

1983, chapter 37  
**CINEMA ACT**

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**Bill 109**

Introduced by Mr Clément Richard, Minister of Cultural Affairs

First reading: 17 December 1982

Second reading: 28 April 1983

Third reading: 22 June 1983

**Assented to: 23 June 1983**

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**Coming into force: by proclamation of the Government**

- 14 December 1983: ss. 1 to 8, 15 to 35, 38, 40 to 62, 65 to 75, 123 to 134, 136, 137, 145 to 148,  
167 to 172, 185 to 187, 192, 193, 202, 209 to 211  
G.O., 1983, Part 2, p. 4037
- 20 February 1984: ss. 9 to 14, 36, 37, 39, 207, 208  
G.O., 1984, Part 2, p. 1141

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**Acts amended:**

Act respecting the Ministère des Affaires culturelles (R.S.Q., chapter M-20)

Licenses Act (R.S.Q., chapter L-3)

Act respecting the Société de développement des industries de la culture et des communications (R.S.Q., chapter S-10.01)

Act respecting the Civil Service Superannuation Plan (R.S.Q., Chapter R-12)

**Acts replaced:**

Cinema Act (R.S.Q., 1964, chapter 55)

Act respecting the cinema (R.S.Q., chapter C-18)



## CHAPTER 37

### Cinema Act

[Assented to 23 June 1983]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CHAPTER I

##### DEFINITIONS

Interpre-  
tation  
“film”

**1.** In this Act, unless the context indicates otherwise,

“film” means a work produced by a technical means that results in a cinematographic effect, regardless of the medium employed;

“video  
material”

“video material” includes video cassettes, video discs or any medium of the same nature on which a film is recorded.

Interpre-  
tation

**2.** In this Act, the words “cinema” and “cinematographic” also comprise all fields of activity pertaining to films.

#### CHAPTER II

##### DEVELOPMENT OF THE CINEMA INDUSTRY

##### DIVISION I

##### POLICY ON THE CINEMA INDUSTRY

Policy

**3.** The Minister of Cultural Affairs shall devise policy on the cinema industry, propose it to the Government and supervise its application.

Objectives

**4.** Policy on the cinema industry, while respecting freedom of creation and expression, and freedom of choice for the public, must give priority to the following objectives:

- (1) the establishment and development of the artistic, industrial and commercial infrastructure of the cinema industry;
- (2) the development of a Québec cinema and the spread of cinematographic works and culture to all parts of Québec;
- (3) the establishment and development of independent and financially autonomous Québec enterprises in the field of cinema;
- (4) the conservation and utilization of the existing stock of cinematographic works;
- (5) the respect of the right of artistic property over films and the establishment of mechanisms to oversee the production, exhibition and distribution of such works;
- (6) the participation of television enterprises in producing and broadcasting Québec films.

## DIVISION II

## RECOGNIZED FILM LIBRARIES

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|-------------------------|--|
| Film libraries          | <b>5.</b> The Minister, on such conditions as he may fix, may grant recognition to a film library and confer on it functions in respect of the conservation of the existing stock of cinematographic works and the distribution of the cinematographic repertoire. |
| Functions               | <b>6.</b> A recognized film library shall carry out the functions conferred on it by the Minister under the terms of a contract entered into with the Minister.  |
| Deposits                | <b>7.</b> A recognized film library may, provided that it pays for it, require the owner of a film produced in Québec and exhibited to the public to deposit a print of the film in the film library.  |
| Modalities              | The owner must make the deposit within the time limit and according to the modalities determined by regulation of the Government.  |
| Standards               | The print deposited must conform to the standards of quality determined by regulation of the Government.   |
| Cinémathèque québécoise | <b>8.</b> The Cinémathèque québécoise, a non-profit corporation established pursuant to Part III of the Companies Act (R.S.Q., chapter C-38), is, for the purposes of the application of this division, a recognized film library.                                 |

## DIVISION III

## FINANCIAL ASSISTANCE

Financial  
assistance

**9.** Financial assistance may be granted to the private sector of the cinema industry by the Société générale du cinéma out of the funds annually allocated by the Government to that sector, and according to the assistance plan, programs and standards established in accordance with this Act.

Form of  
assistance

**10.** Financial assistance may be in the form of

(1) investment in return for a share of the profits;

(2) loans or advances with interest at a rate equal to or higher than the current market rate;

(3) loans or advances without interest or at a lower rate than the current market rate, in the cases and to the extent determined by regulation of the Government;

(4) guarantees to lenders or investors, directly or indirectly, particularly through investment companies;

(5) premiums for high quality achievement;

(6) subsidies;

(7) subsidies for activities or to enterprises for making up a deficit, in the cases and to the extent determined by regulation of the Government;

(8) any other measure authorized by the Government.

Assistance  
plan

**11.** The Société générale du cinéma must send each year to the Institut québécois du cinéma, not later than the date fixed by the latter, the assistance plan it proposes for the following fiscal year.

Approval

**12.** The Institut québécois du cinéma, after consultation with the Société générale du cinéma, shall determine the assistance plan and send it to the Minister for approval not later than the date prescribed by the latter.

Approval

**13.** The Minister, after consultation with the Institut québécois du cinéma, shall approve the assistance plan. He may also modify it when granting his approval.

Sums  
allocated

**14.** Following the approval of the assistance plan, the Minister shall send to the Société générale du cinéma the sums allocated by the Government to the private sector of the cinema industry.

## DIVISION IV

## THE INSTITUT QUÉBÉCOIS DU CINÉMA

§ 1.—*Establishment and organization*

**15.** A body is hereby established under the name of the “Institut québécois du cinéma”.

**16.** The Institut is a corporation within the meaning of the Civil Code and has the powers of such a corporation in addition to the powers conferred on it by this Act.

**17.** The affairs of the Institut shall be administered by a board of directors composed of twelve members appointed by the Government in accordance with this division.

**18.** The Minister shall, on the conditions he determines, recognize the most representative association of each of the following groups of the private sector of the cinema industry:

- (1) the directors;
- (2) the producers;
- (3) the technicians;
- (4) the distributors;
- (5) the exhibitors;
- (6) the actors;
- (7) the scriptwriters;
- (8) the technical industries.

The Minister shall, in writing, request each of the recognized associations to submit to him, within thirty days, the names of three representative candidates from its group.

**19.** The Minister shall select, from among the persons whose names are submitted to him and for each group, the person whose appointment he recommends to the Government, including the person among them whom he recommends as chairman.

If an association fails to submit the names of the persons it proposes for its group within the prescribed time, or if a particular group has no recognized representative association, the Minister shall himself choose the person he considers representative of the group concerned and recommend his appointment to the Government.

