



# Video Recordings Act 1984

## 1984 CHAPTER 39

### *Designated authority*

#### **4 Authority to determine suitability of video works for classification.**

- (1) The Secretary of State may by notice under this section designate any person as the authority responsible for making arrangements—
- (a) for determining for the purposes of this Act whether or not video works are suitable for classification certificates to be issued in respect of them, having special regard to the likelihood of video works in respect of which such certificates have been issued being viewed in the home,
  - (b) in the case of works which are determined in accordance with the arrangements to be so suitable—
    - [<sup>F1</sup>(ia) for assigning a unique title to each video work in respect of which a classification certificate is to be issued]
    - (i) for making such other determinations as are required for the issue of classification certificates, and
    - (ii) for issuing such certificates, and
  - (c) for maintaining a record of such determinations (whether determinations made in pursuance of arrangements made by that person or by any person previously designated under this section), <sup>F2</sup> . . .

[<sup>F3</sup>(1A) A title assigned to a video work under subsection (1)(b)(ia) above shall consist of—

- (a) the title under which the video work was determined to be suitable for the issue of a classification certificate; and
- (b) a registration number (which may contain letters and other symbols as well as figures).

(1B) The record maintained under subsection (1)(c) above shall include, in relation to each video work in respect of which a classification certificate has been issued, a video recording which—

- (a) contains the video work; and
- (b) shows, or shows on its spool, case or other thing on or in which the recording is kept—

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- (i) the title assigned to the video work under subsection (1)(b)(ia) above; and
  - (ii) the determination or determinations made in respect of the video work.]
- (2) The power to designate any person by notice under this section includes power—
- (a) to designate two or more persons jointly as the authority responsible for making those arrangements, and
  - (b) to provide that any person holding an office or employment specified in the notice is to be treated as designated while holding that office or employment.
- (3) The Secretary of State shall not make any designation under this section unless he is satisfied that adequate arrangements will be made for an appeal by any person against a determination that a video work submitted by him for the issue of a classification certificate—
- (a) is not suitable for a classification certificate to be issued in respect of it, or
  - (b) is not suitable for viewing by persons who have not attained a particular age, or against a determination that no video recording containing the work is to be supplied other than in a licensed sex shop.
- (4) The Secretary of State may at any time designate another person in place of any person designated under this section and, if he does so, may give directions as to the transfer of any record kept in pursuance of the arrangements referred to in subsection (1) above; and it shall be the duty of any person having control of any such record or any part of it to comply with the directions.
- (5) No fee shall be recoverable by the designated authority in connection with any determination falling within subsection (1)(a) or (b) above or the issue of any classification certificate unless the fee is payable in accordance with a tariff approved by the Secretary of State.
- (6) The Secretary of State may for the purposes of subsection (5) above approve a tariff providing for different fees for different classes of video works and for different circumstances.
- (7) Any notice under this section shall be published in the London, Edinburgh and Belfast Gazettes.
- (8) In this Act, references to the designated authority, in relation to any transaction, are references to the person or persons designated under this section at the time of that transaction.

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**Textual Amendments**

- F1** S. 4(1)(b)(ia) inserted (20.9.1993) by 1993 c. 24, ss. 1(1), 6(2).
  - F2** Words in s. 4(1)(c) omitted (20.9.1993) by virtue of 1993 c. 24, ss. 1(2), 6(2).
  - F3** S. 4(1A)(1B) inserted (20.9.1993) by 1993 c. 24, ss. 1(2), 6(2).
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**Modifications etc. (not altering text)**

- C1** S. 4 applied (1.11.1995) by S.I. 1995/2551, art. 9(1)

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**[<sup>F4</sup>4A Criteria for suitability to which special regard to be had.**

- (1) The designated authority shall, in making any determination as to the suitability of a video work, have special regard (among the other relevant factors) to any harm that may be caused to potential viewers or, through their behaviour, to society by the manner in which the work deals with—
  - (a) criminal behaviour;
  - (b) illegal drugs;
  - (c) violent behaviour or incidents;
  - (d) horrific behaviour or incidents; or
  - (e) human sexual activity.

