



Video Recordings Act 1993

1993 CHAPTER 24

An Act to amend the Video Recordings Act 1984 and, so far as it relates to evidence by certificate in respect of offences under the 1984 Act, the Criminal Justice (Scotland) Act 1980. [20th July 1993]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Titles to be assigned to video works for identification purposes

(1) In subsection (1) of section 4 of the Video Recordings Act 1984 (arrangements for classification of video works), in paragraph (b) before sub-paragraph (i) there shall be inserted the following sub-paragraph—

“(i) for assigning a unique title to each video work in respect of which a classification certificate is to be issued”.

(2) In paragraph (c) of that subsection the words from “including” to the end shall be omitted and after that subsection there shall be inserted the following subsections—

“(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—

- (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.”
- (3) In subsection (2) of section 7 of that Act (contents of classification certificate), after the words “must contain” there shall be inserted “the title assigned to the video work in accordance with section 4(1)(b)(ia) of this Act and.”

2 General defence to offences under the 1984 Act

After section 14 of the Video Recordings Act 1984 there shall be inserted the following section—

“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.”

3 Time limit for prosecutions

In section 15 of the Video Recordings Act 1984 (penalties) after subsection (3) there shall be inserted the following subsections—

- “(3A) 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.
- (3B) In Scotland the reference in subsection (3A) 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; and for the purposes of that subsection—
- (a) a certificate signed by him or on his behalf and stating the date on which such evidence came to his knowledge shall be conclusive evidence of that fact (a certificate purporting to be so signed being presumed to be so signed unless the contrary is proved); and
 - (b) 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.”

4 Extension of procedure for evidence by certificate

In section 19 of the Video Recordings Act 1984 (evidence by certificate) after subsection (3) there shall be inserted the following subsections—

- “(3A) In any proceedings in England and Wales or Northern Ireland for an offence under this Act, a certificate purporting to be signed by a person authorised in that behalf by the Secretary of State and stating—
- (a) that he has examined the record maintained in pursuance of arrangements made by the designated authority, and
 - (b) that the record shows that, on the date specified in the certificate, no classification certificate had been issued in respect of a video work having a particular title,
- shall be admissible as evidence of the fact that, on that date, no classification certificate had been issued in respect of a work of that title.
- (3B) In any proceedings in England and Wales or Northern Ireland for an offence under this Act, a certificate purporting to be signed by a person authorised in that behalf by the Secretary of State and stating—
- (a) that he has examined the record maintained in pursuance of arrangements made by the designated authority, and
 - (b) that the record shows that, on the date specified in the certificate under this subsection, a classification certificate was issued in respect of a video work having a particular title and that a document identified by the certificate under this subsection is a copy of the classification certificate so issued,
- shall be admissible as evidence of the fact that, on that date, a classification certificate in terms of the document so identified was issued in respect of a work of that title.”

5 Evidence by certificate: amendment of Scottish provisions

In Schedule 1 to the Criminal Justice (Scotland) Act 1980 (certain certificates to be sufficient evidence in relation to statutory offences), for the words in the second and third columns of the entry relating to the Video Recordings Act 1984, there shall be substituted the words in, respectively, the left and right hand columns below—

“A person authorised to do so by the Secretary of State, being a person who has examined the record maintained in pursuance of arrangements made by the designated authority and in the case of a certificate in terms of—	That the record shows any of the following—
(a) sub-paragraph (a) in column 3, the video work mentioned in that sub-paragraph;	(a) in respect of a video work (or part of a video work) contained in a video recording identified by the certificate, that by a date specified no classification certificate had been issued;
(b) sub-paragraph (b) in that column, both video works mentioned in that sub-paragraph.	(b) in respect of a video work which is the subject of a certificate under sub-paragraph (a) above, that the video work differs in a specified way from another video work contained in a video recording identified in the certificate under this sub-paragraph and that, on a date specified, a classification certificate was issued in respect of that other video work;

Status: This is the original version (as it was originally enacted).

- (c) that, by a date specified, no classification certificate had been issued in respect of a video work having a particular title;
 - (d) that, on a date specified, a classification certificate was issued in respect of a video work having a particular title and that a document which is identified in the certificate under this sub-paragraph is a copy of the classification certificate so issued;”
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6 Short title, commencement and extent

- (1) This Act may be cited as the Video Recordings Act 1993.
- (2) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.
- (3) Section 5 above extends to Scotland only.
- (4) This Act (apart from section 5) extends to Northern Ireland.