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## REGISTRATIONS POLICY

### Head Office:

ECO Glade 2, 420 Witch Hazel Street,  
ECO Park, Centurion, 0169



film and publication board

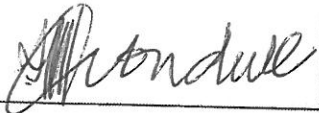
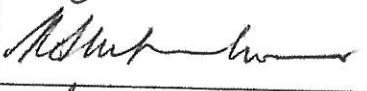


Film and Publication Board

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Film and Publication Board

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Film and Publication Board

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## 1. INTRODUCTION

The Film and Publication Board (FPB); is a Schedule 3A Public entity in terms of the PFMA and it derives its mandate from the Films and Publication Board Act (Act 65, 1996), amended in 2004 and 2009. The Act is the enabling legislative framework and thus outlines the objects, key functions, powers and duties as conferred to the Board. The mandate of the Films and Publications Board is to regulate the creation, production, possession, broadcasting and distribution of films, interactive computer games and certain publications; making the use of children in pornography punishable; providing consumer advice to enable adults to make informed viewing, reading and gaming choices; protecting children from exposure to disturbing and harmful materials and from pre-mature exposure to adult experiences. FPB achieves this through the classification of content; distribution of which is limited to premises registered with the Board.

## 2. PURPOSE

The purpose of the registration policy is to guide internal and external stakeholders on the FPB's registrations/ renewals processes and procedures. The policy serves to:

- 2.1. Inform industry of the registrations/ renewals requirements
- 2.2. Provide industry with the reasons that lead to rejections of applications
- 2.3. Alert industry of the choices to make use of the FPB Online system and its discounted tariff rates or to submit manually at the normal rate
- 2.4. Govern internal administration processes.

## 3. OBJECTIVES

The objectives of the policy are as follows:

- 3.1. To develop an efficient and flexible registration process that meets the demands of the diverse needs of the film, game and/ or publications industry.
- 3.2. To stipulate registration/ renewals requirements, processes and procedures;
- 3.3. To create a credible registration process that ensures efficient handling and processing of the registrations and renewal application by the FPB.

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- 3.6. To guide industry on the documentation required, example, the company registration certificates as issued by the Companies and Intellectual Property Commission (CIPC) as well as the Income Tax Information as issued by the South African Revenue Services (SARS).
- 3.7. To alert industry of the conditions for rejections of applications
- 3.8. To alert industry of the turnaround times and service delivery standards.

#### **4. SCOPE**

This policy applies to the following:

- 4.1. Distributors / exhibitors of films, games and certain publications;
- 4.2. Online Content Distributors as licensed by FPB and
- 4.3. Internet Service Providers (ISPs).

#### **5. LEGISLATIVE REQUIREMENTS – FILMS AND PUBLICATIONS ACT 65, 1994**

- 5.1. Section 18 (1) (a) of the Films and Publications Amendment Act 3 of 2009 states that any person who distributes, broadcasts or exhibits any film or game in the Republic shall in the prescribed manner on payment of the prescribed fee register with the Board as a distributor or exhibitor of films or games.
- 5.2. Section 15A (1) states that a compliance officer may, for the purpose of achieving the objects of this Act and of advising distributors and exhibitors of films and games of the requirements of this Act with regard to the distribution or exhibition of films and games; and certain publications.
- 5.3. Compliance Officers may enter any premises, with the consent of the person in charge of such premises, on or in which the business of the sale, hire or exhibition of films or games is being conducted. Upon entry of any premises the compliance officer may request the production of a certificate of registration as a distributor or exhibitor of films or games issued by the Board and, where relevant, a license to conduct the business on adult premises issued by a licensing authority contemplated in section 24 of the FP Act.

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## **6. THE FILMS AND PUBLICATIONS REGULATIONS, 2014**

### **6.1. Registration as distributor or exhibitor**

6.1.1. An application for registration as a distributor or exhibitor of films or games in terms of section 18(1)(a) of the Act shall be made on Form BOARD/E attached as Annexure "A" or submitted through the BOS system to the Board.

