

## SCHEDULES

*First Schedule rep. by 1939 c.5 (NI)*

*Second Schedule rep. by SLR (NI) 1953; SLR (NI) 1954.*

*Third Schedule rep. by 1958 c.27 (NI)*

*Fourth Schedule rep. by SLR (NI) 1953; 1967 c.6 (NI)*

### FIFTH SCHEDULE <sup>F1</sup>

[12 & 13 GEO. 5.] [Ch.35]

#### CELLULOID AND CINEMATOGRAPH FILM ACT, 1922

**F1** functions transf. by SR 1993/310

An Act to make better provision for the prevention of fire in premises where raw celluloid or cinematograph film is stored or used.

*General safety provisions.*

- 1 (1) No premises shall be used for any purpose to which this Act applies—
- (a) unless the occupier has furnished to the [<sup>F2</sup> district council] in writing a statement of his name, the address of the premises, and the nature of the business there carried on;
  - (b) unless the premises are provided with such means of escape in case of fire as the [<sup>F2</sup> district council] may reasonably require, and such means of escape are maintained in good condition and free from obstruction;
  - (c) if the premises are situated underneath premises used for residential purposes;
  - (d) if the premises are so situated that a fire occurring therein might interfere with the means of escape from the building of which they form part or from any adjoining building;
  - (e) where the premises form part of a building, unless such part either:—
    - (i) is separated from any other part of the building by fire-resisting partitions (including fire-resisting ceilings and floors) and fire-resisting self-closing doors; or
    - (ii) is so situated and constructed that a fire occurring therein is not likely to spread to other parts of the building, and its use for the purposes to which this Act applies is sanctioned in writing by the [<sup>F2</sup> district council] and any conditions attached to such sanction are complied with;

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- (f) unless the regulations set out in the First Schedule to this Act are duly observed:
  - (g) unless any regulations are duly observed which may be made by the Ministry of Home Affairs for Northern Ireland<sup>F3</sup> (hereinafter referred to as “the Ministry”) with respect to the use upon the premises of any cinematograph or other similar apparatus.
- (2) In the case of premises used for any purpose to which this Act applies at the date of the commencement of this Act, the provisions of this section requiring the occupier to furnish a statement to the [<sup>F2</sup> district council] shall take effect at the expiration of two months after the commencement of this Act, and the provisions of this section requiring means of escape in case of fire to be provided shall not take effect until the expiration of such period as may be reasonably necessary for enabling the occupier to comply with any requirements of the [<sup>F2</sup> district council] in that respect.
- (3) Any person aggrieved by any requirement of a [<sup>F2</sup> district council], or the refusal of the [<sup>F2</sup> district council] to grant any sanction, or by the conditions attached to any such sanction, may, within seven days after being notified of such requirement, refusal or conditions, appeal to a court of summary jurisdiction, provided that he has given not less than twenty-four hours notice in writing of such appeal and of the grounds thereof to the [<sup>F2</sup> district council], and the court on any such appeal may make such order as appears to the court to be just, including any order for the payment of costs.
- (4) The Ministry may by order, made in accordance with the provisions contained in the Second Schedule to this Act:—
- (a) make regulations with respect to the use of any cinematograph or similar apparatus upon any premises used for any purpose to which this Act applies; and
  - (b) modify or add to the regulations set out in the First Schedule to this Act, and those regulations shall thereupon have effect as so modified or added to.

An order made under this section may apply either generally, or to such classes or descriptions of premises as may be mentioned in the order.

<p><b>F2</b> SRO (NI) 1973/341</p> <p><b>F3</b> Functions transf. by SRO (NI) 1973/504</p>
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*Purposes to which the Act applies.*

2 The purposes to which this Act applies are:—

- (1) the keeping or storing of raw celluloid—
  - (a) in quantities exceeding at any one time one hundredweight; or
  - (b) in smaller quantities unless kept (except when required to be exposed for the purpose of the work carried on in the premises) in a properly closed metal box or case; and
- (2) the keeping or storing of cinematograph film:—
  - (a) in quantities exceeding at any one time twenty reels, or eighty pounds in weight; or

