



Films Act 1980

CHAPTER 41

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The National Film Finance Corporation

Section

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ELIZABETH II



Films Act 1980

1980 CHAPTER 41

An Act to amend the enactments relating to the financing and exhibition of films. [17th July 1980]

BE IT ENACTED by the Queen'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:—

The National Film Finance Corporation

1.—(1) In section 1(1) of the Films Act 1970 (which author- Extended
ises the making of certain loans by the National Film Finance functions of
Corporation at any time before the end of 1980)— National Film
Finance
Corporation.

(a) paragraph (b) and the word “ or ” immediately preceding it; and 1970 c. 26.

(b) the words from “ but ” to the end ;

shall cease to have effect ; and the following subsection shall be inserted after that subsection—

“ (1A) The National Film Finance Corporation may, at any time before the end of the year 1985, make loans or otherwise give financial assistance, for the purpose of enabling rights to be acquired or work to be undertaken with a view to the production of films, to any persons who, in the judgment of the Corporation, will be able (with such assistance) to acquire those rights or to carry that work to a satisfactory conclusion.

1949 c. 20.

Section 2 of the Cinematograph Film Production (Special Loans) Act 1949 shall not apply to loans made under this subsection ”.

(2) In section 1(1), and also in subsections (2) and (4) of that section (which respectively authorise the Corporation to agree to make loans and to acquire copyright in films, up to the end of 1980), for the words “ 1980 ” there shall in each case be substituted the words “ 1985 ”.

1957 c. 21.

(3) In section 12(1) of the Cinematograph Films Act 1957 (which provides for the transfer of the Corporation’s assets and liabilities and the cesser of their functions in certain circumstances before the end of 1980), for the words “ before the end of the year 1980 ” there shall be substituted the words “ before the end of the year 1985 ”.

(4) In paragraph 8(1) of the Schedule to the Cinematograph Film Production (Special Loans) Act 1949 (which provides for the dissolution of the Corporation at any time after the end of 1980 or on their functions ceasing to be exercisable by virtue of section 12 of the Cinematograph Films Act 1957), for the words “ after the end of the year 1980 ” there shall be substituted the words “ after the end of the year 1985 ”.

Finances of
National Film
Finance
Corporation.

2.—(1) Section 4 of the Cinematograph Film Production (Special Loans) Act 1949 (which authorises Government lending to the National Film Finance Corporation during the period up to the end of 1980) shall cease to have effect.

(2) Any liability of the Corporation to repay the principal and any interest outstanding immediately before the commencement date in respect of any advances made under section 4(1) is hereby extinguished.

(3) For the purpose of enabling the Corporation to perform their functions the Secretary of State shall make a grant of £1 million to the Corporation out of money provided by Parliament on the day next following the commencement date.

(4) The Corporation shall have power, with the consent of the Secretary of State and the Treasury, to borrow such sums as the Corporation may require for performing their functions; but the aggregate amount of the principal outstanding in respect of sums borrowed under this subsection shall not at any time exceed £5 million.

(5) For the purpose mentioned in subsection (3) above, it shall be the duty of the British Film Fund Agency to pay to the Corporation, in respect of each levy period wholly or partly

included in the period of five years beginning with the commencement date—

(a) the appropriate sum ; or

(b) twenty per cent. of the amount received by the Agency in respect of that period, or (as the case may be) in respect of the part of that period so included, as proceeds of the levy on exhibitors imposed under section 2 of the Cinematograph Films Act 1957 ;

1957 c. 21.

whichever is the greater.

(6) In subsection (5)(a) above “ the appropriate sum ” means the sum of £1.5 million or, where part only of the levy period in question is included in the period of five years mentioned in that subsection, the proportion of that sum which corresponds to the proportion of the levy period so included.

(7) Sums on account of the amount due under subsection (5) above from the Agency to the Corporation in respect of any levy period may be paid from time to time during and after that period in accordance with arrangements agreed between the Secretary of State and the Agency, notwithstanding that the amount so due has not yet been finally ascertained.

(8) It shall be the duty of the Agency to make any payments in respect of any amount due to the Corporation under subsection (5) above in preference to any other payments they are authorised or required to make in accordance with section 1 of the Cinematograph Films Act 1957.

(9) In this section “ the commencement date ” means the date on which this section comes into force ; and references to a levy period are references to any period in respect of which a levy is imposed in accordance with regulations made under section 2 of the Cinematograph Films Act 1957.

(10) Paragraph (e) of section 1(1) of the Cinematograph Films Act 1957 (which is superseded by subsections (5) to (8) above) shall cease to have effect, and section 1(5) of that Act (which, as amended by section 1(2) of the Cinematograph Films Act 1975, refers to that paragraph) shall have effect as originally enacted by section 6(2) of the Films Act 1970.

1975 c. 73.

1970 c. 26.

3. In section 1(2) of the Cinematograph Film Production (Special Loans) Act 1949 (which provides that the National Film Finance Corporation shall consist of a chairman, a managing director and not less than three nor more than five other members) for the word “ five ” there shall be substituted the word “ six ”.

Constitution of National Film Finance Corporation.
1949 c. 20.

Extension of period of levy under Cinematograph Films Act 1957

Extension of
period of levy
under
Cinematograph
Films
Act 1957.
1957 c. 21.

