



Repealed by *Act 620*
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LAWS OF MALAYSIA

Act 35

CINEMATOGRAPH FILMS (CENSORSHIP) ACT, 1952

(Revised—1971)

Revised up to	29th April, 1971
Date appointed for coming into force	2nd August, 1971
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Enacted in 1952 as the Cinematograph Films Ordinance No. 76 of 1952.

LAWS OF MALAYSIA**Act 35****CINEMATOGRAPH FILMS (CENSORSHIP) ACT, 1952
(Revised—1971)**

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LAWS OF MALAYSIA

Act 35

~~CINEMATOGRAPH FILMS~~ (CENSORSHIP) ACT, 1952
(Revised—1971)

Am. Act 242/74

An Act relating to the censorship of cinematograph films.

Am. Act 242/74

[West Malaysia—1st May, 1954;
East Malaysia—1st August, 1971.]

1. This Act may be cited as the Cinematograph Films (Censorship) Act, 1952. Short title. Act 35

2. In this Act unless the context otherwise requires—

Interpretation. page 90

^{alteration} "the Board" means the Board of Film Censors established under this Act to carry out the duties of censorship of films;

"customs control": a film shall be deemed to be under customs control whilst it is deposited or held in any customs warehouse or licensed warehouse, or in any post office, vessel, train, conveyance, aircraft or place from which it may not be removed except with the permission of a proper officer of customs granted under the Customs Act, 1967; 62/67.

"customs warehouse", "licensed warehouse" and "proper officer of customs" shall have the meanings assigned thereto in the Customs Act, 1967;

"exhibition" and "presentation", with their cognate expressions, of a film include the production of any music, speech, noise, or other sound whatsoever, which accompanies the projection of a film;

"film" means a cinematograph film;

← (Act 242/74)

^{the Minister} "the owner" of a film means any person who is for the time being entitled either as owner or agent for the owner, or otherwise, to the possession of that film, but shall not include a bank through which a film is consigned for the sole and bona fide purpose of collecting a trade debt;

"prescribed" means prescribed by the Minister under this Act;

← (Act 242/74)

^{the Secretary} "warehouse" means a customs warehouse or a licensed warehouse.

Subs 242/74

The Board and appointment of officers.

3. (1) There shall be established a Board of Film Censors consisting of not less than three members, including a Chairman, all of whom shall be Censors of Cinematograph Films appointed by the Yang di-Pertuan Agong.

(2) The Yang di-Pertuan Agong may appoint such Deputy and Assistant Censors of Cinematograph Films and such Inspectors of Cinematograph Films as he may think fit.

(3) The Board shall be provided with a Secretary and such clerical and other assistance as may be required.

Quorum and procedure of the Board.

3A. (1) (omitted).

(2) The quorum at all meetings of the Board shall be two in addition to the Chairman.

(3) The Chairman shall have a casting vote in addition to his deliberative vote.

(4) Subject to this Act, the Board shall regulate its own procedure.

Delegation of powers and duties.

4. (1) The Board may in its discretion delegate, to any Censor, Deputy or Assistant Censor, either generally or in a particular case, all or any of the powers conferred and duties imposed upon it by this Act except the power—

(a) to refuse to authorize the exhibition of a film in Malaysia; and

(b) to approve the exhibition in Malaysia of any film with alterations or excisions, unless the written consent of the owner to those alterations or excisions has first been obtained:

Provided that no such delegation shall debar the Board from the exercise of any power or the performance of any duty so delegated.

(2) Save that the mark to be affixed to any film authorizing the exhibition of the film in Malaysia shall be signed by the Chairman of the Board, it shall be lawful for all decisions of the Board or of any person to whom any power or duty has been delegated by the Board to be signified under the hand of the Secretary of the Board and every decision so signified shall be deemed to be a decision of the Board.

Films manufactured in Malaysia to be deposited.

5. (1) The owner of any film produced in Malaysia shall within fourteen days after the completion of the production deposit the film in a warehouse approved for the purpose by the Board.

Sub. by Act A 242/74

0/1440

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(2) Any person who omits to deposit the film shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ^{ten} one thousand dollars.

A490

6. (1) No film nor any part thereof shall on importation be removed from customs control without a permit from the Board. Any such permit shall be valid only for the period specified therein.

Importation of films and removal of films from customs control.

