

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette

No. 6458

Regulasiekoerant

Vol. 405

PRETORIA, 15 MARCH
MAART 1999

No. 19848

GOVERNMENT NOTICES

DEPARTMENT OF HOME AFFAIRS

No. R. 348

15 March 1999

FILMS AND PUBLICATIONS ACT, 1996 (ACT NO. 65 of 1996)

FILMS AND PUBLICATIONS REGULATIONS

The Film and Publication Board has, in terms of section 31(2) of the *Films and Publications Act, 1996 (Act No. 65 of 1996)*, made the regulations in the following Schedule :

SCHEDULE
Classification of Games

Arrangement of Regulations

Subject	Regulation
Definitions.....	1
Application for classification of a game	2
Application for reclassification of a game	3
Application for exemption from certain sections of the Act ...	4
Notice of approval of game for distribution	5
Appeal to the Review Board	6
Application for copy of certificate of classification	7
Application for copy of report of Review Board	8
Short title and commencement	9

Annexures

- Annexure 1 : Prescribed form for classification of games
- Annexure 2 : Prescribed form for reclassification of games
- Annexure 3 : Prescribed form for application for exemption
- Annexure 4 : Prescribed form for appeal to Review Board

Definitions

- 1 (a) In these Regulations, any meaning assigned to any word or phrase in the Act, will have that meaning and, unless the context indicates otherwise—
- (i) **"the Act"** means the *Films and Publications Act, 1996 (Act No. 65 of 1996)*, and all other words and phrases shall have the same meaning as defined in section 1 of the Act;
 - (ii) **"game"** means a computer programme or software and associated data capable of generating a display on a computer monitor, television screen, liquid crystal display or similar medium that allows the playing of an interactive game, but does not include business, accounting, professional, scientific or educational computer software unless the software includes a game that contains contentious material
 - (iii) **"contentious material"**, in relation to a game, means material in the game that would fall within the definitions of Schedules 6, 7, 8 or 10 of the Act
 - (iv) **"interactive game"** means a game in which the way the game proceeds and the results achieved at various stages of the game is determined in response to the decisions, inputs and direct involvement of the player
- (b) Any form referred to in these Regulations will be the form as prescribed in the annexures to the English text of these Regulations.

Application for classification of a game

- 2 An application for the classification of a game, in terms of section 18 of the Act, shall be submitted to the Board on **Form FPB/16/CC**, completed in all details, together with the prescribed fee.
- (a) Where the game contains contentious material, a video tape recording of the game play, in VHS format, must also be submitted with the application.
 - (b) Where the game does not contain any contentious material, a full description of the game, together with a copy of any advertisement that is proposed to be used to advertise and promote the game, and a statement to the effect that the game does not contain any contentious material, must be submitted with the application.

- (c) Where the Board decides that a demonstration of the game is necessary for the proper consideration of any application, the applicant shall, at a time and place to be mutually agreed upon by the applicant and the Chief Executive Officer, demonstrate the game to a committee of the Board.
- (d) Where a game has been classified, or exempted, under the Act, the person who applied for the classification, or exemption, of that game, shall provide a copy thereof to the Board, free of charge, in the format in which it will be distributed, to be kept or disposed of by the Board at its discretion.
- (e) Every applicant for the classification and/or exemption of a game shall also furnish, to the satisfaction of the Executive Committee of the Board, confirmation of her or his right to distribute that game in the Republic. In the absence of such confirmation, the Board may refuse to classify or exempt that game and may revoke any certificate of classification or exemption which may have been issued with respect to that game.

Application for reclassification of a game

- 3 An application for the reclassification of a game shall be made to the Board on **Form FPB/17/RC**, together with the prescribed fee.
- (a) Where there have been changes to the game since it was last classified, the provisions of subsections (b), (c), (d) and (e) of section 2 of these Regulations shall apply to every application for reclassification.