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- (b) in smaller quantities unless each reel is kept (except when required to be exposed for the purpose of the work carried on in the premises) in a separate and properly closed metal box or case:

Provided that—

- (i) for the purposes of this Act, cinematograph film shall be deemed to be kept in any premises where it is temporarily deposited for the purpose of examination, cleaning, packing, re-winding or repair, but celluloid or cinematograph film shall not be deemed to be kept or stored in any premises where it is temporarily deposited whilst in the course of delivery, conveyance or transport; and
- (ii) the provisions of this Act shall not, except in the cases referred to in paragraphs (c), (d) and (e) of subsection (1) of section one thereof, apply to premises to which the Factory and Workshop Acts, 1901 to 1920<sup>F4</sup>, apply; and
- (iii) the provisions of this Act shall not apply to premises licensed in accordance with the provisions of<sup>F5</sup> Article 3 of the Cinemas (Northern Ireland) Order 1991<sup>F5</sup>]<sup>F6</sup> and]
- <sup>F6</sup>(iv) the provisions of this Act shall not apply to a workplace within the meaning of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001..

**F4** 1938 c.23 (NI), see now 1965 c.20 (NI)

**F5** 1991 NI 12

**F6** SR 2003/152

*Penalties for infringement of foregoing provisions.*

- 3 (1) In the event of any contravention in or in connection with any premises of the foregoing provisions of this Act, the occupier shall be liable on summary conviction to a fine not exceeding<sup>F7</sup> level 3 on the standard scale]<sup>F7</sup> and, in the case of a continuing offence, to a further fine not exceeding ten pounds for each day on which the offence is continued after conviction thereof.
- (2) In the event of the contravention by any person employed on any premises of any regulation contained in the First Schedule to this Act or of any regulation made under this Act, he shall be liable on summary conviction to a fine not exceeding<sup>F7</sup> level 1 on the standard scale]<sup>F7</sup>.
- (3) The provisions of section one hundred and forty-one<sup>F8</sup> of the Factory and Workshop Act, 1901 (which relates to the power of an occupier to exempt himself from fine on the conviction of the actual offender), shall apply to offences under this Act as it applies to offences under that Act.

**F7** 1984 NI 3

**F8** 1938 c.23 (NI), see now 1965 c.20 (NI)

*Execution of Act by district councils.*

- 4 (1) It shall be the duty of [<sup>F9</sup> district councils] to see that the provisions of this Act are duly complied with.

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*Subs. (2) rep. by 1972 NI 16; SRO (NI) 1973/341*

- (3) The occupier of premises in respect of which a statement is required to be furnished to the [<sup>F9</sup> district council] shall pay to the [<sup>F9</sup> district council] when furnishing such statement and on the first day of January of every year thereafter, so long as the premises are used for any purpose to which this Act applies, such fees as the Ministry may prescribe.

**F9** SRO (NI) 1973/341

*Power of entry.*

- 5 (1) An officer duly authorised by a [<sup>F10</sup> district council] may, at all reasonable times, enter and inspect any premises which are used, or which such officer has reasonable cause to believe are used, wholly or in part for any purpose to which this Act applies.
- (2) Every such officer as aforesaid shall be furnished with a certificate of his authorisation by the [<sup>F10</sup> district council] and when visiting any such premises as aforesaid shall, if so required, produce the said certificate to the occupier of the premises.

**F10** SRO (NI) 1973/341

*Power to take samples.*

- 6 An officer duly authorised by a [<sup>F11</sup> district council] may, at any time, take for analysis sufficient samplny material which he suspects to be or to contain celluloid.

**F11** SRO (NI) 1973/341

*Obstruction of officers.*

- 7 If any person refuses to permit any officer authorised under this Act to enter or inspect any premises, or hinders or obstructs any such officer in the execution of his duty under this Act, or refuses to allow any officer to take samples in pursuance of the last preceding section or to give him facilities for the purpose, that person shall be liable on summary conviction to a fine not exceeding twenty pounds.

