
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Video Recordings Act 1984 (“the Act”). The Act provides for labelling and certification requirements in respect of the supply of video works. By section 2(1) of the Act, a video work (other than a video game) is exempt from these requirements if, taken as a whole, it is designed to inform, educate or instruct, or is concerned with sport, religion or music. This exemption is subject to sections 2(2) and (3) of the Act, which set out certain cases in which such a video work is not an exempted work even if it otherwise falls within section 2(1) of the Act.

Regulation 2(3) inserts new subsections (1ZA)-(1ZC) into section 2 of the Act. These provide for new cases in which a video work (other than a video game) is not an exempted work. The cases relate to violence (other than mild violence); dangerous activities; drugs, alcohol and tobacco; suicide, scarification/mutilation and self-harm; criminal offences; sexual messages and sexual activity (other than mild sexual activity, but including acts of force or restraint); genitalia and urinary or excretory functions; swearing (other than mild bad language) and offensive and offensive discriminatory behaviour. Regulations 2(2) and (4) make consequential amendments to section 2.

Regulation 3 amends section 3(5) of the Act. This section specifies a circumstance in which supplies of video works are exempted supplies, and currently operates by way of cross-reference to section 2(2). The effect of the amendment is to maintain the current scope of this exemption.

Regulation 4 makes a saving in respect of video works first placed on the market before the entry into force of the Regulations.

The Regulations were notified in draft (Notification No.2013/0669/UK on 9th December 2013) to the European Commission in accordance with [Directive 98/34/EC](#) of the European Parliament and of the Council (OJ No L 204, 21.7.98, p.37), which, as amended by [Directive 98/48/EC](#) of the same institutions (OJ No L 217, 5.8.98, p.18), lays down a procedure for the provision of information in the field of technical standards and regulation.

An impact assessment for this instrument has been produced. It can be accessed at www.legislation.gov.uk.