Application for exemption from certain sections of the Act

- 4 An application for exemption from sections 26, 27 and/or 28 of the Act shall be submitted to the Board on **Form FPB/18/EC**. A fee, to be determined by the Board in accordance with tariffs set in the Regulations on Films and Publications (Games) (Fees), with respect to each application shall be payable upon the grant of an exemption.
- (a) The provisions of subsections (b), (c), (d) and (e) of section 2 of these Regulations shall apply to any application for exemption.
 - (b) Any exemption granted under these Regulations may be subject to such conditions as the Executive Committee of the Board may, at its sole discretion, determine, having regard to the objects of the Act. Any breach of a condition may result in the cancellation of an exemption by a decision of the Executive Committee.

Notice of approval of game for distribution

- 5 A game which has been classified shall exhibit the following details conspicuously and clearly visible through the cover or packaging of holder containing the game :

Classification :

Consumer Advice :

Appeal to the Review Board

- 6 An appeal against a decision of the Board shall be submitted to the Review Board on **Form FPB 19/AC**, together with the prescribed fee, within 30 days from the sooner of either the date on which the applicant was notified of the decision of the Board or such decision was published in the *Gazette*.

- (a) Where the Review Board decides that a demonstration of the game is necessary for the proper consideration of the appeal, the applicant shall, at a time and place to be mutually agreed upon by the applicant and the Chairperson of the Review Board, demonstrate the game to the Review Board.

Application for a copy of the certificate of classification

- 7 An application for a copy of certificate of classification may only be made by, or under the written authority of, the holder of the original certificate, on **Form FPB 12/CC**, together with the prescribed fee.

Application for copy of the report of the Review Board

- 8 An application for a copy of a report of the Review Board shall be made to the Board on **Form 14/CRB**, together with the prescribed fee.

Short title and commencement

- 9 These regulations shall be called the **Films and Publications Regulations (Games), 1999** and shall come into operation on the day and date of its publication in the *Gazette*.

FPB 16/CC : Section 18 of the *Films and Publications Act, 1996*

13th Floor Pleinpark Building Private Bag X9069 Cape Town 8000
Tel (021) 466 6518 Fax (021) 466 6511

The Board may refuse to process your application if this form is not completed fully

Date Received :

SUBMISSION OF GAME FOR CLASSIFICATION, dated

Applicant

Address

Tel Fax E-mail

Contact Person

Title and Version of Game

Year of Production Country of Origin

Name of Publisher

Proof of right to distribute the game in the Republic

Description of Game Play

Signed :

Capacity if on behalf of a firm

Annexure 2 : Regulation 3(a)FPB 17/RC : Section 18 of the *Films and Publications Act, 1996***FILM AND PUBLICATION BOARD**13th Floor Pleinpark Building Private Bag X9069 Cape Town 8000

Tel (021) 465 6518 Fax (021) 465 6511

The Board may refuse to process your application if this form is not completed fully

(For Office Use) Ref. No.

Date Received :

SUBMISSION OF GAME FOR RECLASSIFICATION, dated

Applicant

Address

Tel Fax E-mail

Contact Person

Title and Version of Game

Year of Production Country of Origin

Name of Publisher

Previous Classification and Certificate No.

Classification Requested

Reasons to Support Reclassification

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Signed :

Capacity if on behalf of a firm

Annexure 3 : Regulation 4(a)FPB 18/EC : Sections 22 and 23 of the *Films and Publications Act, 1996***FILM AND PUBLICATION BOARD**13th Floor Pleinpark Building Private Bag X9069 Cape Town 8000

Tel (021) 465 6518 Fax (021) 465 6511

The Board may refuse to process your application if this form is not completed fully

(For Office Use) Ref. No.

Date Received :

APPLICATION FOR EXEMPTION, dated

Applicant

Address

Tel Fax E-mail

Contact Person

Title and Version of Game

Year of Production Country of Origin

Name of Publisher

Proof of right to distribute the game in the Republic

Description of Game Play

Reasons or Grounds for Exemption.....

If the game does not contain contentious material, please complete the following statement :

I,
 the undersigned, hereby state that the game forming the subject of this application does not contain any contentious material and is suitable for play by a child without parental guidance or supervision. A copy of the advertisement intended to be used to advertise and promote this game is attached hereto.

