

Cinematograph Films Act, 1938.

[1 & 2 GEO. 6. CH. 17.]

ARRANGEMENT OF SECTIONS.

A.D. 1938.

PART I.

RENTERS' QUOTAS AND EXHIBITORS' QUOTAS.

Provisions relating to Renters' quotas.

Section.

1. Determination of renters' quotas for period beginning 1st April 1938 and ending 31st March 1948.
2. Restrictions on the counting of a British film more than once, or by more than one renter, for quota purposes.
3. Special provisions with respect to British films rented in foreign countries.
4. Exemption in respect of films for which demand is limited.
5. Combinations of renters for quota purposes.
6. Provisions with respect to films acquired and registered in different periods.

Provisions relating to Exhibitors' quotas.

7. Determination of exhibitors' quotas for period beginning 1st October 1938 and ending 30th September 1948.

General Provisions.

8. Restriction on renting registered films otherwise than at their registered length.
9. Licensing of renters and exhibitors.
10. Provisions for securing that films exhibited in Great Britain are obtained from licensed renters.
11. Penalties for quota offences.
12. Record books to be kept by renters and exhibitors.

[CH. 17.] *Cinematograph Films* [1 & 2 GEO. 6.]
Act, 1938.

- A.D. 1938. Section.
—
13. Relief from liability for quota offences in circumstances beyond control of renter or exhibitor.
 14. Provisions as to cases where distribution rights in respect of films pass on renters going out of business.
 15. Power of Board of Trade to alter quotas by order.
 16. Reduction of exhibitors' quotas for year ending 30th September, 1938.

PART II.

RESTRICTIONS ON BLIND BOOKING AND ADVANCE
BOOKING OF FILMS.

17. Restriction on blind booking.
18. Restriction on advance booking.
19. Penalties.
20. Invalidation of agreements involving blind booking or advance booking.
21. Information to be furnished by renters to Board of Trade for purposes of Part II.

PART III.

REGISTRATION OF FILMS.

22. Prohibition of distribution or exhibition of unregistered films.
23. Registration of films.
24. Applications for registration, and information to be furnished in connection therewith.
25. Determination of films to be treated as British films for purposes of registration.
26. Conditions governing registration of British films as quota films.
27. Power to disregard items of labour costs in certain circumstances.
28. Registration of serial films.
29. Prohibition of registration of films exhibited or registered before commencement of Act.
30. Corrections of register.
31. Reference of disputes to High Court or Court of Session.
32. Evidence of registration.
33. Information to be given to exhibitors with respect to registration of films.

PART IV.

A.D. 1938.

PROVISIONS AS TO PERSONS EMPLOYED BY MAKERS
OF CINEMATOGRAPH FILMS.

Section.

34. Wages and conditions of employment of persons employed by makers of cinematograph films.

PART V.

GENERAL AND SUPPLEMENTARY PROVISIONS.

35. Films to which Act applies.
36. Power of Board of Trade to vary by order minimum figures in respect of labour costs.
37. Annual returns to be made by renters and exhibitors.
38. Penalties in connection with the furnishing of information.
39. Offences by corporations.
40. Regulations of Board of Trade.
41. The Cinematograph Films Council.
42. Institution of proceedings and service of process.
43. Exercise of powers of Board of Trade.
44. Interpretation.
45. Repeals and transitional provisions.
46. Short title, commencement and extent.

SCHEDULES :

First Schedule—

Part I.—Renters' Quotas.

Part II.—Exhibitors' Quotas.

Second Schedule—Maximum Fees.

Third Schedule—Provisions repealed in the Act of 1927.



CHAPTER 17.

An Act to make further provision for securing the renting and exhibition of a certain proportion of British cinematograph films, and for restricting blind booking and advance booking of cinematograph films; to make provision as to the wages and conditions of employment of persons employed by makers of cinematograph films; and to provide for purposes connected with the matters aforesaid. [30th March 1938.]

A.D. 1938.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

RENTERS' QUOTAS AND EXHIBITORS' QUOTAS.

Provisions relating to Renters' quotas.

1.—(1) Subject to the following provisions of this Part of this Act, where a renter has, in any renters' quota period, acquired for distribution in Great Britain films which are registered as foreign long films, or has, in any such period, so acquired films which are registered as foreign short films, then unless—

- (a) in the first case, the films which have been so acquired by him in that period and are registered as long films include films registered as British long films and also as renters' quota films, and having a total length bearing to the total length

Determina-
tion of
renters'
quotas for
period
beginning
1st April
1938 and
ending
31st March
1948.

A.D. 1938.
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PART I.
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of all the films which have been so acquired by him in that period and are registered as long films (exclusive of films registered only as exhibitors' quota films) a proportion not less than the proportion prescribed in relation to long films by Part I of the First Schedule to this Act for that period or, as the case may be, for the year beginning with the first day of April in which that period falls, or

- (b) in the second case, the films which have been so acquired by him in that period and are registered as short films include films registered as British short films and also as renters' quota films, and having a total length bearing to the total length of all the films which have been so acquired by him in that period and are registered as short films (exclusive of films registered only as exhibitors' quota films) a proportion not less than the proportion prescribed in relation to short films by Part I of the said Schedule for that period or, as the case may be, for the year beginning with the first day of April in which that period falls,

the renter shall be guilty of a quota offence, except in a case where either the Board of Trade certify, under the following provisions of this Part of this Act, that his failure to fulfil the relevant conditions imposed by this subsection was due to circumstances beyond his control, or the renter proves that fact to the satisfaction of the court.

(2) For the purpose of the preceding subsection, the length of a film shall be taken to be its registered length; but where a film registered as a renters' quota film is also registered as a British long film and also as doubled or trebled for the purpose of renters' quota on the ground of its cost, then, subject to the following provisions of this Part of this Act, the length of the film shall be taken for the purpose of paragraph (a) of that subsection to be twice or, as the case may be, three times its registered length:

Provided that a renter shall be deemed not to have fulfilled the quota conditions imposed by paragraph (a) of the preceding subsection as respects the quota period beginning with the first day of April

nineteen hundred and thirty-eight or either of the two renters' quota periods falling in the year beginning with the first day of April nineteen hundred and thirty-nine or in any subsequent year, if the aggregate of the registered lengths of the films acquired by him in that period or year, as the case may be, for distribution in Great Britain which are registered as British long films and also as renters' quota films bears to the aggregate of the lengths which are to be taken, for the purpose of that paragraph, to be the lengths of those films, a proportion being less than one-half.

A.D. 1938.

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PART I.
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(3) The Board of Trade, after consulting the Cinematograph Films Council and considering its advice in the matter, may, not later than the end of June in the year nineteen hundred and thirty-eight or any of the eight succeeding years, lay before Parliament the draft of an order directing—

(a) that, in relation to the renters' quota period beginning with the first day of April then next following and in relation to any subsequent renters' quota period specified in the order, this section shall have effect as if for subsection (2) thereof there were substituted the following subsection :

“(2) For the purpose of the preceding subsection, the length of a film shall be taken to be its registered length; but where a film registered as a renters' quota film is also registered as a British long film and also as doubled for the purpose of renters' quota on the ground of its cost, then, subject to the following provisions of this Part of this Act, the length of the film shall be taken, for the purpose of paragraph (a) of that subsection, to be twice its registered length”; or

(b) that, in relation to the year beginning with the said first day of April and in relation to any subsequent year specified in the order, the proviso to subsection (2) of this section—

(i) shall have effect as if in that proviso for the reference to one-half there were substituted a reference to such other proportion as may be specified in the order, or

(ii) shall have no effect;

A.D. 1938. and if, not later than the thirty-first day of July next following the date on which the draft of any such order is laid before it, each House of Parliament resolves that the order be made, the Board shall forthwith make the order in terms of the draft.

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PART I.
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(4) The power conferred by the last preceding subsection to lay in draft before Parliament and to make an order shall be construed as including a power, exercisable in the like manner and subject to the like conditions, to lay in draft before Parliament and to make an order varying or revoking an order having effect by virtue of that subsection:

Provided that an order varying or revoking such an order as aforesaid shall not have effect in relation to any period prior to the first day of April next following the date on which the order is made.

Restrictions
on the
counting of
a British
film more
than once,
or by more
than one
renter, for
quota
purposes.

2.—(1) Subject to the following provisions of this Part of this Act, no film registered as a British film shall, for the purpose of the fulfilment of any conditions imposed by subsection (1) of the last preceding section (hereafter in this Act referred to as "quota conditions"), be counted more than once by the same renter or counted by any renter other than the renter who has first acquired the film (whether before or after the commencement of this Act) for distribution in Great Britain; and no film so registered shall be counted for the said purpose if it has already been counted for the purpose of complying with the requirements of section thirteen of the Act of 1927.

(2) Where, at any time in a renters' quota period, a renter has acquired, for distribution in a limited area in Great Britain only, a film which is registered as a British film and also as a renters' quota film, and which, at that time, had not been exhibited to the public at a theatre in that area, then if throughout that period or, as the case may be, the part thereof during which he carried on business as a renter in Great Britain—

- (a) that renter has had no right to distribute in Great Britain outside that area any films which are registered as foreign films or are registered as British films and also as renters' quota films, and
- (b) no other renter has had a right to distribute the first-mentioned film in that area,

the said film may, for the purpose of the fulfilment of any relevant quota conditions as respects that period, be counted once by the first-mentioned renter, notwithstanding that some other person is also entitled, by virtue of this subsection, to count the film for the said purpose.