- 20.** The Minister shall propose to the Government the appointment of four other members who do not belong to an association recognized under section 18.
- 21.** The members of the Institut must be domiciled in Québec.
- 22.** The members of the Institut are appointed for three years. However, four of the first members are appointed for two years and four for one year.
- In no case may a member be appointed for more than two consecutive terms of office.
- 23.** The members remain in office at the expiry of their term until they are replaced or reappointed.
- 24.** Every vacancy among the members of the board of directors of the Institut is filled in accordance with the formalities prescribed for the appointment of the member to be replaced.
- 25.** The Minister may, for the purpose of an appointment, ascertain the representative character of an association recognized by him pursuant to section 18.
- 26.** The members of the Institut are not remunerated. However, to the extent provided by regulation of the Government and on presentation of vouchers, they are entitled to the reimbursement of reasonable expenses they incur in the performance of their duties and to an attendance allowance.
- 27.** The chairman shall preside at meetings of the board of directors, see to its operation and assume all other functions assigned to him by regulation of the Institut.
- 28.** The members of the Institut shall elect a vice-chairman from among their number. If the chairman is absent or temporarily unable to act, the vice-chairman shall perform the functions of the chairman.
- 29.** The Institut has its corporate seat at the place determined by the Government; notice of the address or any change of address of the corporate seat is published in the *Gazette officielle du Québec*.
- The Institut may hold its sittings anywhere in Québec.
- 30.** Seven members are a quorum at sittings of the Institut.
- In case of a tie-vote, the chairman has a casting vote.

Secretary **31.** The members of the Institut shall appoint a secretary who shall devote all his time to the duties of his office. The office of secretary is incompatible with that of member of the Institut.

Notice of meeting **32.** The chairman or the secretary shall transmit the notice and the minutes of the meetings of the Institut to the Minister.

Minutes **33.** The minutes of the sittings of the board of directors of the Institut, if approved by the board and certified true by the chairman, the vice-chairman or the secretary, are authentic. The same applies to documents or copies emanating from the Institut or forming part of its records, if so certified.

Remuneration **34.** The Institut shall determine by regulation the remuneration and allowances to which the secretary and the other members of its personnel are entitled, and shall do so in such a way that their remuneration equals what they would receive in the same office if they were appointed and remunerated pursuant to the Civil Service Act (R.S.Q., chapter F-3.1).

Conditions of employment The regulation may also determine the other conditions of employment of the secretary and other members of the personnel.

Coming into force The regulation comes into force from the date of its approval by the Government.

### § 2.—*Functions and powers*

Functions of the Institut **35.** The functions of the Institut are to advise the Minister on the devising and implementation of the policy on the cinema industry, and supervise its application.

Duties **36.** Within the scope of the policy on the cinema industry, the Institut shall also

(1) determine the objectives of the Société générale du cinéma while respecting the functions conferred on it;

(2) determine the assistance plan and approve the programs of the Société générale du cinéma in accordance with this Act;

(3) conduct research and studies in the field of cinema;

(4) cooperate with the Government, the Régie du cinéma and any other person in view of establishing technical standards respecting the cinema industry.

Contract **37.** The Institut shall carry out its functions pursuant to a contract made with the Minister.

Objectives	The contract shall determine the objectives that must be pursued by the Institut for the duration of the contract, and the conditions governing the carrying out of its functions.
Recommendations	<b>38.</b> The Institut shall give its opinion to the Minister on any matter he may submit to it and may make recommendations to the Minister on any matter relating to policy on the cinema industry.
Regulatory standards	<b>39.</b> The Institut is responsible, for the purposes of the granting of financial assistance and as the need arises, for establishing standards for the recognition of cinematographic works as Québec films. The standards shall be established by regulation of the Institut after consultation with the Société générale du cinéma.
Publication	Every draft regulation shall be published by the Institut in the <i>Gazette officielle du Québec</i> , with a notice that at the expiry of not less than thirty days after such publication, it will be submitted to the Government for approval.
Coming into force	The regulation must then be submitted for approval to the Government, which may then amend it. It comes into force, following approval by the Government, from its publication in the <i>Gazette officielle du Québec</i> or on any later date indicated in the regulation.
Internal management	<b>40.</b> The Institut may adopt internal management by-laws.
Approval	The by-laws come into force from the date of their approval by the Government.
<b>§ 3.—Accounts and reports</b>	
Fiscal year	<b>41.</b> The fiscal year of the Institut ends on 31 March each year.
Annual report	<b>42.</b> The Institut must, not later than 30 July each year, transmit its financial statements to the Minister together with a report of its activities for the preceding fiscal year.
Content	The financial statements and the report of activities must contain all information required by the Minister.
Tabling	<b>43.</b> The Minister shall table the report of activities and the financial statements of the Institut before the National Assembly within thirty days of receiving them, if it is in session, or, if the Assembly is not sitting, within thirty days of the next session or resumption, as the case may be.
Information	<b>44.</b> The Institut must also furnish to the Minister the information he requires on its activities.

**Audit**           **45.** The books and accounts of the Institut shall be audited every year by the Auditor General and also whenever so ordered by the Government.

**Reports**       **46.** The auditor's reports must accompany the reports of activities and the financial statements of the Institut and of the Société.

#### DIVISION V

##### THE SOCIÉTÉ GÉNÉRALE DU CINÉMA

#### § 1.—*Establishment and organization*

**Establishment**   **47.** A body is hereby established under the name of the "Société générale du cinéma".

**Powers**       **48.** The Société is a corporation within the meaning of the Civil Code and has all the powers of such a corporation in addition to those conferred on it by this Act. It shall not, however, invest any sum held for the account of third persons except deposits in a bank, trust company or savings and credit union, nor make any investment through the purchase of capital shares of an undertaking.

**Board of directors**   **49.** The affairs of the Société shall be administered by a board of directors composed of five members, including a chairman appointed by the Government on the recommendation of the Minister.

**Domicile**       **50.** The members of the board of directors of the Société must be domiciled in Québec.

**Conflict of interest**   **51.** No member of the board of directors of the Société may, under pain of forfeiture of office, have any direct or indirect interest in an undertaking putting his own interest in conflict with his duties of office.

**Succession or gift**    However, forfeiture is not incurred if the interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

**Chairman**       **52.** The chairman of the board of directors of the Société is appointed for a term of not over five years, and the other members for a term of not over three years.

**Continuance in office**   In no case may a member of the board of directors be appointed for more than two consecutive terms. At the expiry of their terms, the members remain in office until they are replaced or reappointed.

**Vacancies**       **53.** Every vacancy among the members of the board of directors of the Société is filled in accordance with the formalities prescribed for the appointment of the member to be replaced.

