



## ANALYSIS

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|  | Amendments to Films, Videos, and Publications Classification Regulations 1994 |

1999, No. 13

**An Act to amend the Films, Videos, and Publications Classification Act 1993** [23 March 1999]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Films, Videos, and Publications Classification Amendment Act 1999, and is part of the Films, Videos, and Publications Classification Act 1993 (“the principal Act”).

(2) Except as provided in section 5 (2), this Act comes into force on the day after the date on which it receives the Royal assent.

**2. Term of office**—The principal Act is amended by repealing section 81, and substituting the following section:

“81. (1) A person appointed under section 80 may be appointed for any period not exceeding 3 years, and may from time to time be reappointed for any period not exceeding 3 years.

“(2) Subsection (1) is subject to section 83.”

Cf. 1983, No. 130, s. 5 (2A), (2B); 1987, No. 85, s. 6 (4), (4A)

**3. Regulations**—(1) Section 149 of the principal Act is amended by inserting, after paragraph (j), the following paragraph:

“(ja) Requiring the display, on premises where films to which regulations made under paragraph (nd) apply are supplied to the public or offered for supply to the public, of posters and advertising material explaining the ratings and classifications under the Video Recordings Act 1987, and their equivalent ratings and classifications under this Act.”.

(2) Section 149 of the principal Act is amended by inserting, after paragraph (nc), the following paragraph:

“(nd) Providing, in relation to any film in respect of which a decision has been made under the Video Recordings Act 1987, that unless a label has been issued under this Act in respect of the film, compliance with all or any of the requirements of the Video Recordings Act 1987 with respect to the labelling of a video recording is regarded as compliance with all or any of the requirements of this Act with respect to the public supply of that film.”.

**4. Regulations relating to transitional matters**—The principal Act is amended by repealing section 176, and substituting the following section:

“176. (1) Without limiting section 149, regulations may be made under that section prescribing transitional and savings provisions relating to the coming into force of this Act, which may be in addition to or in place of any of the provisions of this Part.

“(2) Without limiting the generality of subsection (1), any such regulations may provide, in relation to any film in respect of which a decision has been made under the Films Act 1983, that for a specified transitional period or until the sooner issue of a label under this Act in respect of the film, compliance with all or any of the requirements of the Films Act 1983 with respect to the exhibition of a film is regarded as compliance with all or any of the requirements of this Act with respect to the public exhibition of that film.”

**5. Amendments to Films, Videos, and Publications Classification Regulations 1994**—(1) The Films, Videos, and Publications Classification Regulations 1994 (S.R. 1998/15) are amended in the manner set out in the Schedule.

(2) The following amendments to the Films, Videos, and Publications Classification Regulations 1994, as set out in the Schedule, come into force on 1 May 1999:

- (a) The amendments to regulations 42 and 46;
- (b) The revocation of subclauses (3) and (4) of regulation 65.
- (3) The amendment, by this section, of the Films, Videos, and Publications Classification Regulations 1994 is without prejudice to any power to amend or revoke those regulations.

**6. Repeal**—(1) The Films, Videos, and Publications Classification Amendment Act 1997 is consequentially repealed.

(2) The repeal, by this section, of the Films, Videos, and Publications Classification Amendment Act 1997—

- (a) Does not affect the amendments or repeals made by sections 2 to 4 of that Act;
- (b) Does not affect the saving effected by section 5 of that Act.

**7. Saving**—(1) This section applies to all regulations in force at the commencement of this section—

- (a) That were made under section 149 of the principal Act under any power conferred by section 176 of the principal Act (as it existed immediately before the commencement of this section); and
- (b) That, after the commencement of this section, could be made (wholly or in part) under paragraph (ja) or paragraph (nd) of section 149 of the principal Act (as amended by section 3 of this Act).

(2) All regulations to which this section applies continue in force after the commencement of this section as if they had been validly made under section 149 of the principal Act (as amended by section 3 of this Act) without reliance on any power conferred by section 176 of the principal Act.

(3) The fact that any regulations are continued in force by this section is without prejudice to any power to amend or revoke those regulations.

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## SCHEDULE

Section 5 (1)

AMENDMENTS TO FILMS, VIDEOS, AND PUBLICATIONS CLASSIFICATION  
REGULATIONS 1994

| Provision of Regulations | Amendment  |
|--------------------------|--|
| Regulation 42            | <p>By inserting, after subclause (1), the following subclause:</p> <p>“(1A) Every occupier of premises (not being a private residence) where films to which regulation 65 applies are supplied to the public or offered for supply to the public must, in accordance with subclause (2), publicly display on those premises a notice showing—</p> <p>“(a) The ratings and classifications set out in the third column of the Fourth Schedule (which are the ratings and classifications under the Video Recordings Act 1987); and</p> <p>“(b) Their equivalent ratings and classifications under the Act, as set out in the second column of that Schedule.”</p> |
| Regulation 46            | <p>By inserting, after subclause (2), the following subclause:</p> <p>“(2A) Every person commits an offence against these regulations who, being the occupier of premises (other than a private residence) where films to which regulation 65 applies are supplied to the public or offered for supply to the public,—</p> <p>“(a) Fails without reasonable excuse to display the notice required by subclause (1A) of regulation 42; or</p> <p>“(b) Without reasonable excuse displays any such notice otherwise than in accordance with the requirements of subclause (2) of that regulation.”</p>   |
| Regulation 65            | <p>By omitting from subclause (2) the words “Where, before the earlier of the 1st day of April 1999 or the sooner issue of a label under the Act in respect of the film,” and substituting the words “Unless a label has been issued under the Act in respect of the film, if”.</p> <p>By revoking subclauses (3) and (4).</p>   |

SCHEDULE—*continued*AMENDMENTS TO FILMS, VIDEOS, AND PUBLICATIONS CLASSIFICATION  
REGULATIONS 1994—*continued*

| Provision of Regulations | Amendment   |
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| Regulation 66            | By revoking this regulation, and substituting the following regulation:<br>“66. <b>Expiry of regulation 64</b> —Regulation 64 expires with the close of 31 March 1999.” |

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This Act is administered in the Ministry of Justice.

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