
STATUTORY INSTRUMENTS

1996 No. 3140

MONOPOLIES AND MERGERS

The Films (Exhibition Periods) Order 1996

Made - - - - *12th December 1996*
Laid before Parliament *13th December 1996*
Coming into force - - *1st March 1997*

Whereas the Secretary of State, in accordance with section 91(2) of the Fair Trading Act 1973⁽¹⁾, published on 26 July 1996 a notice stating his intention to make this Order, indicating the nature of the provisions to be embodied in it and stating that any person whose interests were likely to be affected by it and who was desirous of making representations in respect of it should do so in writing before 30 August 1996;

And whereas the Secretary of State has considered the representations made to him in accordance with that notice;

Now, therefore, the Secretary of State, being the appropriate Minister within the meaning of section 56 of the said Act, in exercise of the powers conferred by sections 56(2) and 90(2) of, and paragraph 5 of Schedule 8 to, the said Act, and for the purpose of remedying or preventing adverse effects specified in a report of the Monopolies and Mergers Commission entitled “Films: A report on the supply of films for exhibition in cinemas in the UK.”⁽²⁾ published in October 1994 hereby makes the following Order:—

1. This Order may be cited as the Films (Exhibition Periods) Order 1996 and shall come into force on 1st March 1997.

2.—(1) In this Order—

“cinema” means any premises in the United Kingdom which are used for the exhibition of films and which require a licence or consent for that purpose under section 1 or 2 of the Cinemas Act 1985⁽³⁾;

“the day of general release”, in relation to any film, shall mean—

- (a) the first day on which the film is exhibited in 5 or more cinemas on the same day, or
- (b) the day on which the total number of cinemas in which the film has been exhibited exceeds 9,

(1) 1973 c. 41.
(2) Cmnd 2673.
(3) 1985 c. 13.

whichever shall first occur;

“distributor” means a person carrying on the business of supplying films to exhibitors for exhibition;

“exhibition” means exhibition to the public but does not include an exhibition free of charge to all members of the audience and “exhibited” shall be construed accordingly;

“exhibitor” means a person carrying on the business of exhibiting films; and

“film” means any record, however made, capable of being used as a means of showing a sequence of visual images as a moving picture;

(2) If an exhibition of a film begins but is not completed on any day, the film shall be treated, for the purposes of this Order, as having been exhibited on the day on which the exhibition begins.

3. It shall be unlawful for a distributor to require, as a condition of the supply of a film to an exhibitor for exhibition in a cinema on or after the day of general release of that film, that the exhibitor should exhibit the film for a period longer than—

- (a) in the case of the exhibition of a film for a period commencing within six weeks of the day of general release of the film, two weeks; or
- (b) in any other case, one week.

12th December 1996

John M. Taylor,
Parliamentary Under-Secretary of State for
Corporate and Consumer Affairs,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made for the purpose of remedying or preventing adverse effects on the public interest specified in the report of the Monopolies and Mergers Commission on the supply of films for exhibition in cinemas in the UK published in October 1994.

The Order makes it unlawful for a distributor to require as a condition of supply of a film that an exhibitor show the film for a period longer than one week, or two weeks where the exhibition takes place within six weeks of the day of general release of the film in the UK.

The “day of general release” is defined in Article 2.

The Order comes into force on 1st March 1997.

Copies of the report of the Monopolies and Mergers Commission (Cmnd 2673) may be obtained from The Stationery Office.