- 54.** If a member of the board of directors or the chairman and director general is absent or temporarily unable to act, the Government may appoint a person for the interim.
- 55.** The members of the board of directors of the Société are not remunerated. They are, however, to the extent provided by regulation of the Government and on presentation of vouchers, entitled to the reimbursement of reasonable expenses they incur in the performance of their duties and to an attendance allowance.
- 56.** The chairman of the Société is its director general. He must devote his time exclusively to the work of the Société and the duties of his office.
- The Government shall fix the remuneration, social benefits and other conditions of employment of the chairman of the Société in his capacity as director general.
- 57.** The chairman and director general of the Société is responsible for the administration of the Société and for the direction of its personnel.
- 58.** Three members are a quorum at sittings of the Société.
- In case of a tie-vote, the chairman has a casting vote.
- 59.** The Société has its corporate seat at the place determined by the Government; notice of the location of the corporate seat or of any change of the corporate seat shall be published in the *Gazette officielle du Québec*.
- The Société may hold its sittings anywhere in Québec.
- 60.** The chairman shall transmit the notice and the minutes of every meeting of the members of the Société to the Minister and to the Institut.
- 61.** The minutes of the sittings of the board of directors of the Société, if approved by the board and certified true by the chairman or by any person authorized to do so by the internal by-laws of the Société, are authentic. The same applies to documents or copies emanating from the Société or forming part of its records, if so certified.
- 62.** The Société shall determine by regulation the remuneration and allowances to which the members of its personnel are entitled, and shall do so in such a way that their remuneration equals what they would receive in the same office if they were appointed and remunerated pursuant to the Civil Service Act.

Personnel The regulation may also determine the other conditions of employment of the members of the personnel.

Coming into force The regulation comes into force from the date of its approval by the Government.

### § 2.—*Functions and powers*

Functions **63.** Within the scope of the objectives determined by the Institut, the functions of the Société are

(1) to recognize such works as it may indicate as Québec films in accordance with the standards established by the Institut pursuant to section 39;

(2) to promote and provide financial assistance for cinematographic creation and the production of films recognized as Québec films;

(3) promote and provide financial assistance for the distribution and exhibition of films in Québec as well as the development of technical industries;

(4) to promote or provide financial assistance to the Québec cinema by fostering its participation in film festivals and other cinematographic events and promote cinematographic culture in Québec;

(5) to encourage the participation of television enterprises in producing and broadcasting Québec films;

(6) to encourage or provide financial assistance to training, research, development and innovation in the field of cinema.

Assistance plans and programs In exercising its functions, the Société shall transmit every year to the Institut, not later than the date prescribed by the Institut, the assistance plan and the programs it proposes for the next fiscal year.

Financial assistance **64.** The Société shall manage the funds that the Government allocates to the private sector of the cinema industry in conformity with the assistance plans and programs, and shall grant financial assistance in any of the forms provided for in section 10.

Agreements **65.** The Société may, according to law, enter into agreements with any government and any department or agency of any government, to facilitate the exercise of its functions.

Regulations **66.** The Société may, for the purpose of implementing programs, prescribe, by regulation,

(1) the form of applications for financial assistance presented to it, the information they must contain and the documents which must accompany them;

(2) rules governing the appointment of juries that are to be responsible, on such conditions as it may determine, for awarding prizes and other benefits that the Société is authorized to grant, or make recommendations in that respect;

(3) scales, criteria and limits to be complied with by the Société in granting financial assistance.

Coming  
into force

The regulation must be published in the *Gazette officielle du Québec*. It comes into force on the date of its publication or on any later date indicated therein.

Internal  
management

**67.** The Société may adopt internal management by-laws.

Coming  
into force

The by-laws come into force from the date of their approval by the Government.

### § 3.—Accounts and reports

Fiscal year

**68.** The fiscal year of the Société ends on 31 March each year.

Annual  
report

**69.** Not later than on 31 May each year, the Société shall transmit its financial statements to the Minister together with a report of its activities for the preceding fiscal year.

Content

The financial statements and the report of activities must contain all the information required by the Minister.

Tabling

**70.** The Minister shall table the report of activities and the financial statements of the Société before the National Assembly within thirty days of receiving them if the Assembly is in session or, if it is not sitting, within thirty days of the next session or of resumption, as the case may be.

Information

**71.** The Société must also furnish to the Minister all the information he requires on its activities.

Audit

**72.** The books and accounts of the Société shall be audited by the Auditor General every year and also whenever so ordered by the Government.

## DIVISION VI

### REGULATIONS

Regulations

**73.** The Government may, by regulation,

(1) determine for the purpose of the application of section 7, the time and modalities of deposit of the copy and the standards of quality with which the copy must conform;

(2) determine in what cases and to what extent the financial assistance granted by the Société may take the form provided for in paragraphs 3 and 7 of section 10;

(3) determine the standards and scales governing the reimbursement of expenses or the attendance allowances provided for in sections 26 and 55 and fix their amounts.

Publication **74.** Every draft regulation prepared pursuant to paragraphs 1 and 2 of section 73 is published by the Minister in the *Gazette officielle du Québec* with a notice that at the expiry of not less than sixty days after publication, the regulation will be submitted to the Government for adoption.

Coming into force **75.** Every regulation made pursuant to section 73 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated by the regulation.

### CHAPTER III

#### CONTROL AND SUPERVISION OF THE CINEMA

##### DIVISION I

##### CLASSIFICATION OF FILMS AND TRAILERS

##### § 1.—*Classification of films*

Stamped classification **76.** No person may, unless he has obtained a special authorization issued under section 77, exhibit a film to the public unless the print of the film has been stamped, in accordance with this Act, to show the classification assigned to the film.

Stamped classification The same rule applies to a film that has been altered after its classification.

Special authorization **77.** The Régie may, on such conditions as it may determine, issue a special authorization permitting the films it indicates to be exhibited to the public at a diplomatic event, a festival or any other similar event.

Application **78.** An application for classification must be made in accordance with the regulations of the Régie.

Filing **79.** A person applying to have a film classified must file with the Régie, together with his application,

(1) if he holds a distributor's licence, a distribution contract;

(2) in any other case, a document authorizing him, to the satisfaction of the Régie, to exhibit the film to the public in Québec.

Unaltered  
film

**30.** A person applying to have a film classified must submit it in its complete form, with no alterations but those expressly authorized in writing by the person empowered to give the authorization.

Classifi-  
cation

**31.** Within fifteen days following the application, the Régie, if of the opinion that the content of the film does not endanger public order or good morals, in particular, that it does not condone nor promote sexual violence, shall assign one of the three following classes to the film, according to the sector of the audience to which it is directed:

- (1) “For all”;
- (2) “14 and over”;
- (3) “18 and over”.

Official  
stamp

**32.** The Régie shall stamp every print of every film that it classifies and that is intended for exhibition to the public to show the classification assigned to the film.

