

CHAPTER 21:02

CINEMATOGRAPH AND VIDEO ACT

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1929 Ed.
c. 105
1953 Ed.
c. 127

CHAPTER 21:02

CINEMATOGRAPH AND VIDEO ACT

11 of 1912
9 of 1986

An Act to provide for the regulation of cinematograph and video exhibitions.

[1ST JUNE, 1912]

Short title.
[9 of 1986]

1. This Act may be cited as the Cinematograph and Video Act.

Interpretation.
[70 of 1952
16 of 1955
9 of 1986]

2. In this Act—

“cinematograph film” means any film or part of a film intended for use in a cinematograph apparatus;

“distributor” means a person who carries on the business of importing, recording or otherwise procuring and distributing cinematograph films or video tapes or posters in Guyana;

“exhibition” means a public exhibition of any cinematograph film or any video tape;

“poster” means any poster, printed matter, placard, pamphlet, photograph, picture or other device for advertising a cinematograph or video exhibition;

“video centre” means any place, whether in a building or a mobile unit, which is used or intended to be used for giving video exhibitions, and includes a video club, parlour, hotel, restaurant or any such place by whatever name called, where video exhibition is given to its members or customers, but does not include a private dwelling-house to which the public are not admitted;

“video library or club” means an association of persons, whether incorporated or not, the members whereof distribute among themselves video tapes for their own use;

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“video set” means any apparatus, comprising a television set or video monitor and a video tape recorder or play-back apparatus, used or intended to be used for the exhibition of video tapes;

“video tape” means any tape recording or part thereof intended for use in a video set, and includes any video disc, cassette, reel to reel, slide and any other form of electronic recording from which a visual image can be produced.

3. (1) No person shall exhibit any cinematograph film or video tape unless such film or tape has been submitted to and approved by a censorship committee as hereinafter provided.

Cinematograph films, video tapes, and posters to be censored.
[70 of 1952
16 of 1955
4 of 1972
9 of 1986
6 of 1997]

(2) No person shall exhibit, display, publish or distribute any poster, unless such poster has been submitted to and approved by a censorship committee or been submitted to and approved by the Chairman of the Board of Cinematograph and Video Censors.

(3) It shall be lawful for any publisher of a newspaper or periodical or any other agency or media for advertising a cinematograph or video exhibition to require the distributor or exhibitor of a cinematograph film or video tape to produce the censorship committee’s certificate for verification before taking up the advertisement of any such film or tape.

(4) Any person who exhibits any cinematograph film or any video tape, or exhibits, displays, publishes or distributes any poster in contravention of any of the provisions of this section shall be liable on summary conviction to a fine of sixty-five thousand dollars.

4. (1) The Minister shall appoint from time to time, such fit and proper persons, not less than five in number, who shall together constitute a Board of Cinematograph and Video Censors for the purpose of censoring cinematograph films, video tapes and posters. The Minister shall nominate one of the censors as Chairman of the Board.

Appointment of Board of Cinematograph and Video Censors.
[70 of 1952
16 of 1955
9 of 1986]

(2) Notice of any appointment and of any revocation thereof shall be published in the *Gazette*.

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(3) The Minister may at his pleasure remove any member of the Board of Cinematograph and Video Censors and appoint some other person in his stead.

(4) If the place of any person appointed as a member of the Board of Cinematograph and Video Censors becomes vacant by death, removal, resignation or in any manner whatsoever, the vacancy so created shall be filled as soon as possible by the Minister.

(5) No person appointed as a member of the Board of Cinematograph and Video Censors in pursuance of this Act shall come within the operation of the Pensions Act.

c. 27:02

(6) The Chairman of the Board of Cinematograph and Video Censors may, with the approval of the Minister, appoint a secretary to the Board of Cinematograph and Video Censors at such remuneration and upon such conditions as he may determine.

Duties of
censors.
[70 of 1952
16 of 1955
9 of 1986]

5. (1) The Chairman of the Board of Cinematograph and Video Censors shall appoint one or more committees from among the members of the said Board, in this Act referred to as censorship committees, to examine such cinematograph films, video tapes and posters as are submitted to censorship committees for approval.

(2) Each censorship committee shall consist of not less than two members of the Board of Cinematograph and Video Censors.