6.1.2. An application contemplated in sub regulation 6.1 shall be accompanied by the following documents:

6.1.3. Proof of payment of the prescribed fee;

6.1.4. an original valid tax clearance certificate issued by the South African Revenue Service; and

6.1.5. proof of registration of the business of the distributor or exhibitor in terms of the applicable legislation.

6.2. In the event that the application contemplated in sub regulation 6.1. is made by an applicant who is not a resident of the Republic of South Africa, the application shall be accompanied by the following documents:

6.2.1. Proof of payment of the prescribed fee;

6.2.2. an original valid tax clearance certificate issued by the relevant tax and revenue service authority that has jurisdiction in the country in which the applicant resides; and

6.2.3. the registration number of the business in terms of the laws of the country in which the business is registered.

### **6.3. The Board may issue to a distributor or exhibitor**

6.3.1. a registration certificate, valid for a period of one year from the date of issue thereof; or

6.3.2. a temporary registration certificate, valid for a period of not more than three months from the date of issue thereof, and

6.3.3. may, in issuing such certificates referred to in 6.4.1 and 6.4.2,

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Film and Publication Board

impose any conditions it considers necessary for the better achievement of the objects and purposes of the Act.

6.4. In the event that the application contemplated in sub regulation 6.1 is made by an applicant who is a broadcaster contemplated in section 18(6) of the Act and who is licensed and authorised by ICASA to broadcast films classified as "X18", the application shall be accompanied by:

6.4.1. a certified copy of the original license and authorisation, issued by ICASA to broadcast films classified as "X18" and containing any conditions imposed;

6.4.2. proof of payment of the prescribed fee;

6.5.3. an original valid tax clearance certificate issued by the South African Revenue Service; and

6.5.4. a detailed statement on the measures put in place by the applicant to ensure that children below the age of 18 years are not exposed and are protected from exposure and access to films classified as "X18".

#### **7. Renewal of registration certificate as distributor or exhibitor**

7.1. An application for the renewal of a registration certificate as distributor or exhibitor, including as an online distributor, shall be

7.1.1. made on Form BOARD/E, attached as Annexure "A", or submitted through the BOS system to the Board; and

7.1.2. accompanied by the supporting documents

(i) set out in regulation 6.2, in the case of a distributor or exhibitor who is a resident of the Republic of South Africa; or

(ii) set out in regulation 6.3, in the case of a distributor or exhibitor who is not a resident of the Republic of South Africa; and before the date of expiry or, in the case of a

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registration certificate contemplated in regulation 6.4.2, within 30 days from the date of expiry of the registration certificate.

- 7.2. If an application for the renewal of a registration certificate as distributor or exhibitor is not made within 30 days from the date of expiry of that registration certificate, such distributor or exhibitor shall cease to be registered as a distributor or exhibitor of films or games.

#### **8. Display of registration certificate**

Unless otherwise permitted by the Board, a registration certificate as a distributor or exhibitor must be displayed conspicuously inside all premises at which the distribution or exhibition of films and games occurs and in any other registered business of the distributor or exhibitor.

#### **9. ABBREVIATIONS/ ACRONYMS**

<b>FPB</b>	Film and Publication Board
<b>FP ACT</b>	Films and Publications Act
<b>SARS</b>	South African Revenue Services
<b>CIPC</b>	Companies and Intellectual Property Commission
<b>FVS</b>	Family Video Stores
<b>ISP</b>	Internet Service Provider

#### **10. DEFINITIONS**

- "adult premises"** means the premises on which business is conducted, which has been duly licensed by a licensing authority and exempted by the Board to distribute films classified as "X18";
- "distributor"** in relation to a film, means a person who conducts business in the selling, hiring out or exhibition of films;
- "exhibitor"** in relation to a film, means a person who conducts exhibition or screening of films to the public in cinemas, theatres and other public places;

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**"license"** means a provisional, temporary or permanent license issued by the Film and Publication Board to:

- a). Distribute film games and certain publications;
- b). Exhibit films; and
- c). Allow public access and use of the internet
- d). distribute certain films and publications contemplated in section 24 at adult premises.