Rules

**33.** The Régie may affix its stamp only according to the following rules:

(1) if a version other than the French version is exhibited with a print having French subtitles or French dubbing, the Régie shall stamp at least as many prints with French subtitles or French dubbing as there are prints in a version other than the French version;

(2) if only one version other than the French version is exhibited and if the person applying for a stamp files a contract with the Régie for the French dubbing or subtitling of the film in Québec within a reasonable time in the judgment of the Régie and, in the case of dubbing, files proof of delivery of the elements of dubbing to the person responsible therefor, the Régie shall stamp the prints exhibited in a version other than the French version;

(3) if only one version other than the French version is exhibited and if the person applying for a stamp proves, to the satisfaction of the Régie, that there is no version with French subtitles or French dubbing available at the time the application is filed, the Régie shall affix a provisional stamp on the prints exhibited in a version other than the French version. The provisional stamp is valid until a version with French subtitles or French dubbing becomes available or for sixty days after the date of the first exhibition of the film to the public, whichever occurs first. Subsequently, unless applications are made in accordance with paragraph 1 or 2 of this section, no stamp for this film may be

granted until one hundred and eighty days after the date of expiry of the provisional stamp nor for more than one copy of the original version per format. However, during the one hundred and eighty day period, the Régie may affix a provisional stamp, valid for thirty days, to the film and only for one copy of the original version per format, if the person applying for the stamp shows to the satisfaction of the Régie that the film is not intended to be exhibited to the public more than three times per seven-day period. Subsequently, such stamp may be granted again in the same manner for that film if the Régie deems it to be in the public interest.

Reclassification

**84.** With the exception of a film that has been altered after its classification, in no case may the Régie reclassify a film before the expiry of three years from the date it was classified.

Revocation

**85.** The Régie may revoke a stamp if it is of the opinion that the film is not exhibited to the public in accordance with this Act and the regulations made thereunder.

Representations

The Régie must, before deciding on the revocation, give the person concerned an opportunity to be heard.

18 or over

**86.** No person may admit to the public exhibition of a film a person under 18 years of age if the film has been classified "18 or over".

### § 2.—*Classification of trailers*

Trailers

**87.** No person may exhibit a trailer to the public unless the print of the trailer has been stamped in accordance with this Act to show the classification assigned to the trailer.

Application

**88.** An application for classification must be made in accordance with the regulations of the Régie.

Official stamp

**89.** The Régie shall classify a trailer in accordance with section 81 and shall stamp the film to show the classification assigned to it.

18 or over

**90.** No person may exhibit to the public a trailer classified "18 or over" with a film classified in another class and exhibited to the public in that other class.

## DIVISION II

### LICENCES

#### § 1.—*Exhibitor's Licences*

Exception

**91.** This subdivision does not apply to broadcasting within the meaning of the Broadcasting Act (R.S.C., chapter B-11).

- 92.** No person may operate premises where films are exhibited to the public unless he holds an exhibitor's licence of the appropriate category determined by regulation of the Régie.
- 93.** An exhibitor's licence is required for each screen on which a film may be exhibited to the public.
- 94.** An application to obtain or renew an exhibitor's licence must be made in accordance with the regulations of the Régie.
- 95.** An exhibitor's licence is valid for the period fixed by the Régie, up to ten years, and is renewable.
- 96.** The duties fixed by regulation of the Régie that are exigible annually from the holder of an exhibitor's licence are payable to the Régie on the issue or renewal of the licence and, subsequently, on 30 April every year.
- Where an exhibitor's licence is issued after 1 May, the duties payable for the first year are reduced by the Régie in proportion to the number of months elapsed in that year.
- 97.** A holder of an exhibitor's licence must, in accordance with the regulations of the Régie, transmit twice a month to the latter, a report on the films he has exhibited to the public during the two preceding weeks.
- The report must include, for each week,
- (1) the name of the holder of the exhibitor's licence and his licence number;
  - (2) the exact location of the premises where the film is exhibited to the public;
  - (3) the title of the film, the number of the stamp and the number of exhibitions to the public;
  - (4) the number of admission tickets sold at each exhibition to the public and their unit price;
  - (5) the name of the holder of a distributor's licence and his licence number;
  - (6) the method and rate of apportionment of revenues agreed upon between the holder of an exhibitor's licence and the holder of a distributor's licence;
  - (7) any other information prescribed by regulation of the Régie.

Publication The Régie shall publish monthly, by the means it considers appropriate, the information contemplated in subparagraphs 1 to 5 of the second paragraph that it has received for the preceding month.

Moving picture theatres **98.** No holder of a licence to operate a moving picture theatre as defined by regulation of the Régie or an outdoor theatre may exhibit a film to the public unless it has been furnished to him by a holder of a distributor's licence.

Posting **99.** The holder of an exhibitor's licence must, in accordance with the regulations of the Régie, post up, in a conspicuous place at the entrance to any premises where he exhibits a film to the public, the class assigned to the film by the Régie under section 81.

Posting Where films classified in several classes are exhibited at the same program, only the most restrictive class shall be posted up.

Outdoor theatres **100.** No holder of a licence to operate an outdoor theatre may exhibit a film classified "18 and over" to the public.

Refusal, suspension and revocation **101.** The Régie may, after having given the person concerned an opportunity to be heard, refuse to issue or renew an exhibitor's licence, suspend it or revoke it in the following cases:

(1) if he has been found guilty of an offence against this Act or any regulation thereunder within the last two years;

(2) if he fails to pay his annual duties when due;

(3) if he furnishes, in the report provided for in section 97, false information or if, after having received warning from the Régie, he refuses or fails to comply with the obligations provided for in section 97;

(4) if he does not satisfy the conditions provided for in this Act and the regulations thereunder for obtaining or renewing the licence.

### § 2.—*Distributor's Licences*

Distributor's licence **102.** With the exception of the Société de radio-télévision du Québec or the holder of a licence under the Broadcasting Act, no person may sell, lease, lend or exchange films on a commercial basis without having been authorized to do so by a distributor's licence.

Video material The first paragraph does not apply to a retail dealer in the case of the selling, leasing, lending or exchanging of video material.

Categories of licences **103.** A distributor's licence may be general or special.

General licence A general distributor's licence authorizes its holder to sell, lease, lend or exchange films on a commercial basis.

Special licence	A special distributor's licence authorizes its holder to sell, lease, lend or exchange, on a commercial basis, only the film identified in the licence.
Holders	<b>104.</b> Only a natural person, a partnership of natural persons or a corporation that, for the purpose of operating a licence, possesses an enterprise having its principal establishment in Québec may hold a general distributor's licence.
"principal establishment"	For the purposes of this section, the "principal establishment" is the place which is the centre of the decision making and actual direction of the enterprise.
Presumption	Failing proof to the contrary established to the satisfaction of the Régie, the principal establishment is deemed situated outside Québec <p>(1) if the majority of the members of the board of directors are not domiciled in Québec, or</p> <p>(2) if the corporation is controlled in fact or at law by one or several persons not domiciled in Québec or by one or several corporations whose principal establishment is situated outside Québec.</p>
Requirements for special licences	<b>105.</b> A special distributor's licence may be issued only to a person who, in accordance with the regulations of the Régie, 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).
Application	<b>106.</b> No distributor's licence may be issued except to a person who applies therefor and pays the duties in accordance with the regulations of the Régie.
Validity	<b>107.</b> A general distributor's licence is valid for a period of two years. A general distributor's licence may be renewed.
Duties	The duties fixed by regulation of the Régie that are exigible annually from the holder of a general exhibitor's licence are payable to the Régie on the issue or renewal of the licence and, subsequently, on 30 April every year.
Duties	Where a general distributor's licence is issued after 1 May, the duties payable for the first year are reduced by the Régie in proportion to the number of months of the year elapsed.
Report	<b>108.</b> The holder of a distributor's licence shall, in accordance with the regulations of the Régie, transmit to it within twenty days of every semester after the date of issue or renewal, a financial report for that semester.