(2) Every film or part thereof ~~imported~~ shall forthwith be deposited by the importer thereof in a warehouse ~~approved for that purpose by the Board.~~

removed from customs control in accordance with subsection (1)

(A490)

(3) Any person who removes any film or any part thereof in contravention of subsection (1), or who fails to deposit the same forthwith in a warehouse ~~approved under subsection (2),~~ or who removes a film or part of a film, without the permission in writing of the Board, from any warehouse ~~approved under subsection (2)~~ shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ^{ten} one thousand dollars.

A490

(4) This section shall not apply to any film which has been authorized for exhibition in Malaysia and ~~bears a valid mark affixed under section 9.~~

in respect of which a certificate has been issued under section 9(2) or 9A(2)

7. All films deposited in or delivered at any warehouse ~~approved under section 5 (1) or 6 (2)~~ shall be stored therein at the risk and expense of the owner, and neither the Board nor the Government shall be liable for any loss of, or damage to, those films other than for loss or damage caused by some wilful act on the part of the Board, any member thereof, or its staff.

Liability for damage to deposited films.

(A490) *Liability*

8. (1) Every film which is intended for exhibition in Malaysia shall be presented for the purpose of censorship at the owner's risk and expense and at such time and place as the Board may appoint.

Presentation for censorship and alteration of films.

(2) During the course of the censorship the Board may in its discretion exclude any person from the place where the film is being projected.

(3) The owner may at any time with the approval in writing of the Board, which shall not be unreasonably withheld, remove any film or part of a film from any warehouse ~~approved under section 6 (2) for the purpose of making excisions in it, or of reconstructing it, or of obtaining the authorization of the Board for its exhibition.~~

for the purpose of alteration

(A490)

Sub: 1190

(4) Any film or part of a film removed with permission granted under subsection (3) from a warehouse approved under section 6 (2) shall be returned to the warehouse within forty-eight hours of the time of its removal therefrom and any excised parts, if excision has been made, shall within the said forty-eight hours be delivered to the Board.

(5) Any owner who fails so to return the film, or so to deliver any excised parts, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ~~one~~ ^{two} thousand dollars.

1190

Prohibition and authorization of films.

9. (1) After the presentation of a film for the purpose of censorship the Board may—

- (a) refuse to authorize the exhibition of the film in Malaysia;
- (b) approve the film for exhibition in Malaysia with such alterations or excisions as it may require; or
- (c) approve the film for exhibition in Malaysia without alteration or excision:

Provided that in any case to which paragraph (a) or (b) applies the Board shall thereupon furnish to the owner in writing its reasons for the refusal or for requiring the alterations or excisions.

(2) Where any film is approved for exhibition in Malaysia the Chairman of the Board shall, when the required alterations or excisions, if any, have been made, affix such mark as the Minister may direct authorizing the exhibition of that film in Malaysia.

Sub: 1190

1190 →

(3) - - - - -

Classification of films.

9A. (1) The Board may, when authorizing the exhibition of any film under section 9 (2), classify the film in such manner as it may think fit and the Minister may approve classifications under which films may be classified under this subsection.

(2) Where any film is classified under subsection (1) the Board shall affix such mark as the Minister may direct to be affixed to films of that classification.

Sub: 1190

(3) Any person who exhibits or causes to be exhibited any film classified under subsection (1) ~~without the mark affixed thereto~~ under subsection (2) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ~~one~~ ^{two} thousand dollars.

in contravention

(1190)

10. When alterations or excisions to a film are required by the Board, the alterations or excisions may be made—

Making of alterations and excisions.

(a) by the Board; or

(b) with the consent of the Board, by the owner of the film:

Provided that any film delivered to the owner under paragraph (b) shall be returned to the Board within ~~forty-eight hours of the time of its delivery~~, and any owner who fails to return the film, together with any excised parts if excision has been made, within that period without good and ~~reasonable cause~~ shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand dollars.

11/4/70

D/11/70

11/4/70

11. When the Board has refused to authorize the exhibition of any film or any part of any film, it may retain the film or any excised part of the film until it is exported or is disposed of under section 23.

Retention of prohibited films.

12. (1) No film shall be exhibited unless it has been authorized for exhibition and bears a valid mark affixed under section 9 (2) and, where the film has been classified under section 9A, unless it bears the appropriate mark prescribed by section 9A (2).

Exhibition of films without authority forbidden.

(2) A film shall be deemed to be exhibited when it is projected otherwise than during and for the purposes of production or for the purposes of a censorship in the presence of eight or more persons, including the operator.