Signed :

Capacity if on behalf of a firm

Annexure 4 : Regulation 6(a)FPB 19/AC : Section 20 of the *Films and Publications Act, 1996***FILM AND PUBLICATION BOARD**13th Floor Plainpark Building Private Bag X9069 Cape Town 8000

Tel (021) 465 6518 Fax (021) 465 6511

The Board may refuse to process your application if this form is not completed fully

(For Office Use) Ref. No.

Date Received :

APPEAL TO REVIEW BOARD, dated

Applicant

Address

Tel Fax E-mail

Contact Person

Title and Version of Game

Year of Production Country of Origin

Name of Publisher

Details of Classification Appealed Against :

Certificate of Classification No.

Classification Consumer Advice

Date When Notified of Decision or Publication in Gazette

Reasons or Grounds of Appeal

Signed

Capacity if on behalf of firm

No. R. 349

15 March 1999

FILMS AND PUBLICATIONS ACT, 1996 (ACT NO. 65 OF 1996)**REGULATIONS ON FILMS AND PUBLICATIONS (GAMES) (FEES)**

The Minister of Home Affairs has, in terms of section 31(1)(a) of the *Films and Publications Act, 1996 (Act No. 65 of 1996)*, made the regulations in the following Schedule:

SCHEDULE**Films and Publications Regulations (Games) (Fees), 1999****Definitions**

- 1 (a) In these regulations, any word or phrase to which a meaning has been assigned in the Act or Regulations, shall have that meaning and, unless the context indicates otherwise-

"the Act" means the *Films and Publications Act, 1996 (Act No. 65 of 1996)*;

"the Regulations" means any Regulations made in terms of the Act.

Fees

- 2 The fees that shall be payable in respect of any application, exemption or appeal under this Act with respect to games are set out in the Annexure to these Regulations. Fees for any service not set out in the said Annexure shall be the fees for such service as set out in the Annexure to the *Regulations on Films and Publications (Fees), 1998*.