A.D. 1938.

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PART I.
—cont.

(3) Where the films which a renter has, in any renters' quota period, acquired for distribution in Great Britain consist of, or include, old films registered as British films and also as renters' quota films, and old films registered as foreign films, he may, for the purpose of fulfilling any relevant quota conditions as respects that period, count once each of the said old films which is registered as a British film—

- (a) if all the registered films so acquired by him in that period (exclusive of films registered only as exhibitors' quota films) are old films, or
- (b) (in a case where the said registered films include films other than old films) if any such quota conditions would have been fulfilled as respects those other films had they been the only films so acquired by him in that period.

(4) For the purposes of the last preceding subsection, a film which in any renters' quota period a renter acquires for distribution in Great Britain shall, in relation to that period, be deemed to be old if, and only if,—

- (a) the film has previously been acquired as aforesaid by some other renter, and
- (b) not less than one year has elapsed since the end of the year in which the film was previously acquired as aforesaid by any other renter;

and in this subsection the expression "year" means year beginning with the first day of April.

3.—(1) Where, by means of such evidence (including statutory declarations) as the Board of Trade may require, a renter carrying on business in Great Britain satisfies the Board with respect to any film registered under Part III of this Act as a British long film and also as doubled or trebled for the purpose of renters' quota—

Special provisions with respect to British films rented in foreign countries.

- (a) that in any renters' quota period the said renter has, for a price of not less than twenty thousand

A.D. 1938.

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PART I.
—cont.

pounds, acquired the film for distribution in a foreign country, and

- (b) that the said renter has not acquired the film for distribution in Great Britain,

the Board may, if they think fit, give directions that in determining whether any relevant quota conditions have been fulfilled—

- (i) the film shall (except for the purpose of the proviso to subsection (2) of section one of this Act) be treated as if, at the time when the said renter acquired it for distribution in that foreign country, he had acquired it for distribution in Great Britain, and
- (ii) any acquisition of the film by another renter for distribution in Great Britain (whether before or after the giving of the directions) shall be disregarded.

(2) Any directions given under this section by the Board of Trade shall—

(a) in a case where—

(i) the film to which the directions relate is registered as trebled for the purpose of renters' quota, and

(ii) the Board are satisfied that the price paid or payable by the renter in respect of his acquisition of the film for distribution in the foreign country is not less than thirty thousand pounds,

include a direction that the length of the film shall, for the purpose of determining whether any relevant quota conditions have been fulfilled by that renter in any renters' quota period, be taken to be twice its registered length, or

- (b) in any other case, include a direction that the length of the film shall, for the said purpose, be taken to be its registered length :

Provided that, if the total length of the films which, by virtue of any directions under this section, a renter is to be deemed for any purpose to have acquired in any renters' quota period for distribution in Great Britain exceeds half the total length of films registered as British

long films which, apart from those directions, he must have acquired for distribution in Great Britain in order to fulfil the relevant quota conditions as respects that period, the first-mentioned total length shall be deemed to be reduced by the amount of the excess.

A.D. 1938.

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PART I.
—cont.

(3) If, at any time after giving any directions under this section, the Board of Trade discover that they were misinformed as to any of the material facts by reference to which their decision to give the directions was made, the Board may revoke the directions; and where any such directions are revoked, they shall be deemed never to have been given.

(4) If, and to the extent that, section one of this Act has effect subject to the modification made therein by an order containing such a direction as is authorised by paragraph (a) of subsection (3) of that section, this section shall have effect as if, in subsection (1) of this section, for the words "doubled or trebled for the purpose of renters' quota" there were substituted the words "doubled for the purpose of renters' quota or capable of being doubled under this section", and as if, in subsection (2) of this section, for the words "trebled for the purpose of renters' quota" there were substituted the words "capable of being doubled under this section".

4.—(1) Upon application made, with respect to a film to which this Act applies, by a renter who has, in any renters' quota period, acquired that film for distribution in Great Britain, or who proposes to acquire it in any such period for distribution in Great Britain, the Board of Trade, if satisfied that the film is a long film and that it has not been exhibited to the public in Great Britain within the twelve months immediately preceding the date on which the application was made, may, if they think fit, direct that, subject to the fulfilment of the conditions set out in the following subsection, the fact that he has, before the end of the year beginning with the said date, acquired the film for distribution in Great Britain, shall, for the purpose of determining whether that renter has fulfilled any quota conditions, be disregarded.

Exemption
in respect
of films for
which
demand is
limited.

(2) The conditions subject to which any directions given under this section in respect of a film shall have effect are that the film must not, in the year beginning

A.D. 1938. with the date of the application upon which the directions are given—

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PART I.
—cont.

- (a) be delivered by any other renter to exhibitors in Great Britain for public exhibition therein, or
- (b) be exhibited to the public at more than twelve theatres in Great Britain or at more than six theatres in the administrative county of London, or
- (c) be exhibited to the public at more than one theatre in Great Britain on the same day;

and if the renter delivers the film, after the end of that year, to an exhibitor for exhibition to the public at a theatre in Great Britain, then, for the purpose of determining whether any quota conditions have been fulfilled by him, the film shall (without prejudice to any previous effect of the directions) be treated as if, at the time when he first so delivers it, he had acquired it for distribution in Great Britain.

Combina-
tions of
renters for
quota
purposes.

5. Upon application made to them in that behalf, the Board of Trade, if they think fit, may, in relation to any renters' quota period, designate any two or more renters as an approved combination for the purpose of fulfilling the quota conditions as respects that period in relation to long films; and if, in that period, not more than one of those renters has acquired, for distribution in Great Britain, more than three films which are registered as long films (other than films which are registered only as exhibitors' quota films), the preceding sections of this Act shall, so far as regards the fulfilment of the quota conditions as respects that period in relation to long films, apply to those renters as if they constituted together a single renter:

Provided that the preceding provisions of this section shall, in relation to the renters' quota period beginning with the first day of April nineteen hundred and thirty-eight, have effect as if in those provisions for the word "three" there were substituted the word "six."

Provisions
with respect
to films
acquired

6. Where, for the purpose of any of the preceding provisions of this Act, it is material to determine what films a renter has acquired in any renters' quota period, a film which he has, in that period, acquired

for distribution in Great Britain, but which has been registered in any subsequent renters' quota period, shall be deemed to have been acquired by him as aforesaid in the renters' quota period in which the film was registered and not in the renters' quota period in which he actually so acquired it.

A.D. 1938.

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PART I.
—*cont.*
and registered in different periods.

Provisions relating to Exhibitors' quotas.

7.—(1) Subject to the following provisions of this Part of this Act, where an exhibitor has, in any exhibitors' quota year, exhibited to the public at any theatre in Great Britain films which are registered as foreign long films, or has, in any such year, so exhibited films which are registered as foreign short films, then, unless—

Determination of exhibitors' quotas for period beginning 1st October 1938 and ending 30th September 1948.

- (a) in the first case, the proportion which the total length of films which have been exhibited by him to the public at that theatre in that year, and are registered as British long films, bears to the total length of films which have been so exhibited and are registered as long films is at least equal to the proportion prescribed in relation to long films for that year by Part II of the First Schedule to this Act, or
- (b) in the second case, the proportion which the total length of films which have been exhibited by him to the public at that theatre in that year, and are registered as British short films, bears to the total length of films which have been so exhibited and are registered as short films is at least equal to the proportion prescribed in relation to short films for that year by Part II of the said Schedule,

the exhibitor shall be guilty of a quota offence, except in a case where either the Board of Trade certify, under the following provisions of this Part of this Act, that his failure to fulfil the relevant conditions imposed by this subsection was due to circumstances beyond his control, or the exhibitor proves that fact to the satisfaction of the court.

(2) For the purpose of the preceding subsection, the total length of films of any class mentioned in that subsection which, in any exhibitors' quota year, has been

A.D. 1938. exhibited to the public at any particular theatre shall be
— computed as follows, that is to say :—

PART I.
—cont.

- (a) the registered length of each film of that class which, in that year, has been exhibited to the public at that theatre during the normal hours in the ordinary programme shall be multiplied by the number of times the film has in that year been so exhibited; and
- (b) the products arrived at under paragraph (a) of this subsection shall be added together.

(3) In relation to any exhibitor who does not, in any exhibitors' quota year, exhibit registered films to the public at any one theatre in Great Britain on more than six days nor at more than one such theatre at the same time, the preceding provisions of this section shall have effect as if all the registered films which had in that year been exhibited by him to the public at theatres in Great Britain had been so exhibited at one such theatre.

(4) For the purpose of determining whether any conditions imposed by subsection (1) of this section have been fulfilled as respects any exhibitors' quota year, a film which was first registered as a British film more than four years before the beginning of that year shall be disregarded, unless, upon an application made not later than the end of that year by a renter having a right to distribute the film in Great Britain, the Board of Trade, after consulting the Cinematograph Films Council and considering its advice in the matter, direct that the film shall be taken into account for that purpose.

General Provisions.

Restriction
on renting
registered
films other-
wise than
at their
registered
length.

8. If, on any occasion on which, during the period beginning at the commencement of this Act and ending with the thirtieth day of September nineteen hundred and forty-eight, a registered film is delivered by a renter to an exhibitor in Great Britain for public exhibition at a theatre therein, the length of the film as so delivered on that occasion differs from the registered length of the film by more than one-tenth of that registered length, the renter shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

A.D. 1938.

