

The Film and Video Classification Regulations

Repealed

by Chapter F-13.2 Reg 2 (effective October 1, 1997).

Formerly

Chapter F-13.2 Reg 1 (effective November 29, 1985)
as amended by Saskatchewan Regulations 45/86,
112/86, 66/87, 41/90, 103/92 and 31/94.

NOTE:

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

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Editorial Appendix

CHAPTER F-13.2 REG 1
The Film and Video Classification Act

Title

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

Interpretation

2(1) In these regulations:

(a) “**Act**” means *The Film and Video Classification Act*;

(a.1) “**appeal**” means an appeal pursuant to subsection 11(3) of the Act;

(a.2) “**appeal committee**” means an appeal committee provided for in section 11 of the Act;

(b) “**parent**” means parent or legal guardian;

(c) “**sexual activity**” means acts, whether real or simulated, of intercourse, masturbation or genital-genital, genital-anal, oral-genital or oral-anal connection between human beings or between human beings and animals and anal or genital connection between human beings and objects.

(2) For the purposes of the Act and in these regulations:

(a) “**advertising**” includes catalogues, order forms and other printed and non-printed promotional materials circulated between wholesale and retail distributors, exhibitors and the public and retail distributors and the public;

(b) “**wholesale distributor**” includes the studio which has produced the film, the owner and any other person or group responsible for the release and distribution of the film.

13 Dec 85 cF-13.2 Reg 1 s2; 5 Dec 86 SR 112/86
s3.

Registration and fees

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

(a) the name, address and telephone number of his business and of the manager of his business;

(b) his type of business;

(c) the name under which his business is incorporated continued or registered pursuant to *The Business Corporations Act*, if it is so incorporated, continued or registered;

- (d) where his business is not incorporated, continued or registered pursuant to *The Business Corporations Act*, the name of his business as it is registered pursuant to *The Business Names Registration Act*; and
 - (e) the name of the applicant and his relation to the business.
- (2) The fee payable:
- (a) for the viewing and classification of films by the board, is \$4 per minute of film viewed;
 - (b) for the classification of a film by documentation and without viewing by the board, is \$30 per film;
 - (c) for the viewing and classification by the board of an advertising trailer, is \$25.

13 Dec 85 cF-13.2 Reg 1 s3; 24 Jly 87 SR 66/87 s2; 8 Jne 90 SR 41/90 s2; 15 Apr 94 SR 31/94 s2.

Approval

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

- (a) the film contains scenes:
 - (i) depicting graphic or prolonged violence, torture, crime, cruelty, horror or human degradation;
 - (ii) depicting physical abuse or humiliation of human beings as a means of sexual gratification or as pleasing to the victim;
 - (iii) in which persons under the age of 16 years or persons apparently under the age of 16 years appear:
 - (A) nude or partially nude in a sexually suggestive context; or
 - (B) in scenes of explicit sexual activity;
 - (iv) that are an explicit and gratuitous depiction of urination, defecation or vomiting;
 - (v) of explicit sexual activity;
 - (vi) explicitly depicting indignities to the human body;
 - (vii) involving undue emphasis on human genital organs; or
 - (viii) the making of which has involved cruelty to or sexual abuse of animals; and
- (b) the board considers the presence of a scene mentioned in clause (a) in the whole context of the film in which it appears and concludes that it is not in the public interest to approve the exhibition or distribution, as the case may be, of the film in Saskatchewan.

- (2) In exercising its duties under clause (1)(b), the board shall have regard to:
- (a) the extent to which the film:
 - (i) degrades or denies human dignity;
 - (ii) exploits men, women or children by portraying them in a manner that denies their essential worth and dignity as human beings; and
 - (iii) may have capacity to stimulate illegal conduct;
 - (b) standards of tolerance and propriety prevailing in Saskatchewan;
 - (c) the need to protect children from potential exposure to the film; and
 - (d) the need to protect freedom of thought, belief, opinion and expression.

13 Dec 85 cF-13.2 Reg 1 s4; 5 Dec 86
SR 112/86 s4.

Classification

5(1) In exercising its authority to classify a film pursuant to section 5 of the Act, the board shall consider the character and content of the film in its entirety and shall classify each film submitted as:

- (a) General;
- (b) Parental Guidance;
- (c) Parental Accompaniment; or
- (d) Restricted;

in accordance with the criteria prescribed in this section.

