

LEGAL NOTICE.....

THE FILMS AND STAGE PLAYS ACT

(Cap. 222)

THE FILMS AND STAGE PLAYS (FILM DISTRIBUTION AND EXHIBITION) REGULATIONS, 2023

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THE FILMS AND STAGE PLAYS ACT

(Cap. 222)

THE FILMS AND STAGE PLAYS (FILM DISTRIBUTION AND EXHIBITION) REGULATIONS, 2023

IN EXERCISE of the powers conferred by section 35 (1) of the Films and Stage Plays Act, the Cabinet Secretary makes the following Regulations—

THE FILMS AND STAGE PLAYS (FILM DISTRIBUTION AND EXHIBITION) REGULATIONS, 2023

Citation.

1. These Regulations may be cited as the Films and Stage Plays (Exhibition and Distribution) Regulations, 2023.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

CAP 222

"Act" means the Films and Stage Plays Act;

No. 2 of 1998.

"broadcaster" shall have the meaning assigned to it under the Kenya Information and Communications Act, 1998

"classification label" means a symbol that is either printed on a film poster, affixed onto a physical film medium, or a visual imagery on a film being exhibited;

"distribution" means selling, supplying or letting for hire, offering or agreeing to sell, supply or let for hire or causing or permitting to be sold, supplied to or hired within Kenya;

"exhibition" shall have the meaning assigned to it under Section 2 of the Films and Stage Plays Act;

"over-the-top service" means a distribution or exhibition service used to offer films directly to viewers through the Internet which bypasses broadcast platforms; and

"video-on-demand service" means a distribution or exhibition service that allows a person to access a film library through the use of technology without the use of a traditional video playback device or through a broadcasting schedule.

Objective of the Regulations.

3. The objective of these Regulations is to prescribe the procedure for the licensing of distributors and exhibitors of films

in accordance with the Act.

Scope of the Regulations.

4. These Regulations shall apply to distributors and exhibitors of films that are accessible in Kenya.

Board to issue film distribution and exhibition licence.

- **5.** (1) An application for film distribution or exhibition licence shall be made to the Board in the prescribed form and prescribed fee.
- (2) The film distribution or exhibition applicant shall provide, upon request by the Board, a list of all films offered for sale, hire, distribution or exhibition.

Film distribution and exhibition licence.

- **6.** (1) A film distribution or exhibition licence shall be valid for a period of one year from the date that it is issued by the Board.
 - (2) The licence shall specify —
 - (a) the name and registered business address in Kenya of the film distributor or exhibitor;
 - (b) the date the licence was issued; and
 - (c) the conditions, if any, imposed by the Board.

Board to issue Compliance Certificate

- **7.** (1) The Board shall issue a Compliance Certificate to film distributors and exhibitors upon request in the prescribed form.
 - (2) The Certificate shall specify
 - (a) the name and registered business address in Kenya of the film distributor or exhibitor;
 - (c) the date the certificate was issued;
 - (d) the period of validity; and
 - (e) the conditions, if any, imposed by the Board.

FIRST SCHEDULE [Regulation 6]

FORM 1

FILM DISTRIBUTION/ EXHIBITION LICENCE

Date of Issue	Licence No
This is to certify that	(Company Name/Name
of Licensee) of	(Postal Address) to operate a
	(Business Type) under the
name	(Name of Licensee)
within (County) for	a period of one year from the date of issue.
Nearest Police Station	
Special provisions (where applicable	
	Chief Executive Officer
FO	ORM 2
CERTIFICATE	OF COMPLIANCE
Date of Issue	Certificate Number
This is to certify that	of Post
Office Box	has complied with the provisions of Films
and Stage Plays Act, Cap 222 and th	ne Terms and Conditions of the referenced
Certificate.	
This certificate is valid for	from the date of issue.
	Chief Executive Officer

SECOND SCHEDULE (Regulation 5 (1))

	Category	License Fees (Annual) in KShs
1.	Cinema Theatres	1 Screen - 10,000 per premise 2-3 Screens- 25,000 per premise 4-5 Screens- 40,000 per premise 6-10 Screens- 50,000 per premise Above 10 screens- 8,000 per screen per premise
2.	Outdoor Screening	20,000 per screen
3.	Virtual Reality	10,000 per premise
4.	Mobile Cinema/Screening	10,000 per screen
5.	Video Game Shop/Movie shop/Cinema Distributors	5,000 per premise
6.	Over the Top/ Video on Demand/ Service (Local)	100,000
7.	Over the Top/ Video on Demand/ Service (Foreign)	500,000
8.	Video Game Show	1-3 Screens- 3,000 per premise 4 and above Screens- 5,000 per premise
9.	Video Show	3,000 per premise
10.	Public Service Vehicle Video Exhibitors	3,000 per vehicle
11.	Other Public Exhibitors	3,000 per premise
12.	Classification labels	10 per label
13.	Compliance Certificate	Nil

Made on the, 2023

ABABU NAMWAMBA, EGH

Cabinet Secretary for Youth Affairs, the Arts and Sports