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PART I.

—cont.

Licensing of
renters and
exhibitors.

9.—(1) No person shall, in the year beginning at the commencement of this Act or any of the nine succeeding years, carry on the business of distributing registered films in Great Britain, unless—

- (a) there is in force a licence under this section authorising him to carry on business as a renter, or
- (b) an application for such a licence as aforesaid in respect of that year has been duly made, and the determination of the application is still pending;

and if any person carries on business in contravention of this subsection, he shall be liable on summary conviction to a fine not exceeding twenty pounds for every day on which he so carries on business.

(2) No exhibitor shall, in any exhibitors' quota year, exhibit a registered film to the public at a theatre in Great Britain, unless at the time of the exhibition—

- (a) there is in force a licence under this section authorising him to carry on business as an exhibitor at that theatre, or
- (b) an application for such a licence as aforesaid in respect of that year has been duly made, and the determination of the application is still pending;

and if any exhibitor exhibits a film at any theatre in contravention of this subsection, he shall be liable on summary conviction to a fine not exceeding ten pounds for every day on which he so exhibits the film at that theatre.

(3) A licence authorising a person to carry on business as a renter in Great Britain or, as the case may be, to carry on business as an exhibitor in Great Britain shall, upon application made in that behalf by the said person, and on payment of the prescribed fee, be granted to him by the Board of Trade, unless he is disqualified for holding the licence applied for :

Provided that the Board of Trade may refuse to grant such a licence, unless the applicant has furnished to the Board such information, verified in such manner, as they may reasonably require for the purpose of satisfying themselves that he is not so disqualified.

A.D. 1938.

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PART I.
—cont.

(4) Subject as hereinafter provided, a licence under this section authorising a person to carry on business as an exhibitor shall be limited so as to extend only to the exhibition of registered films at such one theatre in Great Britain as may be specified in the licence :

Provided that such a licence as aforesaid may be granted so as to extend to the exhibition of registered films at more than one theatre in Great Britain, subject to the limitation that the licence does not authorise the holder thereof to exhibit registered films at any one theatre on more than six days in the year in respect of which the licence is granted, or to exhibit registered films at more than one theatre at the same time.

(5) Without prejudice to the following provisions of this Part of this Act, a person shall be disqualified for holding a licence under this section unless he has a place of business in Great Britain.

(6) Where the holder of a licence under this section which is for the time being in force changes the address of his place of business in Great Britain, or ceases to have a place of business in Great Britain, he shall, as soon as practicable, notify to the Board of Trade the change of address or, as the case may be, the fact that he has ceased to have such a place of business.

(7) Subject as hereinafter provided, a licence under this section shall take effect on such day, not being earlier than the beginning of the year in respect of which it is granted, as may be specified in the licence, and shall continue in force until the end of that year and no longer :

Provided that if, after the granting of such a licence, the holder of the licence becomes disqualified for holding it, the licence shall forthwith cease to have effect.

Provisions
for securing
that films
exhibited
in Great
Britain are
obtained
from
licensed
renters.

10.—(1) An exhibitor shall not, in the period beginning at the commencement of this Act and ending with the thirty-first day of March nineteen hundred and forty-eight, exhibit on any occasion to the public at a theatre in Great Britain any film to which this Act applies, unless—

(a) he has acquired the right to exhibit the film to the public at that theatre on that occasion from a person who, at the time of the acquisition, was lawfully carrying on business as a renter in Great Britain, or

(b) the exhibitor is himself lawfully carrying on business as aforesaid, and has acquired the film for distribution in Great Britain.

A.D. 1938.

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PART I.
—cont.

(2) If any person exhibits a film in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds for every day on which he so exhibits the film.

11.—(1) Any person guilty of a quota offence under this Part of this Act shall be liable, on summary conviction, to a fine not exceeding two hundred and fifty pounds or, on conviction on indictment, to a fine not exceeding five hundred pounds.

Penalties
for quota
offences.

(2) Where a person is convicted, on indictment, of a quota offence under this Part of this Act, then, in addition to imposing such a fine as aforesaid, the court—

(a) if the offence is an offence under the provisions of this Part of this Act relating to renters' quotas, and the offender has previously been convicted of a renter's offence not less than twice (whether summarily or on indictment), may revoke any renter's licence held by him, and may order, with respect to the offender or any of the following persons, that is to say,—

(i) any person who, at or since the time when the offence occurred, was or has been financially associated with the offender in his business as a renter,

(ii) any person concerned in the management of the offender's said business who was knowingly a party to the offence, and

(iii) any person who has acquired the offender's said business either wholly or in part,

that he shall, for such period as may be specified in the order, be disqualified for holding a renter's licence, and

(b) if the offence is an offence under the provisions of this Part of this Act relating to exhibitors' quotas, and the offender has previously been convicted of an exhibitor's offence not less than twice (whether summarily or on indictment), may revoke any exhibitor's licence held by him

A.D. 1938.

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PART I.
—*cont.*

in respect of the theatre in relation to which the offence has occurred, and may order, with respect to—

(i) the offender,

(ii) any person who, at or since the time when the offence occurred, was or has been financially associated with the offender in his business as an exhibitor, or

(iii) any person concerned in the management of the offender's said business who was knowingly a party to the offence,

that he shall, for such period as may be specified in the order, be disqualified for holding an exhibitor's licence in respect of that theatre, and may also order that every person in whose case an exhibitor's licence, or a licence granted under the Act of 1927 for the purposes of section twenty of that Act, has been revoked during the year immediately preceding the date of the conviction, shall, for such period as may be specified in the order, be so disqualified:

Provided that an order under paragraph (a) of this subsection shall not operate so as to prevent the offender performing, for a period not exceeding six months, any obligations under any contract entered into by him before the institution of the proceedings leading to the conviction.

(3) Notwithstanding anything in the Summary Jurisdiction Acts, summary proceedings for a quota offence under this Part of this Act may, in the case of an offence under the provisions of this Part of this Act relating to renters' quotas, be instituted at any time within two years after the end of the renter's quota period in relation to which the offence has occurred, or, in the case of an offence under the provisions of this Part of this Act relating to exhibitors' quotas, be instituted at any time within one year after the end of the exhibitors' quota year in relation to which the offence has occurred.

(4) In this section the expression "renter's offence" means a quota offence under the provisions of this Part of this Act relating to renters' quotas, or an offence under section thirteen of the Act of 1927, and the expression "exhibitor's offence" means a quota offence under the

provisions of this Part of this Act relating to exhibitors' quotas, or an offence under section nineteen of the Act of 1927.

A.D. 1938.

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PART I.
—cont.

12.—(1) Any renter who has, in the period beginning at the commencement of this Act and ending with the thirty-first day of March nineteen hundred and forty-eight, acquired for distribution in Great Britain a film which is a registered film shall, as soon as practicable, record in a book to be kept by him for the purpose—

Record
books to be
kept by
renters and
exhibitors.

- (a) the title and registered length of the film, the fact that it is registered as a British film or registered as a foreign film, as the case may be, and such other particulars with respect to the film as may be prescribed for the purpose of identification, and
- (b) the theatres in Great Britain for public exhibition at which he delivers the film to exhibitors, and the respective dates on which, or periods for which, the film is to be, or has been, exhibited to the public at those theatres on delivery as aforesaid;

and shall, whenever requested so to do by a person authorised in that behalf by the Board of Trade, produce the said book for inspection by that person.

(2) Any exhibitor who, in any exhibitors' quota year, exhibits a registered film to the public at a theatre in Great Britain shall, as soon as practicable, record in a book to be kept by him for the purpose in respect of that theatre—

- (a) the title and registered length of the film, the fact that it is registered as a British film or registered as a foreign film, as the case may be, and such other particulars with respect to the film as may be prescribed for the purpose of identification, and
- (b) the dates in that year on which the film was exhibited to the public at that theatre, and, in relation to each of those dates, the number of times the film was so exhibited and the respective hours at which the exhibition of cinematograph films to the public at that theatre began and ended:

A.D. 1938.

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PART I.
—cont.

Provided that an exhibitor who does not, in any exhibitors' quota year, exhibit registered films to the public at any one theatre in Great Britain on more than six days nor at more than one such theatre at the same time, shall not be obliged to keep under this subsection more than one book in respect of the theatres at which he so exhibits registered films in that year.

(3) Any book which an exhibitor is required by this section to keep in relation to a particular theatre shall, so long as he continues to carry on the business of exhibiting registered films to the public at that theatre, be kept by him at that theatre and be open to inspection thereat, at all reasonable times, by any person authorised in that behalf by the Board of Trade; and, subject to the preceding provisions of this subsection, an exhibitor who is required to keep a book under this section shall, whenever requested so to do by a person authorised in that behalf by the Board, produce the book for inspection by that person.

(4) If any person who is required to keep a book under this section fails to keep the book in accordance with the requirements of this section or to record any particular therein in accordance with those requirements, or fails to produce the book on demand for inspection by any person entitled to inspect it, or prevents or attempts to prevent the inspection of the book by any person so entitled, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Relief from liability for quota offences in circumstances beyond control of renter or exhibitor.

13.—(1) If, upon application made to them, the Board of Trade are satisfied that any failure on the part of a person to fulfil any relevant quota conditions was due to circumstances beyond his control, the Board may issue a certificate to that effect:

Provided that, where any application is made under this subsection to the Board, they shall, before determining the application, consult the Cinematograph Films Council and consider its advice in the matter.