Content	<p>The report shall indicate separately the gross revenues realized in Québec from</p> <ol style="list-style-type: none"> <li>(1) the distribution of films in a place where films are exhibited to the public;</li> <li>(2) selling, leasing, lending or exchanging video material to or with a retail dealer;</li> <li>(3) any other activity related to distribution in the field of cinema.</li> </ol>
Information	<p>The report must also contain any other information determined by regulation of the Régie.</p>
Investments	<p><b>109.</b> The holder of a distributor's licence shall, within the time limits and on the conditions determined by regulation of the Régie, invest in the production of Québec films, within the meaning of the standards provided for in section 39, a percentage of the total gross distribution revenue it realizes annually in Québec.</p>
Percentage	<p>The percentage is determined by regulation of the Régie, but at not over 10%.</p>
Refusal, suspension and cancellation	<p><b>110.</b> The Régie may, after having given the person concerned an opportunity to be heard, refuse to issue or renew a distributor's licence, suspend it or revoke it in the following cases:</p> <ol style="list-style-type: none"> <li>(1) if he has been found guilty of an offence against this Act or any regulation thereunder within the last two years;</li> <li>(2) if he furnishes false information in the report provided for in section 108 or if, after receiving a warning from the Régie, he refuses or fails to comply with the obligations provided for in section 108, 109 or 115;</li> <li>(3) if he does not satisfy the conditions provided for in this Act for issuing and renewing distributor's licences.</li> </ol>

### § 3.—*Filming licences*

Filming licence	<p><b>111.</b> No person may, with the exception of the Société de radio-télévision du Québec or a holder of a licence under the Broadcasting Act, shoot film professionally in Québec unless he holds a filming licence.</p>
Application	<p><b>112.</b> The Régie shall issue a filming licence to a person applying therefor, on payment of the duties prescribed, in accordance with the regulations of the Régie.</p>
Validity	<p><b>113.</b> A filming licence is valid for such period as the Régie may fix and in accordance with its regulations.</p>

## DIVISION III

## AGREEMENTS BETWEEN EXHIBITORS AND DISTRIBUTORS

**Agreements**      **114.** An agreement between a holder of a distributor's licence and the holder of an exhibitor's licence for the exhibition of a film to the public must, in the cases provided for by regulation of the Régie, reserve for each of them a minimum percentage of the gross revenues derived from the sales of admission tickets for the film.

**Percentage**      The Régie, by regulation, shall determine the percentage prescribed in the first paragraph.

**Leasing of prints**      **115.** If a film has already been exhibited to the public in Québec for not less than seven days, the distributor of the film shall not refuse to lease an available print of the film to a holder of a licence to operate commercial moving picture theatres as defined by regulation of the Régie or outdoor theatres, if the holder offers him conditions that are at least equivalent to those offered by a holder of a licence to operate commercial moving picture theatres, as defined by regulation of the Régie, or outdoor theatres who has already exhibited the film to the public.

**Restriction**      **116.** Any agreement contrary to section 114 is null.

## DIVISION IV

## VIDEO MATERIAL

§ 1.—*Application*

**Applicability**      **117.** This division binds the Government, its departments and its agencies.

§ 2.—*Filing of agreements*

**Filing**      **118.** A holder of a distributor's licence shall, before selling, leasing or lending video material to or exchanging it with a retail dealer, file with the Régie a copy of the agreement authorizing him to distribute the video material and, where such is the case, a copy of any other agreement prescribed by regulation of the Régie. The filing must be made in accordance with the regulations of the Régie.

**Filing certificate**      **119.** The Régie, on filing a copy of the agreements provided for in section 118, shall issue to the holder of a distributor's licence, on payment of the duties prescribed by regulation of the Régie, a filing certificate identifying the contents of the video material concerned.

Copy of the  
certificate

**120.** The holder of a distributor's licence shall, for a specific item of video material, attest the filing provided for in section 118 to the retail dealer by forwarding him a copy of the certificate he himself obtained for the material unless another means and the duties payable by the holder of the licence are provided for by regulation of the Régie.

Filing  
certificate  
required

**121.** In no case may the holder of a distributor's licence sell, lease or lend video material to or exchange it with a retail dealer on a commercial basis unless he has obtained from the Régie the filing certificate required pursuant to section 119 before selling, leasing, lending or exchanging it.

Filing  
certificate  
required

**122.** No person may sell, lease, lend or exchange video material on a retail or commercial basis unless a filing certificate has been issued for the material.

#### DIVISION V

#### RÉGIE DU CINÉMA

#### § 1.—*Establishment and organization*

Establish-  
ment

**123.** A body is hereby established under the name of the "Régie du cinéma".

Composition

**124.** The Régie is composed of three members, including a president, appointed by the Government.

Remuner-  
ation

The Government determines the remuneration, social benefits and other conditions of employment of the members of the Régie.

Exclusive  
office

The members of the Régie hold office on a full-time basis.

Terms of  
office

**125.** The members of the Régie are appointed for a term of not less than three nor more than five years.

Terms of  
office

In no case may a member of the Régie be appointed for more than two consecutive terms.

Continuance  
in office

**126.** However, a member remains in office at the end of his term until he is reappointed or replaced.

Replace-  
ment

**127.** If a member or the president of the Régie is temporarily absent or unable to act, the Government may appoint a person to replace him temporarily.

Conflict of  
interest

**128.** No member of the Régie may, under pain of forfeiture of office, have any direct or indirect interest in an undertaking putting his personal interest in conflict with his duties of office.

- Succession or gift      However, forfeiture is not incurred if the interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.
- Immunity      **129.** No member of the Régie or of its personnel may be prosecuted by reason of an official act done in good faith in the exercise of his functions.
- Duties of the president      **130.** The president of the Régie is responsible for the administration of the Régie and directs its personnel.
- Head office      **131.** The Régie has its head office at the place determined by the Government; a notice of the location or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.
- Sittings      The Régie may sit anywhere in Québec.
- Quorum      **132.** Two members are a quorum at sittings of the Régie.
- Personnel      **133.** The secretary and the other members of the personnel of the Régie are appointed and remunerated in accordance with the Civil Service Act.
- Documents      **134.** Documents emanating from the Régie, and copies thereof, are authentic if they are certified true by a member of the Régie or by the secretary.

