

**CHAPTER 222**

**THE FILMS AND STAGE PLAYS ACT**

SUBSIDIARY LEGISLATION

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*List of Subsidiary Legislation*

	<i>Page</i>
1. The Films and Stage Plays (Cinematographic Films) (Forms and Fees) Regulations.....	3
2. The Films and Stage Plays (Film Censorship) Regulations.....	5

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**THE FILMS AND STAGE PLAYS (CINEMATOGRAPHIC FILMS) (FORMS AND FEES) REGULATIONS**

[Legal Notice 241 of 1967, Legal Notice 42 of 1968, Legal Notice 101 of 1977, Legal Notice 12 of 2008]

1. These Regulations may be cited as the Films and Stage Plays (Cinematographic Films) (Forms and Fees) Regulations.
2. (1) Every application for a filming licence shall be made to the licensing officer in writing and shall be accompanied by a full description of the scenes in and a full text of the spoken parts (if any) of, the entire film which is to be made together with a written statement by the applicant as to the duration of the film to be made, and the part or parts thereof which are to be made in Kenya or which have been made outside Kenya.  
 (2) Where the spoken parts in a film to be made are in a language other than English, an accurate translation in English of the full text of the spoken parts of the entire film certified to the satisfaction of the licensing officer shall accompany any application for a filming licence.  
 (3) Any person who makes or causes to be made, either orally or in writing, any statement or representation which he knows or has reason to know to be false for the purpose of obtaining a filming licence shall be guilty of an offence.
3. Before granting a filming licence, the licensing officer may require the applicant to enter into a bond, with or without sureties in the sum of one thousand shillings to secure compliance with section 6(2)(a) and 6(2)(b) of the Act.
4. Where any film in respect of which a filming licence has been issued is made otherwise than in accordance with the particulars furnished to the licensing officer, except in so far as permission to make alterations or additions has been granted under section 7 of the Act, the producer, the proprietor, the promoter and the photographer thereof and every other person engaged in the making of the film, and, where the holder of the filming licence is not one of those persons, the holder also, shall each be guilty of an offence.
5. (1) The licensing officer may issue a filming licence in the form in the First Schedule on payment of the appropriate fee specified in the Second Schedule.  
 (2) The licensing officer shall assess the licence fee in accordance with the written statement of the applicant as to the duration of the film.
6. Deleted by L.N. 42/1968, r. 2.
7. (1) Any person guilty of an offence under these Regulations shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.  
 (2) Where any person is convicted of an offence under these Regulations, the court may, in addition to or in lieu of any other penalty, order the confiscation and destruction of the film and may revoke the filming licence relating to the making of the film, whether the person convicted is the holder thereof or not.

FIRST SCHEDULE

[r. 5(1)]

[L.N. 42/1968, r. 2.]

Licence No: .....

Licence Fee ..... Receipt No .....

**Licence**

.....

Films and Stage Plays

[Subsidiary]

.....

of .....

to film in Kenya a ..... mm. film in .....

The licence fee charged for this firm is based on the statement of the applicant that the firm is of ..... duration under regulation 2 (1) of the Regulations.

"This licence is subject to the condition that a police officer of or above the rank of Inspector/Provincial Information Officer or a senior member of his staff shall be present at the making of the film.

Dated this ..... day of ....., 20 .....

.....

*Licensing Officer*

\* Delete as necessary.

N.B. - This licence does not authorize the licensee to take, within any National Park or National Reserve, photographs within the meaning of the National Parks of Kenya (Photography) Regulations, for which a separate authority of the Trustees or the Director is Required under those Regulations.

SECOND SCHEDULE

[r. 5(1)]

FEES

[L.N. 101/1977, r. 2, L.N. 12/2008, r. 2.]

