

*The
Film and Video
Classification
Regulations, 1997*

being

Chapter F-13.2 Reg 2 (effective October 1, 1997) as amended
by Saskatchewan Regulations 74/2010.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER F-13.2 REG 2
The Film and Video Classification Act

Title

1 These regulations may be cited as *The Film and Video Classification Regulations, 1997*.

Interpretation

2(1) In these regulations:

- (a) **“Act”** means *The Film and Video Classification Act*;
 - (b) **“appeal”** means an appeal pursuant to section 11 of the Act;
 - (c) **“appeal committee”** means an appeal committee provided for in section 11 of the Act;
 - (d) **“explicit sexual scene”** means a scene in a film that depicts sexual activity, the occurrence of which is actually visible to the viewer;
 - (e) **“registrant”** means a person registered pursuant to section 3;
 - (f) **“sexual activity”** means a real or simulated act of:
 - (i) intercourse or masturbation;
 - (ii) genital-genital, genital-anal, oral-genital or oral-anal connection between human beings or between human beings and animals and anal or genital connection between human beings and objects;
 - (g) **“sexually suggestive scene”** means a scene in a film that depicts:
 - (i) sexual activity other than an explicit sexual scene; or
 - (ii) sexual activity that is not actually visible to the viewer, but the scene and the context in which it appears are intended to suggest that sexual activity is or may be occurring.
- (2) For the purposes of the Act and these regulations:
- (a) **“advertising”** includes catalogues, order forms and other printed and non-printed promotional materials circulated between wholesale and retail distributors, exhibitors and the public and retail distributors and the public;
 - (b) **“person who engages in wholesale distribution”** includes the studio that has produced the film, the owner and any other person or group responsible for the release and distribution of the film.

19 Sep 97 cF-13.2 Reg 2 s2.

Registration

3(1) Every wholesale distributor, retail distributor and exhibitor who is required to register with the board pursuant to subsection 8(1) of the Act shall apply by:

- (a) completing a form provided by the board and delivering it to the board;
- and

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- (b) providing the following information along with the form:
 - (i) the name, address and telephone number of the applicant and of the manager of the applicant's business;
 - (ii) the applicant's type of business;
 - (iii) the category of film product to be exhibited or distributed by the applicant;
 - (iv) the name under which the applicant is incorporated, continued or registered pursuant to *The Business Corporations Act* or *The Business Names Registration Act*, as the case may be;
 - (v) the applicant's address for service in Saskatchewan;
 - (vi) the location of each of the business premises in Saskatchewan where the applicant proposes to carry on business; and
 - (vii) the name of the person signing the form and his or her relation to the applicant.
- (2) A registration is not transferable.
- (3) A registrant shall notify the board in writing of a change, either before or within seven days after its occurrence, in any of the following:
 - (a) the address for service of the registrant;
 - (b) the name under which the registrant is incorporated, continued or registered pursuant to *The Business Corporations Act* or *The Business Names Registration Act*, as the case may be;
 - (c) the location of any business premises of the registrant;
 - (d) the registrant's inventory caused by adding the category of films classified as Adult to the inventory or by removing that category of films from the inventory.
- (4) A registration expires one year after the date it was issued.

19 Sep 97 cF-13.2 Reg 2 s3.

Deemed registration

4 Notwithstanding section 3, a wholesale distributor is deemed to be registered pursuant to the Act where:

- (a) the wholesale distributor is licensed or registered by a classification body in another jurisdiction to distribute films; and
- (b) an agreement has been made pursuant to section 15.1 of the Act with the classification body mentioned in clause (a) to license or register that wholesale distributor on behalf of Saskatchewan.

19 Sep 97 cF-13.2 Reg 2 s4.

Wholesale distributor licensed in British Columbia

5(1) Subject to subsection (8), where an agreement pursuant to section 15.1 of the Act is in effect with British Columbia to license persons distributing film in Saskatchewan, every wholesale distributor who distributes or intends to distribute film in Saskatchewan shall obtain a licence in British Columbia pursuant to the *Motion Picture Act* (British Columbia).

(2) Where an agreement pursuant to section 15.1 of the Act is in effect with British Columbia, a wholesale distributor is deemed to be registered pursuant to the Act where the wholesale distributor:

(a) has provided to British Columbia an address for service in Saskatchewan; and

(b) is licensed in British Columbia pursuant to subsection (1).

