

# **Cinematograph Films Act, 1948.**

II & 12 GEO. 6. CH. 23

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## ARRANGEMENT OF SECTIONS:

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### Section.

1. Obligation of exhibitors to show British films.
2. Determination of quotas of British films.
3. Supplementary provisions as to quotas.
4. Exemption and relief of certain theatres and itinerant exhibitors.
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6. Charging of rentals for registered films.
7. Application to non-standard films.
8. Composition of Cinematograph Films Council.
9. Amendments of principal Act and repeals.
10. Interpretation, citation, commencement and extent.

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Part I.—Provisions of principal Act amended.

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as amended by this Act.





CHAPTER 23.

An Act to make further provision for securing the exhibition of a certain proportion of British cinematograph films, and otherwise to amend and continue the Cinematograph Films Act, 1938.

[24th March 1948.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) Subject to the provisions of this Act, an exhibitor who, in any quota period, exhibits registered films to the public at any theatre in Great Britain shall include among the films so exhibited such British films as are required by this section in respect of that period. Obligation of exhibitors to show British films.

(2) Where the films exhibited as aforesaid in any quota period include films registered as long films, the film so exhibited as the first feature film shall, on at least the prescribed percentage of the number of days on which such films are so exhibited, be a film registered as a British film and as an exhibitors' quota film.

(3) Where the films exhibited as aforesaid in any quota period include films registered as short films, or films registered as long films which are exhibited otherwise than as first feature films, those films shall, to the extent of at least the prescribed percentage of their total exhibited length, be films registered as British films and as exhibitors' quota films.

(4) In this Act the expression "quota period," means the year beginning on the first day of October, nineteen hundred and forty-eight, and each succeeding year during which this section is in force.

(5) The requirements imposed by this section in respect of any quota period shall be complied with separately in respect of the first six months of that period as well as in respect of the whole of that period.

(6) If any exhibitor fails to comply with any of the requirements of this section, he shall be guilty of a quota offence unless the Board of Trade certify under the principal Act that his failure was due to circumstances beyond his control, or the exhibitor proves that fact to the satisfaction of the court.

(7) This section shall continue in force until the thirtieth day of September, nineteen hundred and fifty-eight, and shall then expire.

Determination  
of quotas of  
British films.

2.—(1) The Board of Trade shall, not later than the first day of July, nineteen hundred and forty-eight, by order determine the percentages which are to be the prescribed percentages for the purposes respectively of subsection (2) and subsection (3) of the foregoing section.

(2) Any order made by the Board under this section may be amended by a subsequent order made by the Board :

Provided that no such amending order shall have effect in relation to any quota period beginning earlier than six months from the date on which it is made.

(3) Before making an order under this section, the Board shall consult the Cinematograph Films Council and consider its advice in the matter.

(4) The power of the Board to make orders under this section shall be exercised by statutory instrument ; and any such instrument shall be of no effect unless it is approved by resolution of each House of Parliament.

Supple-  
mentary  
provisions as  
to quotas.

3.—(1) For the purposes of subsections (2) and (3) of section one of this Act, a film which was first registered as a British film more than four years before the beginning of the quota period in question shall be disregarded unless, upon an application made not later than the end of that period by a renter having a right to distribute the film in Great Britain, the Board of Trade, after consulting the Cinematograph Films Council and considering its advice in the matter, direct that the film shall be taken into account for that purpose.

(2) A film shall be deemed for the purposes of this Act to be exhibited as the first feature film at a theatre on any day—

(a) if it is the only long film exhibited at that theatre during the normal hours in the ordinary programme on that day ;

- (b) if the daily rental of the film exceeds that of any other long film so exhibited; or
- (c) (where the daily rental of the film is equal to that of another long film so exhibited, and is not less than that of any other such long film) if it is the last long film so exhibited.

(3) For the purposes of the last foregoing subsection, the total rental payable by an exhibitor in respect of the exhibition of a film at any theatre during any period (whether ascertained by reference to receipts or otherwise) shall be divided by the number of days in that period on which the film is so exhibited, and the sum so arrived at shall be deemed to be the daily rental of that film.

(4) In computing for the purposes of subsection (3) of section one of this Act the total exhibited length of the films of any class exhibited at any theatre in any quota period, or in the first six months of any quota period, the registered length of each such film shall be multiplied by the number of occasions on which the film is so exhibited (otherwise than as the first feature film) during the normal hours in the ordinary programme.

(5) A film registered as a British film which is exhibited at a theatre on any day shall not be deemed for the purposes of this Act to be exhibited during the normal hours in the ordinary programme unless the whole of that film is exhibited at least once between the hours of five and ten p.m.

(6) A film of which the total labour costs are less than ten shillings per foot shall not be registered as an exhibitors' quota film, and any such film shall be disregarded for the purposes of subsection (2) and (3) of section one of this Act.

4.—(1) If the Board of Trade are satisfied, on application made to them by an exhibitor who exhibits films to the public at any theatre in Great Britain—

- (a) that films are so exhibited at not less than two other theatres in the same locality in competition with his theatre; and
- (b) that owing to circumstances beyond the control of the applicant films registered as British films are exhibited at those theatres on dates earlier than the dates on which he is able to exhibit the same films in his theatre,

the Board may, if they think fit, direct that in relation to the exhibition of films at the theatre to which the application relates the prescribed percentage for the purposes of subsection (2) or subsection (3) of section one of this Act shall be reduced, in the

case of such quota period or periods as may be specified in the direction, by such amount as may be so specified :

Provided that the Board shall not give any such direction if it appears to them that the theatre is controlled by a person who controls more than two hundred theatres in Great Britain.

(2) Before giving a direction under the last foregoing subsection, the Board shall consult the Cinematograph Films Council and consider its advice in the matter.

(3) If upon application made to them as mentioned in subsection (1) of this section not less than three months before the beginning of any quota period the Board are satisfied—

(a) that the theatre to which the application relates fulfils the conditions specified in paragraphs (a) and (b) of that subsection ; and

(b) that the average net box office receipts of the theatre during the year ending six months before the beginning of that quota period did not exceed one hundred pounds per week,

the Board shall direct that the foregoing provisions of this Act shall not apply to the exhibition of films at that theatre during that quota period.

(4) In relation to an exhibitor who, in any quota period, exhibits registered films to the public at theatres in Great Britain (not being theatres of the class described in subsection (3) of this section) but does not so exhibit such films at any one such theatre on more than six days during that period nor at more than one such theatre at the same time, the foregoing provisions of this Act shall have effect as if all the registered films exhibited by him to the public at such theatres in Great Britain in that period were so exhibited at one such theatre.

(5) The reference in subsection (3) of this section to the net box office receipts of a theatre shall be construed as a reference to the receipts from the sale of seats at all performances at which registered films are shown to the public, after deduction of entertainments duty within the meaning of the Finance (New Duties) Act, 1916.

6 & 7 Geo. 5.  
c. 11.

Circuit  
theatres, etc.

5.—(1) Where application is made to the Board of Trade for a licence under section nine of the principal Act authorising a person to carry on business as an exhibitor at any theatre, and it appears to the Board that the theatre is controlled by a person who controls more than two hundred theatres in Great Britain, any licence issued in pursuance of the application shall be issued subject to the conditions specified in the next following subsection.

(2) The conditions of any such licence as aforesaid shall be such as appear to the Board to be necessary for securing that the exhibitor will, if so required by the Board, exhibit at the theatre as first feature films, on such occasions as the Board may direct during the quota period in respect of which the licence is granted, not more than six films registered as British films and recommended by a Selection Committee to be appointed by the Board for the purpose as being suitable for such exhibition by reason of their entertainment value.

(3) A direction given by the Board under any such condition as aforesaid shall be without prejudice to the requirements imposed on the exhibitor by section one of this Act, but any film exhibited in compliance with such a direction shall be taken into account for the purposes of subsection (2) of that section.

(4) If any such condition as aforesaid is not complied with, the exhibitor shall be guilty of a quota offence unless the Board certify under the principal Act that the failure to comply therewith was due to circumstances beyond the control of the exhibitor and of any person other than the exhibitor having control of the theatre in question, or the exhibitor proves that fact to the satisfaction of the court.

(5) Notwithstanding anything in subsection (3) of the said section nine, if it appears to the Board that any theatre in respect of which application is made for such a licence as aforesaid is controlled by a person who controls more than two hundred theatres in Great Britain, the Board may refuse to issue a licence authorising the applicant to carry on business as an exhibitor at that theatre unless it is shown to their satisfaction—

- (a) that the theatre was controlled by that person on the first day of September, nineteen hundred and forty-seven ; and
- (b) that any arrangements in force for securing that the films exhibited at that theatre are the same as those exhibited at other theatres controlled by that person were also in force on the said date.

6.—(1) The rentals payable in respect of all registered films delivered by a renter to an exhibitor for public exhibition at a theatre in Great Britain during the continuance in force of section one of this Act shall be charged separately in respect of each film :

Charging of  
rentals for  
registered  
films.

Provided that nothing in this subsection shall render unlawful an agreement between a renter and an exhibitor for the delivery as aforesaid of two or more films at an inclusive rental, if the proportion of the rental to be attributed to each film is defined on or before the delivery of those films.

