

# **Films (Presidential Election Campaign Recordings — Exemption) Notification 2011**

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**No. S 445**

**FILMS ACT  
(CHAPTER 107)**

**FILMS  
(PRESIDENTIAL ELECTION CAMPAIGN  
RECORDINGS — EXEMPTION)**

## NOTIFICATION 2011

In exercise of the powers conferred by section 40(2) of the Films Act, the Minister for Information, Communications and the Arts hereby makes the following Notification:

### Citation and commencement

1. This Notification may be cited as the Films (Presidential Election Campaign Recordings — Exemption) Notification 2011 and shall come into operation on 2nd August 2011.

### Definitions

2. In this Notification, unless the context otherwise requires —

“candidate”, “election” and “election agent” shall have the same respective meanings as in the Presidential Elections Act (Cap. 240A);

“distribute”, in relation to an election campaign recording, means the supply by electronic transmission (whether or not it is made in response to a request) of the contents of the election campaign recording —

(a) by electronic mail; or

(b) by micro-blog, an MMS or SMS service or an electronic media application or a social networking service,

and “distribution” shall be construed accordingly;

“election activity” means any activity —

(a) that takes place within any election period; and

(b) that is for the purpose of promoting or procuring the electoral success of one or more candidates at any election or otherwise enhancing the standing of any such candidates with the electorate in connection with any election;

“election campaign recording” means any film made on or after 2nd August 2011, whether or not made by or on behalf of a candidate —

(a) that records live the whole or a material proportion of any performance, assembly of persons or procession —

(i) which is held in accordance with the law;

(ii) which is held in connection with any election activity; and

(iii) which does not depict any event, person or situation in a dramatic way; and

(b) that consists of, or includes, the sounds and images of that performance, assembly or procession, without any additions, omissions, substitutions or other modifications,

but does not include any film that is wholly or substantially based on an unscripted or “reality”-type programme;

“election period”, in relation to an election, means the period —

(a) beginning with the date a writ of election is issued for an election under the Presidential Elections Act; and

(b) ending with the start of the eve of polling day of that election;

“electronic media application” includes —

(a) any banner, logo or small icon that is capable of being posted on any social networking service, micro-blog, website or other form of electronic media; or

(b) any other software or programme used in connection with a computer or other electronic device and which may be used for communicating or transmitting advertising among users in any format, such as but not limited to digital banners, RSS feed readers, widgets, mobile applications and other instant messaging software or programmes;

“exhibit”, in relation to an election campaign recording, means making the election campaign recording available on the Internet, but does not include —

(a) distributing an election campaign recording; or

(b) projecting or screening an election campaign recording at any public place within the meaning of the Public Order Act 2009 (Act 15 of 2009),

and “exhibition” shall be construed accordingly;

“micro-blog” means a web service that allows a user to post and send a short text message (ordinarily not exceeding 140 characters) that can be viewed by a selected group of persons or by anyone who uses the web service;

“MMS service” means a system that enables the transmission of visual communication, voice communication or electronic mail from a digital mobile telephone —