

Act relating to Films and Videograms

Cf. *earlier* Acts: No. 4 of 25 July 1913 and No. 87 of 21 June 1985.

Chapter I Introductory provisions

Section 1 *Scope and definitions*

This Act applies to the showing and sale of films and videograms on a commercial basis. The Act does not apply to matters regulated by the Broadcasting Act (No. 127 of 4 December 1992).

In this act "film" means photographic or drawn images put together in such a way as to create a moving picture.

In this act "videogram" means an electronic signal for the storage and reproduction of moving pictures recorded on a medium or an information carrier.

The ministry may decide that this Act shall apply in Svalbard, Jan Mayen and at installations and devices in the Norwegian sector of the continental shelf. The ministry may lay down the special rules required to this end.

Chapter II Licensing requirement and levies

Section 2 *Municipal licensing scheme*

The showing and sale of films and videograms on a commercial basis may not take place unless a licence has been granted by the municipal council or a party authorised by the municipal council. This does not apply to the sale of films and videograms for resale.

A licence may be issued for a period of up to five years. A licence may be refused or withdrawn if the holder of the licence violates provisions contained in this act or in regulations issued pursuant to this act, in the Penal Code section 204 or section 382 or violates conditions set in connection with the granting of the licence.

The municipal authorities and the Norwegian Board of Film Classification are entitled to conduct such inspections as may be necessary to ensure that licensable activity is conducted in accordance with the rules in effect.

Municipal authorities may set conditions for the granting of licences to show films and videograms. Conditions may not be set which entail a total ban on the showing of films and videograms within a municipality.

Where the sale of videograms is concerned, anyone who sells videograms to customers in the course of a licensable activity must have reached the age of 18. Videograms may not be sold to anyone who has not reached the minimum age set for viewing the videogram in question. Where videograms for hire are concerned, the municipal authorities may set requirements in terms of breadth of selection.

The ministry may issue regulations concerning breadth of selection and make exceptions from the licensing requirement.

Section 3 *Levy payable to the Norwegian Cinema and Film Foundation*

Anyone engaged in the showing of films and videograms on a commercial basis shall pay a levy of 2.5 per cent of their gross turnover to the Norwegian Cinema and Film Foundation. Those liable to pay the levy shall keep special accounts in respect of such showings.

Anyone intending to have a videogram registered for sale on a commercial basis shall pay a levy per videogram to the Norwegian Cinema and Film Foundation. The levy rates shall be determined by the Storting.

The ministry shall issue regulations establish further guidelines governing the basis for the levy, calculation and collection of levies and the use made of the funds collected and may make exceptions from the levy requirement.

Chapter III **Classification and age limits**

Section 4 *Classification*

Films or videograms to be shown on a commercial basis must be approved by the Norwegian Board of Film Classification beforehand. The ministry may issue regulations regarding classification of films and videograms to be sold to consumers.

The Norwegian Board of Film Classification may not approve the showing for commercial purposes of images which in the opinion of the Board offend public decency or violate section 382 of the Penal Code.

Anyone wishing to have a film or a videogram classified by the Norwegian Board of Film Classification shall pay a fee to be determined by the ministry.

The ministry may issue regulations containing further rules regarding classification and payment of fees.

Section 5 *Age limits*

Films and videograms to be shown for commercial purposes shall be approved for all age groups or for the following age group: seven years and older, eleven years and older, fifteen years and older or eighteen years and older.

When accompanied by a parent or guardian or other adult acting in their stead,

- a) children of four years and older may view films and videograms which have been approved for the age group seven years and older, and
- b) children of eight years and older may view films and videograms which have been approved for the age group eleven years and older, and

c) young persons of twelve years and older may view films and videograms that are approved for the age group fifteen years and older.

When determining age limits as mentioned in the first paragraph, the Norwegian Board of Film Classification shall give crucial emphasis to whether the film or the videogram may have a pernicious influence on the mind or concept of right and wrong of children and young people. The Norwegian Board of Film Classification may also state its views on whether a film or a videogram is suitable for a particular age group.