12A. No person shall display or cause to be displayed any picture, photograph, poster or figure advertising the exhibition of any film unless the same has been approved by the Board and marked in the manner directed by the Minister.

Advertisements of films not to be exhibited unless authorized.

13. (1) If the owner of a film makes a statutory declaration before the Chairman of the Board that duplicates, identical in detail, subject matter and footage, of a film already authorized for exhibition by the Board are deposited in a warehouse approved under this Act, the Chairman of the Board may, without any further inspection, affix thereto the mark mentioned in section 9 (2) authorizing the exhibition of those films in Malaysia.

Duplicate films.

(2) The Chairman of the Board is hereby authorized to take and receive declarations for the purposes of subsection (1), which shall be admissible in evidence in any judicial proceedings.

for Secretary

11/4/70

or 9/11/70

11/4/70

11/4/70

(3) Any person who makes a statutory declaration under this section which is false or incorrect in any particular shall be guilty of an offence and shall, on conviction—

(a) if the declaration was false or incorrect to the knowledge of the maker, be liable to imprisonment for a term not exceeding six months;

(b) in any other case, be liable to a fine not exceeding ^{two} ~~five~~ hundred dollars, and the ~~mark~~ ^{certificate issued in respect of} affixed to any such film shall thereupon cease to be valid.

A470
A470

A470

Interdiction of authorized films.

14. (1) The ~~mark~~ ^{certificate issued} affixed under section 9 (2) shall cease to be valid on notice to that effect being given by the Board to the person who ^{has} ~~has~~ submitted the film ~~to be marked~~ or to any person in possession of the film: provided that if any such person cannot be found, notice may be given by publication in the Gazette.

for the purpose of censorship (A470)

(2) On receipt ^{or publication} of notice under subsection (1) the person in whose possession or under whose control the film is shall forthwith return the ~~mark~~ to the Board and shall also, if so required by the Board, return the film for further examination ^{and censorship}.

(A470)

certificate issued in respect of the film (A470)

(3) Any person who fails to comply with subsection (2) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ^{ten} ~~one~~ thousand dollars.

A470

Penalties.

15. (1) Any person who exhibits or displays or causes to be exhibited or displayed any film or part of a film or any picture, photograph, poster or figure advertising any film—

(a) which has not been marked under section 9 (2) or 12A;

(b) which has been altered or tampered with in any way since the mark was affixed thereto; or

(c) the mark on which has ceased to be valid under section 13 or 14,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand dollars for every such offence.

(d/Act A 242/74) A470

(2) Any ~~Censor and any Deputy or Assistant Censor and any Inspector of Cinematograph Films~~ may at all reasonable times enter any premises in which any film is being or is about to be exhibited ~~or displayed~~, and may examine any such film, and if on such examination he has reasonable

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grounds for believing that an offence under subsection (1) or under section 9A (3) has been or is about to be committed in respect of any such film he may seize the same.

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16. (1) Whenever a Chief Police Officer or, in Sabah and Sarawak, a Divisional Superintendent of Police, is satisfied, upon written information and after any further inquiry which he may think necessary, that any cinematograph film or any part thereof which has not been deposited in a warehouse as required by section 5 or 6 or which has not been returned to the Board as required by section 8 (4) is being kept in any place, or that any cinematograph film or any part thereof which has not been authorized for exhibition under section 9 or 19 (4) or in respect of which the mark affixed thereto under section 9 (2) has ceased to be valid under section 13 or 14 or which since the mark was affixed thereto under section 9 (2) has been altered or tampered with, has been or is being exhibited in any place, he may issue a warrant directed to any police officer not below the rank of Inspector to enter and search the place and seize the film or part thereof, and to take into custody any person reasonably supposed to be guilty of an offence by reason of failure to deposit or to return the film or part thereof, or by reason of the exhibition.

← 1490
Search for unauthorized films and arrest of persons concerned.

Subs. 1490

(2) A Chief Police Officer or, in Sabah and Sarawak, a Divisional Superintendent of Police, may without warrant, with such assistance and by such force as is necessary, by night or by day, himself do what he may authorize the police officer as aforesaid to do under subsection (1) in either of the following cases:

- (a) if he has personal knowledge of facts as satisfy him that there are sufficient grounds for a search; or
- (b) if he receives information orally and in circumstances that the object of a search would in his opinion be defeated by the delay necessary for reducing the information to writing:

Provided that the name and address of the person giving the information is known to or ascertained by him before he acts upon the information.