Short title

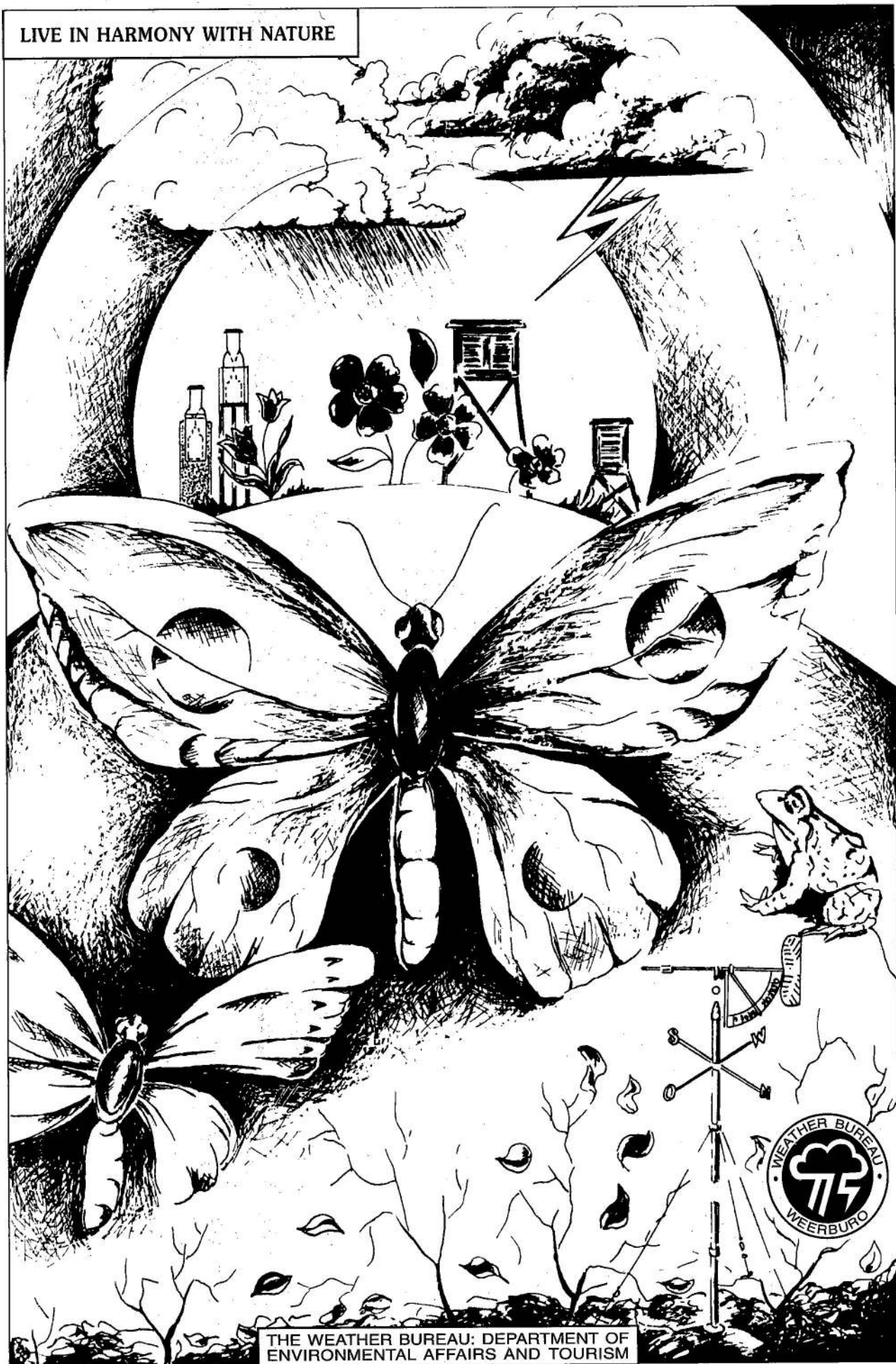
- 3 These regulations shall be called the **Films and Publications Regulations (Games) (Fees), 1999**, and shall come into operation on the day and date of its publication in the *Gazette*.

ANNEXURE

- | | | |
|---|---|-----------|
| 1 | Application for classification in terms of Regulation 2(a) of the <i>Films and Publications Regulations (Games), 1999</i> | R1 000.00 |
| 2 | Application for reclassification in terms of Regulation 3(a) of the <i>Films and Publications Regulations (Games), 1999</i> | R2 000.00 |
| 3 | Application for exemption in terms of Regulation 4(a) of the <i>Films and Publications Regulations (Games), 1999</i> shall be determined by the Executive Committee of the Board but which shall not exceed the sum of R250.00 in respect of each application | |

-
- | | | |
|---|--|-----------|
| 4 | Appeal to the Review Board in terms of Regulation 6(a) of the <i>Films and Publications Regulations (Games), 1996</i> | R2 000.00 |
| 5 | Application for a copy of certificate in terms of Regulation 7, of the <i>Films and Publications Regulations (Games), 1999</i> | R50.00 |
| 6 | Application for a copy of the report of the Review Board in terms of Regulation 8 of the <i>Films and Publications Regulations (Games), 1999</i> | R100.00 |
-