(2) If any film of which the rental is charged in contravention of this section is delivered to an exhibitor as aforesaid, the renter shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

Application  
to non-  
standard  
films.

7.—(1) Subject to the provisions of this section, this Act and the principal Act shall not apply to films other than standard films, that is to say films of the width of thirty-five millimetres.

(2) The Board of Trade may, after consulting the Cinematograph Films Council and considering its advice in the matter, make regulations applying the provisions of this Act and the principal Act to films other than standard films, subject to such exceptions and modifications as may be specified in the regulations.

(3) The power of the Board to make regulations under this section shall be exercised by statutory instrument; and any such instrument shall be of no effect unless it is approved by resolution of each House of Parliament.

Composition  
of Cinemato-  
graph Films  
Council.

8.—(1) The constitution of the Cinematograph Films Council shall be varied as follows, that is to say—

- (a) the number of members appointed as being independent persons shall be seven instead of eleven;
- (b) the number of members appointed as representing exhibitors shall be five instead of four, of whom one shall be appointed as representing exhibitors in Scotland;
- (c) the number of members appointed as representing makers of British films shall be four instead of two, of whom one shall be appointed as representing makers of films not intended for general exhibition as first feature films; and
- (d) four members shall be appointed as representing persons employed by makers, renters or exhibitors of British films instead of two members representing persons employed by makers of British films.

(2) Any committee of the Council may include persons who are not members of the Council, and any such committee may co-opt as additional members of the committee such persons, whether members of the Council or not, as the committee may, with the approval of the Council, determine.

Amendments  
of principal  
Act and  
repeals.

9.—(1) Subject to the provisions of this section, the provisions of the principal Act specified in Part I of the First Schedule to this Act shall have effect subject to the amendments set out



in relation thereto in the second column of that Schedule, being amendments for securing the continuance in force of those provisions, minor amendments, and amendments consequential on the provisions of this Act; and the enactments specified in Part II of that Schedule are hereby repealed.

(2) Notwithstanding anything in this section, the provisions of the principal Act relating to exhibitors' quotas (including any order made by the Board of Trade under paragraph (c) of subsection (2) of section fifteen of that Act altering the percentages prescribed for the purposes of those provisions by the First Schedule to that Act) shall continue in force until the end of the exhibitors' quota period ending on the thirtieth day of September, nineteen hundred and forty-eight; and without prejudice to subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) the principal Act shall have effect in relation to anything done or omitted before the commencement of this Act, or before the end of the period aforesaid, as the case may be, as if this section had not been enacted. <sup>52 & 53 Vict. c. 63.</sup>

(3) In accordance with the provisions of subsection (1) of this section, the principal Act shall have effect as set out in the Second Schedule to this Act, but without prejudice to the provisions of the last foregoing subsection.

10.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ principal Act ” means the Cinematograph Films Act, 1938, and, except where the context otherwise requires, means that Act as amended by this Act; <sup>Interpretation, citation, commencement and extent. 1 & 2 Geo. 6. c. 17.</sup>

“ quota period ” has the meaning assigned to it by section one of this Act;

and other expressions have the same meaning as in the principal Act.

(2) For the purposes of this Act, a theatre shall be deemed to be controlled by any person who has the right to exhibit films thereat or the right to control or direct the exhibition of films thereat (whether by making contracts with renters or otherwise), and any right vested in a company shall be treated for the purposes of this subsection as vested also in any company of which that company is a subsidiary, or which is a subsidiary of that company, within the meaning of the Companies Acts, 1929 and 1947.

(3) References in any enactment to the principal Act shall, unless the context otherwise requires, be construed as references to that Act as amended by this Act.

(4) This Act may be cited as the Cinematograph Films Act, 1948, and the principal Act and this Act may be cited together as the Cinematograph Films Acts, 1938 and 1948.

(5) This Act shall come into force on the first day of April, nineteen hundred and forty-eight.

(6) This Act shall not extend to Northern Ireland.

## SCHEDULES.

## FIRST SCHEDULE.

Section 9.

## AMENDMENTS OF PRINCIPAL ACT AND REPEALS.

## PART I.

## PROVISIONS OF PRINCIPAL ACT AMENDED.

<i>Provision amended.</i>	<i>Amendment.</i>
Section eight ...	... For the words " thirtieth day of September, nineteen hundred and forty-eight " there shall be substituted the words " expiry of section one of the Cinematograph Films Act, 1948 ".
Section nine ...	... In subsection (1), for the words from " the year " to " succeeding years " there shall be substituted the words " any renters' licensing year ".
	In subsection (2), for the words " any exhibitors' quota year " there shall be substituted the words " any quota period ", and for the words " that year," there shall be substituted the words " that period ".
	In subsection (3), at the beginning of the subsection there shall be inserted the words " Subject to the provisions of section five of the Cinematograph Films Act, 1948 ", and at the end of the proviso there shall be added the words " or for the purpose of satisfying themselves as to any matter which is relevant for the purposes of the said section five ".
	In subsection (4), for the word " year " there shall be substituted the words " quota period."
	In subsection (7), for the words " the year " there shall be substituted the words " the quota period " and for the words " that year " there shall be substituted the words " that period ".
Section ten ...	... In subsection (1), for the words from " the period " to " nineteen hundred and forty-eight " there shall be substituted the words " any renters' licensing year ".
Section eleven ...	... In subsections (1) and (2), the words " under this Part of this Act ", in both places where those words occur, shall be omitted.
	In subsection (2), the words from " the offence " in the first place where those words occur to " exhibitors' quotas and ", the words " or a licence granted under the Act of 1927 for the purposes of section

1ST SCH.  
—cont.*Provision amended.*

Section eleven—cont.

*Amendment.*

twenty of that Act", and the words from "Provided that" to the end of the subsection shall be omitted.

In subsection (3), for the words "this part of this Act" in the first place where those words occur, there shall be substituted the words "the Cinematograph Films Act, 1948"; the words from "in the case of an offence", in the first place where those words occur, to "exhibitors' quotas" shall be omitted; for the words "one year" there shall be substituted the words "two years", and for the words "exhibitors' quota year" there shall be substituted the words "quota period".

In subsection (4), the words from "the expression 'renter's offence'" to "Act of 1927 and" shall be omitted, and for the words "a quota offence under the", in the second place where those words occur, there shall be substituted the words "an offence which is a quota offence by virtue of the Cinematograph Films Act, 1948, or the repealed".

Section twelve

... In subsection (1), for the words from "has" to "distribution" there shall be substituted the words "in any renters' licensing year, delivers for public exhibition at a theatre"; for the words "as soon as practicable, record in a book to be kept by him for the purpose" there shall be substituted the words "keep records of"; in paragraph (a), after the words "British film" there shall be inserted the words "as an exhibitors' quota film", and the word "registered", in the third place where it occurs in the paragraph, shall be omitted; at the end of paragraph (b) there shall be inserted the words "and, in the case of a long film delivered as aforesaid for exhibition on or after the first day of October, nineteen hundred and forty-eight, the rental paid or payable in respect of the exhibition of the film at each of those theatres"; and for the words "the said book" there shall be substituted the words "those records".

In subsection (2), for the words "exhibitors' quota year" and the words "that year", wherever those words occur, there shall be substituted respectively the words "quota period" and "that period"; and in paragraph (a), after the words "British film"

*Provision amended.*

*Amendment.*

1ST SCH.  
—cont.

Section twelve—cont.

there shall be inserted the words “ as an exhibitors’ quota film ”, and the word “ registered ”, in the third place where it occurs in the paragraph, shall be omitted ; After subsection (2), there shall be inserted the following subsection :—

“ (2A) Any exhibitor who, in any quota period, exhibits as aforesaid films registered as long films shall, in addition to the matters required by the last foregoing subsection to be recorded by him, keep records of the rental paid or payable in respect of each such film so exhibited.”

In subsection (3), after the word “ by ” in the first place where that word occurs, there shall be inserted the words “ subsection (2) of ” and after the word “ book ” in the second and third places where that word occurs, there shall be inserted the words “ or records ”.

In subsection (4), for the words from “ who is required ” to “ so entitled ” there shall be substituted the words “ fails to comply with any of the requirements of this section ”.

Section thirteen

... In subsection (1), the words “ on the part of a person ” shall be omitted ; for the words “ to fulfil any relevant quota conditions ” there shall be substituted the words “ to comply with any of the requirements of section one of the Cinematograph Films Act, 1948, or with any conditions imposed by a licence in pursuance of section five of that Act ” ; and for the words “ his control ” there shall be substituted the words “ the control of any person ”.