(i) For less than 1/2 hour documentary .....	Sh.700
(ii) For less than 1 hour but 1/2 hour or more .....	Sh.900
(iii) For less than 1 1/2 hours but 1 hour or more .....	Sh.1,200
(iv) For 1 1/2 hours or more .....	Sh.1,400
(v) Documentaries dramas short reatures .....	Sh.5,000
(vi) Full length feature film .....	Sh.15,000
(vii) Filming fees for every day of the shoot .....	Sh.1,000
(viii) Registration of agent .....	Sh.12,000
(ix) Annual Agenct renewal .....	Sh.12,000
(x) Registration of Agency for two years .....	Sh.12,000
(xi) Renewal of Agency pf every two years .....	Sh.12,000

**THE FILMS AND STAGE PLAYS (FILM CENSORSHIP) REGULATIONS**

ARRANGEMENT OF REGULATIONS

1. CITATION

*Regulation*

*Membership of the Board*

2. *[Deleted by L.N. 43/2010, r. 2.]*
3. *[Deleted by L.N. 43/2010, r. 3.]*
4. Tenure of office of members of Board

5. REMUNERATION OF BOARD MEMBERS

*Meetings of the Board*

6. Presiding at meetings of Board
7. Quorum of Board
8. Members of Board having interest in film or poster

9. PROCEDURE OF BOARD

*General*

10. *[Deleted by L.N. 43/2010, r. 7.]*
11. Certificate of approval
12. Board to notify the applicant where approval withheld
13. Appeal to the Cabinet Secretary
14. Fees

SCHEDULES

FORMS

FEES



## **THE FILMS AND STAGE PLAYS (FILM CENSORSHIP) REGULATIONS**

[Legal Notice 349 of 1968, Legal Notice 107 of 1976, Legal Notice 426 of 1988, Legal Notice 126 of 1989, Legal Notice 359 of 1990, Legal Notice 452 of 1990, Legal Notice 133 of 1993, Legal Notice 166 of 1994, Legal Notice 34 of 2005, Legal Notice 102 of 2007, Legal Notice 129 of 2008, Legal Notice 13 of 2009, Legal Notice 43 of 2010]

### **1. Citation**

These Regulations may be cited as the Films and Stage Plays (Film Censorship) Regulations.

#### **Membership of the Board**

### **2.**

[Deleted by L.N. 43/2010, r. 2.]

### **3.**

[Deleted by L.N. 43/2010, r. 3.]

### **4. Tenure of office of members of Board**

(1) The chairman and the Vice-Chairman of the Board shall hold office as such, and as members of the Board, until their appointments are terminated by the Cabinet Secretary.

(2) The members of the Board appointed under section 11A of the Act shall hold office for a period of three (3) years, renewable once.

[L.N. 43/2010, r. 4.]

### **5. Remuneration of Board members**

The Board shall pay its members such remuneration, fees or allowances for expenses as it may determine in consultation with the Cabinet Secretary for the time being responsible for matters relating to finance.

[L.N. 43/2010, r. 5.]

#### **Meetings of the Board**

### **6. Presiding at meetings of Board**

(1) The chairman, or in his absence the Vice-chairman, shall preside over all meetings of the Board, and over all committees of the Board of which he is a member.

(2) If both the chairman and the Vice-chairman are absent from a meeting of the Board a person shall be chosen by the members present from among their number to preside at that meeting.

### **7. Quorum of Board**

The quorum for the conduct of business of the meetings of the Board shall be five members.

[L.N. 43/2010, r. 6.]

### **8. Members of Board having interest in film or poster**

(1) A member of the Board who has any material or financial interest in a film shall not take any part in any proceedings of the Board which are concerned with that film or a poster or description relating to it.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence and be liable to a fine not exceeding two thousand shillings.

### **9. Procedure of Board**

Subject to the Act and these Regulations, the Board may regulate its own procedure.

[Subsidiary]

**General****10.**

[Deleted by L.N. 43/2010, r. 7.]

**11. Certificate of approval**

(1) A certificate of approval issued under section 16(5) of the Act shall be in Form 1 or Form 2 in the First Schedule to these Regulations, as the case may require, and shall be signed by the chairman, Vice-chairman or secretary of the Board on behalf of the Board.

(2) A certificate of approval or a decision of the Board under section 16(1)(c) of the Act refusing to approve a film for exhibition to the public shall remain valid for a period of five years from the date the certificate is issued or the decision is made.