(2) For the purposes of this Part of this Act, a failure on the part of a person to fulfil any relevant quota conditions shall be deemed to have been due to circumstances beyond the control of that person if, owing to the character of the films available or to the

excessive cost of such films, it was not commercially practicable to fulfil those conditions, but, in the case of a renter, shall be deemed not to have been due to circumstances beyond his control if it was commercially practicable for him to fulfil those conditions by making, or arranging for the making of, the necessary films.

A D. 1938.

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PART I.
—cont.

14.—(1) Where, in any renters' quota period, a person being the holder of a renter's licence for the time being in force has ceased to carry on business as a renter in Great Britain, and, in consequence of the cessation, the right to distribute in any country or area a film to which this Act applies, and which that renter had acquired in that period for distribution in that country or area, passes in that period, by assignment or will or by operation of law, from the said person to some other person being the holder of such a licence, then, subject to the provisions of the following subsection, the first-mentioned person shall, for the purposes of the provisions of this Part of this Act relating to renters' quotas, be deemed never to have acquired the film for distribution in that country or area, or delivered the film to an exhibitor for public exhibition.

Provisions as to cases where distribution rights in respect of films pass on renters going out of business.

(2) If, in relation to any such assignment as is mentioned in the preceding subsection, it appears to the Board of Trade that the assignment was made with a view to the evasion of any of the provisions of this Part of this Act relating to renters' quotas, the Board may direct that the said subsection shall not apply in relation to that assignment.

15.—(1) Subject to the following provisions of this section, the Board of Trade, after consulting the Cinematograph Films Council and considering its advice in the matter, may, not later than the end of June nineteen hundred and thirty-nine, lay before Parliament the draft of an order altering either or both of the proportions prescribed by Part II of the First Schedule to this Act for the year beginning with the first day of October nineteen hundred and thirty-nine; and if, before the end of July nineteen hundred and thirty-nine, each House of Parliament has resolved that the order be made, the Board shall forthwith make the order in terms of the draft, and the order shall come into operation upon the making thereof.

Power of Board of Trade to alter quotas by order.

(3) This section shall not authorise the making of an order—

A.D. 1938.

PART I.
—cont.

(a) altering any of the proportions prescribed by Part I of the First Schedule to this Act to a proportion being, in relation to long films, less than twenty per cent. or more than thirty per cent. or, in relation to short films, less than fifteen per cent. or more than thirty per cent., or

(b) altering any of the proportions prescribed by Part II of the said Schedule to a proportion being, in relation to long films, less than fifteen per cent. or more than thirty per cent. or, in relation to short films, less than twelve-and-a-half per cent. or more than thirty per cent.

(4) As from the coming into operation of an order under this section altering any of the proportions prescribed by the First Schedule to this Act, that Schedule shall have effect as if it prescribed, instead of that proportion, the proportion substituted therefor by the order.

(5) In this section the expression “calendar year” means year beginning with the first day of January.

16. The First Schedule to the Act of 1927 shall have effect, and be deemed always to have had effect, as if the proportion prescribed by Part II of that Schedule as respects the year ending with the thirtieth day of September nineteen hundred and thirty-eight were fifteen per cent. and not twenty per cent.

Reduction of exhibitors' quotas for year ending 30th September, 1938.

PART II.

RESTRICTIONS ON BLIND BOOKING AND ADVANCE BOOKING OF FILMS.

17.—(1) No renter shall, in the period beginning at the commencement of this Act and ending with the thirtieth day of September nineteen hundred and forty-eight, procure the giving by an exhibitor (whether for a consideration or not, and whether orally or in writing) of any such undertaking as would, if it were legally binding on the exhibitor, impose on him an obligation, either actual or contingent, to take delivery of a film to which this Act applies, for public exhibition at a theatre in Great Britain, being a film which had not been trade-shown at the time of his giving the undertaking:

Restriction on blind booking.

A.D. 1938. Provided that this subsection shall not operate so as to restrict—

PART II.
—cont.

- (a) in relation to any serial film or series of films, the making, at a time when at least three parts of the film or series have been trade-shown, of an agreement for the public exhibition of any part thereof,
- (b) the making, in relation to any one film, of an agreement for the exhibition of that film at one theatre only and on a number of consecutive days, or
- (c) the making, in relation to any one film, of agreements for the exhibition of that film on not more than three days and at not more than three theatres.

(2) Where, in relation to any one film, there have been made, at a time when that film has not been trade-shown, several agreements the purport of which taken together is to provide for the public exhibition of that film in Great Britain either at more than one theatre or otherwise than on consecutive days, the benefit of paragraph (b) of the proviso to the preceding subsection shall not extend to any of those agreements; and where, in relation to any one film, there have been made, at a time when that film has not been trade-shown, several agreements the purport of which taken together is to provide for the public exhibition of the film in Great Britain either on more than three days or at more than three theatres, the benefit of paragraph (c) of the said proviso shall not extend to any of those agreements.

In relation to any film being a part of a serial film or series of films, the preceding provisions of this subsection shall have effect as if, in those provisions, for the words "when that film has not been trade-shown," in each place where those words occur, there were substituted the words "before three parts of that serial film or series of films have been trade-shown."

Restriction
on advance
booking.

18. No renter shall, in the period beginning at the commencement of this Act and ending with the thirty-first day of March nineteen hundred and forty-eight, procure the giving by an exhibitor (whether for a consideration or not, and whether orally or in writing) of any such undertaking as would, if it were legally binding

on the exhibitor, impose on him an obligation, either actual or contingent, to take delivery of a film to which this Act applies for public exhibition at a theatre in Great Britain at a date later than six months after the date on which he gives the undertaking :

A.D. 1938.

PART II.
—cont.

Provided that, in relation to any serial film or series of films, this section shall not operate so as to restrict the making of an agreement in so far as it provides for any part of the film or series being exhibited after three parts thereof have been exhibited to the public at a theatre in Great Britain.

19. If any renter contravenes any of the provisions of this Part of this Act, he shall be liable on summary conviction to a fine not exceeding two hundred and fifty pounds.

Penalties.

20.—(1) Any agreement made after the commencement of this Act (whether in Great Britain or elsewhere) shall be invalid, if and so far as—

Invalidation of agreements involving blind booking or advance booking.

(a) in the case of an agreement made before the end of September nineteen hundred and forty-eight, it purports to impose on any exhibitor an obligation, either actual or contingent, to take delivery of a film to which this Act applies for public exhibition at a theatre in Great Britain, being a film which has not been trade-shown at the time of the making of the agreement, or

(b) in the case of an agreement made before the end of March nineteen hundred and forty-eight, it purports to impose on any exhibitor an obligation, either actual or contingent, to take delivery of a film to which this Act applies for public exhibition at a theatre in Great Britain at a date later than six months after the date on which the agreement is made :

Provided that the preceding provisions of this subsection shall not apply in relation to any agreement the making of which is unrestricted by virtue of the proviso to subsection (1) of section seventeen of this Act or the proviso to section eighteen of this Act, as the case may be.

(2) Any agreement validly made before the commencement of this Act (whether in Great Britain or

A.D. 1938. elsewhere) which, if made after the commencement of this Act, would be invalid under the preceding subsection, shall, if and so far as it relates to the delivery after the end of September nineteen hundred and thirty-eight, for public exhibition in Great Britain, of a film to which this Act applies, cease to have effect at the end of that month.

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PART II.
—cont.

Informa-
tion to be
furnished
by renters
to Board
of Trade
for purposes
of Part II.

21. A renter shall, whenever requested so to do by a person authorised in that behalf by the Board of Trade, produce to that person such books or other documents, and furnish to that person such other information, with respect to any film delivered or to be delivered by him to any exhibitor in Great Britain for public exhibition therein, being a film to which this Act applies, as the Board may require for the purpose of the enforcement of this Part of this Act.

PART III.

REGISTRATION OF FILMS.

Prohibition
of distribu-
tion or
exhibition
of unregis-
tered films.

22.—(1) No person shall, in the period beginning at the commencement of this Act and ending with the thirtieth day of September nineteen hundred and forty-eight, deliver to an exhibitor in Great Britain for public exhibition therein any film to which this Act applies, unless, at the time of the delivery, the film is a registered film; and no person shall, in the said period, exhibit to the public at a theatre in Great Britain any film to which this Act applies, being a film which he knows, or ought to have known, not to be a registered film :

Provided that this subsection shall not restrict the delivery or exhibition, in pursuance of a valid agreement for its exhibition at one theatre only on a number of consecutive days, of a film in respect of which a provisional application for registration has been made, if the film is trade-shown within six weeks from the date on which the application was made, and shall not restrict—

- (a) the delivery or exhibition of any film which has been exhibited in Great Britain to exhibitors or to the public before the commencement of this Act, other than a film which was first so exhibited after the end of September nineteen

hundred and twenty-seven and is a film to which the Act of 1927 applies, or

A.D. 1938.

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PART III.
—cont.

- (b) the delivery or exhibition, in pursuance of valid agreements for its exhibition on not more than three days and at not more than three theatres, of a film which, at the time of the delivery or exhibition, has not been trade-shown.

(2) If any person delivers a film in contravention of this section, he shall be liable on summary conviction to a fine not exceeding two hundred and fifty pounds; and if any person exhibits a film in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds for every day on which he so exhibits the film.