(2) A film is to be classified as General if the content is considered to be suitable for viewing by all ages.

(3) A film is to be classified as Parental Guidance if the content is such that unsupervised access for all ages is considered suitable although parental guidance is advised and, without limiting the generality of the foregoing, a film is to be classified as Parental Guidance where it contains:

- (a) scenes of mild violence such as physical contact, hand-to-hand fighting and the use of weapons without blood-letting;
- (b) brief scenes of partial nudity;
- (c) romantic involvement that is not sexually explicit;
- (d) a disaster or accident without graphic views;
- (e) horror scenes that do not have a lasting effect; or
- (f) mild use of coarse or vulgar language.

(4) A film is to be classified as Parental Accompaniment if the content is considered to be unsuitable for persons under the age of 14 years and, without limiting the generality of the foregoing, a film is to be classified as Parental Accompaniment where it contains:

- (a) prolonged scenes involving hand-to-hand combat;
- (b) brief scenes involving blood-letting or killing;
- (c) full nude views, usually at a distance;
- (d) implicit sexual activity not visually portrayed;
- (e) intense horror scenes;
- (f) repetitive use of coarse or vulgar language; or
- (g) violence or nudity that is integral to the plot.

(5) A film is to be classified as Restricted if the content is not suitable for persons under the age of 18 years and, without limiting the generality of the foregoing, a film is to be classified as Restricted where it contains:

- (a) graphic portrayal of violent scenes with blood-letting;
- (b) graphic depiction of accident, horror, full nudity, possible rape or sexual activity; or
- (c) repeated use of offensive language.

13 Dec 85 cF-13.2 Reg 1 s5.

Film industry information sources

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

13 Dec 85 cF-13.2 Reg 1 s6.

Other information sources

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

13 Dec 85 cF-13.2 Reg 1 s7.

Appeal committee

7.1(1) Repealed. 16 Oct 92 SR 103/92 s2.

(2) The chairman of the appeal committee:

- (a) **Repealed.** 16 Oct 92 SR 103/92 s2.
- (b) shall specify which member or members of the appeal committee shall constitute a panel to hear an appeal.

5 Dec 86 SR 112/86 s5; 16 Oct 92 SR 103/92 s2.

Commencement of appeal

7.2(1) A person who wishes to appeal a decision of the board shall so notify the appeal committee in writing, setting out the grounds for the appeal, within 90 days from the date of the board's decision.

(2) Notwithstanding subsection (1), the appeal committee may, if it considers it appropriate in the circumstances, entertain an appeal in respect of which notice is received after the expiration of the time prescribed in subsection (1).

5 Dec 86 SR 112/86 s5.

Procedure on appeal

7.3(1) If the person who notifies the appeal committee pursuant to section 7.2 is a person referred to in subsection 11(3) of the Act, the appeal committee shall set the time and place for hearing the appeal and may adjourn the hearing from time to time as it considers advisable.

(2) When a person, other than the person who submitted the film for classification, brings an appeal with respect to that film, the appeal committee shall notify the person who submitted the film for classification of the time and place set for hearing the appeal.

(3) The appeal committee may receive evidence on oath or otherwise when hearing an appeal.

(4) Any person who brings an appeal may, at his own expense, be represented by an agent or counsel.

(5) Hearings of appeals shall be held in public, but the appeal committee may hold its discussions or the viewing of a film *in camera* .

5 Dec 86 SR 112/86 s5.

Duties of appeal committee

7.4 The appeal committee shall:

(a) hear all evidence introduced by the person bringing the appeal that the appeal committee considers relevant to the appeal; and

(b) in hearing an appeal with respect to the approval, disapproval or classification of a film, follow the criteria set out in sections 4 and 5 and in sections 4 and 5 of the Act.

5 Dec 86 SR 112/86 s5.

Powers of appeal committee

7.5 The appeal committee may:

(a) determine an appeal without hearing evidence other than evidence introduced by the person bringing the appeal;

(b) when making its decision with respect to an appeal, accept or reject any evidence introduced; or

(c) in the case of an appeal with respect to the approval, disapproval or classification of a film, when considering the criteria mentioned in clause 7.4(b) if:

- (i) it has rejected the evidence submitted; or
- (ii) no evidence has been submitted;

with respect to any criterion, consider, on the basis of its own opinion, whether that criterion is applicable in the circumstances.

