

STAGE PLAYS ACT

Act 53 of 1950 – 7 July 1951

ARRANGEMENT OF SECTIONS

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STAGE PLAYS ACT

1. Short title

This Act may be cited as the Stage Plays Act.

2. Interpretation

In this Act—

“Authority” has the same meaning as in the Building Act;

“Board” means the Board of Stage Play Censors appointed under section 3;

“building” includes any tent, booth or enclosure;

“censor” means a member of the Board;

“Chairperson” and “Deputy Chairperson” mean, respectively, the Chairperson and Deputy Chairperson of the Board;

“Minister” means the Minister to whom responsibility for the subject of arts and culture is assigned;

“stage play” includes any tragedy, comedy, farce, opera, operetta, interlude, melodrama, pantomime, prologue or epilogue.

3. Appointment of Board

(1) The Minister shall appoint a Board of Stage Play Censors, consisting of such number of persons as he thinks necessary, for the purpose of censoring stage plays.

(2) (a) The censors shall hold office on such terms and conditions as the Minister thinks fit, and the Minister shall nominate, from among the censors, a Chairperson and one or more Deputy Chairperson(s), and notice of any such appointment or of any revocation shall be published in the *Gazette*.

(b) The Minister may, on the recommendation of the Chairperson and by notice in the *Gazette*, appoint a special Deputy Chairperson from among the censors for the specific purpose of examining a particular stage play.

(3) (a) For the purpose of examining a stage play submitted to the Board for approval, the Chairperson or Deputy Chairperson, as the case may be, shall sit with no less than 2 other censors selected for the purpose by the Chairperson, and the decision of the majority of the censors present at the examination shall be the decision of the Board.

(b) The Chairperson or Deputy Chairperson shall have a casting vote as well as an original vote.

(c) No censor, other than those selected under paragraph (a), shall take part in any such examination.

4. Preservation or performance to be approved

(1) No person shall present, or perform, in public a stage play unless it has been submitted to, and approved by, the Board.

(2) (a) The approval shall be signified by a certificate in the prescribed form.

(b) The certificate may be cancelled by the Board, by notice in writing to the person to whom it is issued, specifying the reason for the cancellation.

(3) The Board may approve or reject a stage play unconditionally, or approve it subject to a condition that it shall be presented to or performed before persons of a specified age, or only after any specified portion or portions are excised.

(4) Where the Board has rejected or approved conditionally a stage play, the person who has submitted the stage play may apply to the Board to state, within 3 days of the application, the reason for the rejection or conditional approval.

(5) A stage play, to which any matter has been added after it has been approved by the Board, shall be submitted again for approval and, until it has been again approved, shall be deemed not to have been approved.

(6) Where the certificate granted in respect of a stage play is cancelled, the play shall, as from the date of the cancellation, be deemed not to have been approved.

(7) A stage play presented or performed in contravention of a condition imposed by the Board under subsection (3) shall be deemed not to have been approved.

(8) Any person who, in contravention of a condition imposed by the Board, allows a minor to enter a public place where a stage play is to be presented or performed, shall commit an offence and shall, on conviction, be

liable to a fine which, notwithstanding section 153 of the Criminal Procedure Act, shall not be less than 5,000 rupees nor more than 50,000 rupees and to imprisonment for a term of 2 years.

[S. 4 amended by Act 15 of 1998.]

5. Appeal from decision of Board

(1) Any person who has submitted to the Board a stage play for approval and is aggrieved by the decision of the Board to reject the play, or to approve the play conditionally, or to cancel the certificate granted in respect of the play, may, within 10 days of the decision, appeal to the Minister.

(2) The Minister may, if he thinks necessary, consult the Board on the matter, and shall convey to the appellant his decision which shall be final.

6. Offences

(1) Any person who presents or performs in public a stage play in contravention of this Act shall commit an offence.

(2) Subject to this Act, a stage play shall be deemed to be presented, or performed in public, where it is presented or performed in a place to which the public has, or may have, access whether freely or upon the payment of a fee.

7. Power of entry without warrant

(1) Where a police officer, not below the rank of Assistant Superintendent, or a censor is satisfied, on information received and after such inquiry as he may determine, that there is good reason to believe that a stage play not approved for presentation or performance is about to be, or is being, presented or performed in public, in any place or building, he may, without warrant, with such assistance and by such force as may be necessary, by day or by night—

- (a) enter and search that place or building; and
- (b) order the presentation or performance not to take place, or to cease.

(2) Any person who refuses to obey an order given by a police officer or censor under subsection (1) shall commit an offence.

(3) A person who obstructs or hinders a censor or police officer in the exercise of his powers under this section shall commit an offence, without prejudice to prosecution under any other enactment.

8. Provision for public safety

(1) No person shall present, or perform, or allow to be presented or performed, a stage play in public in a building, unless the building has been certified by the Authority as a fit and proper place for the purpose, and by the Chief Fire Officer that the building is adequately protected against fire.

(2) (a) The Authority, or the Chief Fire Officer, may refuse to grant the certificate, or may grant it subject to such condition or restriction as may be specified in the certificate.

(b) Where a condition or restriction is not complied with, the building shall be deemed not to have been certified by the Authority, or the Chief Fire Officer, as a fit and proper place for such purpose.

(3) An appeal shall lie from a decision of the Authority, or of the Chief Fire Officer, under this section to the Magistrate of the district, and sections 59 to 62 of the Building Act shall apply, with such adaptations and modifications as the context may require, to appeals made under this section.

(4) This section shall be in addition to, and not in derogation from, the Building Act.

(5) (a) The Authority, or a police officer not below the rank of Assistant Superintendent or an officer not below the rank of Station Officer of the Mauritius Fire and Rescue Service may, at all reasonable times, enter a building in which he has reason to believe that a stage play is about to be, or is being, presented or performed in public, with a view to seeing whether any regulations made under section 12 (1) (b), or a condition or restriction of a certificate granted under this section, have been complied with.

(b) Where the Authority or police officer is satisfied that the regulations or the condition or restriction have not been complied with, he may order the presentation or performance not to take place or to cease, or he may give any other direction as he may determine for the safety of the public.

(6) Any person who obstructs or hinders the Authority or officer in the exercise of his powers under this section, or refuses to obey any order or direction given by the Authority or officer, shall commit an offence without prejudice to prosecution under any other enactment.

(7) Any person who contravenes subsection (1) shall commit an offence.

9. Disturbances

(1) Any person who, in any building in which a stage play is about to be, or is being, presented or performed in public—

- (a) creates a disturbance;
- (b) makes an unnecessary noise;
- (c) makes use of improper language or gesture; or
- (d) smokes without the consent of the manager or his agent,

shall commit an offence.

(2) Any offender who, being requested to cease misbehaving under subsection (1), refuses to comply with that request, may be ejected from the building by the manager or his agent or, at the request of the manager or his agent, by any police officer.

10. —

11. Penalty

Any person who commits an offence under this Act shall, on conviction, be liable to a fine not exceeding 500 rupees.

12. Regulations

(1) The President may make regulations—

- (a) in respect of the fees and expenses to be paid by the person submitting the stage play for approval;
- (b) in respect of the safety, ventilation and certification of buildings used or intended to be used for stage play presentations or performances and generally for ensuring the safety of the public in those buildings; and
- (c) generally for the purpose of this Act.

(2) Regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

[S. 12 amended by Act 48 of 1991.]
