



BILL NO. 61

Private Member's Bill

*1st Session, 59th General Assembly
Nova Scotia
53 Elizabeth II, 2004*

An Act to Amend Chapter 466 of the Revised Statutes, 1989, the Theatres and Amusements Act

CHAPTER 17
ACTS OF 2004

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 20, 2004**

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*Halifax, Nova Scotia
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**An Act to Amend Chapter 466
of the Revised Statutes, 1989,
the Theatres and Amusements Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 466 of the Revised Statutes, 1989, as amended by Chapter 28 of the Acts of 2000, is amended by

(a) adding immediately after clause (ca) the following clause:

(cb) “Entertainment Software Rating Board” means the Entertainment Software Rating Board established by the Entertainment Software Association in the United States of America;

(b) striking out “or any substitute therefor” in the third line of clause (d) and substituting “a DVD-video, a video game and any other medium specified in the regulations from which moving visual images may be produced”;

**(c) striking out the period at the end of clause (j) and substituting a semicolon;
and**

(d) adding immediately after clause (j) the following clauses:

(k) “video game” means an object or device that

(i) stores recorded data or instructions,

(ii) receives data or instructions generated by a person who uses it, and

(iii) by processing the data or instructions, creates an interactive game capable of being played, viewed or experienced on or through a computer, gaming system, console or other technology,

but does not include a class of games prescribed by the regulations;

(l) “video-game outlet” means a retail establishment that sells, leases, rents, exchanges, distributes or otherwise makes available for use video games to the public for consideration and includes a place of amusement that makes a video game available for use.

2 Subsection 4(1) of Chapter 466, as amended by Chapter 28 of the Acts of 2000, is amended by

(a) adding immediately after clause (c) the following clause:

(ca) prescribing a classification scheme for films, including

(i) establishing different classifications for different classes of films,

(ii) adopting, by reference, a classification scheme established by another person or body, subject to any changes the Governor in Council considers appropriate,

(iii) establishing criteria for film classification;

and

(b) adding immediately after clause (k) the following clauses:

(ka) prescribing classes of video games to which Section 6A does not apply;

(kb) respecting the manner in which video games are to be marked with any classifications given to them;

(kc) respecting the displaying, selling, leasing, renting, exchanging or distribution of video games or other manners of making video games available for use;

(kd) establishing, adopting or otherwise providing for classification or systems of classification of video games in addition to or in place of classifications given by the Entertainment Software Rating Board;

(ke) respecting restrictions on the age of persons to whom a video-game outlet may sell, lease, rent, exchange, distribute or otherwise make video games of certain classifications available;

(kf) respecting restrictions on video games at places of amusement including restrictions on the age of persons permitted to play video games;

3 Clause 5(3)(a) of Chapter 466 is struck out and the following clauses substituted:

(a) classify a film by

(i) viewing the film and establishing a classification for it,

(ii) reviewing documentation or other information describing the content of the film and establishing a classification for it,

(iii) adopting a classification established by another person or body for the film;

(aa) If the Board has adopted a classification for a film established by another person or body, review that classification at any time and either

(i) confirm the classification, or

(ii) rescind the classification and classify the film in accordance with the regulations;

4 Chapter 466 is amended by adding immediately after Section 6 the following Section:

6A (1) Except as provided by the regulations, a video-game outlet shall ensure that each of its video games, and any container in which a video game is displayed, sold, leased, rented, exchanged, distributed or made available, is marked with the classification given to the video game by the Entertainment Software Rating Board or with such other classification as is established, adopted or otherwise provided for under the regulations.

(2) Except as provided by the regulations, no video-game outlet shall sell, lease, rent, exchange, distribute or otherwise make available any video game unless the video game

(a) has been classified by the Entertainment Software Rating Board or given such other classification as is established, adopted or otherwise provided for under the regulations; and

(b) the video game is marked in accordance with subsection (1).

(3) No video-game outlet or employee or agent of a video-game outlet shall sell, lease, rent, exchange, distribute or otherwise make available any video game to any person to whom the video-game outlet is restricted by the regulations from selling, leasing, renting, exchanging, distributing or otherwise making available such video.

5 This Act comes into force one hundred and eighty days after this Act receives Royal Assent or on such earlier day as the Governor in Council orders and declares by proclamation.
