

eSwatini

## Cinematograph Act, No. 31 of 1920

### Act 31 of 1920

Legislation as at 1 December 1998

FRBR URI: /akn/sz/act/1920/31/eng@1998-12-01

There may have been updates since this file was created.

PDF created on 21 February 2024 at 15:31.

*Collection last checked for updates: 1 December 1998.*

[Check for updates](#)



#### About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

[www.laws.africa](http://www.laws.africa)  
[info@laws.africa](mailto:info@laws.africa)

There is no copyright on the legislative content of this document.  
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

# Cinematograph Act, No. 31 of 1920

## Contents

1. Short title .....	1
2. Interpretation .....	1
3. Permits to photograph Africans .....	1
4. Inspection of pictures .....	2
5. Right of inspection .....	2
6. Objectionable pictures .....	2
7. Onus of proof .....	2

## eSwatini

# Cinematograph Act, No. 31 of 1920

## Act 31 of 1920

Commenced on 9 July 1920

*[This is the version of this document at 1 December 1998.]*

**An Act to make provision for the control of the making and public exhibition of cinematograph films or pictures, and posters or placards relating thereto, and to provide for their inspection.**

### 1. Short title

This Act may be cited as the Cinematograph Act, No. 31 of 1920.

### 2. Interpretation

In this Act, unless inconsistent with the context—

"**Minister**" means the Minister for Public Service and Information;

"**proprietor**" includes the owner of, and any person having the right to exhibit or use, any picture, and the lessee or manager of a theatre;

"**theatre**" includes any hall, building or place used or proposed to be used for the exhibition of pictures;

"**picture**" includes any cinematograph film, or poster or placard used for advertising any such picture or film.

### 3. Permits to photograph Africans

(1) No person may make cinematograph films portraying gatherings of Africans or scenes of African life, or take photographs for the purpose of making such films, without first obtaining permission in writing from the Minister.

(1bis) No person shall, without the written consent of the Minister or any other person authorised by him thereto, take any photograph of any kind whatsoever on the dates and at the places of celebration of the following occasions:

- (a) the Incwala Day at the Lobamba Royal Kraal, the King's cattle byre, or any adjoining area;
- (b) the King's Birthday at such place as may be determined;
- (c) the Umhlanga (Reed Dance) at the Lobamba Royal Kraal, the King's cattle byre, or any adjoining area;
- (d) the Somhlolo (Independence Day) at the Somhlolo Stadium.

*[Added K.O-I-C 25/1974]*

(2) The grant or refusal of such permission shall be in the discretion of the Minister, who may attach to any permission granted such conditions as he may deem fit.

(3) A person who contravenes or attempts to contravene this section, or who, having obtained the Minister's permission under this section, fails to comply with any condition attached thereto, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred emalangeni, or, in default of payment thereof, to imprisonment for a period not exceeding three months.

#### 4. Inspection of pictures

- (1) The Minister may, by written notice to the proprietor, order that any picture intended for public exhibition or for purposes of advertisement be first exhibited or submitted to any district officer named in such order, for inspection.
- (2) Any proprietor who fails to comply with such order shall be guilty of an offence, and liable on conviction to a fine not exceeding twenty emalangeni, or, in default of payment thereof, to imprisonment for a period not exceeding one month.

#### 5. Right of inspection

- (1) Any person deputed by the Minister may enter any theatre where a trial exhibition of any picture is made, or where such picture is being publicly exhibited, to inspect the same.
- (2) Any person preventing or obstructing such entry shall be guilty of an offence, and liable on conviction to a fine not exceeding twenty emalangeni, or, in default of payment thereof, to imprisonment for a period not exceeding one month.

#### 6. Objectionable pictures

- (1) The Minister shall declare any picture to be objectionable if he is satisfied, either on the report of any such person as is mentioned in [section 5](#), or on any other grounds, that such picture represents in an offensive manner—
  - (a) impersonation of the King;
  - (b) scenes holding up to ridicule or contempt any member of His Majesty's naval, military or air forces;
  - (c) scenes tending to disparage public characters;
  - (d) scenes calculated to affect the religious convictions or feelings of any section of the public;
  - (e) scenes suggestive of immorality or indecency;
  - (f) executions, murders or other revolting scenes;
  - (g) scenes of debauchery, drunkenness, brawling, or of any other habit of life not in accordance with good morals and decency;
  - (h) successful crime or violence; or
  - (i) scenes which are in any way prejudicial to the peace, order or good government of Swaziland.
- (2) The Minister may in his discretion declare any picture other than such as is described in the preceding sub-section to be objectionable.
- (3) If the Minister has declared any picture to be objectionable in terms of subsections (1) or (2), he shall cause notice thereof to be given in writing, by telegram or by radio to any proprietor, prohibiting the exhibition of such picture in any theatre, or its use for purposes of advertisement.
- (4) Any proprietor exhibiting or using or permitting to be exhibited or used any picture, the exhibition or use whereof has been so prohibited, shall be guilty of an offence, and liable on conviction to a fine not exceeding two hundred emalangeni, or, in default of payment thereof, to imprisonment not exceeding twelve months, or to such imprisonment without the option of a fine.

#### 7. Onus of proof

- (1) In any prosecution for an offence under [section 3](#), the onus of proving that he has obtained such permission as is therein mentioned shall be upon the accused.

- (2) Where proof is required in any such prosecution of the terms of any such permission or of any condition attached thereto, a copy thereof certified by the Secretary to the Cabinet to be a true copy shall be accepted in evidence and shall be of like value and effect as the original.