

**2007 No. 3478**

**CINEMAS AND FILM**

**The Films (Certification) (Amendment) Regulations 2007**

*Made* - - - - *10th December 2007*

*Laid before Parliament* *11th December 2007*

*Coming into force* - - *1st January 2008*

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

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Films (Certification) (Amendment) Regulations 2007 and shall come into force on 1st January 2008.

(2) In these Regulations “the 2006 Regulations” means the Films (Certification) Regulations 2006(b).

**Amendment of the Films (Certification) Regulations 2006**

**2.** For paragraph (1) of regulation 6 of the 2006 Regulations substitute—

“(1) Where an application for final certification seeks to rely on any point that may be awarded under paragraph 4A(5), 4B(5), 4C(5), 4A(6), 4B(6) or 4C(6) of Schedule 1 to the Act(c), the application shall be accompanied by a report prepared by a person referred to in paragraph (2) verifying the particulars in paragraphs 18 to 20 of the Schedule.”.

**3.** In regulation 7(2) of the 2006 Regulations, after “Regulations 2006” insert “and these Regulations”.

**4.** In paragraph 20 of the Schedule to the 2006 Regulations, for “and” substitute “or”.

10th December 2007

*Margaret Hodge*  
Minister of State  
Department for Culture, Media and Sport

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(a) 1985 c.21.

(b) S.I. 2006/3281.

(c) Paragraphs 4A, 4B and 4C of Schedule 1 to the Films Act 1985 were substituted by the Films (Definition of “British Film”) (No. 2) Order 2006 (S.I. 2006/3430).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 amends regulation 6(1) of the Films (Certification) Regulations 2006 to provide that a report from an independent accountant is required only where an application for final certification of a film as a British film under Schedule 1 to the Films Act 1985 seeks to rely on points available in paragraphs 4A(5), 4B(5) or 4C(5) (principal photography and other areas of work carried out in the making of the film) or paragraphs 4A(6), 4B(6) or 4C(6) (personnel involved in the making of the film) of that Schedule.

In such cases, regulation 6(1) is also amended to provide that the report must verify the particulars mentioned in paragraphs 18 to 20 of the Schedule to these Regulations (information provided in order to assess whether any points should be awarded under the paragraphs mentioned above); and consequently it is no longer required to state, in the opinion of the person preparing the report, whether any points under paragraphs 4A(5), 4B(5) or 4C(5) should be awarded (principal photography and other areas of work carried out in the making of the film).

Regulation 4 amends paragraph 20 of the Schedule to the Films (Certification) Regulations 2006 to require the applicant to provide information about the nationality or ordinary residence of persons mentioned in paragraphs 4A(5), 4B(5) or 4C(5).

Regulation 3 also amends the transitional provision in regulation 7(2) of the Films (Certification) Regulations 2006 to make clear that in respect of applications for certification that fall to be determined in accordance with Schedule 1 to the Films Act 1985 as in force immediately before 1st April 2006, the Films (Certification) Regulations 1985 (No. 994) continue to have effect as if the Films (Certification) (Amendment) Regulations 2006 (No. 642) and the Films (Certification) Regulations 2006 had not been made.

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