In subsection (2), for the words “ this Part of this Act ” there shall be substituted the words “ the Cinematograph Films Act, 1948 ”, for the words “ relevant quota conditions ” there shall be substituted the words “ requirement of section one of that Act ” ; for the words “ those conditions ” there shall be substituted the words “ that requirement ” ; and for the words from “ but, in the case of a renter ” to the end of the subsection there shall be substituted the words “ and a failure to exhibit a film in accordance with a condition in that behalf imposed by a licence in pursuance of section five of the Cinematograph Films Act, 1948, shall be deemed to have been

1ST SCH.  
—cont.*Provision amended.**Amendment.*

- Section thirteen—cont. due to circumstances beyond the control of a person if he was not able to acquire the right to exhibit that film on reasonable terms ”.
- Section seventeen ... In subsection (1), for the words “ thirtieth day of September, nineteen hundred and forty-eight ” there shall be substituted the words “ expiry of section one of the Cinematograph Films Act, 1948 ”.
- Section eighteen ... For the words from “ the period ” to “ nineteen hundred and forty-eight ” there shall be substituted the words “ any renters’ licensing year ”.
- Section twenty ... In paragraph (a), for the words “ end of September, nineteen hundred and forty-eight ” there shall be substituted the words “ expiry of section one of the Cinematograph Films Act, 1948 ”; and in paragraph (b), for the words “ before the end of March, nineteen hundred and forty-eight ” there shall be substituted the words “ more than six months before the expiry of the said section one ”.
- Section twenty-one ... At the end of the section there shall be inserted the words “ or the Cinematograph Films Act, 1948 ”.
- Section twenty-two ... In subsection (1), for the words “ thirtieth day of September, nineteen hundred and forty-eight ” there shall be substituted the words “ expiry of section one of the Cinematograph Films Act, 1948 ”; and in paragraph (a) of the proviso to that subsection, for the word “ applies ” there shall be substituted the words “ then applied ”.
- Section twenty-three In subsection (1), for the words “ end of September, nineteen hundred and forty-eight ” there shall be substituted the words “ expiry of section one of the Cinematograph Films Act, 1948 ”.
- In subsection (2), after the words “ British film ” there shall be inserted the words “ an exhibitors’ quota film ”.
- Section twenty-four... In subsection (3), after the words “ this Part of this Act ” there shall be inserted the words “ or the Cinematograph Films Act, 1948 ”.

<i>Provision amended.</i>	<i>Amendment.</i>
Section twenty-five ...	In subsection (1), after the words "only if" there shall be inserted the words "either it is made by or on behalf of a department of His Majesty's Government in the United Kingdom or by or on behalf of the Government of any other part of His Majesty's dominions, or".
Section twenty-six ...	In subsection (1), for the words from "and subject" to the end of the subsection, there shall be substituted the words "unless the total labour costs of the film are less than ten shillings per foot".
Section twenty-nine	For the words from "(other than a film" to "a film" in the fourth place where those words occur, there shall be substituted the word "or".
Section thirty ...	For the words "Part I of this Act" there shall be substituted the words "the Cinematograph Films Act, 1948", and the words "renters' quotas and" shall be omitted.
Section thirty-three ...	In subsection (1), for the words "thirtieth day of September, nineteen hundred and forty-eight" there shall be substituted the words "expiry of section one of the Cinematograph Films Act, 1948"; after the words "British film" there shall be inserted the words "as an exhibitors' quota film"; and the word "registered", in the fourth place where it occurs, shall be omitted.
Section thirty-four ...	In subsection (1), after the word "making," there shall be inserted the words "renting or exhibiting"; for the words "that business" there shall be substituted the words "the making, renting or exhibition of any films at any place where that business is carried on"; and after the word "employer" there shall be inserted the words "or any organisation representative of persons carrying on the business of making, renting or exhibiting films, as the case may be". In subsection (3), for the words "later date" there shall be substituted the words "other date, not being earlier than the date on which the dispute to which the award relates first arose".
Section thirty-five ...	For the words "The films to which this Act applies" there shall be substituted the words "Subject to the provisions of section seven of the Cinematograph Films Act, 1948, the films to which this Act and that Act apply"; and the words "by the Board of Education" shall be omitted.

1ST SCH.  
—cont.

1ST SCH.  
—cont.

## Provision amended.

## Amendment.

- Section thirty-six ... In subsection (1), for the words " or of an order under Part III of this Act " there shall be substituted the words " or the Cinematograph Films Act, 1948 " ; the words " or (b) the price paid or payable for the acquisition of the right to distribute a film in a foreign country " shall be omitted ; and after the words " specified in the order " there shall be inserted the words " and any such order may specify different sums in relation to long films and short films respectively " .
- Section thirty-seven... In subsection (3), for the words " any exhibitors' quota year " there shall be substituted the words " any quota period " ; for the word " year " , in every subsequent place where that word occurs, there shall be substituted the word " period " ; and at the end of paragraph (b) of that subsection there shall be inserted the words " or the Cinematograph Films Act, 1948 " .  
In subsection (5), at the end of the subsection there shall be added the words " or the Cinematograph Films Act, 1948 " .  
In subsection (6), the words " a renters' licence or of " , the words " as a renter in Great Britain or carried on business " , and the words " as the case may be " shall be omitted, and for the word " year " there shall be substituted the words " quota period " .
- Section thirty-eight ... In subsection (2), after the words " this Act " , in the first place where those words occur, there shall be inserted the words " or the Cinematograph Films Act, 1948 " .
- Section thirty-nine ... After the words " this Act " there shall be inserted the words " or the Cinematograph Films Act, 1948 " .
- Section forty ... In subsection (1), in paragraph (b) for the words " a renters' " there shall be substituted the words " an exhibitors' " .  
In subsection (2), after the words " this Act " , in the first place where those words occur, there shall be inserted the words " and of the Cinematograph Films Act, 1948 " .
- Section forty-one ... In subsection (1), for the word " twenty-one " there shall be substituted the word " twenty-two " ; in paragraph (a), for the word " eleven " there shall be substituted the word " seven " ; in paragraph (b), for the word " two " there shall be substituted the word " four " and at the end of the said paragraph there shall be inserted the words



*Provision amended.*  
Section forty-one  
—*cont.*

*Amendment.*

1ST SCH.  
—*cont.*

“ of whom one shall be appointed as representing makers of films not intended for general exhibition as first feature films ” ; in paragraph (d), for the word “ four ” there shall be substituted the word “ five, ” and at the end of the said paragraph there shall be inserted the words “ of whom one shall be appointed as representing exhibitors in Scotland ” ; and in paragraph (e), for the word “ two ” there shall be substituted the word “ four ” , and after the word “ makers ” there shall be inserted the words “ renters or exhibitors ” .

In subsection (2), at the end of the subsection there shall be added the words “ or the Cinematograph Films Act, 1948 ” .

In subsection (6), for the word “ ten ” there shall be substituted the word “ nine ” .

In subsection (7), the words “ the Act of 1927 or ” shall be omitted ; and after the words “ this Act ” there shall be inserted the words “ or the Cinematograph Films Act, 1948 ” .

In subsection (8), the words “ consisting of such members of the Council as it may determine ” shall be omitted.

Section forty-two ... In subsections (1) and (2), after the words “ this Act ” , in both places where those words occur, there shall be inserted the words “ or the Cinematograph Films Act, 1948 ” .

Section forty-three ... After the words “ this Act ” there shall be inserted the words “ or the Cinematograph Films Act, 1948 ” .

Section forty-four ... In subsection (1), after the words “ this Act ” there shall be inserted the words “ and the Cinematograph Films Act, 1948 ” ; after the definition of “ maker ” there shall be inserted the following definition :—

“ ‘ quota period ’ has the meaning assigned to it by the Cinematograph Films Act, 1948, and includes the year ending on the thirtieth day of September, nineteen hundred and forty-eight ” ;

after the definition of “ renter’s licence ” there shall be inserted the following definition :—

“ ‘ renter’s licensing year ’ means a period of twelve months beginning on the first day of April in any year and ending before the expiry of section one of the Cinematograph Films Act, 1948 ” ;

1ST SCH.  
cont.Provision amended.  
Section forty-four  
—cont.

Amendment.

and the definitions of “ exhibitors’ quota year ”, “ foreign country ”, and “ renters’ quota period ”, and in the definition of “ renter ” the words from “ and ” to “ that period ”, shall be omitted.

In subsection (4), the words “ in any country or area ”, the words “ in that country or area ” and the word “ therein ” shall be omitted.

In subsections (6) and (7), after the words “ this Act ”, in both places where those words occur, there shall be inserted the words “ and of the Cinematograph Films Act, 1948 ”.

Section forty-five ... In subsection (6), the words from the beginning to “ this Act ; and ”, in the second place where those words occur, shall be omitted.

Section forty-six ... In subsection (3), after the words “ the purposes of this Act ” there shall be inserted the words “ or of the Cinematograph Films Act, 1948 ”.

## PART II.

## ENACTMENTS REPEALED.

Enactment.

Extent of Repeal.

The Cinematograph Films Act, 1927. 17 & 18 Geo. 5. c. 29. The whole Act.

The Cinematograph Films Act, 1938. 1 & 2 Geo. 6. c. 17. Sections one to seven and fourteen to sixteen, subsection (2) of section twenty, subsections (2) to (7) of section twenty-six, subsection (2) of section thirty-four, subsections (1) and (2) of section thirty-seven, subsections (2) and (3) of section forty-four, subsections (1) to (5) and (7) and (8) of section forty-five, and the First and Third Schedules.

SECOND SCHEDULE.

Section 9.

**THE CINEMATOGRAPH FILMS ACT, 1938,**  
**AS AMENDED BY THIS ACT.**

[1 & 2 GEO. 6. CH. 17.]

ARRANGEMENT OF SECTIONS.

PART I.

RENTERS' QUOTAS AND EXHIBITORS' QUOTAS.