§ 2.—*Functions and powers*

- Functions      **135.** The functions of the Régie are
- (1) to classify films and trailers according to the segments of the total audience to which they are directed;
  - (2) to publish regularly, by such means as it considers appropriate, information on the films classified;
  - (3) to issue, renew, suspend or revoke exhibitor's or distributor's licences;
  - (4) issue filming licences;
  - (5) to supervise and monitor the sale, leasing, lending or exchange of video material, and to issue filing certificates;
  - (6) to keep an index of the films produced in Québec;
  - (7) to supervise the administration of this chapter and the regulations made under it and to inquire into its operation and how it is being complied with.

Advice and recommendations      The Régie shall advise the Minister on any question he may submit to it and it may make recommendations to the Minister on any matter within the competence of the Régie.

Evaluation and classification      **136.** The Régie shall designate by resolution the members of its personnel responsible for the evaluation and classification of films and trailers.

Resolution      The resolution comes into force on the day of its publication in the *Gazette officielle du Québec*.

Public hearings      **137.** If within thirty days of publication of a public notice of its intention to hold a public hearing on the application of and compliance with this chapter the Régie receives a written and substantiated application stating the representations that are to be made, it must hold a public hearing at least once in the two-year period following 14 December 1983 and, thereafter, once in every subsequent two-year period.

Notice      Notice is given by such means as the Régie may deem expedient.

Powers and immunity      **138.** The Régie, its members and every person entrusted by it with the holding of an inquiry for the carrying out of this chapter are vested, for that purpose, with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

Examination by the president      **139.** The president of the Régie may require that a print of a film already classified by the Régie be sent to him for examination.

#### § 3.—*Decisions of the Régie*

Decisions      **140.** The Régie shall render its decisions in writing and immediately send copy thereof to the persons concerned.

Decisions      The Régie must substantiate its decisions.

Corrections      **141.** The Régie, on request, may rectify a clerical error, error in computation or other formal error in any of its decisions.

Compendium of decisions      **142.** The Régie shall establish a compendium of its decisions and determine their form of publication.

#### § 4.—*Decisions on classification*

Decisions      **143.** Decisions of the Régie relating to the classification of films and trailers, other than decisions contemplated in sections 77 and 85, are made by the persons designated by the Régie in accordance with section 136.

Review **144.** The Régie may review any decision contemplated in section 143.

§ 5.—*Accounts and reports*

Fiscal year **145.** The fiscal year of the Régie ends on 31 March every year.

Annual report **146.** Not later than 30 June every year, the Régie shall transmit to the Minister a report of its activities for the preceding fiscal year.

Tabling The Minister shall table the report of activities before the National Assembly within thirty days of its receipt if the Assembly is in session; if it is not sitting, the report shall be tabled within thirty days from the opening of the next session or from resumption, as the case may be.

Information **147.** The Régie must give to the Minister any information and financial report he may require on its activities.

Audit **148.** The books and accounts of the Régie shall be audited annually by the Auditor General and also whenever so ordered by the Government.

DIVISION VI

REVIEW AND APPEAL

§ 1.—*Review*

Application for review **149.** A person who has submitted a film or a trailer for classification and who is not satisfied with a decision contemplated in section 143 may, on payment of the inspection fee prescribed by regulation of the Régie, apply to the Régie for a review of the decision.

Prescribed time **150.** The application for review of a decision on classification must be presented to the Régie within thirty days from the date of the decision respecting the classification.

Representations **151.** The Régie shall, before reaching a decision on a review, give the person interested the opportunity to be heard.

Powers of the Régie **152.** When reviewing a decision, the Régie may maintain, quash or amend it.

Appeal **153.** No appeal lies from decisions of the Régie under this division.

§ 2.—*Appeal*

Appeal **154.** An appeal lies to the Provincial Court from decisions of the Régie other than decisions contemplated in sections 143, 144 and 149 to 153, on matters of law or jurisdiction.

- 155.** Appeal is brought by filing a motion at the office of the Provincial Court at the chief place of the judicial district of the domicile or principal establishment of the appellant served on the parties to the proceedings before the Régie and to the Régie within fifteen days of reception of the decision of the Régie by the appellant.
- 156.** Upon service of the motion, the Régie shall send to the Provincial Court the record relating to the decision appealed from.
- 157.** The court must render its decision on the record sent to it by the Régie after allowing the parties to be heard.
- 158.** The appeal does not suspend the execution of the decision of the Régie unless the court decides otherwise. To determine whether or not to suspend execution of the decision, the court must, in particular, consider the resulting inconveniences and the circumstances.
- 159.** The court must notify the parties, in the manner it deems expedient and at least five days in advance, of the date, time and place where they may be heard.
- 160.** The court, at the request of one party, or the clerk, with the consent of the parties, may postpone the date of convocation of the parties.
- 161.** If a party that was convoked fails to appear or refuses to be heard at the sitting fixed or at an adjournment thereof, the court may proceed *ex parte*, give appropriate orders or even declare the appeal dismissed, as the case may be.
- 162.** The court may confirm, amend or quash the decision appealed from and render the judgment that should have been rendered.
- 163.** No appeal lies from the judgment; it must be in writing, substantiated, signed by the judge who rendered it and served on the parties in the manner provided in the rules of practice.
- 164.** The judgment is executory ten days after the date it is served, unless the court orders otherwise.
- 165.** When dismissing an appeal that it considers dilatory or excessive, the court may, *ex officio* or at the request of either party, condemn the appellant to damages.
- 166.** The Provincial Court may, in the manner provided in article 47 of the Code of Civil Procedure, adopt the rules it considers necessary for the proper carrying out of this division.

## DIVISION VII

## REGULATIONS

Regulations **167.** The Régie may, by regulation,

(1) prescribe the payment of a fee for examination of an application for classification, for a licence or for review, and determine the amount thereof;

(2) establish standards and conditions for the exhibition of a stamp, the posting up and the exhibition of the classification of a film, including any information or warning that must appear thereon;

(3) prescribe the amount of the duties payable annually by the holder of an exhibitor's licence; this amount may vary according to the class of the licence;

(4) prescribe the amount of the duties payable annually by the holder of a general distributor's licence;

(5) prescribe the amount of the duties payable by the holder of a filming licence or of a special distributor's licence;

(6) determine the rules of proof and procedure relating to any matter within its competence, the applicable time limits and the required documents and vouchers;

(7) establish, for the purposes of section 113, criteria to determine the period of validity of filming licences;

(8) fix the amount of the duties contemplated in section 119;

(9) determine the measures and the amount of the duties contemplated in section 120.