4.—(1) In section 2 of the Cinematograph Films Act 1957 (which provides for the imposition of a levy on exhibitors in respect of each of twenty-three successive periods of fifty-two weeks)—

(a) in subsection (1) for the words from “a levy” to the end of the subsection there shall be substituted the words “a levy in respect of—

(a) the period of fifty-two weeks beginning on 23rd September 1979; and

(b) each of five successive periods following that period, of which the first shall be a period of fifty-six weeks beginning on 21st September 1980 and each of the remaining four shall be a period of fifty-two weeks”; and

(b) in subsection (3), paragraph (a) shall be omitted and in paragraph (b), for the words from “so yielded” to “first” there shall be substituted the words “yielded by way of levy in respect of each period in respect of which it is imposed”.

(2) The first of the five successive periods mentioned in section 2(1)(b) of that Act (as amended by subsection (1) above) shall be a financial year of the British Film Fund Agency, notwithstanding that it is longer than a year.

Amendments of Films Act 1960

Extension of
period of
quota.
1960 c. 57.

5. In section 1 of the Films Act 1960 (which obliges exhibitors to include British or Community films among those shown but would, by virtue of subsection (6), expire at the end of the year 1980), for the words “1980” in subsection (6) there shall be substituted the words “1985”.

Amendment
of quota
requirements.

6. After section 3 of the Films Act 1960 there shall be inserted the following section—

“Exhibitions
in more
than one
cinema in
the same
building.

3A.—(1) This section applies where an exhibitor carries on business as an exhibitor at more than one cinema in the same building, and references below in this section to the associated cinemas are references to all cinemas within that building at which that exhibitor carries on business.

(2) Subsection (2) of section 1 of this Act shall apply as if the associated cinemas were a single cinema, but aggregating as respects any year—

- (a) exhibitions in all the associated cinemas of films registered as quota films ; and
- (b) the number of days on which films registered as long films are exhibited in any of those cinemas ;

for the purpose of determining whether the prescribed percentage mentioned in subsection (2) has been reached in that year.

(3) Subsection (3) of section 1 shall apply as if the associated cinemas were a single cinema, but the total showing time of the films of any description there mentioned exhibited by the exhibitor at that cinema during any year shall be taken for the purposes of that subsection to be the aggregate of the total showing time of the films of that description exhibited by the exhibitor at any of the associated cinemas during that year.”

7.—(1) The Secretary of State may by order made by statutory instrument suspend the operation of Part I and sections 30 and 31 of the Films Act 1960 (referred to below in this section as “ the quota requirements ”).

Power of Secretary of State to suspend quota requirements. 1960 c. 57.

(2) Without prejudice to the making of a further order under subsection (1) above, the Secretary of State may by order so made revoke any previous order under that subsection.

(3) Before making any order under this section the Secretary of State shall consult the Cinematograph Films Council.

(4) No order shall be made under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

(5) Any suspension of the quota requirements under this section shall not affect the operation of any other provision of the Films Act 1960 which is expressed to have effect by reference to the operation of section 1 of that Act.

8. The requirements with respect to what description of persons must be directly engaged in the making of a film for the film in question to qualify for registration as a British film under section 17 of the Films Act 1960 shall be modified by inserting the words “ or of any country that is a member State ” after the words “ of the Republic of Ireland ” wherever those words occur—

Amendment of requirements for registration as a British film.

- (a) in section 17(2)(c) (which requires a certain proportion of the labour costs to be referable to labour of British subjects or citizens of the Republic of Ireland or

- persons ordinarily resident in a Commonwealth country or the Republic of Ireland) ; and
- (b) in section 22(2) of that Act (which defines the required proportion).

Supplementary

Citation,
commence-
ment,
repeals and
extent.

- 9.—(1) This Act may be cited as the Films Act 1980 ; and—
- (a) this Act and the Cinematograph Film Production (Special Loans) Acts 1949 to 1970 may be cited together as the Cinematograph Film Production (Special Loans) Acts 1949 to 1980 ;
- (b) this Act and the Cinematograph Films Acts 1957 to 1970 may be cited together as the Cinematograph Films Acts 1957 to 1980 ; and
- (c) this Act and the Films Acts 1960 to 1979 may be cited together as the Films Acts 1960 to 1980.
- (2) Section 8 of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint ; and the remaining provisions of this Act shall come into force on the Sunday next following the day on which it is passed.
- (3) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in column 3 of the Schedule.
- (4) This Act does not extend to Northern Ireland.

SCHEDULE

Section 9(3).

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
12 & 13 Geo. 6 c. 20.	The Cinematograph Film Production (Special Loans) Act 1949.	Sections 4 and 8. In the Schedule, paragraph 8(2)(a).
15 & 16 Geo. 6 & 1 Eliz. 2 c. 20.	The Cinematograph Film Production (Special Loans) Act 1952.	The whole Act.
2 & 3 Eliz. 2 c. 15.	The Cinematograph Film Production (Special Loans) Act 1954.	Section 2(2) and (3).
5 & 6 Eliz. 2. c. 21.	The Cinematograph Films Act 1957.	Section 1(1)(e) and the word "and" immediately preced- ing it. Section 2(3)(a).
1966 c. 48.	The Films Act 1966.	In section 2, subsections (1) and (2)(a).
1968 c. 13.	The National Loans Act 1968.	Section 10(4).
1970 c. 26.	The Films Act 1970.	In section 1(1), paragraph (b) and the word "or" im- mediately preceding it, and the words from "but" to the end. Section 1(7).
1975 c. 73.	The Cinematograph Films Act 1975.	Sections 2, 4 and 9. The whole Act.

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