Section.

*General Provisions.*

8. Restriction on renting registered films otherwise than at their registered length.
9. Licensing of renters and exhibitors.
10. Provisions for securing that films exhibited in Great Britain are obtained from licensed renters.
11. Penalties for quota offences.
12. Record books to be kept by renters and exhibitors.
13. Relief from liability for quota offences in circumstances beyond control of exhibitor.

PART II.

RESTRICTIONS ON BLIND BOOKING AND ADVANCE  
BOOKING OF FILMS.

17. Restriction on blind booking.
18. Restriction on advance booking.
19. Penalties.
20. Invalidation of agreements involving blind booking or advance booking.
21. Information to be furnished by renters to Board of Trade for purposes of Part II.

PART III.

REGISTRATION OF FILMS.

22. Prohibition of distribution or exhibition of unregistered films.
23. Registration of films.
24. Applications for registration, and information to be furnished in connection therewith.
25. Determination of films to be treated as British films for purposes of registration.
26. Registration of British films as exhibitors' quota films.
27. Power to disregard items of labour costs in certain circumstances.
28. Registration of serial films.
29. Prohibition of registration of film exhibited or registered before commencement of Act.
30. Corrections of register.
31. Reference of disputes to High Court or Court of Session.
32. Evidence of registration.
33. Information to be given to exhibitors with respect to registration of films.

2ND SCH.  
—cont.

PART IV.

PROVISIONS AS TO PERSONS EMPLOYED BY MAKERS  
OF CINEMATOGRAPH FILMS.

Section.

34. Wages and conditions of employment of persons employed by makers of cinematograph films.

PART V.

GENERAL AND SUPPLEMENTARY PROVISIONS.

35. Films to which Act applies.  
36. Power of Board of Trade to vary by order minimum figures in respect of labour costs.  
37. Annual returns to be made by exhibitors.  
38. Penalties in connection with the furnishing of information.  
39. Offences by corporations.  
40. Regulations of Board of Trade.  
41. The Cinematograph Films Council.  
42. Institution of proceedings and service of process.  
43. Exercise of powers of Board of Trade.  
44. Interpretation.  
45. Transitional provisions.  
46. Short title, commencement and extent.

SCHEDULES:

Second Schedule—Maximum Fees.

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An Act to make further provision for securing the renting and exhibition of a certain proportion of British cinematograph films, and for restricting blind booking and advance booking of cinematograph films; to make provision as to the wages and conditions of employment of persons employed by makers of cinematograph films; and to provide for purposes connected with the matters aforesaid. [30th March 1938.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

RENTERS' QUOTAS AND EXHIBITORS' QUOTAS.

*General Provisions.*

Restriction on renting registered films otherwise than at their registered length.

8. If, on any occasion on which, during the period beginning at the commencement of this Act, and ending with the expiry of section one of the Cinematograph Films Act, 1948, a registered film is delivered by a renter to an exhibitor in Great Britain for public exhibition at a theatre therein, the length of the film as so delivered on that occasion differs from the registered length of the film by more than one-tenth of that registered length, the renter shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

9.—(1) No person shall, in any renters' licensing year, carry on the business of distributing registered films in Great Britain, unless—

- (a) there is in force a licence under this section authorising him to carry on business as a renter, or
- (b) an application for such a licence as aforesaid in respect of that year has been duly made, and the determination of the application is still pending;

2ND SCH.  
—cont.  
PART I.  
—cont.  
Licensing of  
renters and  
exhibitors.

and if any person carries on business in contravention of this subsection, he shall be liable on summary conviction to a fine not exceeding twenty pounds for every day on which he so carries on business.

(2) No exhibitor shall, in any quota period, exhibit a registered film to the public at a theatre in Great Britain, unless at the time of the exhibition—

- (a) there is in force a licence under this section authorising him to carry on business as an exhibitor at that theatre, or
- (b) an application for such a licence as aforesaid in respect of that period has been duly made, and the determination of the application is still pending;

and if any exhibitor exhibits a film at any theatre in contravention of this subsection, he shall be liable on summary conviction to a fine not exceeding ten pounds for every day on which he so exhibits the film at that theatre.

(3) Subject to the provisions of section five of the Cinematograph Films Act, 1948, a licence authorising a person to carry on business as a renter in Great Britain or, as the case may be, to carry on business as an exhibitor in Great Britain shall, upon application made in that behalf by the said person, and on payment of the prescribed fee, be granted to him by the Board of Trade, unless he is disqualified for holding the licence applied for:

Provided that the Board of Trade may refuse to grant such a licence, unless the applicant has furnished to the Board such information, verified in such manner, as they may reasonably require for the purpose of satisfying themselves that he is not so disqualified, or for the purpose of satisfying themselves as to any matter which is relevant for the purposes of the said section five.

(4) Subject as hereinafter provided, a licence under this section authorising a person to carry on business as an exhibitor shall be limited so as to extend only to the exhibition of registered films at such one theatre in Great Britain as may be specified in the licence:

Provided that such a licence as aforesaid may be granted so as to extend to the exhibition of registered films at more than one theatre in Great Britain, subject to the limitation that the licence does not authorise the holder thereof to exhibit registered films at any one theatre on more than six days in the quota period in respect of which the licence is granted, or to exhibit registered films at more than one theatre at the same time.

2ND SCH.  
—*cont.*  
PART I.  
—*cont.*

(5) Without prejudice to the following provisions of this Part of this Act, a person shall be disqualified for holding a licence under this section unless he has a place of business in Great Britain.

(6) Where the holder of a licence under this section which is for the time being in force changes the address of his place of business in Great Britain, or ceases to have a place of business in Great Britain, he shall, as soon as practicable, notify to the Board of Trade the change of address or, as the case may be, the fact that he has ceased to have such a place of business.

(7) Subject as hereinafter provided, a licence under this section shall take effect on such day, not being earlier than the beginning of the quota period in respect of which it is granted, as may be specified in the licence, and shall continue in force until the end of that period and no longer:

Provided that if, after the granting of such a licence, the holder of the licence becomes disqualified for holding it, the licence shall forthwith cease to have effect.

Provisions  
for securing  
that films  
exhibited in  
Great Britain  
are obtained  
from licensed  
renters.

10.—(1) An exhibitor shall not, in any renters' licensing year, exhibit on any occasion to the public at a theatre in Great Britain any film to which this Act applies, unless—

- (a) he has acquired the right to exhibit the film to the public at that theatre on that occasion from a person who, at the time of the acquisition, was lawfully carrying on business as a renter in Great Britain, or
- (b) the exhibitor is himself lawfully carrying on business as aforesaid, and has acquired the film for distribution in Great Britain.

(2) If any person exhibits a film in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds for every day on which he so exhibits the film.

Penalties  
for quota  
offences.

11.—(1) Any person guilty of a quota offence shall be liable, on summary conviction, to a fine not exceeding two hundred and fifty pounds or, on conviction on indictment, to a fine not exceeding five hundred pounds.

(2) Where a person is convicted, on indictment, of a quota offence, then, in addition to imposing such a fine as aforesaid, the court, if the offender has previously been convicted of an exhibitor's offence not less than twice (whether summarily or on indictment), may revoke any exhibitor's licence held by him in respect of the theatre in relation to which the offence has occurred, and may order, with respect to—

- (i) the offender,
- (ii) any person who, at or since the time when the offence occurred, was or has been financially associated with the offender in his business as an exhibitor, or
- (iii) any person concerned in the management of the offender's said business who was knowingly a party to the offence,

that he shall, for such period as may be specified in the order, be disqualified for holding an exhibitor's licence in respect of that theatre, and may also order that every person in whose case an

exhibitor's licence has been revoked during the year immediately preceding the date of the conviction, shall, for such period as may be specified in the order, be so disqualified.

2ND SCH.  
—*cont.*  
PART I.  
—*cont.*

(3) Notwithstanding anything in the Summary Jurisdiction Acts, summary proceedings for a quota offence under the Cinematograph Films Act, 1948, may be instituted at any time within two years after the end of the quota period in relation to which the offence has occurred.

(4) In this section the expression " exhibitor's offence " means an offence which is a quota offence by virtue of the Cinematograph Films Act, 1948, or the repealed provisions of this Part of this Act relating to exhibitors' quotas, or an offence under section nineteen of the Act of 1927.

12.—(1) Any renter who, in any renters' licensing year, delivers for public exhibition at a theatre in Great Britain a film which is a registered film shall keep records of—

Record books  
to be kept  
by renters and  
exhibitors.

- (a) the title and registered length of the film, the fact that it is registered as a British film, as an exhibitors' quota film or as a foreign film, as the case may be, and such other particulars with respect to the film as may be prescribed for the purpose of identification, and
- (b) the theatres in Great Britain for public exhibition at which he delivers the film to exhibitors, and the respective dates on which, or periods for which, the film is to be, or has been, exhibited to the public at those theatres on delivery as aforesaid, and, in the case of a long film delivered as aforesaid for exhibition on or after the first day of October, nineteen hundred and forty-eight, the rental paid or payable in respect of the exhibition of the film at each of those theatres;

and shall, whenever requested so to do by a person authorised in that behalf by the Board of Trade, produce those records for inspection by that person.

