



ANALYSIS

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2008, No. 6

An Act to amend the Films and Censorship Act 1985.

(18 April 2008)

BE ENACTED by the Parliament of the Cook Islands, assembled in Session, and by the authority of the same as follows:

1. Short Title and commencement - (1) This Act may be cited as the Films and Censorship Amendment Act 2008 and shall be read together with and deemed part of the Films and Censorship Act 1985 (hereinafter referred to as "the principal Act").
(2) Section 6 of this Act shall come into force 4 months after the date that this Act receives the assent of the Queen's Representative.

2. Interpretation - Section 2 of the principal Act is hereby amended by
(1) inserting in the appropriate alphabetical sequence the following -

"Inspector" means a person appointed in writing by the censor pursuant to section 15A".

(2) deleting the definition for "film" and substituting the following-

"film" means any cinematographic film, and includes a video tape, DVD, (being a Digital VideoDisc or Digital Versatile Disc or an optical digital disc for storing movies and data), and any other article that contains a record of a visual moving image that is capable of being used for the subsequent projection of those images in a fixed sequence on to any screen, surface or media; and also includes any part of any such film and any copy or part of a copy of the whole or part of a film"

Price \$1.50

3. Appointment of Inspectors- The principal Act is amended by inserting after section 15, the following –

“15A. Appointment of Inspectors - (1) The censor may appoint any fit and proper person to be an Inspector to assist the censor in the carrying out of his functions under this Act.

(2) The censor may in writing delegate to an Inspector all or any of his powers or functions except this power of delegation.”

4. Special provisions relating to video tapes sold or rented to the public- The principal Act is amended by deleting from Section 23 the word “video tape” and “tape” and substituting the word “film”.

5. Constables powers of entry – The principal Act is amended by deleting the word “constable” wherever it appears and substituting the words “constable, censor or Inspector”.

6. Functions of censor- The principal Act is amended by inserting after section 28 (c), the following –

“(d) to determine whether a film is a counterfeit or pirate copy produced without or not bearing the appropriate authorization of the copyright, patent or authorised holder and therefore violating a copyright, patent or a protection complementary certificate;

(e) to seize and destroy any such film as described in subsection (d) of section 28.”.

7. Offences- The principal Act is amended by deleting the amount “\$500” wherever it appears and substituting the amount “\$5,000”.