

DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

NO. 4383

16 February 2024

FILMS AND PUBLICATIONS ACT, 1996 (ACT NO. 65 OF 1996), AS AMENDED**NOTICE IN TERMS OF SECTION 18(1) AND SECTION 24A OF THE FILMS AND
PUBLICATIONS ACT, 1996 (ACT NO. 65 OF 1996), AS AMENDED**

I, Dr Mashilo Boloka, the Chief Executive Officer of the Film and Publication Board, hereby prescribe, in the Schedules hereto, the notice issued in terms of sections 18(1) and 24A of the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended.

**DR MASHILO BOLOKA****CHIEF EXECUTIVE OFFICER****FILM AND PUBLICATION BOARD**

Date: 25-01-2025

NOTICE
SCHEDULE 1

1. Definitions. – In this Notice, any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned and, unless the context otherwise indicates –

“**Act**” means the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended from time to time;

“**day**” means any number of days prescribed in these Regulations and shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or official South African Public Holiday, in which case the last day shall be the next succeeding business day;

“**distribute**” in relation to a film, game or a publication, without derogating from the ordinary meaning of that word, includes –

- (i) to stream content through the internet, social media or other electronic mediums;
- (ii) to sell, hire out or offer or keep for sale or hire, including using the internet; and
- (iii) for purposes of sections 24A and 24B, to hand or exhibit a film, game or a publication to a person under the age of 18 years, and also the failure to take reasonable steps to prevent access thereof by such a person;

“**distributor**” means a person who conducts the business of distributing films, games or publications and includes a commercial online distributor;

“**FPB**” means the Film and Publication Board, established in terms of section 3 of the Act;

“**prescribed fee**” means the applicable fee prescribed by regulation by the Minister, in consultation with the Minister of Finance, from time to time, under section 31 (1)(a) of the Act;

“**Regulations**” means the regulations developed in accordance with section 31 of the Act;

SCHEDULE 2**REGISTRATION AS DISTRIBUTORS OR EXHIBITOR OF FILMS AND GAMES
IN THE REPUBLIC OF SOUTH AFRICA**

- 2. Obligations of distributors or exhibitors** - (1) Any person who distributes, or exhibits any film or game in the Republic without first being registered with the Board is required to comply with the provisions of section 18(1) of the Act within 30 (thirty) days from the date of this notice by taking the following corrective actions:
- (a) On payment of the prescribed fee, register with the Board as a distributor of films or games; and
 - (b) submit for examination and classification any film or game that has not been classified, exempted or approved in terms of this Act.
- 3. Compliance by distributors not required to submit film or game for classification** - Any person who is not required to comply with section 18(1)(b) of the Act, but provides child-oriented services, shall be required to moderate such services and take such reasonable steps as are necessary to ensure that such services are not being used by any person for the purpose of the commission of any offence against the public including children as prohibited by the Act.
- 4. Offence and liability for non-compliance.** – (1) any person who knowingly distributes or exhibits in public a film or game without first having been registered with the Board as a distributor or exhibitor of films or games shall be guilty of an offence and liable, upon conviction, to a fine not exceeding R150 000 or to imprisonment for a period not exceeding eight months or to both a fine and such imprisonment.

SCHEDULE 3

5. Registration as a distributor. - (1) With the exception of a member of the Press Council of South Africa or a member of the Advertising Regulatory Board, both of whom are exempt from such requirement, an application for registration as a distributor of films in terms of section 18 (1)(a) of the Act shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website, accompanied by –

(a) proof of registration of the business of the distributor in terms of the applicable legislation;

(b) a document confirming that the applicant's tax affairs are in order;

(c) a declaration that the applicant warrants to the best of its knowledge and insofar as it is reasonably aware, that it complies with the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and with its obligations as a distributor of films and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained; and

(d) proof of payment of the prescribed fee.

6. Self-classification. – (1) The Board may, on application and upon payment of the prescribed fee, by a commercial online distributor approve and accredit such commercial online distributor to conduct classifications of films, games and publications.

7. Referral to the Enforcement Committee – (1) Any distributor or exhibitor who fails to comply with the provisions of section 18(1) of the Act shall be referred to the Enforcement Committee which has the power to issue a fine for non-compliance with any provision of the Act.

SCHEDULE 4

- 8. Details on registration as a distributor.** – (1) further details on registration as a distributor or exhibitor of films, games, and other publications can be obtained on the FPB website www.fpb.org.za / clientsupport@fpb.org.za / 012 003 1400.