(a) Where the film approved is on video cassette or video disc, the Board shall affix to the video cassettes or video discs labels in forms approved by the Cabinet Secretary which shall be—

- (i) green labels with letter U in a triangle for films approved for general exhibition;
- (ii) yellow labels with the letters PG in a triangle for films approved as unsuitable for children under the age of ten years;
- (iii) blue labels with the number 15 in a circle for films approved as unsuitable for children under the age of 16 years;
- (iv) red labels with the number 18 in a circle for films approved as unsuitable for children under the age of 18 years and for adults only.

(b) The inscription on the labels under this paragraph shall be in gold.

(3) No person shall display for hire or for sale, or exhibit any video cassette unless there is affixed on it the appropriate label prescribed in paragraph (3).

(4) A person who contravenes the provisions of paragraph (4) commits an offence.

(5) An offence under paragraph (5) shall be cognizable to the police.

[L.N. 126/1989, r. 2, L.N. 133/1993, r. 2, L.N. 166/1994, r. 2.]

**12. Board to notify the applicant where approval withheld**

Where the Board declines to approve a film, poster or description of a poster, it shall notify the applicant as soon as practicable and give him its reasons for doing so.

**13. Appeal to the Cabinet Secretary**

An appeal under section 29 of the Act by a person who is aggrieved by a decision of the Board shall be made to the Cabinet Secretary in writing within thirty days of the decision having been notified to the person aggrieved, and shall state in detail the grounds of appeal:

Provided that the Cabinet Secretary may in writing extend the period of making an appeal under this regulation if he deems it fit to do so.

[L.N. 133/1993, r. 2.]

**14. Fees**

The fees specified in the Second Schedule shall be paid for the several matters to which they relate:

Provided that the Board may, with the approval of the Cabinet Secretary, remit all or part of the fee payable on application for a certificate of approval of a film, poster or description of a poster in appropriate cases.



FIRST SCHEDULE

[r. 11(1)]

FORMS

**FORM 1**

**CERTIFICATE OF APPROVAL OF FILM**

IN PURSUANCE of section 16(5) of the Films and Stage Plays Act, the Board of Censors hereby certifies that it has examined the film called ..... and has-

Approved it for exhibition to the public.

Approved it for exhibition to the public subject to the following excisions as it thinks proper.

.....  
.....

Approved it for exhibition to ..... (*persons by whom it may be exhibited*) in ..... (*places in which it may be exhibited*)

HOWEVER, the Board of Censors considered that the film was unsuitable for general exhibition, and ruled as follows:

For adults only.

Unsuitable for children under the age of sixteen years.

Unsuitable for children under the age of ten years.

Dated this ..... day of ....., 20 .....

By Order of the Board of Censors.

.....  
*Secretary of the Board of Censors*

**FORM 2**

**APPROVAL OF POSTER OR DESCRIPTION OF POSTER**

IN PURSUANCE of section 16(5) of the Films and Stage Plays Act, the Board of Censors hereby certifies that it has examined the poster (or) the description of the poster relating to ..... and has-

Approved it for public display.

Approved it for public display subject to the following deletions/alterations:

.....  
.....

Dated this ..... day of ....., 20 .....

By Order of the Board of Censors.

.....  
*Secretary of the Board of Censors.*

*Films and Stage Plays*

[Subsidiary]

## SECOND SCHEDULE

[r. 14.]

## FEES

[L.N. 107/1976, r. 2, L.N. 452/1990, r. 2, L.N. 426/1988, r. 2, L.N. 34/2005, r. 2, L.N. 102/2007, r. 2, L.N. 129/2008, r. 4, L.N. 13/2009, r. 2.]

(a) For a film, recorded video, poster or trallers of a film .....	100
(b) For posters of a film or description thereof .....	1,000
(c) For trallers of a film or description thereof .....	1,000
(d) On lodging an appeal under section 29 of the Act .....	10,000
(e) Licence for cinema theatres per year .....	10,000
(f) Licence for video shows theatres and video vendors per year .....	2,000
(g) Licence for video libraries per year .....	3,000
(h) Commercials .....	1,000