- (2) For the purposes of this section—

“potential viewer” means any person (including a child or young person) who is likely to view the video work in question if a classification certificate or a classification certificate of a particular description were issued;

“suitability” means suitability for the issue of a classification certificate or suitability for the issue of a certificate of a particular description;

“violent behaviour” includes any act inflicting or likely to result in the infliction of injury;

and any behaviour or activity referred to in subsection (1)(a) to (e) above shall be taken to include behaviour or activity likely to stimulate or encourage it.]

**Textual Amendments**

**F4** Ss. 4A, 4B inserted (3.11.1994) by 1994 c. 33, ss. 90(1), 172(4)

**4B <sup>F5</sup> Review of determinations as to suitability.**

- (1) The Secretary of State may by order make provision enabling the designated authority to review any determination made by them, before the coming into force of section 4A of this Act, as to the suitability of a video work.
- (2) The order may in particular provide—
  - (a) for the authority’s power of review to be exercisable in relation to such determinations as the authority think fit;
  - (b) for the authority to determine, on any review, whether, if they were then determining the suitability of the video work to which the determination under review relates, they—
    - (i) would issue a classification certificate, or
    - (ii) would issue a different classification certificate;
  - (c) for the cancellation of a classification certificate, where they determine that they would not issue a classification certificate;
  - (d) for the cancellation of a classification certificate and issue of a new classification certificate, where they determine that they would issue a different classification certificate;
  - (e) for any such cancellation or issue not to take effect until the end of such period as may be determined in accordance with the order;

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- (f) for such persons as may appear to the authority to fall within a specified category of person to be notified of any such cancellation or issue in such manner as may be specified;
  - (g) for treating a classification certificate, in relation to any act or omission occurring after its cancellation, as if it had not been issued;
  - (h) for specified provisions of this Act to apply to determinations made on a review subject to such modifications (if any) as may be specified;
  - (i) for specified regulations made under section 8 of this Act to apply to a video work in respect of which a new classification certificate has been issued subject to such modifications (if any) as may be specified.
- (3) In subsection (2) above “specified” means specified by an order made under this section.
- (4) The Secretary of State shall not make any order under this section unless he is satisfied that adequate arrangements will be made for an appeal against determinations made by the designated authority on a review.
- (5) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section “suitability” has the same meaning as in section 4A of this Act.

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**Textual Amendments**

**F5** Ss. 4A, 4B inserted (3.11.1994) by 1994 c. 33, ss. 90(1), 172(4)

**5 Parliamentary procedure for designation.**

- (1) Where the Secretary of State proposes to make a designation under section 4 of this Act, he shall lay particulars of his proposal before both Houses of Parliament and shall not make the proposed designation until after the end of the period of forty days beginning with the day on which the particulars of his proposal were so laid.
- (2) If, within the period mentioned in subsection (1) above, either House resolves that the Secretary of State should not make the proposed designation, the Secretary of State shall not do so (but without prejudice to his power to lay before Parliament particulars of further proposals in accordance with that subsection).
- (3) For the purposes of subsection (1) above—
- (a) where particulars of a proposal are laid before each House of Parliament on different days, the later day shall be taken to be the day on which the particulars were laid before both Houses;
  - (b) in reckoning any period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

**6 Annual report.**

- (1) The designated authority shall, as soon as it is reasonably practicable to do so after 31st December, make a report to the Secretary of State on the carrying out in the year ending with that date of the arrangements referred to in section 4(1) and (3) of this

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Act (together with a statement of accounts) and on such other matters (if any) as the designated authority consider appropriate or the Secretary of State may require.

- (2) The Secretary of State shall lay a copy of any report made to him under this section before each House of Parliament.

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