5 Dec 86 SR 112/86 s5.

Decision

7.6 All decisions of the appeal committee shall:

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

5 Dec 86 SR 112/86 s5.

Permitted age for films classified as Parental Accompaniment or Restricted

8(1) For the purposes of section 12 of the Act, the permitted age with respect to a film:

- (a) that is classified as Parental Accompaniment is, subject to subsection (2), 14 years;
- (b) that is classified as Restricted is 18 years.

(2) Where a person who is under the age of 14 years is accompanied by his parent, he may be permitted to view, purchase, lease, rent or exchange a film that is classified as Parental Accompaniment.

13 Dec 85 cF-13.2 Reg 1 s8.

Advertising

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

- (a) contains the classification information required pursuant to clause 6(1)(b) of the Act and pursuant to these regulations;
- (b) makes the required classification information clearly apparent to those who may view, purchase, lease, rent or exchange films;
- (c) contains material, images or content that are of such a nature that, were they contained in a film, persons of a certain age would not, according to the classification requirements of these regulations, be allowed access to that film.

13 Dec 85 cF-13.2 Reg 1 s9.

Specific information requirements

10 Without limiting the generality of clause 6(1)(b) of the Act and these regulations:

- (a) the owner of a film or other person proposing to exhibit or distribute a film in Saskatchewan shall ensure that:
 - (i) every video cassette contains on its face a sticker that:
 - (A) is approved by the board;
 - (B) meets any requirements of the board; and
 - (C) indicates the film's classification as follows:
 - (I) General – green;
 - (II) Parental Guidance – yellow;
 - (III) Parental Accompaniment – orange;
 - (IV) Restricted – red; and
 - (ii) video cassette jackets or sleeves displayed to the public by retail distributors contain on their face a sticker that:
 - (A) is approved by the board;
 - (B) meets any requirements of the board; and
 - (C) corresponds to the sticker required pursuant to subclause (i);as well as any additional stickers indicating additional content information and warnings that the board considers necessary;
- (b) every retail distributor and exhibitor shall display on his premises in a prominent location posters or displays authorized by the board which explain to the public the classification names and colour codes.

13 Dec 85 cF-13.2 Reg 1 s10; 9 May 86 45/86 ER.

Criteria for board exemption

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

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

13 Dec 85 cF-13.2 Reg 1 s11.

Procedure and fee for return of forfeited films

12(1) An application pursuant to subsection 10(2) of the Act for the return of a forfeited film is to be submitted to the board on the form provided by the board stating:

- (a) the name of the applicant;
- (b) the name of the film;
- (c) the date on which the film was seized;
- (d) the nature of the conviction in connection with which the film was seized; and
- (e) why the applicant believes that the film should be returned to him.

(2) Where the board is satisfied that it is appropriate to return a film to an applicant pursuant to subsection 10(2) of the Act, the board may return the film to the applicant on payment by the applicant of a fee in an amount equal to twice the fee prescribed in clause 3(2)(a).

13 Dec 85 cF-13.2 Reg 1 s12.

Notice pursuant to subsection 10(3) of Act

13 A notice pursuant to subsection 10(3) of the Act is to be in Form A of the Appendix and is to state:

- (a) the name of the person who claims to be entitled to the film;
- (b) the name of the film and the distributor of the film;
- (c) the date on which the film was seized;
- (d) why the film was seized;
- (d) why the person claiming entitlement to the film believes it should be returned to him.

13 Dec 85 cF-13.2 Reg 1 s13.

Public libraries exemption

14 In addition to exemptions granted pursuant to section 13 of the Act or any order of the board pursuant to clause 3(3)(b) of the Act, the Act and these regulations do not apply to any film owned, sponsored, exhibited or distributed by a library administered pursuant to *The Public Libraries Act, 1984* where the film is designed for educational purposes.

13 Dec 85 cF-13.2 Reg 1 s14.

Interprovincial agreements

15 The board is authorized to enter into agreements with other provincial film classification boards for the purpose of adopting or approving prior film classifications.

13 Dec 85 cF-13.2 Reg 1 s15.

Editorial Appendix

The forms from the Appendix have not been included in this consolidation. This table references the name of the form, the number of the regulation and the date of the Gazette in which it can be found, and the Gazette location of any amendments.

Form	Name	Gazette Information
Form A	Notice of Claim	13 Dec 85 cF-13.2 Reg 1