevention.

23.—(1) No person shall have in his possession at or near any theatre, public hall or other place of amusement which is subject to this Act or the regulations made thereunder, or shall carry or bring in or upon, or attempt to carry or bring in or upon, or aid or assist in carrying or bringing in or upon any such premises, or shall throw, deposit, inject, or attempt to throw, deposit or inject, or aid or assist in throwing, depositing or injecting, in or upon any such premises, any vile, noxious, offensive smelling or injurious liquid, gas or solid, or any stink or stench bomb in any form, or any device from which such liquid, gas or solid may be liberated, and which upon being liberated may inconvenience, cause discomfort to or discom-mo-
mode any person, or do damage to any property. Prohibition as to possession of noxious substances in or near theatre, etc.

(2) Every person who contravenes any of the provisions of subsection 1 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$500 and not more than \$1,000, and to imprisonment for one year, and if such penalty is not paid, to an additional term of imprisonment of nine months. R.S.O. 1937, c. 319, s. 23. Penalty.

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