*Power of county court to modify agreements and to apportion expenses.*

- 8 (1) If any occupier of premises is prevented by any agreement from carrying out any structural alterations which are necessary to enable him to comply with the provisions of this Act, and is unable to obtain the consent to those alterations of the person whose consent is necessary under the agreement, he may apply, in accordance with rules of court, to the county court, and the court, after hearing the parties and any witnesses whom they may desire to call, may make such an order setting aside or modifying the terms of the agreement as the court considers just and equitable in the circumstances of the case.

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- (2) Where in any premises any structural or other alterations are required in order to comply with the provisions of this Act and the occupier alleges that the whole or part of the expense of the alterations ought to be borne by the owner, the occupier may apply, in accordance with rules of court, to the county court, and the court, after hearing the parties and any witnesses whom they may desire to call, may make such order concerning the expenses or their apportionment as the court considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court may, at the request of the occupier, determine the lease.

*Definitions.*

9 For the purposes of this Act:—

The expression “celluloid” means and includes the substances known as celluloid and xylonite and other similar substances, containing nitrated cellulose or other nitrated products, but does not include any substances which are explosives within the meaning of the [<sup>F12</sup>Explosives Act, 1875]:

The expression “raw celluloid” means:—

- (a) celluloid which has not been subjected to any process of manufacture; and
- (b) celluloid scrap or waste:

The expression “cinematograph film” means any film containing celluloid which is intended for use in a cinematograph or any similar apparatus:

*Definition rep by SRO (NI) 1973/341*

**F12** Fifth Schedule para. 9: "In section 9 of the Uniformity of Laws Act (Northern Ireland) 1922 (definitions), for "Explosives Act, 1875" substitute "Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006" - see [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006 \(S.R. 2006/425\)](#), reg. 27(1), **Sch. 6 para. 3** (with reg. 26) (which Regulations are in force 1.12.2006)

*Short title.*

10 This Act may be cited as the Celluloid and Cinematograph Film Act, 1922, ...<sup>F13</sup>

**F13** SLR (NI) 1953

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## FIRST SCHEDULE

Sections 1 and 3

## PART I

## RAW CELLULOID STORES

The following regulation shall be observed in or in connection with premises where raw celluloid is kept or stored:—

All such celluloid shall be kept or stored in a fire-resisting store-room, and subject to the regulations applying to such store-rooms.

## PART II

## PREMISES WHERE CINEMATOGRAPH FILM IS KEPT OR STORED

The following regulations shall be observed in or in connection with premises where cinematograph film is kept stored or manipulated:

- 1 All stock except when actually being used or manipulated shall be kept either in a fire-resisting store-room and subject to the regulations applying to such store-rooms, or in fire-resisting receptacles which shall not be used for any other purpose and shall be plainly marked "Film."
- 2 Every reel of film shall, except when required to be exposed for the purposes of the work carried on in the premises, be kept in a separate and properly closed metal box.
- 3 Not more than 10 reels or 40 pounds of film shall be exposed at any one time.
- 4 The following provisions shall apply to every room used:—
  - (a) for the storing, or
  - (b) for the examination, cleaning, packing, re-winding or repair of film:—
    - (i) the room shall be used for no other purpose;
    - (ii) the room shall be kept properly ventilated;
    - (iii) adequate means of extinguishing fire, having regard to the amount of film on the premises, shall be kept constantly provided and readily available;
    - (iv) the furniture and apparatus shall be so arranged as to afford free egress to persons in the room in the event of fire;
    - (v) no open light or fire shall be allowed;
    - (vi) the fittings shall, so far as is practicable, be of non-inflammable or fire-resisting material;
    - (vii) the doors shall be self-closing, and shall, except in the case of sliding doors, be so constructed as to open outwards;
    - (viii) no person shall smoke in or take matches into the room;
    - (ix) there shall be kept posted up in large characters in the room:—
      - (a) a printed copy of Parts II. and III. of this Schedule;
      - (b) full instructions as to the action to be taken in case of fire; and
      - (c) full directions as to the means of escape from the room in case of fire.

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- 5 All celluloid waste and scrap on the premises shall be collected at frequent intervals and placed either in a fire-resisting store-room, or in a strong metal receptacle fitted with a hinged lid and marked "Celluloid Waste."