(3) The Chairman of the Board of Cinematograph and Video Censors, or the Secretary of that Board, if the Chairman so directs, shall allocate to a censorship committee the cinematograph films, video tapes and posters to be examined by it.

(4) A censorship committee shall not approve of any cinematograph film or video tape or poster which, in its opinion, depicts any matter which is against public order and decency, or where, in its opinion, the exhibition of such film, or such tape, or display of such poster is undesirable in the public interest.

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(5) As regards a cinematograph film or a video tape, such approval may be given generally, or on condition that any portion of a film or tape shall be exercised, or may be given subject to a condition that the film or tape or portion thereof shall be exhibited only to persons of a specified age or sex, or only at certain times.

(6) If the approval of a censorship committee is given subject to the making of any excisions from the film or tape as aforesaid, that censorship committee shall have authority to order that such excisions be made, and to retain in its possession the portions so excised until the film or tape is withdrawn from exhibition in Guyana and is about to be exported.

(7) Where a censorship committee has approved of any cinematograph film, video tape or poster, the Chairman shall issue a certificate to the person submitting such film, tape or poster to a censorship committee for its approval. Such certificate may at any time be cancelled by notice in writing.

6. It shall be lawful for a censorship committee at its examination of any cinematograph film, video tape or poster submitted for its approval to prohibit from being present any person who in its opinion is not directly concerned with the exhibition of such film, tape or poster.

Right of
censorship
committee to
exclude
unauthorised
persons.
[70 of 1952
16 of 1955
9 of 1986]

7. Where any matter has been added to any cinematograph film or video tape approved by a censorship committee, such film or tape shall be again submitted to a censorship committee for approval, and until it has been again approved, shall be deemed not to have been approved.

Certain films
or tapes, to be
submitted for
further
approval.
[70 of 1952
16 of 1955
9 of 1986]

8. A certificate issued by a censorship committee shall state the length of the film or tape approved for exhibition. For the purposes of this section each part of a cinematograph film or video tape intended to be shown on one occasion as a single part of a consecutive series shall be deemed to be a complete film or tape.

Censorship
Committee's
certificate.
[70 of 1952
9 of 1986]

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Appeal.
[16 of 1955
9 of 1986]

9. (1) Any person aggrieved by any decision of a censorship committee may, within the prescribed time and in the prescribed form appeal to the Board of Cinematograph and Video Censors against such decision:

Provided that no member of the censorship committee from whose decision an appeal is brought shall sit or take part in the determination of such appeal.

(2) The decision of the Board of Cinematograph and Video Censors on every such appeal shall be final.

Power of
Minister to
make
regulations.
[11 of 1945
70 of 1952
16 of 1955
4 of 1972
3 of 1982
9 of 1986
6 of 1997]

10. The Minister may make regulations for any of the following purposes:

(a) prescribing the conditions under which cinematograph films and waste or scrap cellulose nitrate products shall be stored and kept;

(b) prescribing the maximum amount of cinematograph film which may be kept or stored in any vault or other place at any one time;

(c) controlling the transportation of cinematograph film;

(d) prohibiting the storage of cinematograph films and waste or scrap cellulose nitrate products within any area which may be defined or described;

(e) prescribing the conditions under which cinematograph films may be kept in a cinematograph theatre and the maximum amount of film which may be kept at any one time;

(f) prescribing the manner in which a room for the examination, cleaning, assembling, packing, rewinding or repair of cinematograph film shall be constructed and used, and the equipment of such room;

(g) prohibiting the erection or use of any cinematograph studio in any prescribed area;

(h) controlling the use and storage of cinematograph film and scrap cellulose nitrate products used, or intended to be used, in any cinematograph studio;

(i) controlling the construction, design, accommodation, equipment and use of cinematograph theatres and cinematograph studios;

(j) controlling the accommodation, sanitary or other equipment and use of video centres;

(k) Providing for special or general or periodic inspection of buildings used as cinematograph theatres or cinematograph studios or video centres by duly qualified persons and prescribing the fees to be paid to such persons for their services;

(l) classifying the premises licensed under this Act for all or any of the purposes of this Act;

(m) prescribing the fees to be paid for admission to any exhibition or entertainment or both in premises licensed under this Act and the duration of such exhibition or entertainment or both:

Provided that different fees may be prescribed for different classes of such premises and for different areas therein;

(n) prescribing the fees to be paid by licensees in respect of any inspection of premises used as cinematograph theatres or video centres;

(o) prescribing the precautions to be taken in respect of the construction, use and operation of motors and cinematograph projectors;

(p) controlling the rental or other consideration charged by distributors of cinematograph films or video tapes for leasing, or otherwise permitting the use of cinematograph films or video tapes for exhibition in premises licensed under this Act;

(q) prescribing the fees to be paid by distributors in respect of any cinematograph film, video tape or poster submitted by them to the Board of Cinematograph and Video Censors for approval;

(r) generally for preventing fires and securing the safety of the public in or near any cinematograph theatre, cinematograph studio or cinematograph film storage room or vault;

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(s) generally for preventing fires and securing the safety of the public and maintaining the public health and sanitation, in or near any video centre;

(t) prescribing the forms to be used for any matter or thing to be done under this Act;

(u) prescribing the conditions and the procedure with respect to the submission of cinematograph films, video tapes and posters for approval and to the grant of such approval and the terms, conditions and restrictions thereof or relating thereto;

(v) prescribing any other matter required to be prescribed under this Act;

(w) providing for the imposition of penalties not exceeding a fine of sixty-five thousand dollars or imprisonment for a term of six months for any contravention of, or failure to comply with, any of the regulations made under this Act or decision taken under such regulations and for forfeiture of any film, video tape or poster in respect of which the contravention or failure has been made.

Provision
against
cinematograph
exhibition
except in
licensed
premises.
[22 of 1938
64 of 1952
34 of 1954
18 of 1948
7 of 1960
4 of 1972
12 of 1982
18 of 1983
9 of 1986
6 of 1997]
Grant of
licences by
cinematograph
board in places
other than
Georgetown

11. (1) An exhibition for the purposes of which inflammable or non-inflammable films are used, shall not be given unless the regulations made by the Minister for securing safety are complied with, or, save as otherwise provided by this Act, elsewhere than in premises licensed for the purpose in accordance with this Act.

(2) In respect of any part of Guyana other than Georgetown and New Amsterdam, a Board, consisting of the chairman of the regional democratic council of the region where the premises are situate or his representative, the regional executive officer of that council or his representative, a magistrate appointed by the Minister, and the chairman of the local authority of the place where the premises are situate may grant licences to any persons it thinks fit to use the premises specified in the licence for the purposes aforesaid on the terms and conditions and under the restrictions which, subject to regulations of the Minister, the Board by the respective licences determines.

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(3) In subsection (2) “chairman of the local authority” does not include the chairman of a regional democratic council, but includes where the local authority is a rural authority the agent appointed under section 21(4) of the Local Government Act.

or New
Amsterdam.
Constitution of
Board.
c. 28:02

(4) No licence under this Act shall be granted in respect of any premises to which this section applies unless there is produced to the Board—

Licences not to
be granted
unless
certificates of
safety and
sanitation
produced.

(a) a certificate from the Chief Fire Officer, that in respect of such premises he is satisfied that the regulations made under this Act in the interests of general safety, as to means of escape in the event of fire and as to precautions against fire, have been complied with;

(b) a certificate from the Chief Buildings Officer, or, where such premises are situate within the City of Georgetown, a certificate from the City Engineer that such premises are fit for use for the purposes of this section; and

(c) a certificate from the Central Board of Health in the form set out in the First Schedule where the premises are situate in a village, country or rural district, or, where the premises are situate in an urban sanitary district, a certificate from the Medical Officer of Health of such district in the form set out in the Second Schedule, that such premises are, with reference to public health or sanitation, fit for use for the purpose of this section:

First Schedule.

Second
Schedule.

Provided that where any of the aforesaid certificates has not been granted, a provisional licence may be issued by the Board for such period as shall be specified by the Board which period may be extended from time to time by the Board pending the completion of such structural or other alterations as may be required for the grant of such certificate.

(5) In subsection (4)—

“the City Engineer” includes the Assistant City Engineer;

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“the Chief Buildings Officer” includes any fit and proper person authorised in writing by the Chief Buildings Officer to examine premises and issue certificates for the purposes of this section; and

“the Chief Fire Officer” includes any fit and proper person authorised by the Chief Fire Officer to examine premises and issue certificates for the purposes of this section.

