

2006

CHAPTER 20

An Act to amend *The Film and Video Classification Act*

(Assented to May 19, 2006)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Film and Video Classification Amendment Act, 2006*.

S.S. 1984-85-86, c.F-13.2 amended

2 *The Film and Video Classification Act* is amended in the manner set forth in this Act.

Section 2 amended

3 Section 2 is amended:

(a) by repealing clauses (a) and (a.1) and substituting the following:

“(a) **‘adult video game’** means an adult video game as defined in the regulations;

“(a.1) **‘appeal committee’** means the committee appointed pursuant to subsection 11(2);

“(a.2) **‘associate’** means a person, including an officer or a director, who performs services related to the management of the business of an exhibitor, retail distributor or wholesale distributor;

“(a.3) **‘board’** means the Saskatchewan Film Classification Board continued pursuant to subsection 3(1)”;

(b) by repealing clause (f) and substituting the following:

“(f) **‘film’** means a photographic moving picture film or any other medium from which moving pictures may be produced and includes videotapes, video cassettes, videodiscs, video games and any other medium specified in the regulations”; **and**

(c) by adding the following clause after clause (m):

“(m.1) **‘video game’** means an object, device or electronic file that:

- (i) stores recorded data or instructions;
- (ii) receives data or instructions generated by a person who uses it; and
- (iii) by processing the data or instructions, creates an interactive game capable of being played, viewed or experienced on or through a computer, gaming system, console or other technology;

but does not include any class of video games prescribed by the regulations”.

Section 3 amended

4 Clause 3(3)(d) is amended by adding “, (a.1)” after “clauses (a)”.

Section 4 amended

5 The following subsection is added after subsection 4(3):

“(3.1) This section does not apply to films that are video games”.

Section 5 amended

6 The following subsection is added after subsection 5(5):

“(6) This section does not apply to films that are video games”.

New sections 5.1 and 5.2

7 The following sections are added after section 5:

“Classification of video games

5.1(1) No person shall distribute or exhibit a video game unless:

- (a) the video game has been classified by a person or body designated in the regulations for the purpose of this section; or
- (b) the video game is prescribed in the regulations as a video game to which this section does not apply.

(2) The classification decisions made for video games by the person or body designated pursuant to clause (1)(a) are classifications for the purposes of this Act.

(3) If the board is of the opinion that the classification of a video game should be reconsidered, the board may submit the video game to a person or body designated in the regulations for the purposes of reconsidering a classification.

(4) The Lieutenant Governor in Council may prescribe in the regulations the practice and procedure to be followed in making reconsiderations pursuant to this section.

“Approval of video games

5.2(1) No person shall distribute or exhibit an adult video game unless:

- (a) the adult video game has been approved by a person or body designated in the regulations for the purpose of this section; or
- (b) the adult video game is prescribed in the regulations as an adult video game to which this section does not apply.

(2) When a decision is made with respect to approvals for adult video games by a person or body designated pursuant to clause (1)(a), the decision of that person or body is a decision for the purposes of this Act.

(3) If an adult video game has been approved and the board is of the opinion that the approval should be reconsidered, the board may submit the adult video game to a person or body designated in the regulations for the purposes of reconsidering an approval.

(4) The Lieutenant Governor in Council may prescribe in the regulations the practice and procedure to be followed in making reconsiderations pursuant to this section”.

Section 8 amended

8(1) **Subsection 8(1) is amended by striking out “No” and substituting “Subject to subsection (1.1), no”.**

(2) The following subsection is added after subsection 8(1):

“(1.1) Unless otherwise required by this Act or the regulations, a person distributing or exhibiting a film that is a video game is not required to be registered with the board”.

Section 9 amended

9 Section 9 is amended:

- (a) by renumbering it as subsection 9(1);**
- (b) in subsection (1) by striking out “No exhibitor” and substituting “Subject to subsection (2), no exhibitor”; and**
- (c) by adding the following subsection after subsection (1):**

“(2) Subsection (1) does not apply to films that are video games”.

Section 11 amended

10 Subsection 11(1) is repealed and the following substituted:

“(1) In this section, **‘board’** includes a person or body designated pursuant to section 5.1 or 5.2”.

Section 12 amended

11(1) Subsection 12(1) is amended by adding “renting,” before “leasing”.

(2) Subsection 12(2) is amended by adding “rent,” before “lease”.

