



Video Recordings Act 1984

1984 CHAPTER 39

Offences and penalties

9 Supplying video recording of unclassified work.

- (1) A person who supplies or offers to supply a video recording containing a video work in respect of which no classification certificate has been issued is guilty of an offence unless—
 - (a) the supply is, or would if it took place be, an exempted supply, or
 - (b) the video work is an exempted work.
- (2) It is a defence to a charge of committing an offence under this section to prove that the accused believed on reasonable grounds—
 - (a) that the video work concerned or, if the video recording contained more than one work to which the charge relates, each of those works was either an exempted work or a work in respect of which a classification certificate had been issued, or
 - (b) that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4) or (5) of this Act.
- [^{F1}(3) A person guilty of an offence under this section shall be liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both,
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding £20,000 or both.]

Textual Amendments

F1 S. 9(3) inserted (3.2.1995) by 1994 c. 33, s. 88(2)(7); S.I. 1995/127, art. 2, Sch. 1

Status: Point in time view as at 19/06/1997.

Changes to legislation: There are currently no known outstanding effects for the Video Recordings Act 1984, Cross Heading: Offences and penalties. (See end of Document for details)

10 Possession of video recording of unclassified work for the purposes of supply.

- (1) Where a video recording contains a video work in respect of which no classification certificate has been issued, a person who has the recording in his possession for the purpose of supplying it is guilty of an offence unless—
- (a) he has it in his possession for the purpose only of a supply which, if it took place, would be an exempted supply, or
 - (b) the video work is an exempted work.
- (2) It is a defence to a charge of committing an offence under this section to prove—
- (a) that the accused believed on reasonable grounds that the video work concerned or, if the video recording contained more than one work to which the charge relates, each of those works was either an exempted work or a work in respect of which a classification certificate had been issued,
 - (b) that the accused had the video recording in his possession for the purpose only of a supply which he believed on reasonable grounds would, if it took place, be an exempted supply by virtue of section 3(4) or (5) of this Act, or
 - (c) that the accused did not intend to supply the video recording until a classification certificate had been issued in respect of the video work concerned.
- [^{F2}(3) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both,
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding £20,000 or both.]

Textual Amendments

F2 S. 10(3) inserted (3.2.1995) by 1994 c. 33, s. 88(3)(7); S.I. 1995/127, art. 2, Sch. 1

11 Supplying video recording of classified work in breach of classification.

- (1) Where a classification certificate issued in respect of a video work states that no video recording containing that work is to be supplied to any person who has not attained the age specified in the certificate, a person who supplies or offers to supply a video recording containing that work to a person who has not attained the age so specified is guilty of an offence unless the supply is, or would if it took place be, an exempted supply.
- (2) It is a defence to a charge of committing an offence under this section to prove—
- (a) that the accused neither knew nor had reasonable grounds to believe that the classification certificate contained the statement concerned,
 - (b) that the accused neither knew nor had reasonable grounds to believe that the person concerned had not attained that age, or
 - (c) that the accused believed on reasonable grounds that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4) or (5) of this Act.
- [^{F3}(3) A person guilty of an offence under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.]

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Textual Amendments

F3 S. 11(3) inserted (3.2.1995) by 1994 c. 33, s. 88(4)(7); S.I. 1995/127, art. 2, Sch. 1

12 Certain video recordings only to be supplied in licensed sex shops.

(1) Where a classification certificate issued in respect of a video work states that no video recording containing that work is to be supplied other than in a licensed sex shop, a person who at any place other than in a sex shop for which a licence is in force under the relevant enactment—

- (a) supplies a video recording containing the work, or
- (b) offers to do so,

is guilty of an offence unless the supply is, or would if it took place be, an exempted supply.

(2) It is a defence to a charge of committing an offence under subsection (1) above to prove—

- (a) that the accused neither knew nor had reasonable grounds to believe that the classification certificate contained the statement concerned,
- (b) that the accused believed on reasonable grounds that the place concerned was a sex shop for which a licence was in force under the relevant enactment, or
- (c) that the accused believed on reasonable grounds that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4) of this Act or subsection (6) below.

(3) Where a classification certificate issued in respect of a video work states that no video recording containing that work is to be supplied other than in a licensed sex shop, a person who has a video recording containing the work in his possession for the purpose of supplying it at any place other than in such a sex shop is guilty of an offence, unless he has it in his possession for the purpose only of a supply which, if it took place, would be an exempted supply.

(4) It is a defence to a charge of committing an offence under subsection (3) above to prove—

- (a) that the accused neither knew nor had reasonable grounds to believe that the classification certificate contained the statement concerned,
- (b) that the accused believed on reasonable grounds that the place concerned was a sex shop for which a licence was in force under the relevant enactment, or
- (c) that the accused had the video recording in his possession for the purpose only of a supply which he believed on reasonable grounds would, if it took place, be an exempted supply by virtue of section 3(4) of this Act or subsection (6) below.

[^{F4}(4A) A person guilty of an offence under subsection (1) or (3) above shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.]

