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# GOVERNMENT NOTICE

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## DEPARTMENT OF HOME AFFAIRS

No. R. 165

20 February 2006

### FILMS AND PUBLICATIONS ACT

#### FILMS, PUBLICATIONS AND INTERNET REGULATIONS

The Film and Publication Board has, under section 31(2) of the Films and Publications Act, 1996 (Act No. 65 of 1996), made the Regulations in the Schedule.

#### SCHEDULE

##### Definitions

1. In these Regulations, any meaning assigned to any word or expression in the Act will have that meaning and, unless the context indicates otherwise-

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

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

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

**"prescribed fee"** means the applicable fee prescribed by the Minister under section 31(1)(a) of the Act;

**"restricted film"** means a film which contains any scene described in Schedule 6 or 7, read with Schedule 9, or any scene described in Schedule 10, of the Act;

**"submittable publication"** means a publication contemplated in section 17(4) of the Act;

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

**"unrestricted film"** means a film which does not contain any scene described in either Schedule 6 or 7 of the Act.

## PROCEDURES

### Registration as a distributor and/or exhibitor of films

2. Any person who intends to distribute or exhibit any film shall first register with the Board as a distributor or exhibitor, or a distributor and exhibitor, of films by completing, in all respects, and returning, to the Chief Executive Officer, Form FPB/R/18/1A, together with the prescribed fee.

### Procedure for complaints against publications

3. A complaint in terms of section 16(1) of the Act that a publication distributed in South Africa, which has not been decided upon by the Board, be referred to a classification committee for a decision and classification in terms of section 17(1) of the Act, shall be submitted, in writing, to the Chief Executive Officer of the Board and shall include the following-

- (a) the publication or a copy thereof or, where it is not practical to submit the publication or a copy thereof, the full address of the place where that publication may either be obtained or examined by the Board;
- (b) the full name and address, including a contact telephone or fax number and, if available, an e-mail address, of the complainant, unless the complainant wishes to remain anonymous;
- (c) the title of the publication forming the subject-matter of the complaint;
- (d) the date and number of the edition or issue of the publication;
- (e) the name and address of the publisher;
- (f) the name and address of the distributor of that publication in South Africa; and
- (g) a brief statement of the complaint in which reference is made to page numbers and specific paragraphs or lines forming the subject-matter of the complaint.

### Classification of publications

4. Any person who intends to publish, distribute or exhibit any publication contemplated in section 17(4) of the Act, shall submit such publication to the Chief Executive Officer of the Board, prior to its publication, distribution or exhibition, together with completed Form FPB/SP/17(4) and the prescribed fee.

5. An application in terms of section 16(2) of the Act shall be done on completed Form FPB/RCP/16, and submitted to the Chief Executive Officer together with the prescribed fee.

**Classification of films**

6. (1) An application for the classification of a film in terms of section 18(1) of the Act shall be done on completed Form FPB/FC/18/1A(b).
- (2) Where the film contemplated in subsection (1) is in home-entertainment format, a copy of the film in the format of its intended distribution, shall be submitted with the application to the Chief Executive Officer of the Board.
- (3) Where the film contemplated in subsection (1) is in a public-entertainment format, the applicant shall, at her or his own expense, arrange for the screening of that film to a classification committee of the Board at a venue, date and time agreed to by the Board.
7. (1) An application in terms of section 18(8) shall be submitted to the Chief Executive Officer on completed Form FPB/RC/18/8, together with the prescribed fee.
- (2) Where there have been changes to the film submitted in terms of subsection (1) since it was last classified, a copy of the film, if in home-entertainment format, incorporating the changes, must be submitted with the application. In the case of a film in public-entertainment format, arrangements for the screening of that film to the Board, at the expense of the applicant, must be made at a venue and on a date and at a time agreed to by the Board.
8. An application for exemption from sections 25, 27 and 28 of the Act shall be made on completed Form FPB/E/22 and submitted to the Chief Executive Officer of the Board, together with the prescribed fee.
9. An application for exemption from section 26 of the Act shall be made on completed Form FPB/E/23 and submitted to the Chief Executive Officer of the Board, together with the prescribed fee.
10. An application for the classification of a film which has been exempted in terms of section 8 or 9, for subsequent release for general distribution or exhibition, shall be made in the manner specified in section 6.
11. 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 done on completed Form FPB/E/26(e), and shall be submitted to the Chief Executive Officer together with the prescribed fee.