Revocation
and suspension
of licence.

(6) The Chief Fire Officer, the City Engineer, the Chief Buildings Officer, the Medical Officer of Health, their servants or agents or any officer of the Central Board of Health may, at any reasonable time, enter and inspect any premises licensed under this Act and if upon such inspection the Chief Fire Officer, the City Engineer, the Chief Buildings Officer, the Medical Officer of Health or any person authorised by him or any officer of the Central Board of Health, as the case may be, is of opinion that the premises are unfit for use for the purposes of this section, any such officer or person shall forthwith report the matter to the Board who shall revoke or suspend the licence upon such terms as the Board may think fit:

Provided that in respect of premises for which a licence under this section was in force at that date, a provisional licence may be issued by the Board for such period as shall be specified by the Board which period may be extended from time to time by the Board pending the completion of such structural alterations as may be required for the grant of the certificates referred to in subsection (4).

(7) A licence shall be in force for one year or for any shorter period the Board on the grant of the licence determines, unless the licence has been previously revoked as hereinafter provided.

(8) Any person may apply to the Board for the provisional grant of a licence in respect of premises about to be constructed or in the course of construction, for use as a cinema, and every such application shall be accompanied by a plan of the proposed premises, and a specification of the proposed fittings and furnishings, to the satisfaction of the Board.

(9) A Board may transfer any licence granted by it to any other person it thinks fit.

(10) An applicant for the provisional grant of a licence, a licence or transfer of a licence shall give not less than seven days' notice in writing to the clerk of the magistrate and to the chief officer of the police division in which the premises are situate of his intention to apply for the provisional grant of a licence, a licence or transfer, and shall publish the notice of his application once in a daily newspaper circulating in the locality, but it shall not be necessary to give any notice where the application is for the renewal of an existing licence held by the applicant for the same premises.

(11) It shall be competent for the officer of the police force on receiving the notice and for any five persons resident in the district in which the premises are situate or to be situated, to lodge objections to the provisional grant, the grant or renewal of the licence, and those objections shall be lodged by the objectors with the clerk of the magistrate within ten days of the receipt or publication of the notice, and at the same time a copy of the objections shall be sent by them to the person applying for the provisional grant, the grant or renewal of a licence.

(12) Upon the hearing of any application for the provisional grant of a licence, the applicant shall furnish proof, by certificate or otherwise to the satisfaction of the Board, that the plan and specification have been approved by the Chief Buildings Officer, the Government Electrical Engineer, and the Commissioner of Police.

(13) The Board shall, upon a date to be fixed by the magistrate, hear parties upon the application and the objections and may order any inquiry it thinks fit, and thereafter grant or refuse the application:

Provided that where an applicant for a licence, to whom a provisional grant has been made by the Board, satisfies the Board that the premises have been constructed, furnished and equipped according to the plan and specification aforesaid, the Board shall grant the application.

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(14) Two members of the Board shall form a quorum.

(15) An appeal shall lie to the Minister from the decision of a Board with regard to the grant or refusal of an application.

Third
Schedule;
form of
licence.

(16) Upon the grant of an application, the Board shall issue a licence in the form set out in the Third Schedule, with any variations circumstances require, and shall cause the entries required by the licence to be made in a register to be kept for the purpose.

(17) The Board shall have power to order costs and expenses to be paid by the unsuccessful party, where objections have been taken to the grant or renewal of a licence, in the same manner as in any case of summary jurisdiction where an order is made for payment of money which is not in the nature of a penalty for an offence.

(18) Any premises so kept or used, although licensed, shall not be opened for the purpose aforesaid except on the days and between the hours stated in the licence, and the observance of the days and hours of opening and closing shall be inserted in, and made a condition of, every licence, but for any special reason the Commissioner of Police, or the senior police officer in charge of the district, may grant special permission for any period not exceeding one week at a time to open for one hour longer.

c. 80:01

(19) No district commissioner shall issue any licence required by the Tax Act for a cinema theatre unless and until there is produced to him a licence granted by a Board under this Act.

(20) There shall be paid in respect of the grant or renewal of a licence a fee of three hundred and twenty-five dollars and in respect of a transfer a fee of ninety-seven dollars.

