

2006 No. 642

CINEMAS AND FILM

The Films (Certification) (Amendment) Regulations 2006

Made - - - - *7th March 2006*

Laid before Parliament *10th March 2006*

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraph 10 of Schedule 1 to the Films Act 1985(a).

Citation and commencement

1. These Regulations may be cited as the Films (Certification) (Amendment) Regulations 2006 and shall come into force on 1st April 2006 or, if later, the day that the Films (Definition of “British Film”) Order 2006(b) comes into force.

Amendment

2. The Films (Certification) Regulations 1985(c) shall be amended as follows.

3. In regulation 2(d) in the definition of “co-production film”, for “4(7)” substitute “4(5)”.

4. For regulation 5(b)(i) and (ii)(e) substitute—

- “(i) verifying particulars E(v) and (vi);
- (ii) verifying particulars EA, EB or EC; and
- (iii) stating whether, in the opinion of that person, any point should be awarded under paragraphs 4A(4), 4B(4) or 4C(4) of Schedule 1 to the Act.”.

5. For particular E(f) in regulation 6 substitute—

“E. A statement showing:

- (i) whether the applicant seeks to rely on paragraphs 4A, 4B or 4C(g) of Schedule 1 to the Act;
- (ii) if the applicant seeks to rely on paragraph 4B of Schedule 1 to the Act, the reasons why the film should be considered to be a documentary;

(a) 1985 c.21.
(b) S.I. 2006/643.
(c) S.I. 1985/994.
(d) Regulation 2 was amended by S.I. 1999/2224.
(e) Regulation 5(b) was substituted by S.I. 1999/2224.
(f) Particular E was substituted by S.I. 1999/2224.
(g) Paragraphs 4A, 4B and 4C were inserted by S.I. 2006/643.

- (iii) if the application seeks to rely on paragraph 4C of Schedule 1 to the Act, the reasons why the film should be considered to be an animation;
- (iv) the reasons why any point should be awarded under paragraphs 4A(3), 4B(3) or 4C(3) of Schedule 1 to the Act;
- (v) the nationality and ordinary residence of all the persons mentioned in paragraphs 4A(5), 4B(5) or 4C(5) of Schedule 1 to the Act in relation to whom the applicant is applying for a point to be awarded;
- (vi) the total expenditure on all the work carried out in the making of the film.

EA. If the applicant seeks to rely on paragraph 4A of Schedule 1 to the Act, a statement showing:

- (i) the total number of days of principal photography and the number of days of principal photography carried out in the United Kingdom;
- (ii) the total expenditure on visual effects and the expenditure on visual effects carried out in the United Kingdom;
- (iii) the total expenditure on special effects and the expenditure on special effects carried out in the United Kingdom;
- (iv) the total expenditure on performing and recording the original music score created for the film and the expenditure on performing and recording the original music score created for the film carried out in the United Kingdom;
- (v) the total expenditure on audio post production and the expenditure on audio post production carried out in the United Kingdom;
- (vi) the total expenditure on image processing and the expenditure on image processing carried out in the United Kingdom.

EB. If the applicant seeks to rely on paragraph 4B of Schedule 1 to the Act (documentary), a statement showing:

- (i) the total expenditure on shooting and visual effects and the expenditure on shooting and visual effects carried out in the United Kingdom;
- (ii) the total expenditure on research and development and the expenditure on research and development carried out in the United Kingdom;
- (iii) the total expenditure on special effects and the expenditure on special effects carried out in the United Kingdom;
- (iv) the total expenditure on performing and recording the original music score created for the film and the expenditure on performing and recording the original music score created for the film carried out in the United Kingdom;
- (v) the total expenditure on audio post production and the expenditure on audio post production carried out in the United Kingdom;
- (vi) the total expenditure on image processing and the expenditure on image processing carried out in the United Kingdom.

EC. If the applicant seeks to rely on paragraph 4C of Schedule 1 to the Act (animation), a statement showing:

- (i) the total expenditure on shooting, visual design, layout and storyboarding and the expenditure on shooting, visual design, layout and storyboarding carried out in the United Kingdom;
- (ii) the total expenditure on visual effects and the expenditure on visual effects carried out in the United Kingdom;
- (iii) the total expenditure on special effects and the expenditure on special effects carried out in the United Kingdom;

- (iv) the total expenditure on performing and recording the original music score created for the film and the expenditure on performing and recording the original music score created for the film carried out in the United Kingdom;
- (v) the total expenditure on voice recording and audio post production and the expenditure on voice recording and audio post production carried out in the United Kingdom;
- (vi) the total expenditure on image processing and the expenditure on image processing carried out in the United Kingdom.”.

6. Omit particulars G and H(a) in regulation 6.

7. After regulation 8 insert—

“9. If an application falls to be determined by the Secretary of State in accordance with Schedule 1 to the Act as in force immediately before the commencement of the Films (Definition of “British Film”) Order 2006 these Regulations shall apply to the application as if the Film (Certification) (Amendment) Regulations 2006 had not been made.”.

7th March 2006

James Purnell
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

(a) Particulars G and H were substituted by S.I. 1999/2224.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Film (Certification) Regulations 1985 to require an application for certification of a film as a British film to include particulars relating to how the film meets the requirement to pass the cultural test. The requirement to pass the cultural test is set out in paragraph 4 of Schedule 1 to the Films Act 1985 as modified by the Films (Definition of “British Film”) Order 2006. The Regulations also omit the particulars required in relation to the requirements removed by that Order (that is, the requirement that (i) at least 70% of the expenditure on the film is incurred on film production activity carried out in the United Kingdom, and (ii) not less than a requisite amount of labour costs of the film represents payments for the services of residents or citizens of Commonwealth countries or member States).

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