23.—(1) Upon application duly made to them, not later than the end of September nineteen hundred and forty-eight, for the registration of a film to which this Act applies, the Board of Trade shall, subject to the following provisions of this Part of this Act, register the film under this Part of this Act in a register to be kept by the Board for the purpose.

Registration
of films.

(2) The register shall be so kept as to record, in relation to each film registered therein,—

- (a) the title and length of the film, the fact that it is a British film or a foreign film, as the case may be, and such other particulars (if any) with respect to the film as may be prescribed for the purpose of identification, and
- (b) such other particulars with respect to the film as are required by the following provisions of this Part of this Act to be entered in the register.

(3) On the registration of a film under this Part of this Act, the Board of Trade shall issue to the person on whose application the film is registered a certificate of registration specifying all the particulars which, at the time of the issue of the certificate, are recorded in the register with respect to that film.

(4) As soon as may be after the end of the week beginning at the commencement of this Act, and of each subsequent week, the Board of Trade shall publish in the

A.D. 1938. Board of Trade Journal a list of films registered in that week.

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PART III.
—*cont.*

(5) The register shall, at all reasonable times, be open to inspection by any person at the offices of the Board of Trade, on payment of the prescribed fee, and any person inspecting the register may take copies of any entries therein.

(6) The Board of Trade shall, on demand made in that behalf by any person and on payment of the prescribed fee, furnish that person with a copy of the entry in the register relating to any particular film, being a copy certified to be true by the officer of the Board of Trade having the custody of the register.

Applications
for registra-
tion, and
information
to be
furnished
in connec-
tion there-
with.

24.—(1) Every application for the registration of a film shall be made either by the maker of the film or by a renter who has acquired it for distribution in Great Britain, and shall be accompanied by the prescribed fee.

(2) No such application as aforesaid shall be entertained unless the film which is the subject of the application has been trade-shown within the fourteen days immediately preceding the date on which the application is made :

Provided that—

(a) a provisional application may be made before the film has been trade-shown, and in that case, if the film is trade-shown within six weeks after the date on which the provisional application is made, the provisional application shall thereupon be treated as if it had been made within fourteen days after the film was trade-shown; and

(b) an application made more than fourteen days after the film was trade-shown may be entertained by the Board of Trade if they are satisfied that the delay was due to special circumstances and was not intentional.

(3) The applicant for the registration of a film, and if the applicant is not the maker of the film, the maker, shall produce to the Board of Trade such books and other documents relating to the film, and furnish to the Board such other information with respect thereto, as the

Board may require for the proper discharge of their functions under this Part of this Act in relation to that film; and any information furnished for the purposes of this subsection shall, if the Board so direct, be accompanied by a statutory declaration as to the truth of the information, being a declaration made by the person furnishing the information:

A.D. 1938.

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PART III.
—cont.

Provided that an application for the registration of a film shall not be granted, unless and until there has been furnished to the Board of Trade a statutory declaration made by the applicant to the effect that there has not been made, in relation to that film, any such agreement as is declared by Part II of this Act to be invalid in any respect.

25.—(1) Subject to the following provisions of this section, a film shall, for the purpose of the registration thereof under this Part of this Act, be deemed to be a British film if, and only if,—

Determina-
tion of films
to be
treated as
British films
for purposes
of regis-
tration.

- (a) the maker of the film was, throughout the time during which the film was being made, either a British subject or a British company, and
- (b) the studio, if any, used in making the film was within His Majesty's dominions, and
- (c) not less than the requisite amount of labour costs represents payments paid or payable in respect of the labour or services of British subjects or persons domiciled in some part of His Majesty's dominions.

(2) In paragraph (a) of the preceding subsection the expression "a British company" means a company incorporated under the laws of any part of His Majesty's dominions, being a company the directors of which, or the majority of the directors of which, were British subjects; and for the purposes of paragraphs (a) and (c) of that subsection, any film used for making photographs depicted as part of any scene in the film which is the subject of the application for registration, shall be deemed to form part of the last-mentioned film; and in paragraph (c) of that subsection the expression "the requisite amount of labour costs" means, in relation to any film—

- (a) (in a case where the total labour costs of the film amount to not less than twenty-two thousand five hundred pounds, and the quotient derived

A.D. 1938.

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PART III.
—cont.

from dividing the amount of the said total labour costs by the number of feet comprised in the length of the film is a sum of not less than three pounds) whichever of the two following amounts is the less, that is to say—

(i) the amount arrived at by applying the fraction three-quarters to the total labour costs of the film, after deducting therefrom, if the applicant for registration so desires, the amount of any payment which, as part of those costs, has been paid or is payable in respect of the labour or services of any one person who was, while engaged in the making of the film, neither a British subject nor a person domiciled in some part of His Majesty's dominions;

(ii) the amount arrived at by applying the fraction four-fifths to the total labour costs of the film, after deducting therefrom the amount of any payments which, as part of those costs, have been paid or are payable in respect of the labour or services of any two persons neither of whom was, while engaged in the making of the film, a British subject or a person so domiciled, and at least one of whom was so engaged in the capacity of an actor or actress, or

(b) in any other case, the amount arrived at under sub-paragraph (i) of the preceding paragraph:

Provided that if, upon the application for the registration, as a British film, of a film in respect of which the condition imposed by paragraph (c) of the preceding subsection is not fulfilled, the Board of Trade are satisfied that the maker of the film took all reasonable steps to fulfil the said condition, and that the non-fulfilment thereof was due to exceptional circumstances beyond his control, the Board, if they think fit, may direct that this subsection shall have effect in relation to that film as if in paragraph (a) of this subsection for the words "three-quarters" and the words "four-fifths" there were respectively substituted the words "seven-tenths" and the words "three-quarters."

(3) If, upon an application for the registration of a film as a British film, the applicant requests the Board of Trade so to do, the Board shall, for the purpose of deter-

mining whether the conditions imposed by this section are fulfilled in respect of the film, treat the film as if such portions thereof as may be designated by the applicant, being portions the length of which does not exceed in all ten per cent. of the total length of the film or twenty per cent. of so much of its total length as consists of photographs of studio scenes (whichever percentage is the less), did not form part of the film; and in that case the length of the film shall, for the purpose of the registration thereof, be deemed to be reduced by the length of the portions of the film which, by virtue of this subsection, are to be treated as not forming part of the film.

A.D. 1938.

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PART III.
—cont.

(4) Every film registered under this Part of this Act shall, if the conditions imposed by subsection (1) of this section are fulfilled in respect of the film, be registered as a British film, or, if those conditions are not so fulfilled, be registered as a foreign film.

(5) Section seven of the Finance Act, 1928, (which provides for the reduction of customs duties on negative cinematograph films which are certified by the Board of Trade to satisfy the requirements of subsection (3) of section twenty-seven of the Act of 1927) shall have effect as if the reference in the said section seven to the said subsection (3) included a reference to subsection (1) of this section.

18 & 19
Geo. 5. c. 17.

26.—(1) Every film registered under this Part of this Act as a British film shall be registered as an exhibitors' quota film, and, subject to the following provisions of this section, shall, if the applicant so requests, be registered also as a renters' quota film.

Conditions
governing
registration
of British
films as
quota films.

(2) A film registered under this Part of this Act as a British film shall not be registered as a renters' quota film unless—

- (a) the maker of the film was, throughout the time during which the film was being made, a person carrying on business in the United Kingdom and having his principal place of business therein, and
- (b) the studio, if any, used in making the film (exclusive of any portion of the film which, by virtue of subsection (3) of the last preceding section, is to be treated as not forming part of the film) was within the United Kingdom, and

A.D. 1938.

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PART III.
—*cont.*

(c) at least half the requisite amount of labour costs, as defined by subsection (2) of the last preceding section, represents payments which, as part of the labour costs of the film, have been paid or are payable in respect of the labour or services of British subjects ordinarily resident in, or persons domiciled in, the United Kingdom.

(3) A film registered under this Part of this Act as a British long film shall not be registered as a renters' quota film unless—

(a) the total labour costs of the film amount to not less than seven thousand five hundred pounds, and

(b) the quotient derived from dividing the amount of the said total labour costs by the number of feet comprised in the length of the film is a sum of not less than one pound :

Provided that the Board of Trade may exempt any particular film from the operation of this subsection if, after consulting the Cinematograph Films Council and considering its advice in the matter, the Board are of opinion that the film has special value for purposes of entertainment.

(4) The Board of Trade, after consulting the Cinematograph Films Council and considering its advice in the matter, may lay before Parliament the draft of an order directing that the last preceding subsection shall, subject to such modifications of that subsection as may be specified in the order, apply in relation to films registered under this Part of this Act as British short films, as it applies in relation to films registered as British long films; and if each House of Parliament resolves that the order be made, the Board shall make the order in terms of the draft, and the order shall come into operation on such date as may be specified therein.

(5) The Board of Trade, after consulting the Cinematograph Films Council and considering its advice in the matter, may lay before Parliament the draft of an order providing that the Board, upon representations made to them within the prescribed period after there has been trade-shown a film which is the subject of an application for the registration thereof as a British film and also as a renters' quota film, or which has been registered as aforesaid, may, notwithstanding that the

conditions as to cost imposed in relation to the film by subsection (3) of this section, or by an order under the last preceding subsection are fulfilled, either refuse to register the film as a renters' quota film or, as the case may be, cancel the registration of the film as a renters' quota film, if, after consulting the Cinematograph Films Council and considering its advice in the matter, the Board are satisfied that the film has insufficient value for purposes of entertainment; and if each House of Parliament resolves that the order be made, the Board shall make the order in terms of the draft, and the order shall come into operation on such date, falling not earlier than twelve months after the date on which the order is made, as may be specified in the order :

A.D. 1938.