(21) In Georgetown and New Amsterdam licences may only be granted by a Board consisting of the Mayor and two magistrates appointed by the Minister, and the senior magistrate shall fix the date of hearing. In other respects the provisions of this section shall apply to that Board.

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(22) A licence under subsection (2) hereof shall not authorise the licensee to open the premises for the purpose of any entertainment before the hour of half-past four of the clock in the afternoon on a Sunday or at any time on Good Friday:

Provided that no exhibition or other representation on a screen shall commence before the hour of five of the clock in the afternoon on a Sunday.

(23) No child who is of or above the age of six years and has not attained the age of fifteen years shall be admitted to any exhibition or other entertainment on premises licensed under this Act between the hours of eight of the clock in the forenoon and four of the clock in the afternoon on any weekday, except Saturdays and public holidays, in a period during which schools are in session:

Provided that—

(a) any such children may, with the approval of the Chief Education Officer, be admitted at any time to an educational or cultural exhibition or gathering in licensed premises;

(b) the Chief Education Officer shall, by publication in the *Gazette* on or before the first day of September in each year, give notice of those periods during which schools shall be deemed to be in session in the ensuing year for the purposes of this subsection.

12. (1) An exhibition of any video tape shall not be given, unless the regulations made by the Minister for securing safety and maintaining the public health and sanitation in or near any video centre are complied with, or save as otherwise provided by this Act, elsewhere than in a video centre licensed for the purpose in accordance with this Act.

Provision
against video
exhibition
except in video
centres.
[9 of 1986]

(2) In respect of any part of Guyana, other than Georgetown and New Amsterdam, the Board referred to in section 11 (2), and in respect of Georgetown and New Amsterdam, the Board referred to in section

11 (21), may grant licences to any person it thinks fit to use the video centre specified in the licence for the purposes of video exhibition on

the terms and conditions and under the restrictions which, subject to regulations of the Minister, the Board by the respective licences determines:

Provided that in granting a licence, the Board may have regard to the existing facilities for the exhibition of cinematograph film or video tapes within a distance of one mile from the place at which the video centre is proposed to be located.

(3) The provisions of subsections (4) to (7), (9) to (11), (13) to (17), (19) and (20) of section 11 shall, *mutatis mutandis*, apply in relation to a video centre as they apply in relation to the premises to which that section applies.

(4) Nothing in this section shall apply to a video exhibition given for raising funds for the purposes of charity or sport or in aid of a voluntary organisation, with the permission in writing of the Commissioner of Police, who may grant such permission subject to such conditions as he may think proper; and any such permission may be suspended, cancelled or modified by the Commissioner of Police:

Provided that the Commissioner of Police shall, before taking action to suspend, cancel or modify any permission granted, give a reasonable opportunity of being heard to the person to whom the permission was granted.

Use of
apparatus in
contravention
of Act.
[9 of 1986
6 of 1997]

13. If the owner of a cinematograph or video set or other apparatus uses the apparatus, or allows it to be used, or if the occupier of any premises or video centre allows them or it to be used, in contravention of this Act or of the conditions or restrictions upon or subject to which any licence relating to the premises or video centre has been granted under this Act, he shall be liable on summary conviction to a fine of nine thousand seven hundred and fifty dollars and, in the case of a continuing offence, to a further fine of four thousand eight hundred and seventy-five dollars for each day during which the offence continues, and the licence (if any) shall be liable to be revoked by the magistrate.

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14. Any police constable, or any officer appointed for that purpose by the Commissioner of Police, may at all reasonable times enter any premises, whether licensed or not, in which he has reason to believe that an exhibition is being or is about to be given, in order to see whether the provisions of this Act and the conditions of any licence granted hereunder have been complied with, and, if any person prevents or obstructs the entry of the constable or that officer, he shall be liable on summary conviction to a fine of nineteen thousand five hundred dollars.

Power of entry.
[6 of 1997]

15. In any prosecution under this Act, the onus of proof that he has complied with the law shall lie on the defendant.

Burden of proof.