New section 14**12 Section 14 is repealed and the following substituted:****“Offence and penalties**

14(1) No person shall fail to comply with any provision of this Act or the regulations or any decision of the board.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction:

(a) for a first offence:

(i) in the case of an individual, to a fine not exceeding \$5,000, to imprisonment for a term not exceeding six months or to both; or

(ii) in the case of a corporation, to a fine not exceeding \$100,000; and

(b) for a second or subsequent offence:

(i) in the case of an individual, to a fine not exceeding \$10,000, to imprisonment for a term not exceeding one year or to both; or

(ii) in the case of a corporation, to a fine not exceeding \$500,000.

(3) If a corporation commits an offence pursuant to this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in this section whether or not the corporation has been prosecuted or convicted”.

New section 16**13 Section 16 is repealed and the following substituted:****“Regulations**

16 The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(b) for the purpose of the definition of ‘film’ in clause 2(f), specifying any medium from which moving pictures may be produced;

(c) for the purpose of the definition of ‘video game’ in clause 2(m.1), prescribing classes of video games not included in the definition;

(d) prescribing the fees payable pursuant to this Act and establishing classes of films, owners, lessors or distributors or exhibitors of film and establishing different fees for each class;

(e) exempting any person or classes of persons, films or classes of films or advertising associated with films from all or any provision of this Act or the regulations, requiring any exempted person or class of exempted persons to comply with any prescribed term or condition, and prescribing any circumstance in which all or any provision of this Act does not apply;

- (f) prescribing the terms and conditions pursuant to which films may be exhibited, distributed or advertised;
- (g) respecting the periods within which exhibitors, retail distributors and wholesale distributors must comply with new or amended classification systems and new or amended terms and conditions pursuant to which films may be exhibited, distributed or advertised;
- (h) prescribing criteria to be followed by the board in approving or disapproving films that are not video games;
- (i) prescribing criteria to be followed by the board in classifying films that are not video games;
- (j) prescribing criteria to be followed by the board in approving, prescribing or prohibiting advertising associated with films;
- (k) prescribing the information relating to the content of a film, other than a film that is a video game, that the board is to use to approve, disapprove or classify the film;
- (l) prescribing a system of classification of films, including:
 - (i) establishing different classifications for different classes of films;
 - (ii) adopting, by reference, a classification scheme established by another person or body, subject to any changes the Lieutenant Governor in Council considers appropriate;
 - (iii) with respect to each classification, prescribing the ages of individuals who may be prohibited from viewing, purchasing, renting, leasing or exchanging films of that classification;
- (m) for the purposes of section 5.1:
 - (i) designating a person or body to classify video games, including:
 - (A) designating a different person or body with respect to different video games or classes of video games;
 - (B) prescribing criteria to be followed by the person or body in classifying video games; and
 - (ii) prescribing a video game or class of video games to which section 5.1 does not apply;

- (n) for the purposes of section 5.2:
 - (i) designating a person or body to approve or refuse to approve adult video games, including:
 - (A) designating a different person or body with respect to different adult video games or classes of adult video games;
 - (B) prescribing criteria to be followed by the person or body in approving adult video games; and
 - (ii) prescribing an adult video game or class of adult video games to which section 5.2 does not apply;
- (o) for the purposes of subsections 5.1(3) and 5.2(3), designating a person or body to reconsider a decision made by a person or body designated pursuant to clause (m) or (n) when the board is of the opinion that the decision should be reconsidered;
- (p) prescribing the practice and procedure to be followed in making reconsiderations pursuant to sections 5.1 and 5.2;
- (q) prescribing the criteria to be followed by the board in approving, prescribing or prohibiting the manner in which advertising associated with a film or the exhibition or distribution of a film is to be displayed, including prescribing different criteria for each classification and each class of persons;
- (r) prescribing the criteria to be followed by the board in approving, prescribing or prohibiting the manner in which film to be distributed is displayed, including prescribing different criteria for each classification and each class of persons;
- (s) prescribing the criteria to be followed by the board in exempting film or classes of film, persons or classes of persons or advertising, materials or other information related to film and intended for public dissemination in Saskatchewan from the Act or the regulations;
- (t) prescribing the practice and procedure to be followed in making appeals pursuant to section 11;
- (u) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (v) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act”.

Coming into force

14 This Act comes into force on proclamation.