### PART III

#### FIRE-RESISTING STORE-ROOMS

The following regulations shall apply to fire-resisting store-rooms:—

- 1 The store-room shall be constructed of fire-resisting material in such manner as to prevent as far as is reasonably practicable any fire occurring in the store-room from spreading to other parts of the premises or to other premises, and any fire occurring outside the store-room from reaching the contents thereof.
- 2 The store-room shall be properly ventilated.
- 3 The fittings of the store-room shall, so far as is practicable, be of non-inflammable or fire-resisting material.
- 4 Adequate means of extinguishing fire shall be kept constantly provided and readily available.
- 5 No open light and no means of heating shall be allowed in the store-room.
- 6 If electric light is used, all conductors and apparatus shall be so constructed, installed, protected, worked and maintained as to prevent danger. Vacuum-type lamps only shall be used, and shall be in fixed positions and fitted with substantial outer protecting globes.
- 7 No person shall smoke in or take matches into the store-room.
- 8 The doors of the store-room shall be self-closing and shall be kept securely locked, except when articles are being placed therein or removed therefrom.
- 9 The store-room shall not be used for any purpose other than the keeping of celluloid or cinematograph film, and shall be clearly marked "Celluloid" or "Film."
- 10 Not more than one ton of celluloid and not more than five hundred and sixty reels or one ton of cinematograph film shall be kept in one store-room:  
  
Provided that, where a store-room is divided into separate compartments by separate fire-resisting partitions without any openings therein, each such compartment may, for the purposes of this provision, be regarded as a separate store-room.
- 11 When both celluloid and cinematograph film are stored in one store-room, the aggregate quantity therein shall, at no time, exceed one ton.

#### SECOND SCHEDULE

Section 1

#### PROCEDURE FOR MAKING ORDERS, &C.

- 1 Before the Ministry makes any order, it shall publish, in such manner as it may think best adapted for informing persons affected, notice of the proposal to make the order, and of the place where copies of the draft order may be obtained, and of

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the time (which shall not be less than twenty-one days) within which any objection made with respect to the draft order by or on behalf of persons affected must be sent to the Ministry.

- 2 Every objection must be in writing and state—
- (a) the draft order or portions of the draft order objected to;
  - (b) the specific grounds of objection; and
  - (c) the omissions, additions, or modifications asked for.
- 3 The Ministry shall consider any objection, made by or on behalf of any persons appearing to the Ministry to be affected, which is sent to it within the required time, and it may, if it thinks fit, amend the draft order, and shall then cause the amended draft to be dealt with in like manner as an original draft.
- 4 Where the majority of the occupiers of the premises affected by the proposed order dispute the reasonableness of the requirements in the proposed order, and the Ministry does not amend or withdraw the draft order, the Ministry shall, before making the order, direct an inquiry to be held in the manner hereinafter provided. The Ministry may also direct an inquiry to be held in regard to any objection, though not made by the majority of the occupiers, if he thinks fit.
- 5 The Ministry may appoint a competent person to hold an inquiry with regard to any draft order, and to report to it thereon.
- 6 The inquiry shall be held in public, and any person who, in the opinion of the person holding the inquiry, is affected by the draft order, may appear at the inquiry either in person or by counsel, solicitor, or agent.
- 7 The witnesses on the inquiry may, if the person holding it thinks fit, be examined on oath.
- 8 Subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Ministry.
- 9 The fee to be paid to the person holding the inquiry shall be such as the Ministry may direct.
- 10 The order shall be laid as soon as possible before both Houses of the Parliament of Northern Ireland, and, if either House within the next forty days<sup>F14</sup> after the order has been laid before that House resolve that all or any of the provisions of the order ought to be annulled, the order shall, after the date of the resolution, be of no effect, without prejudice to the validity of anything done in the meantime thereunder or to the making of any new order. If any of the provisions of an order are annulled, the Ministry may, if it thinks fit, withdraw the whole order.

**F14** 1954 c.33, see 1979 NI 12

- 11 Notice of any order having been made and of the place where copies of them can be purchased shall be published in the Belfast Gazette.



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