(5) In this section “relevant enactment” means Schedule 3 to the ^{M1}Local Government (Miscellaneous Provisions) Act 1982 or, in Scotland, Schedule 2 to the ^{M2}Civic Government (Scotland) Act 1982 [^{F5}or, in Northern Ireland, Schedule 2 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985], and “sex shop” has the same meaning as in the relevant enactment.

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- (6) For the purposes of this section, where a classification certificate issued in respect of a video work states that no video recording containing that work is to be supplied other than in a licensed sex shop, the supply of a video recording containing that work—
- (a) to a person who, in the course of a business, makes video works or supplies video recordings, and
 - (b) with a view to its eventual supply in sex shops, being sex shops for which licences are in force under the relevant enactment,
- is an exempted supply.

Textual Amendments

F4 S. 12(4A) inserted (3.2.1995) by 1994 c. 33, s. 88(5)(7); S.I. 1995/127 art. 1, Sch. 1

F5 Words inserted by S.I. 1985/1208 (N.I. 15), art. 42, Sch. 4

Marginal Citations

M1 1982 c. 30.

M2 1982 c. 45.

13 Supply of video recording not complying with requirements as to labels, etc.

- (1) A person who supplies or offers to supply a video recording or any spool, case or other thing on or in which the recording is kept which does not satisfy any requirement imposed by regulations under section 8 of this Act is guilty of an offence unless the supply is, or would if it took place be, an exempted supply.
- (2) It is a defence to a charge of committing an offence under this section to prove that the accused—
- (a) believed on reasonable grounds that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4) or (5) of this Act, or
 - (b) neither knew nor had reasonable grounds to believe that the recording, spool, case or other thing (as the case may be) did not satisfy the requirement concerned.

[^{F6}(3) A person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.]

Textual Amendments

F6 S. 13(3) inserted (3.2.1995) by 1994 c. 33, s. 168(2), Sch. 10 para. 52(2); S.I. 1995/127, art. 2, Sch. 1

14 Supply of video recording containing false indication as to classification.

- (1) A person who supplies or offers to supply a video recording containing a video work in respect of which no classification certificate has been issued is guilty of an offence if the video recording or any spool, case or other thing on or in which the recording is kept contains any indication that a classification certificate has been issued in respect of that work unless the supply is, or would if it took place be, an exempted supply.
- (2) It is a defence to a charge of committing an offence under subsection (1) above to prove—

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- (a) that the accused believed on reasonable grounds—
 - (i) that a classification certificate had been issued in respect of the video work concerned, or
 - (ii) that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4) or (5) of this Act, or
 - (b) that the accused neither knew nor had reasonable grounds to believe that the recording, spool, case or other thing (as the case may be) contained the indication concerned.
- (3) A person who supplies or offers to supply a video recording containing a video work in respect of which a classification certificate has been issued is guilty of an offence if the video recording or any spool, case or other thing on or in which the recording is kept contains any indication that is false in a material particular of any statement falling within section 7(2) of this Act (including any advice falling within paragraph (a) of that subsection) contained in the certificate, unless the supply is, or would if it took place be, an exempted supply.
- (4) It is a defence to a charge of committing an offence under subsection (3) above to prove—
- (a) that the accused believed on reasonable grounds—
 - (i) that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4) or (5) of this Act, or
 - (ii) that the certificate concerned contained the statement indicated, or
 - (b) that the accused neither knew nor had reasonable grounds to believe that the recording, spool, case or other thing (as the case may be) contained the indication concerned.
- [^{F7}(5) A person guilty of an offence under subsection (1) or (3) above shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.]

Textual Amendments

F7 S. 14(5) inserted (3.2.1995) by 1994 c. 33, s. 88(6)(7); S.I. 1995/127, art. 2, Sch. 1

[^{F8}**14A General defence to offences under this Act.**

Without prejudice to any defence specified in the preceding provisions of this Act in relation to a particular offence, it is a defence to a charge of committing any offence under this Act to prove—

- (a) that the commission of the offence was due to the act or default of a person other than the accused, and
- (b) that the accused took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by any person under his control.]

Textual Amendments

F8 S. 14A inserted (20.09.1993) by 1993 c. 24, ss. 2, 6(2).

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[^{F9}15 Time limit for prosecutions.

- (1) No prosecution for an offence under this Act shall be brought after the expiry of the period of three years beginning with the date of the commission of the offence or one year beginning with the date of its discovery by the prosecutor, whichever is earlier.
- (2) In Scotland, the reference in subsection (1) above to the date of discovery by the prosecutor shall be construed as a reference to the date on which evidence sufficient in the opinion of the Lord Advocate to warrant proceedings came to his knowledge.
- (3) For the purposes of subsection (2) above—
 - (a) a certificate signed by the Lord Advocate or on his behalf and stating the date on which evidence came to his knowledge shall be conclusive evidence of that fact;
 - (b) a certificate purporting to be signed as mentioned in paragraph (a) above shall be presumed to be so signed unless the contrary is proved; and
 - (c) a prosecution shall be deemed to be brought on the date on which a warrant to apprehend or to cite the accused is granted provided that the warrant is executed without undue delay.]

Textual Amendments

F9 S. 15 substituted (3.2.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 52(3)**; S.I. 1995/127, art. 2, **Sch. 1**

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