LIVE IN HARMONY WITH NATURE



THE WEATHER BUREAU: DEPARTMENT OF
ENVIRONMENTAL AFFAIRS AND TOURISM

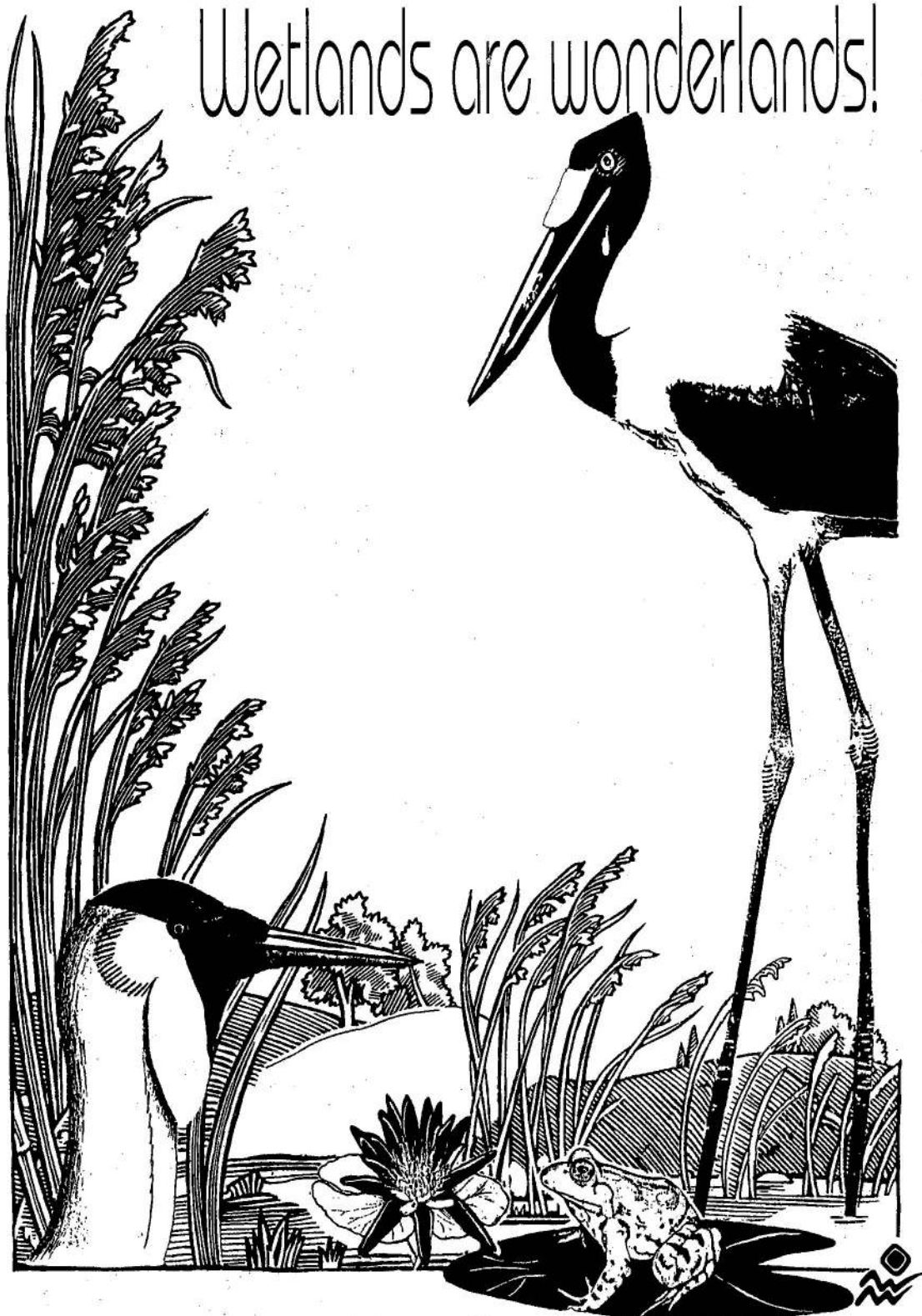


THE WEATHER BUREAU HELPS FARMERS TO PLAN THEIR CROP



THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS & TOURISM
DIE WEERBURO: DEPARTEMENT VAN OMGEWINGSKE EN TOERISME

Wetlands are wonderlands!



Department of Environmental Affairs and Tourism

Vleiland-wonderwêreld!



Departement van Omgewingsake

CONTENTS

No.

Page
No. Gazette
No.

GENERAL NOTICES

Home Affairs, Department of

General Notices

R. 348	Films and Publications Act (65/1996): Film and Publication Board: Films and Publications Regulations	1	19848
R. 349	do.: do.: Regulations on Films and Publications (Games) (Fees), 1999.....	10	19848