**Internet service providers**

12. An Internet service provider shall register with the Board by completing, in all respects, and returning to the Chief Executive Officer, Form FPB/ISP/27A, together with the prescribed registration fee.

### **Appeal to the Review Board**

13. An appeal under section 20(1) of the Act shall be made by completing, in all respects, and returning to the Chief Executive Officer, a Notice of Appeal, on Form FPB/RB/20, together with the prescribed fee.

14. The Notice of Appeal must-

- (i) set out the name and address of the appellant and indicate the interest she, he or it has in the outcome of the appeal
- (ii) identify the decision which is the subject of the appeal
- (iii) contain a concise statement of the grounds of appeal, with reasons for the conclusion that that decision is incorrect, with reference to the classification guidelines where the appeal is against a classification or reclassification decision
- (iv) indicate, with supporting arguments and copies of any document upon which the appellant will rely, what the decision ought to have been
- (v) be signed by the appellant or a duly authorized representative of the appellant, and
- (vi) be accompanied by proof of payment of the applicable fee.

15. The Board shall, within 7 days from the date on which the Notice of Appeal was received, prepare and serve on the appellant a written response to the appeal, setting out the Board's reasons for the decision, together with any documents that the Board may produce in support of its decision.

16. The appellant may, within a period of 7 days from the date when the Board's reply was received, respond to the Board's submissions, together with any further documents that may be used to support the appeal.

17. Immediately after the expiry of the period referred to in paragraph 16 above, the Board shall, forthwith:

- (i) serve on the Chairperson and each member of the Review Board, copies of the Notice of Appeal, the response of the Board, the further submissions of the appellant and all supporting documents, and
- (ii) in consultation with the Chairperson of the Review Board, notify the appellant and each member of the Review Board, of the date, time and venue of the hearing of the appeal.

**Repeal of Regulations**

18. Regulation No R. 57, 1998, published in Vol. 395 No. 18935 of 29 May 1998, is hereby repealed with effect from the date of the publication in the *Gazette* of these regulations.

**Short Title and Commencement**

19. These Regulations shall be called the Films and Publications Regulations 2006 and shall come into effect on the day of its publication in the *Gazette*.

**ANNEXURES**

FPB/RCP/16	Film and Publication Board Private Bag X2205 HOUGHTON 2041 Tel (011) 483 0971 Fax (011) 483 1084 e-mail : <a href="mailto:Mashabelal@fpb.gov.za">Mashabelal@fpb.gov.za</a>
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**APPLICATION FOR RE-CLASSIFICATION OF A PUBLICATION: Section 16(2) of the Act**  
**The Board may refuse to process your submission if this form is not completed in all details**

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

APPLICANT .....

ADDRESS .....

TEL ..... FAX ..... e-mail .....

CONTACT PERSON .....

TITLE (as originally submitted/classified) .....

NEW TITLE (if applicable) .....

PREVIOUS CLASSIFICATION          Classification Ref. No. ....

Classification and consumer advice .....

SUGGESTED CLASSIFICATION .....

REASONS/MOTIVATION FOR SUGGESTED CLASSIFICATION .....

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.....

DOCUMENTS ATTACHED .....

.....  
.....

DATE .....

.....  
SIGNATURE OF APPLICANT

COMMENTS (Office use) .....



FPB/SP/17(4)

Film and Publication Board  
Private Bag X2205 HOUGHTON 2041

Tel (011) 483 0971 Fax (011) 483 1084 e-mail : Mashabelal@fpb.gov.za

**APPLICATION FOR CLASSIFICATION OF A SUBMITTABLE PUBLICATION: Section 17(4) of the Act**  
The Board may refuse to process your submission if this form is not completed in all details

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

DATE OF APPLICATION.....DATE RECEIVED.....

