

1986, chapter 93

AN ACT TO AGAIN AMEND THE CINEMA ACT

Bill 157

Introduced by Madam Lise Bacon, Minister of Cultural Affairs

Introduced 13 November 1986

Passage in principle 9 December 1986

Passage 18 December 1986

Assented to 18 December 1986

Coming into force: 18 December 1986

Act amended:

Cinema Act (R.S.Q., chapter C-18.1)



CHAPTER 93

An Act to again amend the Cinema Act

[Assented to 18 December 1986]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-18.1, s.
105,
replaced

1. The Cinema Act (R.S.Q., chapter C-18.1) is amended by replacing section 105 by the following sections:

Special
distributor's
licence

“105. A special distributor's licence may be issued only to a person who is the producer of the film or holder of the world rights to the film and who on 17 December 1982 held a licence issued under section 30 of the Licenses Act (R.S.Q., chapter L-3).

Interpreta-
tion

For the purposes of this section,

(1) the producer is the person who, according to the terms of the agreement that existed on the first day of shooting, was intended to hold or jointly hold the copyright on the completed film. A legal person is deemed to be intended to hold or jointly hold the copyright if the majority shareholder of the legal person is intended to hold or jointly hold the copyright.

Affidavit

The person shall file an affidavit in the Régie attesting that he, or it, fulfils the requirements of this paragraph;

(2) the holder of the world rights is the person who holds the right to distribute the film throughout the world. A legal person is deemed to hold the world rights if its majority shareholder holds the rights.

Affidavit

The person shall file an affidavit in the Régie attesting that he, or it, holds the world distribution rights.

Special distributor's licence

“105.1 Notwithstanding section 105, a special distributor's licence may be issued to a member in good standing, on 1 January 1987, of an association of distributors which entered into an agreement, before that date, with the Minister of Cultural Affairs to make films from all parts of the world more readily available to film distributors in Québec.

Film other than English-language film

The licence shall be issued by the Régie, in accordance with the Act and the conditions determined in the agreement. However, in the case of a film shot in any other language than English and in respect of which a member has not invested one hundred per cent of the costs of production, no licence may be issued unless the member produces a certificate issued by the Minister in the form prescribed in Schedule I. The Minister shall issue such a certificate to a member if it is established to the Minister's satisfaction that the application is justified considering the size of the member's investment in the film.

Tabling of agreement

The Minister shall table a copy of the agreement in the National Assembly. The Minister shall also produce a copy of the certificates of conformity issued under the second paragraph within thirty days of the issue thereof if the National Assembly is sitting or, if it is not sitting, within thirty days of the next session or, as the case may be, of resumption.

“Member in good standing”

For the purposes of this section, the expression “member in good standing” has the meaning given to it by the agreement referred to in the first paragraph.”

c. C-18.1, s. 168, am.

2. Section 168 of the said Act is amended by striking out paragraph 8 of the first paragraph.

c. C-18.1, schedule, added

3. The said Act is amended by adding the following schedule:

“SCHEDULE I

CERTIFICATE OF COMPLIANCE (Section 105.1)

WHEREAS (*name of applicant*) has made an application for the issue of a certificate of conformity under section 105.1 of the Cinema Act;

WHEREAS the applicant has proved that he was a member in good standing, on 1 January 1987, of the association which signed a distribution agreement;

WHEREAS the applicant has also proved, to my satisfaction, that the application is justified considering the size of the applicant's investment in the film concerned.

IN CONSEQUENCE WHEREOF, in accordance with section 105.1 of the Cinema Act, this certificate of conformity is issued on this day to

DATE: _____

MINISTER OF CULTURAL AFFAIRS”.

Coming
into force

4. This Act comes into force on 18 December 1986.