

1979 No. 1750

**CINEMATOGRAPHS AND CINEMATOGRAPH FILMS
BRITISH FILMS (FINANCE)**

**The Cinematograph Films (Distribution of Levy)
(Amendment) Regulations 1979**

Laid before Parliament in draft

Made - - - - 21st December 1979

Coming into Operation 10th February 1980

Whereas a draft of these Regulations has been laid before Parliament and approved by resolution of each House of Parliament pursuant to section 3(4) of the Cinematograph Films Act 1957(a):

Now, therefore, the Secretary of State in exercise of the powers conferred by section 3 of the said Act, and now vested in him(b), and after consultation with the Cinematograph Films Council, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Cinematograph Films (Distribution of Levy) (Amendment) Regulations 1979 and shall come into operation on 10th February 1980.

(2) The amendments set out in these Regulations shall be made to the Cinematograph Films (Distribution of Levy) Regulations 1970(c).

2. In Regulation 3(1) the definitions of “high cost film” and “low cost film” shall be omitted.

3. In Regulation 4 there shall be substituted for the words “9 consecutive periods of 52 weeks” the words “8 consecutive periods of 52 weeks, the following period of 20 weeks and the final period of 32 weeks”.

4. In Regulation 6—

(a) in paragraph (1), after the word “Regulations” there shall be inserted the words “and to paragraph (3) hereof”; and

(b) at the end there shall be added the following paragraph:—

“(3) The aggregate amount payable to the maker of an eligible film by virtue of paragraph (1) hereof in respect of all distribution periods shall not exceed—

(a) in the case of a long film, £500,000; and

(a) 1957 c. 21.

(b) S.I. 1970/1537.

(c) S.I. 1970/1146.

(b) in the case of a short film, £50,000,
but this paragraph shall not apply to prevent the payment (or to require the repayment) of any amount in excess of the amounts specified above if the entitlement to that payment became due before 10th February 1980.”

5. For paragraph (1) of Regulation 9 there shall be substituted the following paragraph:—

“(1) Subject to the following provisions of this Regulation, the earnings during any distribution period of an eligible film shall be—

- (a) in the case of a long film, the total amount due during the distribution period from exhibitors to renters of that film under contracts for the hire of the film for exhibition to the public in programmes at cinemas;
- (b) in the case of a film registered under the provisions of section 39 of the films Act 1960(a) (hereinafter referred to as a “newsreel”), two and a half times such total amount; and
- (c) in the case of a short film other than a newsreel, two and a half times such total amount:

Provided that if on the relevant date the maker of a film is entitled by virtue of Regulation 6 hereof to an aggregate amount which, in respect of all distribution periods (including any part thereof) occurring before that date, equals or exceeds £30,000 (whether or not that amount or any part thereof has already been paid), this sub-paragraph shall have effect on and after that date as if the words “two and a half times” were omitted.

For the purposes of this proviso, the relevant date—

- (i) in relation to a person who has become entitled as aforesaid before 10th February 1980, is that date, and
- (ii) in relation to a person who becomes entitled to an aggregate amount of £30,000 on or after 10th February 1980, the date next following that on which he becomes so entitled.”

Norman Tebbit,

Parliamentary Under-Secretary of State,
Department of Trade,

21st December 1979.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Cinematograph Films (Distribution of Levy) Regulations 1970 by—

- (1) setting a limit on the total payments which may be made to the maker from the British Film Fund of £500,000 in the case of a long film (ie a film the playing time is not less than $33\frac{1}{3}$ minutes) and £50,000 in the case of a short film (ie a film the playing time of which is less than $33\frac{1}{3}$ minutes);
- (2) ceasing to apply to low-cost long films the multiple of $2\frac{1}{2}$ times their earnings for the purpose of computing the payments to be made to their maker from the British Film Fund;
- (3) providing that, in the case of short films other than newsreels, after the coming into operation of this Order, the multiple of $2\frac{1}{2}$ times their earnings shall only be applied until an amount of £30,000 has been paid to their maker from the British Film Fund.

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