16. (1) This Act shall not apply—

Performances exempted from provisions of Act.
[10 of 1940
18 of 1943
18 of 1948
9 of 1986]

(a) to an exhibition given in a private dwelling-house to which the public are not admitted; or

(b) to an exhibition, given by a Government department or by a local Government authority, of a non-inflammable film or of a video tape of an educational nature in a town hall, school, public institution or church hall or in any premises approved in writing in that behalf by the Commissioner of Police; or

(c) to an exhibition of a non-inflammable sub-standard film in any premises approved in writing in that behalf by the Commissioner of Police:

Provided that no charge is made for admission to such

exhibition. (2) The approval of the Commissioner of Police

under this

section may be granted subject to such conditions as he may think proper; and any such approval may be cancelled or modified by the Commissioner.

(3) In this section the expression “sub-standard film” means any film of a width of not more than sixteen millimeters.

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(4) Nothing in this Act shall apply to a cinematograph film or video tape exhibited for broadcast or cable transmission by a licensed commercial or educational broadcaster or television cable network.

Unauthorised
sale of tickets.
[12 of 1977
6 of 1997]

17. (1) Any person who, in the vicinity of a place licensed under this Act, sells or offers for sale any ticket for admission to that place, other than from a booth or ticket office provided on the premises thereof for the purpose by the licensee of that place shall be guilty of an offence.

(2) Any person who buys a ticket offered for sale in the manner prohibited by subsection (1) shall be guilty of an offence.

(3) Where an act prohibited by subsection (1) is committed on the premises of a place licensed under this Act, the licensee or manager thereof shall be guilty of an offence:

Provided that it shall be a defence for the licensee or manager to show that reasonable measures were taken by either of them to prevent the commission of the Act.

(4) For the purpose of any proceedings for an offence under subsection (1) the statement in the complaint that a document sold or offered for sale by the defendant is a ticket for admission to a particular place or that a particular place is licensed under this Act shall be *prima facie* evidence of the document being such a ticket or that the place is so licensed, as the case may be.

(5) Any person guilty of an offence under this section shall on summary conviction be liable to—

(a) a fine of not less than nineteen thousand five hundred dollars nor more than thirty-two thousand five hundred dollars and to imprisonment for not less than three months nor more than six months;

(b) a fine of not less nor more than thirty-two thousand five hundred dollars together with imprisonment for not less or more than six months, on a second or subsequent conviction.

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18. The provisions of this Act, in so far as they relate to video exhibitions, shall be in addition to, and not in derogation of, the provisions of any other written law for the time being in force or any instrument having the force of law relating to the importation or use of a video set or video tape. Other laws not derogated. [9 of 1986]

FIRST SCHEDULE CINEMATOGRAPH

AND VIDEO ACT CERTIFICATE

s. 11
[34 of 1954
9 of 1986]

PREMISES SITUATE IN A VILLAGE, COUNTRY OR
RURAL DISTRICT

No. of Certificate.....
District
Name of Applicant
Description of Premises
.....

THIS IS TO CERTIFY that with reference to public health and sanitation the premises described above are fit to be used for the purpose of

This certificate expires on 31st December, 19.....

Dated this day of, 19.....

.....
Secretary,
Central Board of Health

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s. 11

SECOND SCHEDULE

CINEMATOGRAPH AND VIDEO ACT

CERTIFICATE

PREMISES SITUATE IN AN URBAN SANITARY DISTRICT No. of

Certificate.....
District
Name of Applicant
..... Description of
Premises
.....

THIS IS TO CERTIFY that with reference to public health and sanitation the premises described above are fit to be used for the purpose of

This certificate expires on 31st December, 19.....

Dated this day of, 19

.....
Medical Officer of Health for the urban
sanitary district of.....

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THIRD SCHEDULE FORM OF

s. 11

LICENCE CINEMATOGRAPH AND

VIDEO ACT

A licence is hereby granted to (1)

(1) *Insert
name of
person to
whom licence
is granted.*

to keep and use (2) situate

(2) *Describe
premises to be
licensed.*

at (3)

(3) *Where
premises are
situate.*

in (4)

(4) *Town, or
village, or
district, where
premises are
situate.*

for the purpose of (5)

(5) *Purpose
for which
premises
licensed.*

for (6) from the date hereof (6) *Duration
of licence.*
upon the following terms and conditions and subject to the following
restriction(s), namely, that the premises hereby licensed shall be
opened for the purpose for which this licence is granted on (7) only and (7) *Day or
days.*
between the hours of
