

*These notes refer to the Video Recordings Act 2010  
(c.1) which received Royal Assent on 21st January 2010*

# VIDEO RECORDINGS ACT 2010

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## EXPLANATORY NOTES

### BACKGROUND AND SUMMARY

3. The purpose of the Act is to secure the enforceability of provisions of the [Video Recordings Act 1984 \(c.39\)](#) (“the 1984 Act”). Certain provisions of the 1984 Act should have been notified in draft to the European Commission before that Act was passed in 1984 in accordance with Council Directive [83/189/EEC](#)<sup>1</sup> of 28 March 1983 (“the Technical Standards Directive”). Failure to notify provisions in accordance with the Technical Standards Directive has the effect that the provisions are not enforceable against individuals<sup>2</sup>.
4. The Technical Standards Directive requires that, where a member state wishes to impose a technical regulation, for example by making legislation relating to compulsory requirements as to the size, packaging or labelling of a product, it must send a draft of the regulation to the European Commission and other member states and, except in urgent cases, wait for a period of three months before adopting the regulation. The purpose of this is to enable the European Commission and other member states to comment on the draft technical requirements if they are concerned that the requirements will act as a barrier to Community trade. Depending on the nature of any comments made by other member states or the European Commission, the waiting period of three months may be extended to a period of up to 18 months.
5. Sections 1 to 17, 19, 21 and 22 of the 1984 Act were notified to the European Commission on 10 September 2009. The three month waiting period required by the Technical Standards Directive expired on 11 December 2009. The Act provides for those provisions to cease to be in force and then immediately to come into force again.
6. Copies of the provisions of the 1984 Act notified to the European Commission under the Technical Standards Directive may be obtained from the DCMS website -[http://www.culture.gov.uk/reference\\_library/publications/6517.aspx](http://www.culture.gov.uk/reference_library/publications/6517.aspx)
7. The Schedule to the Act contains transitional provisions that are intended to secure that, apart from making the provisions of the 1984 Act enforceable, the repeal and revival of the provisions does not change their effect or the effect of other enactments, instruments or documents that refer to them.

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<sup>1</sup> As amended by Council Directive [88/182/EEC](#) of 22 March 1988 and by Directive [94/10/EEC](#) of the European Parliament and of the Council of 23 March 1994, codified by Directive [98/34/EC](#) of the European Parliament and of the Council of 22 June 1998, and amended by Directive [98/48/EC](#) of the European Parliament and of the Council of 20 July 1998.

<sup>2</sup> Paragraph 54, *CIA Security International SA v Signalson SA and Securital SPRL*, ECJ Case C-194/94.