**"game"** means a computer game, video game or other interactive computer software for interactive game playing.

#### **11. PROCEDURES TO FOLLOW WHEN SUBMITTING APPLICATIONS**

All applications to be sent through to FPB head office via any of the channels as stated below:

a). E-mail: [clientsupport@fpb.org.za](mailto:clientsupport@fpb.org.za)

b). Fax: 0866459277

c). Postal

Address:

Film and Publication Board Private Bag X31

Highveld Park,

0169

d). Hand delivery

##### **Head Office:**

Film and Publication Board

ECO Glade 2, 420 Witch Hazel Street,

ECO Park,

Centurion,

0169

##### **Cape Town Regional Office:**

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30<sup>th</sup> Long Street  
Cape Town  
8001

**Durban Regional Office:**

14-36 Silver Oaks  
Silverton Road  
Musgrave  
4001

**12. REGISTRATIONS - MANUAL PROCEDURE**

**12.1. APPLICATION FOR NEW REGISTRATION**

12.1.1. The applicant fills in the relevant application form as prescribed in the FP regulations.

12.1.2. The form should be filled in clearly and fully. If hand written, the handwriting should be legible.

12.1.3. Make payment of the prescribed fee at any ABSA bank using the banking details provided below:

Account: FPB t/a State expenditure

Bank: ABSA

Branch: Adderley Street Cape Town

Account number: 4050451190 / 4075893541

Branch code: 632005

12.1.4 Reflect the name of the business as reference on the deposit slip

12.2. attach the required documents as reflected in the regulations, below is the list:

12.2.1. proof of payment (deposit slip/ or copy of EFT transaction)

12.2.2. clearance certificate as issued by SARS

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12.2.3.business registration certificates as issued by CIPC

### 13. APPLICATION FOR ANNUAL RENEWAL OF LICENSE

- 13.1. Fill in the application form as prescribed in the FP regulations
- 13.2. The contact details: business address, postal address, email address, cell/ telephone reflected on the form should all be valid.
- 13.3. Make payment of the prescribed fee at any ABSA bank using the banking details provided.
- 13.4. Reflect the name of the business as reference on the deposit slip). attach the required documents as reflected in the regulations, below is the list:
  - 13.4.1. proof of payment (deposit slip/ or copy of eft transaction)
  - 13.4.2. tax clearance certificate as issued by SARS
  - 13.4.3. business registration certificates as issued by CIPC

### 14. APPLICATION AS AN ONLINE CONTENT DISTRIBUTOR

An Online Content Distributor is a distributor that distributes media content online as opposed to the physical distribution of media.

- 14.1. Once identified, these online distributors either sign a distribution agreement with FPB or register in the normal procedure.
- 14.2. If they sign the agreement and pay the prescribed fee, the contract is used for registration. No additional documentation is required.
- 14.3. The Distribution Agreement contains all the necessary information for registration as an Online Content Distributor.
- 14.4. Currently the agreements are valid for one year, renewable after paying the annual prescribed fee as stipulated in the contract.
- 14.5. The Online Distribution Agreement exempts these distributors from submitting titles for classification, but their classifiers are trained using the FPB Classification Guidelines to independently classify own content.
- 14.6. Their platform is assessed to ensure that the content distributed complies with the FPB regulations and classification guidelines.
- 14.7. The distributor will be submitting on a monthly basis titles of distributed content to FPB

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(Online Monitors will do audit for compliance)

- 14.8. The agreement has a compulsory classification training clause to the distributor's classification team.
- 14.9. If they do not sign an agreement, they need to produce the required documents as per the normal procedure as stated in this policy.
- 14.10. The normal distribution process will still require distributors to submit titles for pre-distribution classification.