APPLICANT.....

ADDRESS.....

TEL ..... FAX ..... e-mail.....

CONTACT PERSON .....

TITLE (for distribution/exhibition).....

ISSUE or EDITION.....

DATE OF PUBLICATION.....

PUBLISHERS (if not the applicant) .....

ADDRESS.....

TEL..... FAX..... e-mail.....

DESCRIPTION OF CONTENTS, with reference to page numbers (use a separate sheet if necessary).....

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Please attach a certified copy of your licence to conduct the business of adult premises

APPLICANT'S SIGNATURE .....

COMMENTS (Office use) .....

FPB/R/18/1A	Film and Publication Board Private Bag X2205 HOUGHTON 2041 Tel (011) 483 0971 Fax (011) 483 1084 e-mail : Mashabelal@fpb.gov.za
<b>APPLICATION FOR REGISTRATION AS A DISTRIBUTOR/EXHIBITOR: Section 18(1A)(a) of the Act</b> The Board may refuse to process your submission if this form is not completed in all details	
Ref. No. (Office use) : .....	
APPLICANT .....	
IDENTITY NUMBER .....	
ADDRESS .....	
TEL ..... FAX ..... e-mail .....	
CONTACT PERSON .....	
BUSINESS NAME (if different to applicant name) .....	
BUSINESS ADDRESS (if different to applicant address) .....	
.....	
TEL ..... FAX ..... e-mail .....	
SARS Ref No. .... VAT Reg. No. ....	
NATURE OF BUSINESS (tick one or more)	<input type="checkbox"/> Distributor of films <input type="checkbox"/> Business of adult premises <input type="checkbox"/> Other (please describe) .....
	<input type="checkbox"/> Exhibitor of films <input type="checkbox"/> Games Arcade
DOCUMENTS ATTACHED (tick as appropriate): Proof of payment of applicable fee	
<input type="checkbox"/> Licence to conduct the business of adult premises	
<input type="checkbox"/> Other (please describe) .....	
APPLICANT'S SIGNATURE .....	
CAPACITY .....	
DATE .....	
COMMENTS (Office use) .....	
.....	

FPB/FC/18/1A(b)	Film and Publication Board Private Bag X2205 HOUGHTON 2041 Tel (011) 483 0971 Fax (011) 483 1084 e-mail : Mashabelal@fpb.gov.za
<b>APPLICATION FOR CLASSIFICATION OF A FILM: Section 18(1A)(b) of the Act</b> The Board may refuse to process your submission if this form is not completed in all details	
Ref. No. (Office use) : .....	
SUBMISSION OF FILM FOR CLASSIFICATION, dated .....	
APPLICANT .....	
DISTRIBUTOR/EXHIBITOR REGISTRATION CERTIFICATE NO. ....	
ADDRESS .....	
TEL ..... FAX ..... e-mail .....	
CONTACT PERSON .....	
TITLE (for distribution/exhibition) .....	
PREVIOUS TITLE (if different) .....	
PRODUCTION or DISTRIBUTION COMPANY .....	
<b>DETAILS OF FILM</b>	Original <input type="checkbox"/> Re-release <input type="checkbox"/>  Format : Public-entertainment <input type="checkbox"/> Home-entertainment <input type="checkbox"/>  Running-time, in minutes, as submitted .....  Subject or genre .....  Market .....
Director .....	
Leading cast members .....	
Language: Original ..... Dubbed ..... Sub-titled .....	
<b>PREVIOUS CLASSIFICATION</b>	Date .....  Classification and consumer advice .....  Format : Public-entertainment <input type="checkbox"/> Home-entertainment <input type="checkbox"/>
<b>DOCUMENTS ATTACHED (tick as appropriate)</b>  Proof of payment of applicable fee, unless exempted from cash-on-submission basis Certified copy of licence to conduct the business of adult premises	
Signed ..... Capacity .....	
<b>NOTE</b> In terms of Regulations made under section 31(2) of the Act, a copy of this film, in home-entertainment format, must be provided to the Board, free of charge, as soon as it becomes available.	