(2) Any exhibitor who, in any quota period exhibits a registered film to the public at a theatre in Great Britain shall, as soon as practicable, record in a book to be kept by him for the purpose in respect of that theatre—

- (a) the title and registered length of the film, the fact that it is registered as a British film, as an exhibitors' quota film or as a foreign film, as the case may be, and such other particulars with respect to the film as may be prescribed for the purpose of identification, and
- (b) the dates in that period on which the film was exhibited to the public at that theatre, and, in relation to each of those dates, the number of times the film was so exhibited and the respective hours at which the exhibition of cinematograph films to the public at that theatre began and ended:

Provided that an exhibitor who does not, in any quota period, exhibit registered films to the public at any one theatre in Great

2ND SCH.  
—cont.  
PART I.  
—cont.

Britain on more than six days nor at more than one such theatre at the same time, shall not be obliged to keep under this subsection more than one book in respect of the theatres at which he so exhibits registered films in that period.

(2A) Any exhibitor who, in any quota period, exhibits as aforesaid films registered as long films, shall, in addition to the matters required by the last foregoing subsection to be recorded by him, keep records of the rental paid or payable in respect of each such film so exhibited.

(3) Any book which an exhibitor is required by subsection (2) of this section to keep in relation to a particular theatre shall, so long as he continues to carry on the business of exhibiting registered films to the public at that theatre, be kept by him at that theatre and be open to inspection thereat, at all reasonable times, by any person authorised in that behalf by the Board of Trade; and, subject to the preceding provisions of this subsection, an exhibitor who is required to keep a book or records under this section shall, whenever requested so to do by a person authorised in that behalf by the Board, produce the book or records for inspection by that person.

(4) If any person fails to comply with any of the requirements of this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Relief from liability for quota offences in circumstances beyond control of exhibitor.

13.—(1) If, upon application made to them, the Board of Trade are satisfied that any failure to comply with any of the requirements of section one of the Cinematograph Films Act, 1948, or with any conditions imposed by a licence in pursuance of section five of that Act, was due to circumstances beyond the control of any person, the Board may issue a certificate to that effect:

Provided that, where any application is made under this subsection to the Board, they shall, before determining the application, consult the Cinematograph Films Council and consider its advice in the matter.

(2) For the purposes of the Cinematograph Films Act, 1948, a failure on the part of a person to fulfil any requirement of section one of that Act shall be deemed to have been due to circumstances beyond the control of that person if, owing to the character of the films available or to the excessive cost of such films, it was not commercially practicable to fulfil that requirement; and a failure to exhibit a film in accordance with a condition in that behalf imposed by a licence in pursuance of section five of the Cinematograph Films Act, 1948, shall be deemed to have been due to circumstances beyond the control of a person if he was not able to acquire the right to exhibit that film on reasonable terms.

## PART II.

### RESTRICTIONS ON BLIND BOOKING AND ADVANCE BOOKING OF FILMS.

Restriction on blind booking.

17.—(1) No renter shall, in the period beginning at the commencement of this Act and ending with the expiry of section one of the Cinematograph Films Act, 1948, procure the giving by an exhibitor (whether for a consideration or not, and whether orally or in writing) of any such undertaking as would, if it were legally binding on the exhibitor, impose on him an obligation, either actual or contingent, to take delivery of a film to which this Act applies, for public



exhibition at a theatre in Great Britain, being a film which had not been trade-shown at the time of his giving the undertaking:

2ND SCH.  
—cont.  
PART II.  
—cont.

Provided that this subsection shall not operate so as to restrict—

- (a) in relation to any serial film or series of films the making, at a time when at least three parts of the film or series have been trade-shown, of an agreement for the public exhibition of any part thereof,
- (b) the making, in relation to any one film, of an agreement for the exhibition of that film at one theatre only and on a number of consecutive days, or
- (c) the making, in relation to any one film, of agreements for the exhibition of that film on not more than three days and at not more than three theatres.

(2) Where, in relation to any one film, there have been made, at a time when that film has not been trade-shown, several agreements the purport of which, taken together is to provide for the public exhibition of that film in Great Britain either at more than one theatre or otherwise than on consecutive days, the benefit of paragraph (b) of the proviso to the preceding subsection shall not extend to any of those agreements; and where, in relation to any one film, there have been made, at a time when that film has not been trade-shown, several agreements the purport of which taken together is to provide for the public exhibition of the film in Great Britain either on more than three days or at more than three theatres, the benefit of paragraph (c) of the said proviso shall not extend to any of those agreements.

In relation to any film being a part of a serial film or series of films, the preceding provisions of this subsection shall have effect as if, in those provisions, for the words "when that film has not been trade-shown," in each place where those words occur, there were substituted the words "before three parts of that serial film or series of films have been trade-shown."

18. No renter shall, in any renters' licensing year, procure the giving by an exhibitor (whether for a consideration or not, and whether orally or in writing) of any such undertaking as would, if it were legally binding on the exhibitor, impose on him an obligation, either actual or contingent, to take delivery of a film to which this Act applies for public exhibition at a theatre in Great Britain at a date later than six months after the date on which he gives the undertaking: Restriction on advance booking.

Provided that, in relation to any serial film or series of films, this section shall not operate so as to restrict the making of an agreement in so far as it provides for any part of the film or series being exhibited after three parts thereof have been exhibited to the public at a theatre in Great Britain.

19. If any renter contravenes any of the provisions of this Part of this Act, he shall be liable on summary conviction to a fine not exceeding two hundred and fifty pounds. Penalties.

20. Any agreement made after the commencement of this Act (whether in Great Britain or elsewhere) shall be invalid, if and so far as— Invalidation of agreements involving blind booking or advance booking.

- (a) in the case of an agreement made before the expiry of section one of the Cinematograph Films Act, 1948, it purports to

2ND SCH.  
—cont.  
PART II.  
—cont.

impose on any exhibitor an obligation, either actual or contingent, to take delivery of a film to which this Act applies for public exhibition at a theatre in Great Britain, being a film which has not been trade-shown at the time of the making of the agreement, or

- (b) in the case of an agreement made more than six months before the expiry of the said section one, it purports to impose on any exhibitor an obligation, either actual or contingent, to take delivery of a film to which this Act applies for public exhibition at a theatre in Great Britain at a date later than six months after the date on which the agreement is made:

Provided that the preceding provisions of this subsection shall not apply in relation to any agreement the making of which is unrestricted by virtue of the proviso to subsection (1) of section seventeen of this Act or the proviso to section eighteen of this Act, as the case may be.

Information to  
be furnished  
by renters  
to Board of  
Trade for  
purposes of  
Part II.

21. A renter shall, whenever requested so to do by a person authorised in that behalf by the Board of Trade, produce to that person such books or other documents, and furnish to that person such other information, with respect to any film delivered or to be delivered by him to any exhibitor in Great Britain for public exhibition therein, being a film to which this Act applies, as the Board may require for the purpose of the enforcement of this Part of this Act or the Cinematograph Films Act, 1948.

### PART III.

#### REGISTRATION OF FILMS.

Prohibition of  
distribution  
or exhibition of  
unregistered  
films.

22.—(1) No person shall, in the period beginning at the commencement of this Act and ending with the expiry of section one of the Cinematograph Films Act, 1948, deliver to an exhibitor in Great Britain for public exhibition therein any film to which this Act applies, unless, at the time of the delivery, the film is a registered film; and no person shall, in the said period, exhibit to the public at a theatre in Great Britain any film to which this Act applies, being a film which he knows, or ought to have known, not to be a registered film:

Provided that this subsection shall not restrict the delivery or exhibition, in pursuance of a valid agreement for its exhibition at one theatre only on a number of consecutive days, of a film in respect of which a provisional application for registration has been made, if the film is trade-shown within six weeks from the date on which the application was made, and shall not restrict—

- (a) the delivery or exhibition of any film which has been exhibited in Great Britain to exhibitors or to the public before the commencement of this Act, other than a film which was first so exhibited after the end of September nineteen hundred and twenty-seven and is a film to which the Act of 1927 then applied, or
- (b) the delivery or exhibition, in pursuance of valid agreements for its exhibition on not more than three days and at not more than three theatres, of a film which, at the time of the delivery or exhibition, has not been trade-shown.

(2) If any person delivers a film in contravention of this section, he shall be liable on summary conviction to a fine not exceeding two hundred and fifty pounds; and if any person exhibits a film in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds for every day on which he so exhibits the film.

2ND SCH.  
—cont.  
PART III.  
—cont.

23.—(1) Upon application duly made to them, not later than the expiry of section one of the Cinematograph Films Act, 1948, for the registration of a film to which this Act applies, the Board of Trade shall, subject to the following provisions of this Part of this Act, register the film under this Part of this Act in a register to be kept by the Board for the purpose.

Registration  
of films.

(2) The register shall be so kept as to record, in relation to each film registered therein,—

- (a) the title and length of the film, the fact that it is a British film, an exhibitors' quota film or a foreign film, as the case may be, and such other particulars (if any) with respect to the film as may be prescribed for the purpose of identification, and
- (b) such other particulars with respect to the film as are required by the following provisions of this Part of this Act to be entered in the register.

(3) On the registration of a film under this Part of this Act, the Board of Trade shall issue to the person on whose application the film is registered a certificate of registration specifying all the particulars which, at the time of the issue of the certificate, are recorded in the register with respect to that film.

