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DIRECTOR

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COMMENTS TO THE WORKING PARTY TO REVIEW GLC CINEMA POLICY

The National Campaign for the Reform of the Obscene Publications Acts (NCROPA) reiterates its opposition to the necessity for cinema clubs to be specially licensed, simply for them to be allowed to operate as cinema clubs. The NCROPA regards this as a gross violation of the fundamental civil right of freedom of expression. No special licence from any Government body should be required for any form of expression, since the refusal or threat of refusal to grant or renew such a licence can operate as a form of censorship. Adequate fire and safety regulations already cover premises used as cinema clubs.

The Cinematograph (Amendment) Act 1962, which imposes the requirement for special licences on cinema clubs, is, regrettably, now in force and can only be repealed or amended by Parliament. Until or unless this occurs, the GLC has, we of course accept, a legal duty to operate the licensing scheme contained therein. However it is open to the GLC to make representations to Parliament advocating such repeal or amendment of the Act. The NCROPA strongly urges such a course of action and believes that such representations should be made on the basis that the Act is restrictive of the the right of freedom of expression and that, in any event, the licensing scheme is difficult, expensive and unnecessary to operate; making licences extremely difficult to acquire and thus operating as an effective form of covert censorship in any event, notwithstanding that the principle of having to require a licence at all is in itself a form of censorship.

The NCROPA wishes to stress that the British Board of Film Censors is a non-statutory, non-elected, often arrogant self-perpetuating body which is accountable to no-one but itself and should not be entrusted with any control whatsoever over films which consenting adults choose to watch either in commercial or non-commercial circumstances. The NCROPA therefore totally opposes any official recognition being given by the GLC to the BBFC. If the GLC wishes to use the BBFC film categories as a general guide for the showing of films in public cinemas, (to which the NCROPA is also opposed) it should certainly not refuse to allow the showing of films, which have not obtained a BBFC certificate, in cinema clubs to which adults only are admitted. The BBFC's new 'R' category has not, as yet, been clearly defined and we are still waiting to hear from them just what this category will incorporate. It would appear, however, that it will be far too restrictive and, therefore, quite unacceptable to the NCROPA.

The NCROPA absolutely opposes any condition made by the GLC that, before the granting or renewal of any cinema club licence, the proprietor must agree not to show films which have not been granted a certificate by the BBFC. This would, effect, afford intolerable power to a body which is answerable to no-one. The NCROPA is opposed to all forms of censorship, including those which are car

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out by proxy.

Quite apart from the unacceptable principle of allowing the BBFC or any other body to exercise censorship over what films consenting adults are allowed to view, there are other practicalities of the situation which must be considered. Cinema clubs are usually modest concerns as compared with the big cinema chains and they do not have the financial resources to rent expensive feature films. In the main they mostly show short, cheaper films, usually of not more than twenty minutes duration. Certificates from the BBFC for their films would mean an expensive, lengthy and, in many cases, prohibitive operation. If cinema clubs were required to obtain these for every film that they screened, they would cease to be economically viable. If public cinemas are still to be subject to rigid state controls, cinema clubs at least should be allowed to show what films they like. Since only adults have access to such clubs, the question of the 'protection' of minors, which the categorisation of films elsewhere the BBFC will no doubt claim it achieves, is here irrelevant.

It should be remembered, of course, that the general law of the land, including the Obscene Publications Acts and the Indecent Displays (Control) Act apply to all films including those shown in cinema clubs. The NCROPA, of course, believes that those acts should be reformed but in any event certainly does not believe that they need to be augmented by any system of additional censorship. It is a fundamental principle of freedom of expression in democracies such as the U.S.A. that there should be no prior restraint of publications. The grading categories of films in the U.S.A. are purely advisory and voluntary. Only when a publication has been found illegal by due process of law should it be prohibited. This principle is respected in the Obscene Publications Acts and any system of censorship, however disguised or devious, would be a gross violation of the principle. By pre-censoring a film, one is pre-empting the jurisdiction of the Courts. It should be stressed that there is no right of appeal from a system of censorship operated by a local authority or by the BBFC when their jurisdiction is accepted without challenge by a local authority, as invariably is the case.

The NCROPA believes that the GLC should not attempt to exercise any power of censorship itself any more than it should accept the exercise of any assumed power of censorship by an outside body. Although the GLC is an elected body, this does not entitle it to abrogate the right of adult individuals, including minorities, to view films of their choice even if the GLC believes that the majority of its electorate do not approve of such films. The tyranny of the majority is just as oppressive as the tyranny of the minority. The majority do not have the right to take away freedom of expression from minorities. That fundamental right must be retained and respected by all.

Finally we would commend the Working Party to Appendix 4 (on page 280) of the Home Office Report of the Committee on Obscenity and Film Censorship (the Williams Report), entitled "Film Censorship in Other Countries". This clearly indicates that nearly all other Western countries have virtually no prohibition of films, or at least very much more freedom of choice than we do here in the U.K., and that this does not present any real problems for the authorities.