(3) Where an agreement pursuant to section 15.1 of the Act expires without renewal or is terminated, the board shall send a written notice to each wholesale distributor mentioned in subsection (2):

(a) of the expiry or termination date of the agreement; and

(b) of the requirement of the wholesale distributor to register pursuant to section 8 of the Act within six months from the date of receipt of the written notice.

(4) The registration of a wholesale distributor is deemed to continue for six months from the date of receipt of the written notice sent pursuant to subsection (3).

(5) For the purposes of subsections (3) and (4), a written notice to the wholesale distributor may be sent by ordinary mail to the address for service in Saskatchewan.

(6) A written notice sent by ordinary mail is deemed to have been received on the seventh day following the date of its mailing unless the wholesale distributor to whom it was mailed establishes that through no fault of his or her own, the wholesale distributor did not receive the written notice or received the written notice at a later date.

(7) Where an agreement pursuant to section 15.1 of the Act is in effect with British Columbia, a wholesale distributor shall provide to each of its sales representatives who distributes film in Saskatchewan an identification card if required to do so by British Columbia.

(8) A wholesale distributor who distributes in Saskatchewan only film that has already been classified in accordance with the Act and these regulations is not required to obtain a licence in British Columbia.

19 Sep 97 cF-13.2 Reg 2 s5.

Fee for classification

6 Subject to section 10, the fee payable:

(a) for the classification of film for exhibition is \$440 per title;

(b) for classification by documentation is \$50 per title.

19 Sep 97 cF-13.2 Reg 2 s6; 9 Jly 2010 SR
74/2010 s2.

Power to approve, disapprove, etc.

7(1) In exercising its authority pursuant to section 4 of the Act to approve or disapprove a film or require the removal of a portion of a film, the board shall consider the character and content of the film in its entirety and shall approve the exhibition or distribution, as the case may be, unless:

(a) the film contains scenes depicting:

(i) the coercing, through the use of threat or physical force or by other means, of a person to engage in a sexual activity, where the sexual activity that was coerced is depicted in explicit sexual scenes;

- (ii) incest or necrophilia;
 - (iii) bondage in a sexual context;
 - (iv) persons who are or who appear to be under the age of 14 involved in sexually suggestive scenes, whether or not they appear nude or partially nude;
 - (v) persons who are or who appear to be under the age of 18 involved in explicit sexual scenes;
 - (vi) explicit sexual scenes involving violence;
 - (vii) scenes of brutality or torture, maiming or dismemberment of persons or animals that are portrayed with such a degree of reality and explicitness that the scenes would, in the board's opinion, be intolerable to the public;
 - (viii) sexual activity between a human being and an animal; or
 - (ix) urination or defecation for sexual gratification; and
- (b) the board considers the presence of a scene mentioned in clause (a) in the whole context of the film in which it appears and concludes that it is not in the public interest to approve the exhibition or distribution, as the case may be, of the film in Saskatchewan.
- (2) The board is not required to disapprove a film or require the removal of a portion of a film that contains scenes mentioned in subsection (1) where the board considers the theme, subject-matter or plot of the film to be artistic, historical, political, educational or scientific.
- (3) In exercising its duties pursuant to clause (1)(b), the board shall consider:
- (a) the extent to which the film:
 - (i) degrades or denies human dignity;
 - (ii) exploits men, women or children by portraying them in a manner that denies their essential worth and dignity as human beings; and
 - (iii) has capacity to stimulate illegal conduct;
 - (b) the standards of tolerance and propriety prevailing in Saskatchewan;
 - (c) the need to protect children from potential exposure to the film; and
 - (d) the need to protect freedom of thought, belief, opinion and expression.

19 Sep 97 cF-13.2 Reg 2 s7.

Classification of film

8(1) In exercising its authority pursuant to section 5 of the Act to classify a film, the board, taking into consideration the criteria prescribed in this section, shall classify a film into one of the following categories:

- (a) General (G);
- (b) Parental Guidance (PG);
- (c) 14A;
- (d) 18A;