## **15. APPLICATION FOR CHANGE OF BUSINESS DETAILS**

The applicant shall:

- 15.1. Fill in the application form as prescribed in the FP regulations
- 15.2. Make payment of the prescribed fee at any ABSA bank using the banking details provided
- 15.3. Reflect the name of the business as reference on the deposit slip
- 15.4. attach the required documents as reflected in the regulations
  - proof of payment (deposit slip / or copy of electric funds transfer)
  - tax clearance certificate as issued by SARS
  - business registration certificates as issued by CIPC

## **16. APPLICATION FOR CHANGE OF BUSINESS OWNERSHIP**

The applicant shall:

- 16.1. Fill in the application form as prescribed in the FP regulations
- 16.2. Make payment of the prescribed fee at any ABSA bank using the banking details provided
- 16.3. Reflect the name of the business as reference on the deposit slip
- 16.4. Attach the required documents as reflected in the regulations
  - proof of payment (deposit slip / or copy of EFT transaction)
  - tax clearance certificate as issued by SARS
  - business registration certificates as issued by CIPC

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## **17. APPLICATION FOR COPY OF CERTIFICATE**

The applicant shall:

- 17.1. Fill in the application form as prescribed in the FP regulations
- 17.2. Make payment of the prescribed fee at any ABSA bank using the banking details provided
- 17.3. Reflect the name of the business as reference on the deposit slip
- 17.4. attach the required documents as reflected in the regulations below is the list:
  - proof of payment (deposit slip/ or copy of electronic funds transaction)
  - tax clearance certificate as issued by SARS
  - business registration certificates as issued by CIPC

## **18. AUTOMATED PROCESSING ON THE FPB-ONLINE SYSTEM**

- 18.1. The FPB Online system is a web-based system that requires internet connection. It enables the applicant to access self-service processing of own application for registration/ or renewal licenses;
- 18.2. Once application is approved by the FPB, the applicant is able to receive their certificate online within hours.
- 18.3. Applicants may use the system to apply for:
  - 18.3.1. New registration as exhibitor or distributor of films
  - 18.3.2. Annual renewal of registration license
  - 18.3.3. Change of business details
  - 18.3.4. Change of business ownership
  - 18.3.5. Copy of registration certificate

## **19. HOW TO ACCESS THE FPB ONLINE SYSTEM**

- 19.1. The applicant may log on to the FPB corporate website: [www.fpb.org.za](http://www.fpb.org.za) and click on the heading FPB ONLINE

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- 19.2. Or enter the URL: <http://apps.fpb.org.za/fpbonlineV3/views/Default.aspx>
- 19.3. Once you access the site, place the cursor on “**advice**” there should a menu drop down, click “**user manual**” on the menu
- 19.4. Follow the steps as instructed in the user manual until the end.

## **20. CONDITIONS FOR APPROVAL OF APPLICATIONS**

- 20.1. The FPB shall approve applications that comply with the conditions as stipulated in this policy.
- 20.2. The FPB shall communicate in writing acknowledgement of the application and approval thereof.
- 20.3. The FPB shall process all approved applications with the turnaround times as determined in the customer service delivery standards.

## **21. CONDITIONS FOR REJECTION OF APPLICATIONS**

- 21.1. The FPB reserves the right to reject applications which do not comply with all or any one of the below conditions:
- 21.2. Applications forms with incomplete or invalid distributor contact details
- 21.3. Applications submitted missing all or some of the required supporting documents
- 21.4. Applications without proof of payment of the applicable fee
- 21.5. Applications with invalid (expired) tax clearance certificates or invalid company registration documents
- 21.6. Applications for adult premises that do not have proof of the required license (2H license) as issued by the local licensing authority
- 21.7. Proof of payments that does not reflect a reference (a reference is the business trading name;
- 21.8. The FPB shall communicate in writing upon acknowledgement of the application;
- 21.9. The FPB shall state in writing the reasons for rejection of application.

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21.10. The FPB shall give the distributor thirty (30) working days' grace period to update application or to send any outstanding information, documents or payment of the required tariff fee.

21.11. When the applicant responds with submission of the outstanding information or outstanding documents, the FPB shall acknowledge receipt and confirm compliance in writing.

21.12. If outstanding information/ documents are not received at the expiry of the 30 days grace period, the application shall be formally rejected and removed from the processing desk, and the applicant shall be informed in writing.

21.13. In a case where payment of the applicable tariff has been made to the FPB for a rejected application, the FPB shall request the applicant to provide below information where refund may be deposited:

21.13.1. Applicants name and surname;

21.13.2. The bank name, the branch and account number;

21.13.3. A refund of the full tariff fee paid to the FPB shall be made into the bank account provided within sixty (60) working days from the date of receipt of banking details as stipulated in 18.13.3.