(4) As soon as may be after the end of the week beginning at the commencement of this Act, and of each subsequent week, the Board of Trade shall publish in the Board of Trade Journal a list of films registered in that week.

(5) The register shall, at all reasonable times, be open to inspection by any person at the offices of the Board of Trade, on payment of the prescribed fee, and any person inspecting the register may take copies of any entries therein.

(6) The Board of Trade shall, on demand made in that behalf by any person and on payment of the prescribed fee, furnish that person with a copy of the entry in the register relating to any particular film, being a copy certified to be true by the officer of the Board of Trade having the custody of the register.

24.—(1) Every application for the registration of a film shall be made either by the maker of the film or by a renter who has acquired it for distribution in Great Britain, and shall be accompanied by the prescribed fee.

Applications  
for registration  
and informa-  
tion to be  
furnished in  
connection  
therewith.

(2) No such application as aforesaid shall be entertained unless the film which is the subject of the application has been trade-shown within the fourteen days immediately preceding the date on which the application is made:

Provided that—

- (a) a provisional application may be made before the film has been trade-shown, and in that case, if the film is trade-shown

2ND SCH.  
—cont.  
PART III.  
—cont.

within six weeks after the date on which the provisional application is made, the provisional application shall thereupon be treated as if it had been made within fourteen days after the film was trade-shown; and

- (b) an application made more than fourteen days after the film was trade-shown may be entertained by the Board of Trade if they are satisfied that the delay was due to special circumstances and was not intentional.

(3) The applicant for the registration of a film, and if the applicant is not the maker of the film, the maker, shall produce to the Board of Trade such books and other documents relating to the film, and furnish to the Board such other information with respect thereto, as the Board may require for the proper discharge of their functions under this Part of this Act or the Cinematograph Films Act, 1948, in relation to that film and any information furnished for the purposes of this subsection shall, if the Board so direct, be accompanied by a statutory declaration as to the truth of the information, being a declaration made by the person furnishing the information:

Provided that an application for the registration of a film shall not be granted, unless and until there has been furnished to the Board of Trade a statutory declaration made by the applicant to the effect that there has not been made, in relation to that film, any such agreement as is declared by Part II of this Act to be invalid in any respect.

Determination  
of films to  
be treated as  
British films  
for purposes  
of registration.

25.—(1) Subject to the following provisions of this section, a film shall, for the purpose of the registration thereof under this Part of this Act, be deemed to be a British film if, and only if either it is made by or on behalf of a department of His Majesty's Government in the United Kingdom, or by or on behalf of the Government of any other part of His Majesty's dominions, or—

- (a) the maker of the film was, throughout the time during which the film was being made, either a British subject or a British company, and
- (b) the studio, if any, used in making the film was within His Majesty's dominions, and
- (c) not less than the requisite amount of labour costs represents payments paid or payable in respect of the labour or services of British subjects or persons domiciled in some part of His Majesty's dominions.

(2) In paragraph (a) of the preceding subsection the expression "a British company" means a company incorporated under the laws of any part of His Majesty's dominions, being a company the directors of which, or the majority of the directors of which, were British subjects; and for the purposes of paragraphs (a) and (c) of that subsection, any film used for making photographs depicted as part of any scene in the film which is the subject of the application for registration, shall be deemed to form part of the last-mentioned film; and in paragraph (c) of that subsection the expression "the requisite amount of labour costs" means, in relation to any film—

- (a) (in a case where the total labour costs of the film amount to not less than thirty-three thousand seven hundred and

fifty pounds, and the quotient derived from dividing the amount of the said total labour costs by the number of feet comprised in the length of the film is a sum of not less than four pounds ten shillings) whichever of the two following amounts is the less, that is to say—

(i) the amount arrived at by applying the fraction three-quarters to the total labour costs of the film, after deducting therefrom, if the applicant for registration so desires, the amount of any payment which, as part of those costs, has been paid or is payable in respect of the labour or services of any one person who was, while engaged in the making of the film, neither a British subject nor a person domiciled in some part of His Majesty's dominions;

(ii) the amount arrived at by applying the fraction four-fifths to the total labour costs of the film, after deducting therefrom the amount of any payments which, as part of those costs, have been paid or are payable in respect of the labour or services of any two persons neither of whom was, while engaged in the making of the film, a British subject or a person so domiciled, and at least one of whom was so engaged in the capacity of an actor or actress, or

(b) in any other case, the amount arrived at under sub-paragraph (i) of the preceding paragraph:

Provided that if, upon the application for the registration, as a British film, of a film in respect of which the condition imposed by paragraph (c) of the preceding subsection is not fulfilled, the Board of Trade are satisfied that the maker of the film took all reasonable steps to fulfil the said condition, and that the non-fulfilment thereof was due to exceptional circumstances beyond his control, the Board, if they think fit, may direct that this subsection shall have effect in relation to that film as if in paragraph (a) of this subsection for the words "three-quarters" and the words "four-fifths" there were respectively substituted the words "seven-tenths" and the words "three-quarters."

(3) If, upon an application for the registration of a film as a British film, the applicant requests the Board of Trade so to do, the Board shall, for the purpose of determining whether the conditions imposed by this section are fulfilled in respect of the film, treat the film as if such portions thereof as may be designated by the applicant, being portions the length of which does not exceed in all ten per cent. of the total length of the film or twenty per cent. of so much of its total length as consists of photographs of studio scenes (whichever percentage is the less), did not form part of the film; and in that case the length of the film shall, for the purpose of the registration thereof, be deemed to be reduced by the length of the portions of the film which, by virtue of this subsection, are to be treated as not forming part of the film.

(4) Every film registered under this Part of this Act shall, if the conditions imposed by subsection (1) of this section are fulfilled in respect of the film, be registered as a British film, or, if those conditions are not so fulfilled, be registered as a foreign film.

2ND SCH.  
—cont.  
PART III.  
—cont.

## 2ND SCH.

—cont.

## PART III.

—cont.

Registration  
of British films  
as exhibitors'  
quota films.Power to  
disregard items  
of labour costs  
in certain  
circumstances.

26.—(1) Every film registered under this Part of this Act as a British film shall be registered as an exhibitors' quota film, unless the total labour costs of the film are less than ten shillings per foot.

27. If, upon any application for the registration of a film under this Part of this Act, being an application in connection with which it is material to ascertain—

(a) the labour costs of the film, or

(b) the proportion of those costs which represents payments in respect of the labour or services of persons of any particular class,

it appears to the Board of Trade that any sum which, as part of those costs, is paid or payable in respect of the labour or services of any particular person is so great as not to be a bona fide payment by way of remuneration for the labour or services in question, the Board may direct that the said sum shall, as to the whole or any part of the amount thereof, be disregarded in ascertaining the said labour costs or the said proportion thereof, as the case may be.

Registration of  
serial films.

28.—(1) Subject to the provisions of the following subsection, an application for the registration of any part of a serial film or series of films may be entertained if three parts of the film or series have been trade-shown.

(2) The Board of Trade, after consulting the Cinematograph Films Council and considering its advice in the matter, may by order direct that the preceding subsection shall not apply in relation to any such application for registration as aforesaid which may be made during the continuance in force of the order; and any order under this subsection may be revoked by a subsequent order of the Board.

(3) If an order is made under the last preceding subsection, any provision contained in Part II of this Act which qualifies, in relation to any serial film or series of films, a restriction imposed by that Part of this Act shall operate so as to qualify that restriction in relation only to the exhibition of such parts (if any) of a serial film or series of films as are not the subject of applications for registration made during the continuance in force of the order.

Prohibition  
of registration  
of film  
exhibited or  
registered  
before com-  
mencement  
of Act.

29. A film which has been exhibited in Great Britain to the public before the commencement of this Act or which has been duly registered under Part II of the Act of 1927 shall not be registered under this Part of this Act:

Provided that for the purposes of this section a film shall not be taken to have been exhibited to the public by reason only that the film has been trade-shown.

Corrections  
of register.

30. If, at any time after the registration of a film, the Board of Trade, upon making any such inquiries as they think desirable, are satisfied that the film either ought not to have been registered

or is incorrectly registered in any particular, they shall cause the necessary deletion or correction to be made in the register and if, the Board think proper, issue to the maker of the film, or, if the film has been acquired by a renter for distribution in Great Britain, issue to the renter, a certificate of registration to take the place of any such certificate previously issued in respect of the film; but the Board, if in any particular case they think fit so to do, may direct that, for the purpose of any of the provisions of the Cinematograph Films Act, 1948, relating to exhibitors' quotas, the film shall, to such extent as may be specified in the direction, be treated as if the deletion or correction in the register had not been made.

2ND SCH.  
—cont.  
PART III.  
—cont.

31.—(1) Any person who is aggrieved by any decision taken by the Board of Trade for the purpose of the performance of their duties in relation to the register, may, subject to rules of court, make application in the matter to the High Court, and the decision of that court on any such application shall be final and not subject to appeal to any other court.

Reference of  
disputes to  
High Court  
or Court of  
Session.

(2) In relation to any person whose principal place of business is in Scotland, the preceding subsection shall have effect as if for any reference therein to the High Court there were substituted a reference to the Court of Session.