- (e) Restricted (R);
 - (f) Adult (A).
- (2) A film is to be classified as General if the content is considered by the board to be suitable for viewing by persons of all ages.
- (3) A film is to be classified as Parental Guidance where the themes or content of the film may not, in the opinion of the board, be suitable for all children.
- (4) A film is to be classified as 14A where the film, in the opinion of the board, is suitable for viewing by persons 14 years of age or older but not for children under 14 years of age unless accompanied by an adult as the film contains any of the following:
- (a) violence;
 - (b) coarse language;
 - (c) sexually suggestive scenes.
- (5) A film is to be classified as 18A where the film, in the opinion of the board, is suitable for viewing by persons over 18 years of age but not for persons under 18 years of age unless accompanied by an adult because the film contains any of the following:
- (a) explicit violence;
 - (b) frequent coarse language;
 - (c) horror;
 - (d) sexual activity.
- (6) A film is to be classified as Restricted where the film, in the opinion of the board, is not suitable for viewing by persons under 18 years of age because the film contains frequent use of any of the following:
- (a) brutal or graphic violence;
 - (b) intense horror;
 - (c) explicit sexual scenes;
 - (d) other disturbing content.
- (7) A film is to be classified as Adult where the film, in the opinion of the board, is not suitable for viewing by persons under 18 years of age because the film consists of any of the following:
- (a) predominantly explicit sexual scenes;
 - (b) scenes of brutality or torture, maiming or dismemberment of persons or animals that are portrayed with a degree of reality and explicitness that would be tolerable to the community.

19 Sep 97 cF-13.2 Reg 2 s8.

Permitted age

9 For the purposes of section 12 of the Act, the permitted age for the viewing, purchasing, renting, leasing or exchanging of a film:

- (a) that is classified as 14A is 14 years, unless accompanied by an adult;

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- (b) that is classified as 18A is 18 years, unless accompanied by an adult;
- (c) that is classified as Restricted is 18 years; or
- (d) that is classified as Adult is 18 years.

19 Sep 97 cF-13.2 Reg 2 s9.

Approval of films pursuant to agreement with British Columbia

10(1) Where an agreement pursuant to section 15.1 of the Act is in effect with British Columbia for the purpose of approving and classifying films intended for exhibition or distribution in Saskatchewan, a film is deemed to be approved and classified pursuant to the Act and these regulations where:

- (a) the film has been approved or classified in accordance with the agreement; and
- (b) except in the case of a film classified as Adult, the classification fee prescribed in section 6 has been paid to British Columbia.

(2) Where an agreement pursuant to section 15.1 of the Act is no longer in effect, a film that has been approved or classified during the term of the agreement is deemed to be approved or classified pursuant to the Act and these regulations.

19 Sep 97 cF-13.2 Reg 2 s10.

Deemed classification

11(1) Subject to subsection (2), a film that is offered for sale, rent, lease or exchange by a retail distributor is deemed to be classified pursuant to the Act and these regulations if it bears evidence of having been classified through:

- (a) the Motion Picture Association of America;
- (b) the British Board of Film Censors; or
- (c) a body that classifies, reviews or otherwise approves films and that is established pursuant to the legislation of another province or territory of Canada.

(2) Subsection (1) does not apply to a film classified as Adult except where it has been approved in accordance with an agreement pursuant to section 15.1 of the Act.

19 Sep 97 cF-13.2 Reg 2 s11.

Film information sources

12 For the purposes of subclauses 4(3)(b)(ii) and 5(2)(b)(ii) of the Act, the Motion Picture Association of America and the British Board of Film Censors are recognized as bodies whose approvals or classifications of films may be used by the board.

19 Sep 97 cF-13.2 Reg 2 s12.

Other information sources

13 For the purposes of clauses 4(3)(c) and 5(2)(c) of the Act, the board may base its approval or classification of a film on information that the board is satisfied is accurate and unbiased and that is obtained from film reports, consumer reports, journals or other information sources reporting on the film's content.

19 Sep 97 cF-13.2 Reg 2 s13.

No admittance to minors

14(1) A retail distributor who offers for sale, rent, lease or exchange only films classified as Adult shall display in a conspicuous manner at all entrances to his or her business premises a sign reading “No admittance to persons under age 18” and shall not admit a person under 18 years of age to the business premises.

(2) A retail distributor who offers for sale, rent, lease or exchange films classified as Adult in addition to films in other classifications shall offer the Adult films in such a manner that:

- (a) all advertising material on the business premises for films classified as Adult and the films themselves are physically segregated from persons under 18 years of age in a manner that is acceptable to the board;
- (b) a person under 18 years of age is not admitted into the segregated area; and
- (c) a sign mentioned in subsection (1) is displayed at every entrance to the segregated area.