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PART III.
—*cont.*

Provided that an order under this subsection shall not apply in relation to short films unless and until an order under the last preceding subsection is in operation.

(6) Where, in the case of a film registered under this Part of this Act as a British long film and also as a renters' quota film,—

- (a) the total labour costs of the film amount to not less than twenty-two thousand five hundred pounds but to less than thirty-seven thousand five hundred pounds, and
- (b) the quotient derived from dividing the amount of the said total labour costs by the number of feet comprised in the length of the film is a sum of not less than three pounds but of less than five pounds,

the film shall be registered as doubled for the purpose of renters' quota; and where, in the case of a film registered as a British long film and also as a renters' quota film,—

- (i) the total labour costs of the film amount to not less than thirty-seven thousand five hundred pounds, and
- (ii) the quotient derived from dividing the amount of the said total labour costs by the number of feet comprised in the length of the film is a sum of not less than five pounds,

A.D. 1938. the film shall be registered as trebled for the purpose of
renters' quota.

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PART III.
—*cont.*

(7) If, and to the extent that, section one of this Act has effect subject to the modification made therein by an order containing such a direction as is authorised by paragraph (a) of subsection (3) of that section, subsection (6) of this section shall have effect as if, in that subsection, for the words "trebled for the purpose of renters' quota" there were substituted the words "capable of being doubled under section three of this Act".

Power to disregard items of labour costs in certain circumstances.

27. If, upon any application for the registration of a film under this Part of this Act, being an application in connection with which it is material to ascertain—

(a) the labour costs of the film, or

(b) the proportion of those costs which represents payments in respect of the labour or services of persons of any particular class,

it appears to the Board of Trade that any sum which, as part of those costs, is paid or payable in respect of the labour or services of any particular person is so great as not to be a bona fide payment by way of remuneration for the labour or services in question, the Board may direct that the said sum shall, as to the whole or any part of the amount thereof, be disregarded in ascertaining the said labour costs or the said proportion thereof, as the case may be.

Registra-
tion of serial
films.

28.—(1) Subject to the provisions of the following subsection, an application for the registration of any part of a serial film or series of films may be entertained if three parts of the film or series have been trade-shown.

(2) The Board of Trade, after consulting the Cinematograph Films Council and considering its advice in the matter, may by order direct that the preceding subsection shall not apply in relation to any such application for registration as aforesaid which may be made during the continuance in force of the order; and

any order under this subsection may be revoked by a subsequent order of the Board.

A.D. 1938.

PART III.
—*cont.*

(3) If an order is made under the last preceding subsection, any provision contained in Part II of this Act which qualifies, in relation to any serial film or series of films, a restriction imposed by that Part of this Act shall operate so as to qualify that restriction in relation only to the exhibition of such parts (if any) of a serial film or series of films as are not the subject of applications for registration made during the continuance in force of the order.

29. A film which has been exhibited in Great Britain to the public before the commencement of this Act (other than a film which was first so exhibited after the end of September nineteen hundred and twenty-seven and is a film to which the Act of 1927 applies) shall not be registered after the commencement of this Act, and a film which has been duly registered under Part II of the Act of 1927 shall not be registered under this Part of this Act :

Prohibition of registration of film exhibited or registered before commencement of Act.

Provided that for the purposes of this section a film shall not be taken to have been exhibited to the public by reason only that the film has been trade-shown.

30. If, at any time after the registration of a film, the Board of Trade, upon making any such inquiries as they think desirable, are satisfied that the film either ought not to have been registered or is incorrectly registered in any particular, they shall cause the necessary deletion or correction to be made in the register and, if the Board think proper, issue to the maker of the film, or, if the film has been acquired by a renter for distribution in Great Britain, issue to the renter, a certificate of registration to take the place of any such certificate previously issued in respect of the film; but the Board, if in any particular case they think fit so to do, may direct that, for the purpose of any of the provisions of Part I of this Act relating to renters' quotas and exhibitors' quotas, the film shall, to such extent as may be specified in the direction, be treated as if the deletion or correction in the register had not been made.

Corrections of register.

A.D. 1938.

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PART III.
—*cont.*
Reference
of disputes
to High
Court or
Court of
Session.

31.—(1) Any person who is aggrieved by any decision taken by the Board of Trade for the purpose of the performance of their duties in relation to the register, may, subject to rules of court, make application in the matter to the High Court, and the decision of that court on any such application shall be final and not subject to appeal to any other court.

(2) In relation to any person whose principal place of business is in Scotland, the preceding subsection shall have effect as if for any reference therein to the High Court there were substituted a reference to the Court of Session.

Evidence of registration. **32.** The registration of a film may be proved by the production of—

- (a) a copy of the Board of Trade Journal containing a notification of the registration of the film, or
- (b) the certificate of registration issued, or, as the case may be, last issued in respect of the film, or
- (c) a copy of the entry in the register relating to the film, being a copy certified to be true by the officer having the custody of the register;

and a document purporting to be such a certificate of registration, or to be such a certified copy as aforesaid, shall be evidence of the matters stated in the document, without proof of the signature or authority of the person signing it.

Information to be given to exhibitors with respect to registration of films.

33.—(1) A renter who, in the period beginning at the commencement of this Act and ending with the thirtieth day of September nineteen hundred and forty-eight, delivers a registered film to an exhibitor in Great Britain for public exhibition therein shall, in such manner, and at such time, as may be prescribed, notify to the exhibitor the title and registered length of the film, the fact that it is registered as a British film or registered as a foreign film, as the case may be, and any such other particulars for the time being recorded in the register with respect to the film as may be prescribed.

(2) If any renter fails to comply with the provisions of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

PART IV.

A.D. 1938.

PROVISIONS AS TO PERSONS EMPLOYED BY MAKERS
OF CINEMATOGRAPH FILMS.

34.—(1) The wages paid by any person carrying on in Great Britain the business of making films to which this Act applies to persons employed by him in connection with that business, and the conditions of employment of persons so employed, shall, unless agreed upon by the employer and by organisations representative of the persons employed, be not less favourable to the person employed than the wages which would be payable, and the conditions which would have to be observed, under a contract which complied with the requirements of any resolution of the House of Commons for the time being in force applicable to contracts of Government departments; and if any dispute arises as to what wages ought to be paid, or what conditions ought to be observed, in accordance with this section, it shall, if not otherwise disposed of, be referred by the Board of Trade to the industrial court for settlement.

Wages and conditions of employment of persons employed by makers of cinematograph films.

(2) Where any matter is referred to the industrial court under this section, the court, in arriving at its decision, shall have regard to any determination that may be brought to its notice relating to the wages or conditions of service of persons employed in a capacity similar to that of the persons to whom the reference relates, being a determination contained in a decision of a joint industrial council, conciliation board or other similar body, or in an agreement between organisations representative of employers and workpeople.

(3) Where any award has been made by the industrial court upon a dispute referred to that court under this section, then, as from the date of the award or from such later date as the court may direct, it shall be an implied term of the contract between the employer and workers to whom the award applies that the rate of wages to be paid, or the conditions of employment to be observed, under the contract shall, until varied in accordance with the provisions of this section, be in accordance with the award.

A.D. 1938.

PART V.

GENERAL AND SUPPLEMENTARY PROVISIONS.

Films to
which Act
applies.25 & 26
Geo. 5. c. 24.Power of
Board of
Trade to
vary by
order mini-
mum figure
in respect
of labour
costs.

35. The films to which this Act applies are all cinematograph films other than—

- (a) films consisting wholly or mainly of photographs which, at the time when they were taken, were means of communicating news, or
- (b) films made wholly or mainly for the purpose of commercial advertisement, or
- (c) films certified by the Board of Education under subsection (2) of section seven of the Finance Act, 1935, as being entitled to exemption from customs duties under the convention for facilitating the international circulation of films of an educational character which is referred to in that subsection.

36.—(1) The Board of Trade, after consulting the Cinematograph Films Council and considering its advice in the matter, may lay before Parliament the draft of an order directing that any provisions of this Act or of an order under Part III of this Act which specify a sum to which—

- (a) the labour costs of a film, or the quotient arrived at by dividing the amount of the labour costs of the film by the length thereof, or
- (b) the price paid or payable for the acquisition of the right to distribute a film in a foreign country,

must amount for any particular purpose, shall have effect as if for any reference in those provisions to the said sum there were substituted a reference to such other sum as may be specified in the order; and if each House of Parliament resolves that the order be made, the Board shall make the order in terms of the draft, and the order shall come into operation on such date as may be specified therein.

(2) The power conferred by the preceding subsection to lay in draft before Parliament and to make an order shall be construed as including a power, exercisable in the like manner and subject to the like condition, to lay in draft before Parliament and to make an order varying or revoking an order having effect by virtue of that subsection.