32. The registration of a film may be proved by the production of—
- (a) a copy of the Board of Trade Journal containing a notification of the registration of the film; or
  - (b) the certificate of registration issued, or, as the case may be, last issued in respect of the film, or
  - (c) a copy of the entry in the register relating to the film, being a copy certified to be true by the officer having the custody of the register;

Evidence of  
registration.

and a document purporting to be such a certificate of registration, or to be such a certified copy as aforesaid, shall be evidence of the matters stated in the document, without proof of the signature or authority of the person signing it.

33.—(1) A renter who, in the period beginning at the commencement of this Act and ending with the expiry of section one of the Cinematograph Films Act, 1948, delivers a registered film to an exhibitor in Great Britain for public exhibition therein shall, in such manner, and at such time, as may be prescribed, notify to the exhibitor the title and registered length of the film, the fact that it is registered as a British film, as an exhibitor's quota film or as a foreign film, as the case may be, and any such other particulars for the time being recorded in the register with respect to the film as may be prescribed.

Information  
to be given  
to exhibitors  
with respect  
to registration  
of films.

(2) If any renter fails to comply with the provisions of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

2ND SCH.  
—cont.

## PART IV.

PROVISIONS AS TO PERSONS EMPLOYED BY MAKERS OF  
CINEMATOGRAPH FILMS.Wages and  
conditions of  
employment  
of persons  
employed by  
makers of  
cinematograph  
films.

34.—(1) The wages paid by any person carrying on in Great Britain the business of making, renting or exhibiting films to which this Act applies to persons employed by him in connection with the making, renting or exhibition of any films at any place where that business is carried on, and the conditions of employment of persons so employed, shall, unless agreed upon by the employer or any organisation representative of persons carrying on the business of making, renting or exhibiting films, as the case may be and by organisations representative of the persons employed, be not less favourable to the person employed than the wages which would be payable, and the conditions which would have to be observed, under a contract which complied with the requirements of any resolution of the House of Commons for the time being in force applicable to contracts of Government departments; and if any dispute arises as to what wages ought to be paid, or what conditions ought to be observed, in accordance with this section, it shall, if not otherwise disposed of, be referred by the Board of Trade to the industrial court for settlement.

(3) Where any award has been made by the industrial court upon a dispute referred to that court under this section, then, as from the date of the award or from such other date, not being earlier than the date on which the dispute to which the award relates first arose as the court may direct, it shall be an implied term of the contract between the employer and workers to whom the award applies that the rate of wages to be paid, or the conditions of employment to be observed, under the contract shall, until varied in accordance with the provisions of this section, be in accordance with the award.

## PART V.

## GENERAL AND SUPPLEMENTARY PROVISIONS.

Films to which  
Act applies.

35. Subject to the provisions of section seven of the Cinematograph Films Act, 1948, the films to which this Act and that Act apply are all cinematograph films other than—

- (a) films consisting wholly or mainly of photographs which, at the time when they were taken, were means of communicating news, or
- (b) films made wholly or mainly for the purpose of commercial advertisement, or
- (c) films certified under subsection (2) of section seven of the Finance Act, 1935, as being entitled to exemption from customs duties under the convention for facilitating the international circulation of films of an educational character which is referred to in that subsection.

25 & 26 Geo. 5.  
c. 24.Power of  
Board of Trade  
to vary by  
order minimum  
figures in  
respect of  
labour costs.

36.—(1) The Board of Trade, after consulting the Cinematograph Films Council and considering its advice in the matter, may lay before Parliament the draft of an order directing that any provisions of this Act or the Cinematograph Films Act, 1948, which specify a sum to which the labour costs of a film, or the quotient



arrived at by dividing the amount of the labour costs of the film by the length thereof, must amount for any particular purpose, shall have effect as if for any reference in those provisions to the said sum there were substituted a reference to such other sum as may be specified in the order and any such order may specify different sums in relation to long films and short films respectively; and if each House of Parliament resolves that the order be made, the Board shall make the order in terms of the draft, and the order shall come into operation on such date as may be specified therein.

2ND SCH.  
—cont.  
PART V.  
—cont.

(2) The power conferred by the preceding subsection to lay in draft before Parliament and to make an order shall be construed as including a power, exercisable in the like manner and subject to the like condition, to lay in draft before Parliament and to make an order varying or revoking an order having effect by virtue of that subsection.

37.—(3) Every person who has, in any quota period, carried on business as an exhibitor at a theatre in Great Britain, shall, within one month after the end of that period, furnish to the Board of Trade a return stating whether or not he has in that period exhibited to the public at a theatre in Great Britain a film which is a registered film, and, if so—

Annual returns  
to be made by  
exhibitors.

- (a) specifying the dates in that period on which any registered film was exhibited by him to the public at that theatre, and, in relation to each of those dates, the number of times the film was so exhibited, and
- (b) giving such other particulars (if any) with respect to the film as may be prescribed, being particulars which the Board consider necessary for the purposes of this Act or the Cinematograph Films Act, 1948;

and the said return shall include a statement showing, in relation to each day in the said period on which cinematograph films were exhibited to the public at that theatre, the respective times at which the exhibition of films as aforesaid began and ended:

Provided that, if in any such period an exhibitor ceases to carry on the business of exhibiting registered films to the public at any particular theatre in Great Britain, the return to be made by him with respect to that theatre for that period shall be made within one month after the date on which he so ceases to carry on that business at that theatre.

(4) A return required by this section shall be deemed not to have been furnished in compliance with this section unless it is accompanied by a statutory declaration of the truth of the particulars contained in the return, being a declaration made by the person required to furnish the return.

(5) Every person by whom a return has been made to the Board of Trade in pursuance of this section, shall produce and furnish to the Board such books and other documents and other information by way of explanation of the return as the Board may require for the purposes of this Act or the Cinematograph Films Act, 1948.

2ND SCH.  
—*cont.*  
PART V.  
—*cont.*

(6) For the purposes of any proceedings which may be taken by virtue of this section, the fact that a person has been the holder of an exhibitor's licence shall be evidence that the said person has, in the quota period in respect of which the licence was granted, carried on business as an exhibitor at a theatre in Great Britain.

Penalties in  
connection  
with the  
furnishing of  
information.

38.—(1) If any person fails to produce, furnish or give to the Board of Trade, in accordance with the requirements of this Act, any book or other document, or any return, notification or other information, which he is required by this Act so to produce, furnish or give, he shall be liable, on summary conviction, to a fine not exceeding five pounds for every day during which the default continues.

(2) Any person who, in furnishing or giving any return, notification or other information for the purposes of any provisions of this Act, or the Cinematograph Films Act, 1948, or, in recording any particulars in pursuance of this Act, knowingly or recklessly makes a statement false in a material particular, shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

Offences by  
corporations.

39. Where a body corporate is guilty of an offence under this Act or the Cinematograph Films Act, 1948, and it is proved that the offence occurred with the consent or connivance of, or was attributable to any neglect on the part of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Regulations  
of Board of  
Trade.

40.—(1) Subject to the following provisions of this section, the Board of Trade may make regulations prescribing anything which by this Act is required or authorised to be prescribed, and may make regulations prescribing—

- (a) the form of applications for the registration of films or for licences under this Act,
- (b) the particulars and evidence necessary for satisfying the Board that a film is a British film or is a film which ought to be registered under Part III of this Act as an exhibitors' quota film, and
- (c) the form of the returns to be made, and the record books to be kept, under this Act,

and also regulations providing that any statutory declaration which a person is required by this Act to make shall be deemed to be properly made if it is made on his behalf by any such person as may be specified in the regulations; but no such regulations prescribing the payment of fees shall be of any effect unless those regulations have been made with the consent of the Treasury.

(2) Any regulations prescribing the amount of any fees shall be so framed as to secure, as nearly as may be, that the aggregate amount produced by those fees will be equal to the amount of the

expenses incidental to the carrying out of this Act and of the Cinematograph Films Act, 1948, and the carrying out of the Act of 1927 after the commencement of this Act; but the amount of the fees payable on applications for the registration of films or for licences under this Act shall not exceed the amounts specified in the Second Schedule to this Act.

2ND SCH.  
—cont.  
PART V.  
—cont.

41.—(1) There shall be a council to be called “the Cinematograph Films Council,” consisting of twenty-two members appointed by the Board of Trade; and of the members of the said Council—

- (a) seven (of whom one shall be the chairman of the Council) shall be persons appointed as being independent persons,
- (b) four shall be persons appointed as representing makers of British films, of whom one shall be appointed as representing makers of films not intended for general exhibition as first feature films,
- (c) two shall be persons appointed as representing renters,
- (d) five shall be persons appointed as representing exhibitors, of whom one shall be appointed as representing exhibitors in Scotland, and
- (e) four shall be persons appointed as representing persons employed by makers, renters or exhibitors of British films.

(2) It shall be the duty of the Board of Trade to satisfy themselves, with respect to any person whom they propose to appoint under paragraph (a) of the preceding subsection to be a member of the said Council, or who is a member of the Council by virtue of an appointment made under that paragraph, that he will have or has, as the case may be, no such financial or commercial interest as is likely to affect him in the discharge of his functions as a member of the Council; and any such person shall, whenever requested by the Board so to do, furnish to them such information as they consider necessary for the performance of their duty under this subsection.