19 Sep 97 cF-13.2 Reg 2 s14.

Public library exemption

15 The Act and these regulations do not apply to any film owned, sponsored, exhibited or distributed by a library that is part of the provincial public library system within the meaning of *The Public Libraries Act, 1996*, where the film is designed for educational purposes.

19 Sep 97 cF-13.2 Reg 2 s15.

Advertising

16(1) In exercising its authority pursuant to section 6 of the Act to approve, prescribe or prohibit advertising, the manner of advertising or the manner of display, the board shall consider whether the advertisement or display:

- (a) contains the classification information required pursuant to clause 6(1)(b) of the Act and pursuant to these regulations;
- (b) makes the required classification information clearly apparent to those who may view, purchase, rent, lease or exchange films; and
- (c) contains material, images or content of a nature that, were they contained in a film, would preclude access by persons of a certain age according to the classification requirements of these regulations.

(2) No advertisement for a film classified as Adult shall be placed, posted or exhibited on the business premises of a retail distributor who offers for sale, rent, lease or exchange only films classified as Adult so that the advertisement is visible to members of the public from outside the premises of the retail distributor.

(3) No advertisement for a film classified as Adult shall be placed, posted or exhibited on the business premises of a retail distributor who offers for sale, rent, lease or exchange films classified as Adult in addition to films with other classifications so that the advertisement or a film classified as Adult is visible to customers in that part of the premises where films with other classifications are offered for sale, rent, lease or exchange.

19 Sep 97 cF-13.2 Reg 2 s16.

F-13.2 REG 2 FILM AND VIDEO CLASSIFICATION, 1997**Employees under age 18**

17(1) A registrant who exhibits, sells, rents, leases or exchanges films classified as Adult shall not permit an employee under 18 years of age to handle or have access to films classified as Adult.

(2) An exhibitor who exhibits films shall not permit an employee under 18 years of age to view a film classified as Restricted or Adult.

19 Sep 97 cF-13.2 Reg 2 s17.

Display of films for sale or rent

18(1) Subject to subsection 27(2) and without limiting the generality of these regulations and clause 6(1)(b) of the Act:

(a) a retail distributor shall ensure that every film offered for sale, rent, lease or exchange, other than a film classified as Adult or a film that is exempt pursuant to the Act or these regulations, bears evidence on the cassette, its jacket or its sleeve that:

- (i) the film is approved pursuant to the Act and these regulations;
- (ii) the film meets any requirements of the board; and
- (iii) the film has been classified in accordance with the following:
 - (A) General - G in a green circle;
 - (B) Parental Guidance - PG in a blue square;
 - (C) 14A - 14A in a yellow triangle;
 - (D) 18A - 18A in an orange triangle;
 - (E) Restricted - R in a red octagon;

(b) an exhibitor shall ensure that the classification of every film being exhibited is displayed in a manner that is acceptable to the board.

(2) Subject to subsection 27(1), every film intended for exhibition or distribution in Saskatchewan that is classified as Adult must:

(a) be approved as an Adult film pursuant to the *Motion Picture Act* (British Columbia); and

(b) have attached to each copy of the film a decal provided on payment of the prescribed fee pursuant to the *Motion Picture Act* (British Columbia).

19 Sep 97 cF-13.2 Reg 2 s18.

Appeal

19 The chairperson of the appeal committee shall specify which member or members of the appeal committee shall constitute a panel to hear an appeal.

19 Sep 97 cF-13.2 Reg 2 s19.

Commencement of appeal

20(1) A person who wishes to appeal a decision of the board shall commence an appeal by delivering a written notice of the appeal to the chairperson of the appeal committee.

(2) Where the person who submitted a film for approval or classification is appealing a decision of the board with respect to disapproval of the film, a requirement to remove a portion of the film, or classification of the film, that person shall include with his or her notice of appeal a fee of \$500.