17. (1) Any owner aggrieved by any act, refusal or decision of the Board may, within thirty days from the date on which he is notified thereof, and on payment of such fee as may be prescribed, appeal to a Committee of Appeal by lodging with the Secretary to the Board a written notice of appeal.

Appeals.

Sub. by
Act 11242/74

(2) Any representation the owner is desirous of making to the Committee shall be made in writing and shall be included in or attached to the said notice of appeal.

(3) The Secretary to the Board may, in his discretion, require, in addition to such appeal fee as may be prescribed, the deposit of such sum as shall be sufficient to cover any further fee which may become payable as a result of the appeal.

(4) For the purposes of the appeal the owner shall deliver to the Secretary to the Board any film or part thereof at such time and place as the Secretary may direct.

Committee
of Appeal.

18. (1) For the purposes of this Act there shall be a Committee of Appeal which shall consist of the following eighteen persons:

- (a) a Chairman, to be appointed by the Yang di-Pertuan Agong;
- (b) the Inspector-General of Police or a police officer of or above the rank of Assistant Superintendent nominated by him;
- (c) an officer appointed by the Minister;
- (d) the Chief Education Adviser or an officer of the Education Department nominated by the Minister charged with responsibility for the Department; and
- (e) fourteen members to be nominated by the Minister and appointed by the Yang di-Pertuan Agong.

(2) Each member of the Committee of Appeal shall, unless he earlier resigns, hold office until the 31st December of the year for which he was appointed.

(3) The members of the Committee of Appeal shall elect one of their number to be Vice-Chairman thereof and in the absence of the Chairman and the Vice-Chairman from any meeting, the members present shall elect one of their number to preside at the meeting.

(4) At any meeting of the Committee of Appeal six members shall form a quorum, and in the case of equal voting, the Chairman, Vice-Chairman or other member presiding shall have a casting vote.

(5) (Omitted).

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19. (1) The Committee of Appeal is hereby empowered to make such order as it thinks fit in regard to—

Powers of the Committee of Appeal.

- (a) the approval for exhibition of any film which is the subject of appeal;
- (b) the excision or retention of any part of the film; and
- (c) the classification of any film;

(2) If the Committee of Appeal on dismissing an appeal is of the opinion that the appeal was frivolous or vexatious, it may impose a further fee not exceeding two hundred and fifty dollars in addition to the prescribed fee, and if any sum has been deposited under section 17 (3) may order the forfeiture of that sum or any part thereof in satisfaction or part satisfaction of the additional fee.

← (Act # 242/74)

(3) The decision of the Committee of Appeal shall be final.

(4) The decision of the Committee of Appeal shall be communicated forthwith to the ~~Chairman~~ of the Board, who shall if necessary affix the mark of authorization referred to in section 9 (2) or 9A (2), as the case may be, or ~~alter or delete the mark~~, and shall take such further or other action, if any, as is necessary to give full effect to the decision.

D/A490

or amend such certificate (A490)

← Act # 242/74

19A, 19B, 19C

20. (1) The Minister, whenever he deems it necessary or desirable, may order the Committee of Appeal to cause to be projected before the ~~Committee~~ any film, whether the same has been authorized for exhibition or not, for the purpose of considering whether the same should or should not be so authorized.

Minister may order Committee of Appeal to inspect any film. or Assessment Committee (Act # 242/74)

(2) The owner of the film, upon receiving notice to that effect from the Secretary to the Board, shall be legally bound to deposit or project the same at such time and place as may be stated in the notice.

(3) The Committee of Appeal may, after the inspection, make in respect of the film any such order as is specified in section 19 (1), and section 19 (3) shall thereupon apply to the order.

or Assessment Committee as the case may be (Act # 242/74)

(4) Any owner refusing or neglecting to comply with the requirements of subsection (2) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand dollars.

or section 19 B(1), as the case may be (Act # 242/74)

or section 19B (3), as the case may be, (Act # 242/74)

Subs: A490

provided that

(A490)

Fees.

21. There shall be charged for censoring any film such fees as may be prescribed.

Officers to be public servants. F.M.S. Cap. 45, Sabah 3/59, Swk. Cap. 57.

22. All persons employed in the office of the Board and all members of the Committee of Appeal shall be deemed to be public servants within the meaning of the Penal Code.

Disposal of unclaimed films.