37.—(1) Every person who has, in the year beginning at the commencement of this Act or any of the nine succeeding years, carried on business as a renter in Great Britain shall—

- (a) within one month after the end of that year, or within such longer period as the Board of Trade may in any particular case allow, furnish to the Board a return stating whether or not he has in that year acquired for distribution in Great Britain any film which is a registered film, and, if he has done so, giving with respect to each registered film which has been so acquired by him in that year such particulars as may be prescribed, being particulars which the Board consider necessary for the purposes of this Act, and
- (b) not later than the end of April in the year next following that in which a return has been made by him in pursuance of paragraph (a) of this subsection, furnish to the Board of Trade a supplementary return giving, with respect to any registered film acquired by him as aforesaid in the year to which the original return relates, such of the prescribed particulars as could not have been given in the original return :

Provided that, in relation to any such person who has ceased in any such year to carry on business as a renter in Great Britain, paragraph (a) of this subsection shall have effect as if for the reference in that paragraph to the end of that year, there were substituted a reference to the date in that year on which he ceased to carry on business as aforesaid.

(2) Any such return as aforesaid shall be admissible in evidence for the purpose of determining whether the films mentioned in the return as having been acquired by the person by whom the return was made were acquired by him for distribution in Great Britain.

(3) Every person who has, in any exhibitors' quota year, carried on business as an exhibitor at a theatre in Great Britain, shall, within one month after the end of that year, furnish to the Board of Trade a return stating whether or not he has in that year exhibited to the

A.D. 1938.

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PART V.

—*cont.*

Annual
returns to
be made by
renters and
exhibitors.

A.D. 1938. public at a theatre in Great Britain a film which is a registered film, and, if so—

PART V.
—cont.

- (a) specifying the dates in that year on which any registered film was exhibited by him to the public at that theatre, and, in relation to each of those dates, the number of times the film was so exhibited, and
- (b) giving such other particulars (if any) with respect to the film as may be prescribed, being particulars which the Board consider necessary for the purposes of this Act;

and the said return shall include a statement showing, in relation to each day in the said year on which cinematograph films were exhibited to the public at that theatre, the respective times at which the exhibition of films as aforesaid began and ended :

Provided that, if in any such year an exhibitor ceases to carry on the business of exhibiting registered films to the public at any particular theatre in Great Britain, the return to be made by him with respect to that theatre for that year shall be made within one month after the date on which he so ceases to carry on that business at that theatre.

(4) A return required by this section shall be deemed not to have been furnished in compliance with this section unless it is accompanied by a statutory declaration of the truth of the particulars contained in the return, being a declaration made by the person required to furnish the return.

(5) Every person by whom a return has been made to the Board of Trade in pursuance of this section, shall produce and furnish to the Board such books and other documents and other information by way of explanation of the return as the Board may require for the purposes of this Act.

(6) For the purposes of any proceedings which may be taken by virtue of this section, the fact that a person has been the holder of a renter's licence or of an exhibitor's licence shall be evidence that the said person has, in the year in respect of which the licence was granted, carried on business as a renter in Great Britain or carried on business as an exhibitor at a theatre in Great Britain, as the case may be.

38.—(1) If any person fails to produce, furnish or give to the Board of Trade, in accordance with the requirements of this Act, any book or other document, or any return, notification or other information, which he is required by this Act so to produce, furnish or give, he shall be liable, on summary conviction, to a fine not exceeding five pounds for every day during which the default continues.

A.D. 1938.

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PART V.
—cont.

Penalties in connection with the furnishing of information.

(2) Any person who, in furnishing or giving any return, notification or other information for the purposes of any provisions of this Act, or, in recording any particulars in pursuance of this Act, knowingly or recklessly makes a statement false in a material particular, shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

39. Where a body corporate is guilty of an offence under this Act, and it is proved that the offence occurred with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Offences by corporations.

40.—(1) Subject to the following provisions of this section, the Board of Trade may make regulations prescribing anything which by this Act is required or authorised to be prescribed, and may make regulations prescribing—

Regulations of Board of Trade.

- (a) the form of applications for the registration of films or for licences under this Act,
- (b) the particulars and evidence necessary for satisfying the Board that a film is a British film or is a film which ought to be registered under Part III of this Act as a renters' quota film, and
- (c) the form of the returns to be made, and the record books to be kept, under this Act,

and also regulations providing that any statutory declaration which a person is required by this Act to make shall be deemed to be properly made if it is made on his behalf by any such person as may be specified in the

A.D. 1938. regulations; but no such regulations prescribing the
— payment of fees shall be of any effect unless those
PART V. regulations have been made with the consent of the
—cont. Treasury.

(2) Any regulations prescribing the amount of any fees shall be so framed as to secure, as nearly as may be, that the aggregate amount produced by those fees will be equal to the amount of the expenses incidental to the carrying out of this Act and the carrying out of the Act of 1927 after the commencement of this Act; but the amount of the fees payable on applications for the registration of films or for licences under this Act shall not exceed the amounts specified in the Second Schedule to this Act.

The Cine-
matograph
Films
Council.

41.—(1) There shall be a council to be called “the Cinematograph Films Council,” consisting of twenty-one members appointed by the Board of Trade; and of the members of the said Council—

- (a) eleven (of whom one shall be the chairman of the Council) shall be persons appointed as being independent persons,
- (b) two shall be persons appointed as representing makers of British films,
- (c) two shall be persons appointed as representing renters,
- (d) four shall be persons appointed as representing exhibitors, and
- (e) two shall be persons appointed as representing persons employed by makers of British films.

(2) It shall be the duty of the Board of Trade to satisfy themselves, with respect to any person whom they propose to appoint under paragraph (a) of the preceding subsection to be a member of the said Council, or who is a member of the Council by virtue of an appointment made under that paragraph, that he will have or has, as the case may be, no such financial or commercial interest as is likely to affect him in the discharge of his functions as a member of the Council; and any such person shall, whenever requested by the Board so to do, furnish to them such information as they consider necessary for the performance of their duty under this subsection.

Before appointing a person to be a representative member of the said Council, the Board of Trade shall consult such bodies, if any, as appear to the Board to be representative of the interest concerned.

A.D. 1938.

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PART V.
—cont.

The Board of Trade shall not appoint to be a member of the said Council any person who has been convicted of an offence under the Act of 1927 or this Act.

(3) The functions of the said Council shall be—

(a) to keep under review the progress of the cinematograph film industry in Great Britain, with particular reference to the development of that branch of the said industry which is engaged in the making of films, and to report thereon to the Board of Trade at such times as the Council thinks fit,

(b) to advise the Board in any matter relating to the cinematograph film industry in which the advice of the Council is sought by the Board (whether at the request of any persons appearing to the Board to have a substantial interest in the matter or otherwise), and

(c) to make to the Board, as soon as may be after the end of the year beginning at the commencement of this Act and each subsequent year, a report of the proceedings of the Council during that year.

(4) As soon as may be after receiving any report made to them under paragraph (c) of the last preceding subsection, the Board of Trade shall lay copies of the report before Parliament.

(5) The Board of Trade shall furnish to the said Council such information as the Council may reasonably require for the proper discharge of its functions.

(6) The quorum of the said Council shall be such number, not being less than ten, as the Board of Trade may determine; and the Council shall have power to regulate its own procedure, and may act notwithstanding a vacancy among the members thereof.

(7) A member of the said Council shall hold and vacate office in accordance with the terms of the instrument under which he is appointed, and a member of the

A.D. 1938. Council who ceases to hold office shall be eligible for re-appointment; but no person shall, on any occasion, be appointed to be a member of the Council for more than three years :

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PART V.
—cont.

Provided that, if any member of the said Council is convicted of an offence under the Act of 1927 or this Act, his office as a member of the Council shall forthwith become vacant.

(8) The said Council may, subject to any such limitations and conditions as it thinks proper, delegate any of its functions to a committee of the Council consisting of such members of the Council as it may determine.

Institution of proceedings, and service of process.

42.—(1) Proceedings for an offence under this Act shall not, in England, be instituted otherwise than by the Board of Trade.

(2) Any process to be served on any person for the purposes of this Act shall, if that person is out of Great Britain but has a place of business in Great Britain, be deemed to be duly served if it is addressed to that person and left at, or sent by post to, that place of business.

Exercise of powers of Board of Trade.

43. Anything required or authorised by or under this Act to be done by, to or before the Board of Trade, may be done by, to or before the President of the Board, any secretary, under-secretary or assistant-secretary of the Board, or any person authorised in that behalf by the President.

Interpretation.

44.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

17 & 18
Geo. 5. c. 29.

“ the Act of 1927 ” means the Cinematograph Films Act, 1927;

“ the Cinematograph Films Council ” means the Cinematograph Films Council constituted under this Part of this Act;

“ exhibitor ” means a person carrying on the business of exhibiting cinematograph films to the public;

“ exhibitor’s licence ” means, in relation to any person, a licence under Part I of this Act authorising him to carry on business as an exhibitor;

- “exhibitors’ quota year” means the year beginning with the first day of October nineteen hundred and thirty-eight or any of the nine succeeding years;
- “foreign country” means a country or territory which for the time being does not form part of His Majesty’s dominions;
- “labour costs,” in relation to a film, means the total amount of the payments paid or payable by the maker of the film in respect of the labour or services of persons directly engaged in the making of the film, in so far as those payments are attributable to the making of that film, but does not include payments in respect of copyright; and for the purposes of this definition—
- (a) the author of the scenario of a film shall be deemed to be a person directly engaged in the making of the film, and
- (b) a person shall not be taken to be directly engaged in the making of a film by reason only—
- (i) that he is financially interested in the making of a film, or is engaged, in an administrative or clerical capacity, as an officer or servant of an undertaking concerned with the making of the film, or
- (ii) that he supplies goods used in the making of the film or is in the employment of a person who supplies such goods;
- “long film” means a film the length of which is not less than three thousand feet;
- “maker,” in relation to a film, means the person by whom the arrangements necessary for the making of the film are undertaken;
- “the register” means the register of films registered under Part III of this Act, and “registration” means registration under that Part of this Act;
- “registered” means registered either under Part III of this Act or under Part II of the Act of 1927;
- “registered length,” in relation to a film, means the length of the film as registered for the time being;

A.D. 1938.
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PART V.
—cont.