FPB/RC/18/8	Film and Publication Board Private Bag X2205 HOUGHTON 2041 Tel (011) 483 0971 Fax (011) 483 1084 e-mail : Mashabelal@fpb.gov.za
<b>APPLICATION FOR RE-CLASSIFICATION: Section 18(8) of the Act</b> The Board may refuse to process your submission if this form is not completed in all details	
Ref. No. (Office use) : .....	
APPLICANT .....	
DISTRIBUTOR/EXHIBITOR REGISTRATION CERTIFICATE NO.....	
ADDRESS.....	
TEL ..... FAX ..... e-mail.....	
CONTACT PERSON .....	
TITLE (as originally submitted/classified).....	
NEW TITLE (if applicable).....	
DETAILS OF FILM	Format : Public-entertainment <input type="checkbox"/> Home-entertainment <input type="checkbox"/>
	Running-time, in minutes, as submitted.....
PREVIOUS CLASSIFICATION	Classification Ref. No. ....
	Classification and consumer advice.....
SUGGESTED CLASSIFICATION.....	
REASONS/MOTIVATION FOR SUGGESTED CLASSIFICATION.....	
.....	
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.....	
DOCUMENTS ATTACHED (tick as appropriate)	Proof of payment of applicable fee, unless exempted from cash-on-submission basis
	Other.....
DATE .....	..... SIGNATURE OF APPLICANT
COMMENTS (Office use) .....	

FPB /E/22	Film and Publication Board Private Bag X2205 HOUGHTON 2041 Tel (011) 483 0971 Fax (011) 483 1084 e-mail : Mashabelal@fpb.gov.za
<b>APPLICATION FOR EXEMPTION: Section 22 of the Act</b> The Board may refuse to process your submission if this form is not completed in all details	
Ref. No. (Office use) :.....	
APPLICANT.....	
ADDRESS..... .....	
TEL ..... FAX ..... E-mail.....	
NAME OF PERSON/INSTITUTION TO BE EXEMPTED.....	
IDENTITY NO. OF PERSON TO BE EXEMPTED .....	
APPLICABLE SECTION(S) OF THE ACT TO BE EXEMPTED FROM..... .....	
PURPOSE FOR EXEMPTION, with relevant supporting documents (use a separate sheet if necessary)..... ..... ..... ..... ..... ..... .....	
DATE .....	SIGNATURE
Capacity, if on behalf of an institution.....	
The Board may, at its discretion and at the expense of the applicant, preview the film or publication in respect of which the exemption is requested, in which event, in the case of a DVD, video or publication, a copy shall be delivered to the Board and in the case of a film in public-entertainment format, arrangements for its screening to the Board shall be made by the applicant at a mutually convenient venue, date and time.	
COMMENTS (Office use) .....	

FPB/E/23	Film and Publication Board Private Bag X2205 HOUGHTON 2041 Tel (011) 483 0971 Fax (011) 483 1084 e-mail : Mashabelal@fpb.gov.za
<b>APPLICATION FOR EXEMPTION : Section 23 of the Act</b> The Board may refuse to process your submission if this form is not completed in all details	
Ref. No. (Office use) : .....	
APPLICANT.....	
ADDRESS.....	
.....	
TEL ..... FAX ..... E-mail.....	
CONTACT PERSON .....	
TITLE (for distribution/exhibition).....	
PREVIOUS TITLE (if different).....	
<b>BRIEF DESCRIPTION OF FILM , INCLUDING CLASSIFICATION DETAILS, IF PREVIOUSLY CLASSIFIED .....</b>	
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.....	
IF A CLASS OF FILMS, DESCRIBE THE CLASS.....	
IF INTENDED FOR DISTRIBUTION/EXHIBITION TO A PARTICULAR GROUP OF PERSONS, DESCRIBE THE GROUP	
.....	
IF INTENDED FOR EXHIBITION UNDER PARTICULAR CIRCUMSTANCES, CLEARLY STATE THE CIRCUMSTANCES	
.....	
PURPOSE OF EXEMPTION.....	
.....	
.....	
DATE .....	SIGNATURE .....
Capacity, if on behalf of a company, organization or institution.....	
The Board may, at its discretion and at the expense of the applicant, preview the film in respect of which the exemption is requested, in which event, in the case of a video, a copy shall be delivered to the Board and in the case of a film in public-entertainment format, arrangements for its screening to the Board shall be made by the Applicant at a mutually convenient venue, date and time.	
COMMENTS (Office use) .....	

