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**PRESS STATEMENT BY THE KENYA FILM CLASSIFICATION BOARD'S AG. CHIEF EXECUTIVE OFFICER, MR. CHRISTOPHER WAMBUA, ON REDEFINING THE ROLE OF FILM AGENTS IN KENYA HELD ON TUESDAY 23<sup>RD</sup> AUGUST 2022 AT 10:00 AM, AT THE BOARD'S UCHUMI HOUSE OFFICES, NAIROBI.**

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*Members of the Press,*

*Colleagues,*

*Ladies and Gentlemen,*

*Good morning!*

Kenya Film Classification Board (KFCB) is a state agency established under the *Films and Stage Plays Act, Cap 222*, of the Laws of Kenya to regulate the creation, broadcasting, possession, distribution and exhibition of film and broadcast content. Regulation is geared towards ensuring that content conforms to Kenya's culture, national aspirations and to protect children from exposure to harmful/adult content.

In execution of its core regulatory mandate, the Board, among others, grants Filming Licences to both local and international filmmakers and registers Film Agents who are responsible for facilitating other film and TV producers.

*Ladies and Gentlemen,*

Section 4 (1) of the *Films and Stage Plays Act* states that: No film shall be made within Kenya for public exhibition or sale either within or outside Kenya except under and in accordance with the terms and conditions of a filming licence issued by the licensing officer under this Part.

In order to obtain filming licences, filmmakers are presently required to register as a Local Film Agent or to seek the services of a registered Local Film Agent.

It is important to note here that this requirement was inherited from the Department of Film Services, which was initially responsible for issuing filming licences before this regulatory function was transferred to the KFCB in 2018.

Although Film Agents are recognized as important players in the film sector globally, their role, in most jurisdictions, is typically confined to facilitating foreign film and television producers.

The obtaining situation in Kenya, where local film makers are required to either register as Film Agents or to seek the services of a registered local film agent is therefore in contrast with global best practice.

### ***Ladies and Gentlemen,***

It is small wonder that the Board has in recent times received numerous representations from local filmmakers recommending the abolition of the prerequisite for local filmmakers to register as Film Agents or be facilitated by Film Agents when obtaining filming licences to enable them to comply with the filming requirements. These proposals are informed by best practices in other film markets, especially in Africa and the provisions of the draft Kenya Film Policy 2020 which provides for restricting the role of Film Agents to the facilitation of foreign filmmakers.

In light of the above, it is evident that the current practice of obtaining licences through Film Agents, among other factors, inhibits market entry for aspiring creatives and may therefore ultimately stifle the growth of the local creative sector.

To create an enabling environment for our youth to harness the opportunities in the local creative economy, the KFCB has resolved to redefine the role of Film Agents in Kenya with a view to confining the agents to providing international standard services to foreign film and television producers.



In this regard, the Board has **today, 23<sup>rd</sup> August 2022**, published a Public Notice in *MyGov* publication on Redefining the Role of Film Agents. The said notice is meant to sensitise the industry on the proposed changes and to invite stakeholders and members of the public to submit their inputs and comments. The public consultation documents have been uploaded on the KFCB website for reference.

This public consultation exercise will close on **13<sup>th</sup> September 2022**.

Should this proposal be adopted by industry and other stakeholders, effective **1<sup>st</sup> October 2022**, Film Agents will concentrate solely on providing logistical support to foreign film and television producers.

At the same time, local filmmakers will be obtaining filming licenses directly from KFCB without going through an Agent, subject to meeting certain requirements, including registration or incorporation of their businesses.

It is our expectation that the reconfiguration of the licence scope for Film Agents will remove barriers to entry for aspiring local filmmakers and thus create a facilitative environment for the sector to thrive in the aftermath of the debilitating effects of the COVID-19 pandemic.

*Ladies and Gentlemen,*

KFCB remains fully committed to improving the regulatory environment in the film sector to spur the continued growth of the local creative economy. In this regard, the Board is in the final stages of developing a Co-Regulation Framework for broadcast and online video streaming services.

The Framework, which has already been subjected to public consultation, seeks to involve broadcasters and online streaming platforms in the examination and rating of audio-visual content meant to be broadcast, distributed and exhibited on their platforms.

Under the proposed Framework, broadcasters and Online Video streaming platforms will examine and rate 70 percent of the content meant to run on their respective platforms using KFCB's Film Classification Guidelines.

Prior to the implementation of the proposed Framework, broadcasters and online streaming platforms will first be trained on the local classification guidelines.

Currently, broadcasters, distributors and exhibitors are required to submit 100% of the content for classification prior to airing or exhibition.

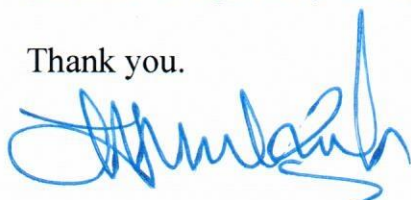
The framework is also meant to facilitate industry players to comply with statutory and regulatory requirements.

To usher new talent into the digital creative space, the Board, in collaboration with other partners, is facilitating the training of aspiring young female creatives in digital content creation. The program also seeks to empower vulnerable women with digital skills in an effort to enhance their livelihoods. These are among a myriad of initiatives the Board is undertaking to spur the growth of the local creative industry.

As I conclude, I call upon local creatives and other stakeholders to peruse the documents on the current public consultation and submit their inputs before the set deadline of 13<sup>th</sup> September 2022.

In doing so, they will have played their role in assisting the Board to create a facilitative regulatory environment for the creative industry in Kenya.

Thank you.



**Christopher Wambua**  
**Ag. CHIEF EXECUTIVE OFFICER**