Section 6 *Board of Appeal for Films and Videograms*

Individual decisions given by the Norwegian Board of Film Classification may be appealed to the Board of Appeal for Films and Videograms. Where decisions regarding age limits are concerned, the three-month time limit for lodging appeals contained in the Public Administration Act section 29 second paragraph applies as from the date when a film or a videogram is made available to the general public. As well as the distributor, the Child Ombudsman may also appeal against decisions on age limits which apply to children.

The Board of Appeal shall be nominated by the ministry which shall issue regulations containing further rules on the appeal arrangement and on the activity of the Board of Appeal.

Chapter IV Labelling and registration of videograms etc

Section 7 *Registration of videograms*

Videograms intended for sale on a commercial basis must be entered in a videogram register operated by the Norwegian Board of Film Classification.

The Norwegian Board of Film Classification may classify a videogram before it is registered. A videogram which has already been registered may also be classified. A videogram which in the opinion of the Norwegian Board of Film Classification violates the rules of the Penal Code section 204 or section 382 may not be registered. The same applies to videograms which have been deemed unlawful by a court of law or where a fine has been accepted in lieu of prosecution or where the prosecuting authority or the court of first instance has determined that a videogram shall be confiscated or withdrawn because it violates or may violate the rules of the Penal Code section 204 or section 382. The responsible distributor may nevertheless demand that the videogram be classified by the Norwegian Board of Film Classification. A copy of each videogram which has been classified by the Norwegian Board of Film Classification shall be placed in the archives of the Norwegian Film Institute. The same applies to videograms which in accordance with a court ruling or the acceptance of a fine in lieu of prosecution are deemed unlawful and which are confiscated.

The ministry shall issue regulations containing further rules on the registration of videograms.

Section 8 *Labelling of videograms*

Videograms intended for sale on a commercial basis shall be labelled by the distributor.

The ministry shall issue regulations containing further rules on labelling, and may in such regulations make exceptions from the labelling requirement.

Section 9 (Revoked by act no. 33 of 28 May 1998 (with effect from 1 January 2000)).

Section 10 *Fee payable for registration and labelling etc.*

A fee shall be paid for registration and labelling etc. The ministry shall issue further regulations concerning fees and concerning collection. The Storting shall set the fee rates.

Section 11 *Right of inspection*

All persons are entitled to inspect the registers unless this is prevented by a statutory duty of secrecy. The ministry may issue regulations containing further rules on how the information is to be published, and may make exceptions from the right of inspection in certain cases.

Section 12 *Administrative sanctions*

The ministry may issue regulations concerning the right of the Norwegian Board of Film Classification to refuse to consider films or videograms for classification or registration from distributors who violate the rules of this act or regulations laid down pursuant to this act.

Chapter V Penal sanctions

Section 13 *Penalties*

Anyone who wilfully or through negligence violates this act or regulations issued in pursuance of this act may be punished by fine or imprisonment of up to three months, or both.

Section 14 *Penalties for the accountable manager in respect of the sale of videograms*

The accountable manager of a distribution firm may be punished by fine or imprisonment of up to three months if (s)he for commercial purposes sells videograms for which (s)he may be punished under section 204 or section 382 of the Penal Code if (s)he had known of their contents. (S)he is nevertheless not penally liable if (s)he can prove that (s)he cannot be held responsible for inspecting the contents of the videogram or for the supervision of, guidance of or instructions given to substitutes, colleagues or subordinates.

Upon repetition or in particularly aggravating circumstances a sentence of up to six months' imprisonment may be handed down. However, the penalty may not be severer than that available under the provision that could have been applied if the accountable manager had known of the contents of the videogram.

Prosecution under this act is subject to the same rules as prosecution under the provisions regulating the contents of videograms.

Section 15 *Illegal sale*

Anyone engaged in the sale of films or videograms which have been withdrawn or confiscated as violating section 204 or section 382 of the Penal Code less than 15 years ago may be punished by fine or imprisonment of up to three months.

Proceedings will be instituted only when required in the interest of the public good.

Section 16 *Confiscation*

A film or a videogram which in whole or in part violates section 204 or section 382 of the Penal Code may be confiscated by court judgement regardless of whether or not any one may be held penally liable.

The provisions of the first paragraph do not apply to films or videograms which are privately owned and which are not intended for distribution to the general public or to be shown for commercial purposes.

Chapter VI Implementation of the Act

Section 17 *Commencement*

This Act shall enter into force at such time as the King decides.