Regulations **168.** The Régie may also, by regulation,

(1) establish categories of exhibitor's licences, taking into account the nature of the premises where films are exhibited, the frequency at which they are exhibited, whether the exhibition of films is the main or a secondary use of the premises, and whether the premises are covered by a permit issued under the Act respecting liquor permits (R.S.Q., chapter P-9.1);

(2) establish conditions for obtaining exhibitor's licences according to the categories;

(3) fix the rights and obligations that each category of licence confers on its holder;

- (4) establish, after consultation with the Institut, technical standards respecting the exhibition of films to the public;
- (5) establish standards for the arrangement or rearrangement of an outdoor theatre to be observed by the holder of a licence to operate an outdoor theatre;
- (6) divide Québec into regions, delimit the regions and prescribe the maximum number of exhibitor's licences that the Régie may, except in case of licence renewal, issue to the same person or to persons related within the meaning of the Taxation Act (R.S.Q., chapter I-3), or that it may issue for each region;
- (7) determine the modalities and the form of the report contemplated in section 97 and any other information it must contain;
- (8) define, for the purposes of section 105, the word "producer" and the expression "holder of world rights";
- (9) determine the modalities and the form and content of the reports contemplated in section 108;
- (10) determine, for the purposes of section 109, the time limits and the conditions relating to investment in the production of Québec films;
- (11) determine the percentage contemplated in section 109, which may vary according to the total gross distribution revenue realized in Québec;
- (12) determine the cases and the percentage contemplated in section 114;
- (13) define, for the application of sections 98 and 115, the expression "licence to operate commercial moving picture theatres";
- (14) determine the conditions and modalities of filing of agreements contemplated in section 118;
- (15) prescribe, for the purposes of section 118, the filing of any other agreement.

Interpre-  
tation

For the purposes of subparagraph 1 of the first paragraph, a licence to operate an outdoor theatre constitutes a category of exhibitor's licence. The same applies to an exhibitor's licence for an unestablished theatre provided that it is issued to a non-profit corporation within the meaning of the Companies Act (R.S.Q., chapter C-38) or to a cooperative within the meaning of the Cooperative Associations Act (R.S.Q., chapter A-24) the main activity of which relates to the field of film.

- Approval**        **169.** A regulation made by the Régie must be submitted for approval to the Government, which may amend it.
- Publication**    **170.** Before submitting a regulation adopted under section 167 to the Government for approval, the Régie shall publish it in the *Gazette officielle du Québec*, with a notice that on the expiry of not under sixty days from publication, it will be submitted for approval to the Government.
- Publication**    **171.** Before submitting a regulation adopted under section 168 to the Government for approval, the Régie shall publish it in the *Gazette officielle du Québec*, with a notice.
- Content**        The notice must indicate that at the expiry of thirty days from publication, public hearings will be held on the regulation if the Régie has, during that time, received written and substantiated application to that effect. It must also indicate that the regulation will subsequently be submitted, with or without amendment, for approval to the Government.
- Coming into force**    **172.** A regulation adopted by the Régie and approved by the Government comes into force on the date of its publication in the *Gazette officielle du Québec* or on any subsequent date indicated in the regulation.

## DIVISION VIII

## INSPECTIONS AND SEIZURES

- Inspector**        **173.** Any person authorized by the Régie to act as an inspector may enter any place where video material is sold, in order to ascertain that the filing certificate has been issued in accordance with this Act; it may also enter any place where films intended for public exhibition are kept, or any place where films are exhibited to the public, in order to examine a film and ascertain that a stamp has been affixed by the Régie on a print of the film in accordance with this Act or to ascertain that a regulation contemplated in subparagraph 4 or 5 of the first paragraph of section 168 is being complied with.
- Information**      **174.** An inspector may require any information or document relating to the carrying out of this Act.
- Certificate of office**    **175.** An inspector shall produce, on demand, a certificate of his office signed by the president or the secretary of the Régie.
- Search warrant**      **176.** An inspector may require the issue of a search warrant under the Summary Convictions Act (R.S.Q., chapter P-15) and seize a print of a film on which no stamp has been affixed by the Régie in accordance with this Act, video material for which no filing certificate has been

issued by the Régie in accordance with this Act, or the print of a film or video material which has been used in contravention of this Act or a regulation thereunder.

Return of  
seized  
material

A justice of the peace may order a film or video material to be returned once it has served the purpose for which it was seized; he may also order pirated prints or video material for which no filing certificate has been issued to be destroyed.

## DIVISION IX

### PENALTIES

#### § 1.—*Penal provisions*

Prohibitions

**177.** No person may

(1) obtain a licence under a name other than his own, or a licence on which his name is not shown as being the name of the person to whom the licence has been issued;

(2) if he holds a licence, lease or lend it to another person or trade it;

(3) if he holds a licence, authorize another person to exercise the rights attaching to the licence; or

(4) use a licence issued to another person.

Offences  
and  
penalties

**178.** Any person who infringes section 76, 86, 87, 90, 92, 98, 99, 100, 102, 111, 114, 118, 120, 121, 122 or 177 or a regulation made under this chapter is guilty of an offence and liable, in addition to costs, to a fine of not less than \$100 nor more than \$1 000 in the case of an individual and not less than \$500 nor more than \$2 000 in the case of a corporation or partnership and, for a subsequent offence within five years, to a fine of not less than \$200 nor more than \$5 000 in the case of an individual and not less than \$1 000 nor more than \$10 000 in the case of a corporation or partnership.

Hindering

**179.** Any person who hinders an inspector of the Régie in the performance of his duties, misleads him by concealment or false declarations, refuses to give him any information, document, film or video material he is entitled to require or examine under this Act, or conceals or destroys a document, film or video material being the object of an inquiry is guilty of an offence and liable, in addition to costs, to the fine provided for in section 178.

Exception

**180.** No error or oversight made in good faith is an offence within the meaning of this subdivision.

Proceedings **181.** Proceedings are instituted under the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General or any person generally or specially authorized by him for that purpose.

§ 2.—*Special recourses*

Orders **182.** The Régie may order the suspension of work on or the total or partial closing of

(1) any outdoor theatre which fails to meet the standards of arrangement or rearrangement prescribed by regulation of the Régie;

(2) premises where films are exhibited to the public if the premises fail to meet the technical standards on public film presentation prescribed by regulation of the Régie.

Notice The Régie must send forthwith to the person concerned a written notice of its decision and inform him of the measures to be taken and the time granted to comply with the regulations.

Non-compliance **183.** The Régie, upon finding out, at the expiry of the time granted, that the person fails to comply with the notice, shall inform the Minister of it in writing.

Court order **184.** Where an order of the Régie rendered under section 182 is not complied with, the Superior Court may, on a motion by the Minister or any person generally or specially designated by him for that purpose, order the demolition of the structure and order the owner of the premises where films are exhibited to maintain the premises closed until the work required to meet the regulatory requirements is carried out.