## **22. HOW TO PROCESS CHANGED DETAILS FOR LICENSED DISTRIBUTORS**

22.1. The distributor/ exhibitor shall inform the FPB any changes to their details on the records of the FPB;

22.2. The changes shall be communicated in writing and within thirty (30) working days

22.3. The change of details form should be attached to the communication and the proof of payment of the applicable change of details tariff fee must be attached.

## **23. THE FPB's SERVICE DELIVERY TURNAROUND TIMES**

23.1. The FPB's turnaround time for issuing a registration/ renewals license is eight (8) working days from date of receipt and acknowledgement.

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#### **24. DISPATCH OF CERTIFICATES**

24.1. The FPB shall use the following dispatch channels to deliver certificates to applicants:

24.1.1. Scanned copies via E-mail / or Fax – to the e-mail addresses of fax numbers provided by the applicant;

24.1.2. Original certificates (hard copies) shall be posted to the postal address or physical property address provided by the applicant;

24.1.3. Hand deliver to person/s designated by the applicant to collect from the FPB premises;

24.1.4. The FPB shall not be held responsible for the loss or the cost of certificates that do not get delivered due to incorrectly captured contact details that have been provided by the applicant.

#### **25. STORAGE OF APPLICANT'S DOCUMENTS DATA**

25.1. The FPB's document management policy governs the safe storage of applicants' information and data;

25.2. The FPB shall file and store applicant's documents for a period as determined by the FPB's document management policy.

25.3. Each applicant's data and information shall be subjected to annual data update in line with the FPB annual license renewals process.

#### **26. NON-COMPLIANCE WITH THE POLICY**

Non-compliance with this Registrations Policy or any applicable regulatory requirements through any deliberate or negligent act or omission, shall be considered serious and will be dealt with in terms of the FPBs policies and procedures.

#### **27. POLICY EFFECTIVE DATE**

This policy comes into effect on the date of Council approval and when approval of this policy is communicated to all stakeholders both internal and external.

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**28. POLICY MANAGEMENT AND REVIEW**

This Policy shall be managed and reviewed in accordance with the FPB's Policy Management Framework and Policy Management Standard Operating Procedure. The Registrations policy shall be reviewed every two years or as when there are any changes to the FP Act and Regulations.

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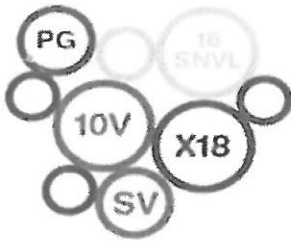
Film and Publication Board

Annexure A

BOARD/E

FILM AND PUBLICATION BOARD  
420 WITCH HAZEL, ECO GLADE 2, ECO PARK  
CENTURION 0169  
PRIVATE BAG X 31, HIGHVELD 0169  
E-MAIL: [clientsupport@fpb.org.za](mailto:clientsupport@fpb.org.za)  
Website: [www.fpb.org.za](http://www.fpb.org.za)

Application for an FPB license	
The Board may refuse to process your submission if this form is not completed in all details Section 18(1) (a) and/ Section 27A (1) of the Films and Publications Act 65 of 1996, as amended	
TYPE OF LICENSE: (Please tick applicable)	
New Applicant (mainstream)	<input type="checkbox"/>
New Applicant (Adult)	<input type="checkbox"/> NB: Must have a 2H license issued by the municipality
Renewal	<input type="checkbox"/> Please provide registration number FPB8/.....
Internet Service Provider	<input type="checkbox"/>
Online content distributor	<input type="checkbox"/>
Applicant/Owner.....	
Identity Number .....	
CONTACT DETAILS	
Postal Address (Where license will be posted).....	
.....Postal Code (Compulsory).....	
Tel..... Fax..... e-mail.....	
Cell.....	
Contact Person .....	
BUSINESS INFORMATION	
Business Name (if different to applicant name).....	
Address (Physical Address where business is carried out) .....	
..... Province .....	
Tax Ref. No.....	
Nature of Business (tick appropriate)	Exhibitor of films <input type="checkbox"/>
	Distributor of films <input type="checkbox"/>