23. Films which have been lying in any warehouse approved under section 6 (2) for two years and the owner whereof is unknown or has omitted for that period to obtain the authorization of the Board or having obtained it has omitted to remove the film from the possession of the Board, and films or parts of films retained by the Board under section 11 and not claimed by the owner for export within two years from the date upon which authorization was refused, or if there is any appeal, from the date of the decision of the Committee of Appeal, may be destroyed or otherwise disposed of as the Board thinks fit.

Possession of obscene or lewd film.

24. (1) Any person who has in his possession any obscene or lewd film shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both.

(2) A Chief Police Officer or, in Sabah and Sarawak, a Divisional Superintendent of Police, any Censor, Deputy or Assistant Censor or Inspector of Cinematograph Films, if satisfied upon written information and after such further inquiry as he thinks necessary that any person has in his possession an obscene or lewd film, may without warrant, with such assistance and by such force as is necessary, by night or by day, enter and search any place where he has reason to believe the film is kept, seize the film or part of the film and take into custody any person reasonably supposed to be in possession thereof.

(3) Any film in respect of which any person has been convicted under this section shall be forfeited and shall be destroyed or otherwise disposed of in such manner as the Minister may direct.

Exemptions. 25. This Act shall not apply to—

- (a) any film sponsored by the Federal Government or the Government of any State;
- (b) any film transhipped within Malaysia for delivery at a place outside Malaysia;

the Board, the committee of Appeal and the Assessment committee (A A 242/74)

for Assessment Committee, as the case may be (Act A 242/74)

(10490)

2/Act A 242/74

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- (c) any film whether produced in or imported into Malaysia which the owner does not intend to exhibit in Malaysia: provided that the owner notifies the Board in writing forthwith that he does not intend to permit its exhibition in Malaysia, and supplies the Board with a full description of the film. The immunity granted herein shall not operate for more than one month from the date upon which the film has been produced in or imported into Malaysia;
- (d) any film, not being obscene or lewd, which is in the possession of any person or of his agent and is intended for his own private use and not for the purpose of sale, hire, distribution, public exhibition or circulation so long as the film remains in such possession;
- (e) any film the exhibition of which is sponsored by the Federal Government pursuant to a treaty agreement or arrangement to which the Government is a party.

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Censorship of scripts.

26. Any person intending to make and produce within Malaysia a cinematograph film for exhibition within Malaysia may, on payment of such fee as may be prescribed, submit the script of the film to the Secretary to the Board for the consideration and opinion of a Censor but no such submission or opinion shall affect any provisions of this Act relating to the presentation for censorship or exhibition of cinematograph films nor shall the Board or Committee of Appeal be in any way bound by any such submission or opinion.

Minister (A490)

Yang di-Pertuan Agong may prohibit the exhibition of any film.

26A. (1) Notwithstanding any of the other provisions of this Act, if the Yang di-Pertuan Agong is of the opinion that the exhibition of any film would be contrary to the public interest, he may, in his absolute discretion, by notification published in the Gazette, prohibit the exhibition of that film.

(A490)

possession, circulation, distribution or sale

(2) Any person who exhibits any film, the exhibition of which has been prohibited under subsection (1), shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding two years or to both, and the film shall be destroyed or otherwise disposed of as the Minister thinks fit.

(A490)

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LAWS OF MALAYSIA

Act 35

CINEMATOGRAPH FILMS (CENSORSHIP) ACT, 1952
(Revised—1971)

*Particulars under section 7 (ii) and (iii) of the Revision of
Laws Act, 1968 (Act 1)*

LIST OF AMENDMENTS

Amending law	Short title	In force from
Ord. 63/1953 ...	Cinematograph Films (Amendment) Ordinance, 1953	24-12-1953
L.N. 371/1955 ...	Members of the Federal Government (Change of Style and Title) Order, 1955	9-8-1955
Ord. 12/1958 ...	Cinematograph Films (Amendment) Ordinance, 1958	29-4-1958
L.N. 332/1958 ...	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order, 1958	13-11-1958
Ord. 9/1959 ...	Cinematograph Films (Amendment) Ordinance, 1959	21-3-1959— L.N. 188/59
Act 28/1966 ...	Cinematograph Films (Amendment) Act, 1966	1-4-1966
P.U. (A) 136/1971	Cinematograph Films Ordinance (Extension) Order, 1971	1-8-1971

LIST OF LAWS OR PARTS THEREOF SUPERSEDED

No.	Title
76 of 1952 ...	Cinematograph Films Ordinance, 1952.