19 Sep 97 cF-13.2 Reg 2 s20.

Procedure on appeal

21(1) Where a person appealing a decision pursuant to clause 11(3)(a) of the Act is the person who submitted the film for classification, that person shall:

- (a) at his or her own expense, provide premises in Saskatchewan acceptable to the appeal committee at which to hold the appeal; and
 - (b) at his or her own expense, provide the equipment and resources necessary for the appeal committee to view the film.
- (2) The appeal committee shall:
- (a) in the case of a person mentioned in subsection (1), set the time and date for hearing the appeal at the premises provided by the person appealing the board's decision; or
 - (b) in the case of any other appellant, set the time, date and place for the hearing.
- (3) The appeal committee may adjourn the hearing from time to time as it considers appropriate.
- (4) Where a person other than the person who submitted the film for classification commences an appeal with respect to that film, the appeal committee shall notify the person who submitted the film for classification of the time, date and place set for hearing the appeal.
- (5) The rules of evidence do not apply to an appeal before the appeal committee.
- (6) Any person who commences an appeal may, at his or her own expense, be represented by an agent or counsel.
- (7) Subject to subsection (8), the appeal committee shall hear the appeal in public.
- (8) Where the appeal being heard is an appeal from a decision to disapprove a film, require the removal of a portion of a film or classify a film, the appeal committee shall view the film *in camera*.

19 Sep 97 cF-13.2 Reg 2 s21.

Duties of appeal committee

22 The appeal committee shall:

- (a) hear all evidence introduced by the person bringing the appeal that the appeal committee considers relevant to the appeal; and
- (b) in hearing an appeal with respect to the disapproval of the film, requirement to remove a portion of the film or classification of the film, follow the criteria set out in sections 4 and 5 of the Act and sections 7 and 8 of these regulations.

19 Sep 97 cF-13.2 Reg 2 s22.

F-13.2 REG 2 FILM AND VIDEO CLASSIFICATION, 1997**Powers of appeal committee**

23(1) The appeal committee may:

- (a) determine an appeal without hearing evidence other than evidence introduced by the person bringing the appeal; and
 - (b) when making its decision with respect to an appeal, accept or reject any evidence introduced.
- (2) Without limiting the generality of subsection (1), in an appeal with respect to the disapproval of the film, removal of a portion of the film, or classification of the film, when considering the criteria mentioned in sections 7 and 8, the appeal committee may:
- (a) reject the evidence submitted with respect to any of those criteria and consider, based on its own opinion, whether a specific criterion is applicable in the circumstances; or
 - (b) if no evidence has been submitted with respect to any of those criteria, consider, based on its own opinion, whether a specific criterion is applicable in the circumstances.

19 Sep 97 cF-13.2 Reg 2 s23.

Decision

24 A decision of the appeal committee must:

- (a) be in writing;
- (b) state the reasons for the decision;
- (c) be sent to the appellant; and
- (d) be made available to any person on request.

19 Sep 97 cF-13.2 Reg 2 s24.

Criteria for board exemption

25 In exercising its authority pursuant to clause 3(3)(b) of the Act to exempt persons, classes of persons or films or classes of films from all or any provisions of the Act or these regulations, the board shall consider:

- (a) whether the general public or only a specific group is invited to attend the exhibition or distribution;
- (b) whether people invited to attend are otherwise warned about the content of the film being exhibited or distributed; and
- (c) whether, given the group invited and the nature of the film being exhibited or distributed, approval by the board, classification information and restricted access are necessary.

19 Sep 97 cF-13.2 Reg 2 s25.

R.R.S. c.F-13.2 Reg 1 repealed

26 *The Film and Video Classification Regulations* are repealed.

19 Sep 97 cF-13.2 Reg 2 s26.

Transitional

27(1) Where an agreement pursuant to section 15.1 of the Act is in effect with British Columbia, a retail distributor who offers for sale, rent, lease or exchange films that meet the Adult film classification criteria shall ensure that any film classified as Adult that he or she:

(a) acquires after the coming into force of *The Film and Video Classification Amendment Act, 1996*, regardless of copyright date, bears evidence of:

(i) approval pursuant to *The Motion Picture Act* (British Columbia); or

(ii) approval pursuant to the Act prior to the coming into force of *The Film and Video Classification Amendment Act, 1996*; and

(b) offers for sale, rent, lease or exchange in Saskatchewan after October 1, 1999 bears evidence of approval pursuant to *The Motion Picture Act* (British Columbia).

(2) Every film that is offered for sale, rent, lease or exchange within Saskatchewan, other than a film classified as Adult or that is exempt pursuant to the Act or these regulations, shall, within five years of the effective date of these regulations, bear evidence of classification pursuant to the Act and these regulations.

(3) Every person who is required to be registered pursuant to section 8 of the Act shall register on or before January 1, 1998.