A.D. 1938.

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PART V.—*cont.*

“renter” means a person who carries on the business of distributing cinematograph films to exhibitors, and, in relation to any renters’ quota period, includes a person who has carried on that business in that period;

“renter’s licence” means, in relation to any person, a licence under Part I of this Act authorising him to carry on business as a renter;

“renters’ quota period” means the year beginning with the first day of April nineteen hundred and thirty-eight, or the period of six months beginning with the first day of April or October in the year nineteen hundred and thirty-nine or in any of the eight succeeding years;

“serial film or series of films” means a serial film or series of films consisting of a number of parts not exceeding thirteen, each of which does not exceed two thousand feet in length, and which are intended to be exhibited on successive dates at intervals not exceeding fourteen days;

“short film” means a film the length of which is less than three thousand feet;

“studio” means a building constructed or adapted for the purpose of making films therein, and includes any land occupied with such a building, and a studio shall be deemed to be used in making a film if any part of that film, or of any other film used in making it, consists of photographs taken in that studio; and “studio scenes” shall be construed accordingly;

“theatre” means any premises used for the exhibition of films to the public, except that the expression shall not, in relation to any year,—

(a) be construed as including any church, chapel or other place of religious worship, or any hall or other premises used in connection with, and for the purposes of, any church, chapel or other such place as aforesaid, if the number of days on which registered films are exhibited in that year at the church, chapel, place, hall or premises (exclusive of any exhibition forming part of a religious service) does not exceed six, or

A.D. 1938.

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PART V.
—cont.

(b) be construed as including any premises used in that year for providing entertainments at which the exhibition of films is only part of the programme, if the total length of the registered film or films exhibited in the course of any one of those entertainments does not exceed two thousand feet;

“trade-shown,” in relation to a film, means—

(a) displayed within the administrative county of London to exhibitors or their agents in a building, and under conditions, allowing for the satisfactory viewing of the film, after announcement to such persons at least seven days before the display, the display not being open to any member of the public on payment, or

(b) displayed to exhibitors or their agents on one occasion on which the film is exhibited to the public at a theatre in Great Britain during the first four consecutive days on which the film is so exhibited, the display taking place after announcement to such persons at least seven days before the display.

(2) Any film registered under the Act of 1927 as a British film (not being a film which, by virtue of paragraph (ii) of the proviso to subsection (1) of section twenty-seven of that Act, is to be deemed to be a registered film for the purposes of the provisions of that Act other than those relating to the renters' quota) shall be deemed, for the purposes of this Act, to be registered also as a renters' quota film.

(3) A person shall, for the purposes of this Act, be deemed to acquire a film for distribution in any manner if he acquires the right to distribute the film in that manner.

(4) Any reference in this Act to distributing, or the distribution of, a film in any country or area shall be construed as a reference to distributing, or the distribution of, the film to exhibitors in that country or area for public exhibition therein.

(5) For the purposes of this Act, the making of a film shall be deemed not to include the production of

[CH. 17.] *Cinematograph Films* [1 & 2 GEO. 6.]
Act, 1938.

A.D. 1938. blank film or of positives intended for public exhibition,
or the production of negatives by means of any process
used for making copies of negatives.

PART V.
—cont.

15 & 16
Geo. 5. c. 36.

In this subsection the expressions “blank film”,
“positives” and “negatives” have the same meanings
respectively as in section three of the Finance Act,
1925.

(6) For the purposes of this Act, registered films
shall be deemed to be exhibited at more than one theatre
at the same time if any part of the period during which
any one registered film is exhibited at a theatre coincides
with any part of the period during which any one
registered film is exhibited at another theatre.

(7) For the purposes of this Act, each part of a
serial film or series of films shall be deemed to be a separate
film.

(8) Any reference in this Act to His Majesty's
dominions shall be construed as including a reference to
any British protectorate, and to any such territory, being
a territory in respect of which a mandate on behalf of
the League of Nations is being exercised by His Majesty,
as His Majesty may designate by Order in Council.

Any Order in Council under this subsection may be
varied or revoked by a subsequent Order in Council.

Repeals
and tran-
sitional
provisions.

45.—(1) The provisions of the Act of 1927 specified
in the Third Schedule to this Act are hereby repealed.

(2) No film shall be registered under Part II of the
Act of 1927 after the end of March nineteen hundred and
thirty-eight; and any application for the registration of
a film under the said Part II, being an application which
has been made before the commencement of this Act
and has not been determined before the commencement
of this Act, shall be treated as an application made under
Part III of this Act for the registration of the film under
that Part of this Act.

(3) Any reference in the Act of 1927 to a licence
or to a licensed person shall be construed as a reference
to a licence granted under that Act or, as the case may
be, to a person holding an appropriate licence granted
under that Act which is for the time being in force; but
the power of the court under paragraph (a) or para-
graph (b) of subsection (2) of section twenty-four of the
said Act to order that no licence shall be issued to a

person may be exercised with respect to the issue of a licence under this Act, as well as with respect to the issue of a licence under that Act.

A.D. 1938.]

PART V.
—cont.

(4) Section eighteen of the Act of 1927 shall not apply in relation to any acquisition of a film after the end of March nineteen hundred and thirty-eight, and section twenty-one of the said Act shall not apply in relation to any exhibition of a film after the end of September nineteen hundred and thirty-eight.

(5) The reference in subsection (2) of section twenty-three of the Act of 1927 to the advisory committee thereafter mentioned shall be construed as a reference to the Cinematograph Films Council.

(6) Any regulations made by the Board of Trade under section twenty-nine of the Act of 1927 shall, if and so far as those regulations were in force immediately before the commencement of this Act and provide for matters other than the charging of fees, continue in force notwithstanding the repeal of that section, but may be revoked as if they were regulations under this Act; and the sum by which the aggregate amount produced up to the commencement of this Act by the fees charged under the Act of 1927 exceeds the expenses incidental to the carrying out of that Act up to the commencement of this Act shall be deemed to form part of the amount produced by the fees chargeable under this Act.

(7) The expressions “registered”, “registration” and “the register”, wherever used in the Act of 1927, shall be construed as meaning respectively registered under that Act, registration under that Act and the register of films registered under that Act, except that in section nineteen of the said Act the expression “registered” shall, in relation to the year ending with the thirtieth day of September nineteen hundred and thirty-eight, be construed as meaning registered either under Part II of that Act or under Part III of this Act.

(8) Any Order in Council made in pursuance of subsection (5) of section twenty-seven of the Act of 1927, shall, if and so far as the Order was in force immediately before the commencement of this Act, have effect as if any reference in the Order to the said subsection (5) included a reference to subsection (8) of the last preceding section of this Act, and may be varied or revoked as if it were an Order under the said subsection (8).

A.D. 1938.
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PART V.
—*cont.*
Short title,
commence-
ment and
extent.
10 & 11
Geo. 5. c. 67.

46.—(1) This Act may be cited as the Cinematograph Films Act, 1938.

(2) This Act shall come into operation on the first day of April nineteen hundred and thirty-eight.

(3) This Act shall not extend to Northern Ireland; and for the purposes of the Government of Ireland Act, 1920, the enactment of legislation for purposes similar to the purposes of this Act shall be deemed not to be beyond the powers of the Parliament of Northern Ireland by reason only that such legislation may affect trade with places outside Northern Ireland.

SCHEDULES.

A.D. 1938.

FIRST SCHEDULE.

PART I.

RENTERS' QUOTAS.

Sections 1 and 15.

| <u>Year.</u> | <u>Long Films.</u> | <u>Short Films.</u> |
|--|--------------------|---------------------|
| For the year beginning with the 1st April 1938 | 15 per cent. | 15 per cent. |
| " " " " | 1939 20 | 15 |
| " " " " | 1940 22½ | 17½ |
| " " " " | 1941 22½ | 17½ |
| " " " " | 1942 25 | 20 |
| " " " " | 1943 25 | 20 |
| " " " " | 1944 27½ | 22½ |
| " " " " | 1945 27½ | 22½ |
| " " " " | 1946 30 | 25 |
| " " " " | 1947 30 | 25 |

PART II.

EXHIBITORS' QUOTAS.

Sections 7 and 15.

| <u>Year.</u> | <u>Long Films.</u> | <u>Short Films.</u> |
|--|--------------------|---------------------|
| For the year beginning with the 1st October 1938 | 12½ per cent. | 12½ per cent. |
| " " " " | 1939 15 | 12½ |
| " " " " | 1940 17½ | 15 |
| " " " " | 1941 17½ | 15 |
| " " " " | 1942 20 | 17½ |
| " " " " | 1943 20 | 17½ |
| " " " " | 1944 22½ | 20 |
| " " " " | 1945 22½ | 20 |
| " " " " | 1946 25 | 22½ |
| " " " " | 1947 25 | 22½ |