FPB/E/26(e)	Film and Publication Board Private Bag X2205 HOUGHTON 2041 Tel (011) 483 0971 Fax (011) 483 1084 e-mail : Mashabelal@fpb.gov.za
<b>APPLICATION FOR APPROVAL: Section 26(1)(e) of the Act</b> The Board may refuse to process your submission if this form is not completed in all details	
Ref. No. (Office use) :.....	
APPLICANT.....	
ADDRESS.....	
.....	
DISTRIBUTOR/EXHIBITOR REGISTRATION CERTIFICATE NO. ....	
TEL ..... FAX ..... E-mail.....	
CONTACT PERSON .....	
TITLE OF FEATURED FILM.....	
CLASSIFICATION OF FEATURED FILM.....	
<b>TITLES AND CLASSIFICATION OF TRAILERS FOR SCREENING WITH FEATURED FILM OR TO BE INCLUDED FOR DISTRIBUTION ON SAME FILM:</b>	
.....	
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REASONS/MOTIVATION.....	
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Capacity, if on behalf of a company, organization or institution.....	
SIGNATURE	
The Board may, at its discretion and at the expense of the applicant, preview the film in respect of which the exemption is requested, in which event, in the case of a video, a copy shall be delivered to the Board and in the case of a film in public-entertainment format, arrangements for its screening to the Board shall be made by the applicant at a mutually convenient venue, date and time.	
COMMENTS (Office use) .....	
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FPB/R/27A

Film and Publication Board  
Private Bag X2205 HOUGHTON 2041

Tel (011) 483 0971 Fax (011) 483 1084 e-mail : Mashabelal@fpb.gov.za

**APPLICATION FOR REGISTRATION AS AN INTERNET SERVICE PROVIDER: Section 27A(1)(a) of the Act**  
The Board may refuse to process your submission if this form is not completed in all details

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

APPLICANT.....

IDENTITY NUMBER .....

ADDRESS.....

TEL ..... FAX ..... e-mail.....

CONTACT PERSON .....

TEL ..... FAX ..... e-mail.....

BUSINESS NAME (if different to applicant name).....

BUSINESS ADDRESS (if different to applicant address).....

.....

TEL..... FAX ..... e-mail.....

SARS Ref. No. .... VAT Reg. No. ....

NATURE OF BUSINESS (tick one or more)      Internet Service Provider      Internet Access Provider

Wireless Application Service Provider

Other (please describe).....

DOCUMENTS ATTACHED (tick as appropriate): Proof of payment of applicable fee

Other (please describe).....

APPLICANT'S SIGNATURE .....

CAPACITY.....

DATE.....

COMMENTS (Office use) .....



FPB/RB/20

Film and Publication Board  
Private Bag X2205 HOUGHTON 2041

Tel (011) 483 0971 Fax (011) 483 1084 e-mail : Mashabelal@fpb.gov.za

**APPEAL TO THE REVIEW BOARD: Section 20(1) of the Act**

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

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

APPLICANT .....

DISTRIBUTOR/EXHIBITOR REGISTRATION CERTIFICATE NO. ....

ADDRESS.....

TEL ..... FAX ..... e-mail.....

CONTACT PERSON .....

TEL ..... FAX ..... e-mail.....

TITLE (as classified).....

CURRENT CLASSIFICATION .....

SUGGESTED CLASSIFICATION.....

REASONS OR GROUNDS UPON WHICH APPEAL IS BASED (continue on a separate page if necessary) :

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Date .....

.....  
SIGNATURE OF APPLICANT

COMMENTS (Office use) .....

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