## CHAPTER IV

### TRANSITIONAL AND FINAL PROVISIONS

Minister responsible **185.** The Minister of Cultural Affairs is responsible for the administration of this Act.

c. M-20,  
s. 3, am. **186.** Section 3 of the Act respecting the Ministère des affaires culturelles (R.S.Q., chapter M-20) is amended by striking out paragraphs *c* and *d*.

c. M-20,  
Div. IV,  
repealed **187.** Division IV of the said Act is repealed.

c. L-3,  
s. 23, am. **188.** Paragraph 1 of section 23 of the Licenses Act (R.S.Q., chapter L-3) is amended

(1) by striking out the expression “moving picture theatre” in the second line;

(2) by inserting after the word “hall” in the seventh line, the words “, except a place where films are exhibited to the public,”.

c. L-3,  
s. 23, am.

**189.** Paragraph 2 of section 23 of the said Act is repealed.

c. L-3,  
s. 30,  
repealed

**190.** Section 30 of the said Act is repealed.

c. S-10.01,  
s. 21.1,  
added

**191.** The Act respecting the Société de développement des industries de la culture et des communications (R.S.Q., chapter S-10.01) is amended by inserting, after section 21, the following section:

Restriction

“**21.1** Failing a written agreement with the Société générale du cinéma established under the Act respecting the cinema industry (1983, chapter 37), the Société shall grant no direct financial assistance to the creation, direction or production of films within the meaning of the said Act.”

c. R-12,  
s. 55, am.

**192.** Section 55 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing the first two lines of paragraph 7 by the following lines:

“(7) every member of the Bureau de surveillance du cinéma who has formerly been the president”.

c. R-12,  
s. 95, am.

**193.** Section 95 of the said Act is amended by striking out the words “president or” in the first line of the first paragraph.

R.S.Q.,  
1964, c. 55,  
replaced,  
c. C-18,  
replaced

**194.** This Act replaces the Cinema Act (R.S.Q., 1964, chapter 55) and the Act respecting the Cinema (R.S.Q., chapter C-18).

Regulations  
in force

**195.** The regulations made under the Cinema Act (R.S.Q., 1964, chapter 55) and the Act respecting the Cinema (R.S.Q., chapter C-18) remain in force, where not inconsistent with this Act, and are deemed to have been made under this Act.

Presumption

**196.** Every film classified by the Bureau de surveillance du cinéma before (*insert here the date of the coming into force of this section*) is deemed to have been classified under this Act, in the corresponding class provided for in section 81.

Presumption

Any trailers approved by the Bureau de surveillance du cinéma before (*insert here the date of the coming into force of this section*) is deemed to have been classified under this Act.

**Presumption**      **197.** The holder of a permit to fit up, alter or operate an outdoor theatre under the Cinema Act (R.S.Q., 1964, chapter 55) is deemed to be the holder of a licence to operate an outdoor theatre issued under this Act, for one year from (*insert here the date of the coming into force of this section*). Thereafter, it is renewed in conformity with this Act.

**Presumption**      **198.** The holder of a licence issued under section 27 or 30 of the Licenses Act (R.S.Q., chapter L-3) and intended to permit the operation of a moving picture theatre or a film exchange business is deemed to be the holder of an exhibitor's licence or distributor's licence, as the case may be, issued under this Act and valid until the date of expiration of his licence, in the case of an exhibitor's licence, and until (*insert here the date of the coming into force of sections 102 to 105 of this Act*), in the case of a distributor's licence. Thereafter, it is renewed in conformity with this Act.

**Exception**        **199.** Notwithstanding section 198, a person who, on 17 December 1982, was the holder of a licence issued under section 30 of the Licenses Act is exempt from the application of sections 102 to 105 of this Act in respect of films he was distributing on (*insert here the date of coming into force of section 102 of this Act*) provided he forwards a list of them to the Régie within 180 days after (*insert here the date of coming into force of section 102 of this Act*).

**Substitution**     **200.** The Régie du cinéma succeeds to the Bureau de surveillance du cinéma for all legal purposes.

**Use of document**      The Régie is authorized to use any documents or means of identification that were prepared with the name of the Bureau de surveillance du cinéma, until it is able to replace them by documents or means of identification prepared in the name of the Régie du cinéma.

**Pending cases**        **201.** The cases pending before the Bureau de surveillance du cinéma or the Minister under the Cinema Act (R.S.Q., 1964, chapter 55) on (*insert here the date of the coming into force of this section*) are continued and decided by the Régie in conformity with this Act.

**Chairman of the Cinema Supervisory Board**      **202.** The chairman of the Bureau de surveillance du cinéma appointed under the Cinema Act (R.S.Q., 1964, chapter 55) becomes a member of the Régie du cinéma on 14 December 1983, for as long as the Government determines.

**Transfer of personnel**      **203.** The members of the Bureau de surveillance du cinéma, other than the chairman, appointed under the Cinema Act (R.S.Q., 1964, chapter 55), whose terms of office have not expired on (*insert here the date of the coming into force of this section*) and who are not civil servants within the meaning of the Civil Service Act (R.S.Q., chapter F-3.1), become members of the personnel of the Régie du cinéma on (*insert here the date of the coming into force of this section*).

Term of office They shall remain in office for as long as the Government determines and continue to receive their salaries.

Transfer of personnel **204.** The members of the Bureau de surveillance du cinéma, other than the chairman, appointed under the Cinema Act (R.S.Q., 1964, chapter 55), whose terms of office have not expired on (*insert here the date of the coming into force of this section*) and who are civil servants within the meaning of the Civil Service Act, become members of the personnel of the Régie du cinéma on (*insert here the date of the coming into force of this section*).

Job classification Notwithstanding the Civil Service Act (R.S.Q., chapter F-3.1), the Government may assign appropriate classification to those civil servants.

Transfer of personnel **205.** The personnel of the Bureau de surveillance du Cinéma in office on (*insert here the date of the coming into force of this section*) becomes the personnel of the Régie du cinéma.

Interpretation **206.** Except in sections 55 and 95 of the Act respecting the Civil Service Superannuation Plan, in any Act, proclamation, order in council, order, contract or document, the expressions “Bureau de censure du cinéma” and “Bureau de surveillance du cinéma” designate the Régie du cinéma.

Transfer of personnel **207.** The personnel of the Institut québécois du cinéma, including its director general, in office on (*insert here the date of the coming into force of this section*), becomes the personnel of the Société générale du cinéma.

Rights and obligations **208.** The Société générale du cinéma acquires the rights and assumes the obligations of the Institut québécois du cinéma established under the Act respecting the cinema (R.S.Q., chapter C-18).

Sums required **209.** The sums required for the administration of this Act for the fiscal year 1983-84 are paid out of the consolidated revenue fund, to the extent determined by the Government, and, for subsequent fiscal years, out of the appropriations granted every year therefor by the Parliament.

Exception **210.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into force **211.** This Act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by such proclamation, which will come into force on a later date that will be fixed by proclamation of the Government.

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