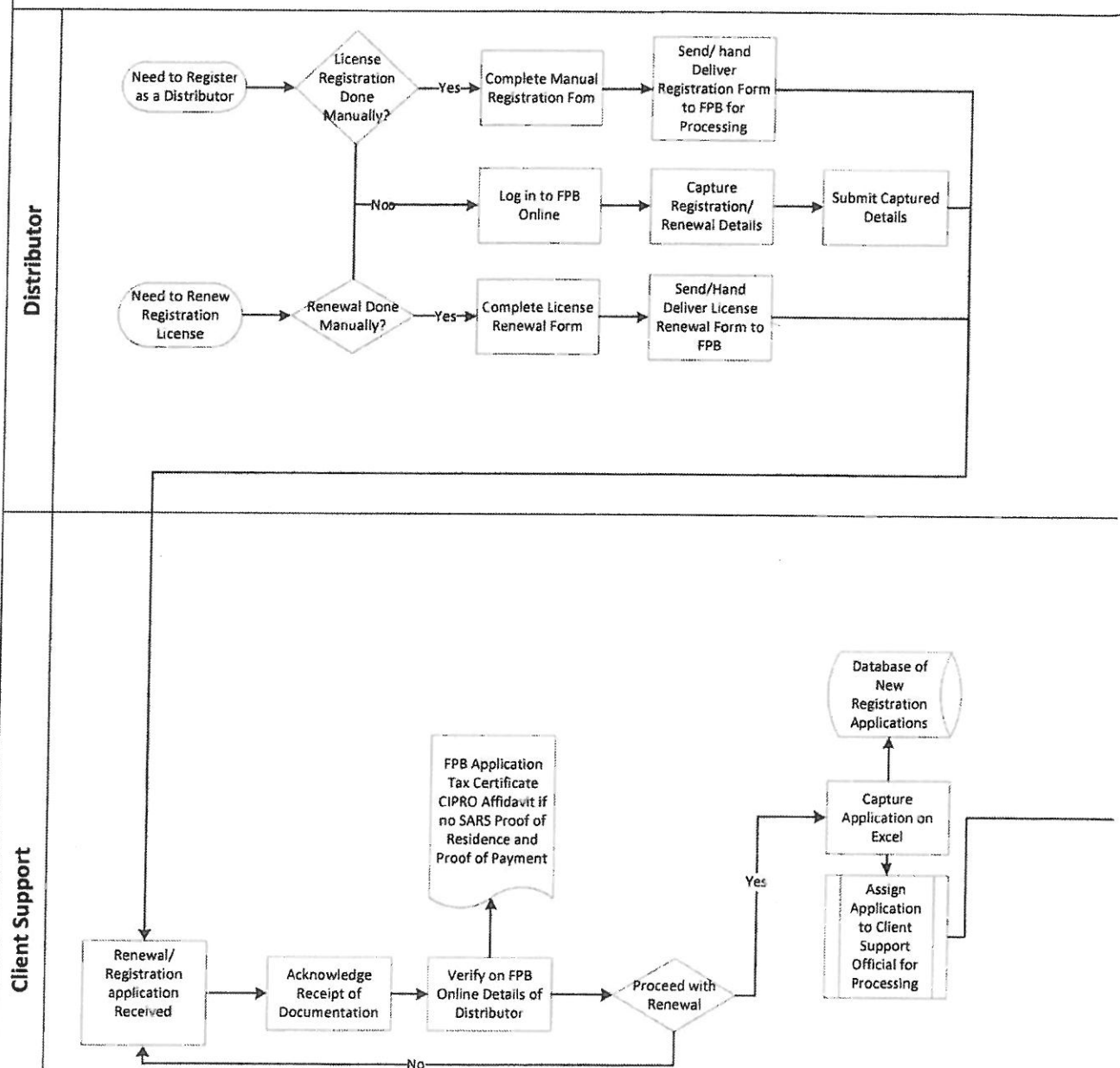


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Email: [clientsupport@fpb.org.za](mailto:clientsupport@fpb.org.za) Website: [www.fpb.org.za](http://www.fpb.org.za)



## Registration and Renewal Level 4 Process



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