



Notification Number: 2009/495/UK

The Video Recordings Act 1984 (as adopted by the Video Recordings Bill) and The Video Recordings (Labelling) Regulations to be made under section 8 of the adopted 1984 Act.

Date received : 10/09/2009

End of Standstill : 11/12/2009

Message

Message 001

Communication from the Commission - SG(2009) D/52073

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2009/0495/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 200902073.EN)

1. Structured Information Line

MSG 001 IND 2009 0495 UK EN 11-12-2009 10-09-2009 UK NOTIF 11-12-2009

2. Member State

UK

3. Department Responsible

Department for Business, Innovation and Skills

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3. Originating Department

Department for Culture, Media and Sport.



4. Notification Number

2009/495/UK – X40M

5. Title

The Video Recordings Act 1984 (as adopted by the Video Recordings Bill) and The Video Recordings (Labelling) Regulations to be made under section 8 of the adopted 1984 Act.

6. Products Concerned

The draft technical regulation applies to the supply of video recordings (in the form of physical discs, magnetic tape and other storage devices for films and some video games) in the UK.

7. Notification Under Another Act

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8. Main Content

Act proposed for adoption: the Video Recordings Act 1984 provides a system for the classification and regulation of films and some video games (e.g. DVDs, video cassettes, etc) with the object of limiting the extent to which they may be allowed to depict - i) human sexual activity; ii) acts of gross violence, mutilation or torture; iii) human genital organs, urinary or excretory functions; iv) techniques likely to be useful in the commission of criminal offences; and v) criminal activity which is likely to stimulate or encourage the commission of offences. The regulation is effected by a system whereby, subject to certain exemptions, the supply of video recordings, (i.e. the physical discs, tapes, etc) without a classification certificate or in breach of a classification certificate to persons under a certain age, or elsewhere than in specified premises, or in breach of labelling requirements, is prohibited. The issue of classification certificates is the responsibility of the designated authority being a person, or persons, designated by the Secretary of State under sections 4 and 5 of the Act. Matters to which the designated authority is to have special regard in making any determination as to the suitability of issuing a classification certificate are specified in section 4A.

The Video Recordings (Labelling) Regulations: section 8 empowers the Secretary of State to make regulations requiring an indication as to the classification certificate issued to be included on a video recording containing that work, on the recordings container or casing. The Video Recordings (Labelling) Regulations to be made under section 8 will, in particular, require the appropriate symbol, unique title and appropriate explanatory statement to be shown by means of a label affixed to the disc, magnetic tape, spool, spine, case or cover in which the video recording is kept.

Offences: unless exempt, it is an offence to supply, or to offer to supply, or to possess for the purpose of supplying, an unclassified video recording. The Act creates further offences in relation to the supply of a video recording in breach of the classification certificate; the supply of certain recordings otherwise than in a licensed sex shop; the supply of a recording in breach of labelling requirements and the supply of a recording with a false indication as to its classification.

9. Brief Statement of Grounds

The Act is intended to control and regulate the distribution of video recordings in the UK. An independent censorship body is designated under the Act to classify all films and some video games, with the particular aim of controlling violent and objectionable content. The Act is intended to meet public concern over the apparent



ease with which children, in particular, can obtain video recordings that may contain material unsuitable to their age and psychological development. There is a ready and cheap access of video recordings, (mainly DVDs and video cassettes) in every high street and the underlying aim is to provide sufficient information to the consumer about the type of content they are buying and to regulate the sale/supply of a video recording to persons of a certain age. If a video recording has not been classified by the designated body it will be an offence to supply it in the UK. Certain key elements of the classification certificate will be required to be shown on the video recording and its cover, casing, etc by virtue of the Video Recordings (Labelling) Regulations in order that key information is provided to consumers buying the product.

10. Reference Documents - Basic Texts

a) The Video Recordings Bill

The Video Recordings Bill will adopt provisions of the 1984 Act following notification to the Commission. The Video Recordings (Labelling) Regulations are to be made under section 8 of that Act.

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

Impact assessment not available.

16. TBT and SPS aspects

TBT Aspect

No

The draft does not have a significant effect on international trade.

SPS Aspect

No

The draft is not a sanitary or phytosanitary measure in the sense of Annex A of the SPS Agreement.

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