

SPECIAL ISSUE

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REPUBLIC OF KENYA

**WAJIR COUNTY GAZETTE
SUPPLEMENT**

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**THE WAJIR COUNTY CONTROL OF VIDEO SHOWS,
PORNOGRAPHY AND POSTERS ACT, 2016**

No. 4 of 2016

Date of Assent: 28th May, 2016

Date of Commencement: 30th June, 2016

AN ACT of the County Assembly of Wajir to give effect to the fourth schedule of the constitution to control and regulate video shows, pornography and posters.

ENACTED by the County Assembly of Wajir as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the control of video shows, pornography and posters Act, 2016.

2. In this Act—

Interpretation

“cinema” means any exhibition of film in a public place.

“cinema” includes—

- (a) commercial and non-commercial video shows;
- (b) or films shown through projector or any other machine;

“pornographic material” any pornographic material including vision, audience and text materials.

“posters” display of pictures or written text in a public place.

“department” means the county department responsible for matters relating to video shows, pornography and posters.

Objectives

3. The objective of this Act is to provide for the control of—

- (a) cinema and video dens;
- (b) pornographic material;
- (c) posters whether pictures or texts.

Alignment of Film and Stage Act, 1998

4. The provisions of this Act shall be in addition to other requirements imposed by Film and Stage Act, 1998 or any other written law.

**PART II—PROVISIONS RELATING TO ADMINISTRATION
AND IMPLEMENTATION**

Administration of the Act

5. (1) This Act shall be administered by the Department of culture, Wajir county Government. The department shall classify all the films before showing it to the public.

(2) No film (including those sponsored by external companies like DSTV or class of film shall be distributed, exhibited or broadcast either publically or privately, unless the department has examined it and issued a certificate of approval in respect thereof: provided that this subsection shall not apply in respect of—

- (a) education documentaries which are approved by the Kenya Institute of Education; or
- (b) films restricted for use in the medical profession;
- (c) films on religious teachings.

Certificate to Film exhibition

6. No person shall exhibit any film at an exhibition to which the public are admitted or distribute such film unless he/she is registered as an exhibitor or distributor by the department and issued with a certificate.

Permission to exhibit film

7. No permission to exhibit any film in Wajir County without getting no-objection letter from Town or Village administrators.

Venue for exhibition

8. The exhibition can only be done in a well-ventilated brick-constructed-wall (with area of 50 x 100 ft) that has enough toilets, proper sitting chairs and fire extinguisher. The venue must be inspected by public health officer. The venue for men must be separated from venue for women. It should be one kilometer away from hospital or school centre. No exhibition can be done in a residential area.

Hours of exhibition

9. The exhibition can only be done from 5 p.m.-8.00 p.m. in week days only. Over the weekend exhibition can be done from 2:00 p.m.-8 p.m. only. This includes ball games or any other screened shows which might waste children's time.

Pornographic material cannot be exhibited in whatsoever

10. Exception to this rule is pornographic film that will not be exhibited in any circumstances.

Pornographic material should not be shown by internet service providers

11. Internet Service Providers shall close pornographic websites in the internet in Wajir County.

Audience

12. Films prohibited to children shall be confined to adults only.

PART III—PROVISION FOR HIRING VIDEO CASSETTES

Operation video libraries

13. (1) No video library shall operate without license from the department of culture.

(2) No video library shall be opened unless permitted by Town administrators (in the case of Town centers) or Village administrators (in the case of Villages).

PART IV—PROVISIONS FOR POSTERS

No posters can be displayed unless sanctioned by the Department

14. All posters shall be sanctioned by the department before it is displayed to the public place. Exceptions to this rules are posters related to safety of persons and health education. Other posters deemed appropriate by the Department must be taxed or lived.

**PART V—PROVISIONS FOR CONFISCATING UN
AUTHORIZED FILM**

Confiscation of unauthorized film

15. (1) A police officer of or above the rank of inspector, or any person authorized by the department in writing in that behalf, may, if he has reasonable cause to believe that an exhibition of a film is being or is about to be made or given on any premises, demand that the person in-charge of those premises shall allow him free ingress thereto and afford him all reasonable facilities to ascertain whether such an exhibition is being or is about to be made or given and whether the provisions of this Act and of the regulations there under , and the terms and conditions of any certificate of approval, approval or permission issued or given thereunder, are being, or will be, observed.

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(2) If the officer or person, after production of his authority to any person reasonably requiring it, is unable to obtain ingress without unreasonable delay, he may without warrant enter the premises and inspect them to ascertain the matters referred to in subsection (1).

(3) Where the officer or person as aforesaid is satisfied that an exhibition is being made or given in contravention of any of the provisions of this Act or of any regulations thereunder, or the terms and conditions of any certificate of approval, approval or permission issued or given thereunder, he may order that the exhibition shall stop and shall not be further made or given until all the provisions, terms and conditions are complied with.

(4) Where an exhibition to which the public are admitted is being made or given, any such officer or person as aforesaid may, after production of his authority to any person reasonably requiring the same, demand to see the certificate of approval of the film, and unless and until the certificate or license is produced for inspection he may, for the purposes of subsection (3), act as though no certificate or license had been issued.

(5) Any person who prevents or obstructs a police officer or other person acting under this section in the discharge of his duties thereunder, or who fails to comply with an order given by him under subsection (3), shall be guilty of an offence.

PART VI—PROVISION FOR THE PENALTIES OF THOSE WHO BREACH THE ACT

Penalties for breaches of the Act

16. (1) For those contravening the Act shall be jailed for a period not less than one year or fine of not less than Kenyan Shillings 100,000 or both.

(2) Jail term for those found in possession of pornographic material shall not be less than five years or fine of not less than Kenyan Shillings 200,000 or both.

(3) Jail term for those found displaying posters without the permission of the authority concerned shall be a period not exceeding six months or a fine not exceeding KSh. 10,000 or both.