Before appointing a person to be a representative member of the said Council, the Board of Trade shall consult such bodies, if any, as appear to the Board to be representative of the interest concerned.

The Board of Trade shall not appoint to be a member of the said Council any person who has been convicted of an offence under the Act of 1927 or this Act or the Cinematograph Films Act, 1948.

(3) The functions of the said Council shall be—

- (a) to keep under review the progress of the cinematograph film industry in Great Britain, with particular reference to the development of that branch of the said industry which is engaged in the making of films, and to report thereon to the Board of Trade at such times as the Council thinks fit,
- (b) to advise the Board in any matter relating to the cinematograph film industry in which the advice of the Council is sought by the Board (whether at the request of any persons appearing to the Board to have a substantial interest in the matter or otherwise), and

2ND SCH.  
—cont.  
PART V.  
—cont.

(c) to make to the Board, as soon as may be after the end of the year beginning at the commencement of this Act and each subsequent year, a report of the proceedings of the Council during that year.

(4) As soon as may be after receiving any report made to them under paragraph (c) of the last preceding subsection, the Board of Trade shall lay copies of the report before Parliament.

(5) The Board of Trade shall furnish to the said Council such information as the Council may reasonably require for the proper discharge of its functions.

(6) The quorum of the said Council shall be such number, not being less than nine, as the Board of Trade may determine, and the Council shall have power to regulate its own procedure, and may act notwithstanding a vacancy among the members thereof.

(7) A member of the said Council shall hold and vacate office in accordance with the terms of the instrument under which he is appointed, and a member of the Council who ceases to hold office shall be eligible for re-appointment; but no person shall, on any occasion, be appointed to be a member of the Council for more than three years:

Provided that, if any member of the said Council is convicted of an offence under this Act or the Cinematograph Films Act, 1948, his office as a member of the Council shall forthwith become vacant.

(8) The said Council may, subject to any such limitations and conditions as it thinks proper, delegate any of its functions to a committee of the Council.

Institution  
of proceedings  
and service  
of process.

42.—(1) Proceedings for an offence under this Act or the Cinematograph Films Act, 1948, shall not, in England, be instituted otherwise than by the Board of Trade.

(2) Any process to be served on any person for the purposes of this Act or the Cinematograph Films Act, 1948, shall, if that person is out of Great Britain but has a place of business in Great Britain, be deemed to be duly served if it is addressed to that person and left at, or sent by post to, that place of business.

Exercise of  
powers of  
Board of Trade.

43. Anything required or authorised by or under this Act or the Cinematograph Films Act, 1948, to be done by, to or before the Board of Trade, may be done by, to or before the President of the Board, any secretary, under-secretary, or assistant-secretary of the Board, or any person authorised in that behalf by the President.

Interpretation.

44.—(1) In this Act and the Cinematograph Films Act, 1948, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

17 & 18 Geo. 5.  
c. 29.

“ the Act of 1927 ” means the Cinematograph Films Act, 1927;

- “ the Cinematograph Films Council ” means the Cinematograph Films Council constituted under this Part of this Act;
- “ exhibitor ” means a person carrying on the business of exhibiting cinematograph films to the public;
- “ exhibitor’s licence ” means, in relation to any person, a licence under Part I of this Act authorising him to carry on business as an exhibitor;
- “ labour costs,” in relation to a film, means the total amount of the payments paid or payable by the maker of the film in respect of the labour or services of persons directly engaged in the making of the film, in so far as those payments are attributable to the making of that film, but does not include payments in respect of copyright; and for the purposes of this definition—
- (a) the author of the scenario of a film shall be deemed to be a person directly engaged in the making of the film, and
- (b) a person shall not be taken to be directly engaged in the making of a film by reason only—
- (i) that he is financially interested in the making of a film, or is engaged, in an administrative or clerical capacity, as an officer or servant of an undertaking concerned with the making of the film, or
- (ii) that he supplies goods used in the making of the film or is in the employment of a person who supplies goods;
- “ long film ” means a film the length of which is not less than three thousand feet;
- “ maker,” in relation to a film, means the person by whom the arrangements necessary for the making of the film are undertaken;
- “ quota period ” has the meaning assigned to it by the Cinematograph Films Act, 1948, and includes the year ending on the thirtieth day of September, nineteen hundred and forty-eight;
- “ the register ” means the register of films registered under Part III of this Act, and “ registration ” means registration under that Part of this Act;
- “ registered ” means registered either under Part III of this Act or under Part II of the Act of 1927;
- “ registered length,” in relation to a film, means the length of the film as registered for the time being;
- “ renter ” means a person who carries on the business of distributing cinematograph films to exhibitors;

2ND SCH.  
—cont.  
PART V.  
—cont.

2ND SCH.  
—cont.  
PART V.  
—cont.

“renter’s licence” means, in relation to any person, a licence under Part I of this Act authorising him to carry on business as a renter;

“renters’ licensing year” means a period of twelve months beginning on the first day of April in any year and ending before the expiry of section one of the Cinematograph Films Act, 1948;

“serial film or series of films” means a serial film or series of films consisting of a number of parts not exceeding thirteen, each of which does not exceed two thousand feet in length, and which are intended to be exhibited on successive dates at intervals not exceeding fourteen days;

“short film” means a film the length of which is less than three thousand feet;

“studio” means a building constructed or adapted for the purpose of making films therein, and includes any land occupied with such a building, and a studio shall be deemed to be used in making a film if any part of that film, or of any other film used in making it, consists of photographs taken in that studio; and “studio scenes” shall be construed accordingly;

“theatre” means any premises used for the exhibition of films to the public, except that the expression shall not, in relation to any year,—

(a) be construed as including any church, chapel or other place of religious worship, or any hall or other premises used in connection with, and for the purposes of, any church, chapel or other such place as aforesaid, if the number of days on which registered films are exhibited in that year at the church, chapel, place, hall or premises (exclusive of any exhibition forming part of a religious service) does not exceed six, or

(b) be construed as including any premises used in that year for providing entertainments at which the exhibition of films is only part of the programme, if the total length of the registered film or films exhibited in the course of any one of those entertainments does not exceed two thousand feet;

“trade-shown,” in relation to a film, means—

(a) displayed within the administrative county of London to exhibitors or their agents in a building, and under conditions, allowing for the satisfactory viewing of the film, after announcement to such persons at least seven days before the display, the display not being open to any member of the public on payment, or

(b) displayed to exhibitors or their agents on one occasion on which the film is exhibited to the public at a theatre in Great Britain during the first four consecutive

days on which the film is so exhibited, the display taking place after announcement to such persons at least seven days before the display.

2ND SCH.  
—cont.  
PART V.  
—cont.

(4) Any reference in this Act to distributing, or the distribution of, a film shall be construed as a reference to distributing, or the distribution of, the film to exhibitors for public exhibition.

(5) For the purposes of this Act, the making of a film shall be deemed not to include the production of blank film or of positives intended for public exhibition, or the production of negatives by means of any process used for making copies of negatives.

In this subsection the expressions "blank film", "positives" and "negatives" have the same meanings respectively as in section three of the Finance Act, 1925.

(6) For the purposes of this Act and of the Cinematograph Films Act, 1948, registered films shall be deemed to be exhibited at more than one theatre at the same time if any part of the period during which any one registered film is exhibited at a theatre coincides with any part of the period during which any one registered film is exhibited at another theatre. 15 & 16 Geo. 5.  
c. 36.

(7) For the purposes of this Act and of the Cinematograph Films Act, 1948, each part of a serial film or series of films shall be deemed to be a separate film.

(8) Any reference in this Act to His Majesty's dominions shall be construed as including a reference to any British protectorate, and to any such territory, being a territory in respect of which a mandate on behalf of the League of Nations is being exercised by His Majesty, as His Majesty may designate by Order in Council.

Any Order in Council under this subsection may be varied or revoked by a subsequent Order in Council.

45.—(6) The sum by which the aggregate amount produced up to the commencement of this Act by the fees charged under the Act of 1927 exceeds the expenses incidental to the carrying out of that Act up to the commencement of this Act shall be deemed to form part of the amount produced by the fees chargeable under this Act. Transitional  
provisions.

46.—(1) This Act may be cited as the Cinematograph Films Act, 1938. Short title,  
commencement  
and extent.

(2) This Act shall come into operation on the first day of April, nineteen hundred and thirty-eight.

(3) This Act shall not extend to Northern Ireland; and for the purposes of the Government of Ireland Act, 1920, the enactment of legislation for purposes similar to the purposes of this Act or of the Cinematograph Films Act, 1948, shall be deemed not to be beyond the powers of the Parliament of Northern Ireland by reason only that such legislation may affect trade with places outside Northern Ireland. 10 & 11  
Geo. 5. c. 67.

CH. 23.

*Cinematograph Films  
Act, 1948.*

11 & 12 GEO. 6.

2ND SCH.  
—cont.  
PART V.  
—cont.

SECOND SCHEDULE.

MAXIMUM FEES.

	Maximum Fee.	
	£	s.
On an application for the registration of a film ...	2	2
On an application for a renter's licence ...	5	5
On an application for an exhibitor's licence ...	2	2

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