



# Film Levy Finance Act 1981 (repealed 5.11.1993)

## 1981 CHAPTER 16

### *Supplementary*

#### **7 Power of Commissioners and their officers to obtain information.**

- (1) The Commissioners may, for the purpose of enabling them properly to perform their functions under this Act, require an exhibitor, by notice in writing served on him—
- (a) to furnish to such person as may be specified in the notice such returns or other information as may be so specified;
  - (b) to keep such records as may be so specified;
- and, for that purpose, any officer of the Commissioners may—
- (i) enter, at all reasonable hours, any premises occupied for the purpose of his business by an exhibitor; and
  - (ii) require him or any person employed by him in connection with his business to produce for examination by the officer such books or other documents relating to the exhibitor's business as the officer may specify.
- (2) If any person—
- (a) on whom a notice is duly served under subsection (1), or
  - (b) to whom a requisition is duly made under that subsection,
- fails to comply with the notice or requisition, he shall, unless he proves that he had reasonable excuse for the failure, be guilty of an offence and liable, on summary conviction, to a fine not exceeding [<sup>F1</sup>level 3 on the standard scale].
- (3) If any person in purported compliance with the requirements of a notice under subsection (1) to furnish returns or other information—
- (a) makes a statement, or furnishes a document, which he knows to be false in a material particular, or
  - (b) recklessly makes a statement, or furnishes a document, which is false in a material particular,
- he shall be guilty of an offence and liable—

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- (i) on summary conviction, to a fine not exceeding the statutory maximum, or
  - (ii) on conviction on indictment, to a fine.
- (4) An offence under this section may be tried by a court having jurisdiction either in the county or place in which the offence was actually committed or in any county or place in which the alleged offender resides or carries on business.
- (5) For the purposes of section 167 of the <sup>M1</sup>Customs and Excise Management Act 1979 (penalties for delivery of false documents or making of false statements to Commissioners or their officers in relation to assigned matters) the collection of the levy shall be deemed not to be an assigned matter.

#### Textual Amendments

- F1** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#) ss. 289F, 289G

#### Marginal Citations

- M1** [1979 c. 2.](#)

## 8 Restriction on disclosure of information furnished under section 7.

- (1) No return or other information furnished in compliance with a notice served under section 7(1), nor any information obtained on an examination of books or other documents produced in compliance with a requisition made under that subsection, shall, without the written consent of the person carrying on the business to which the returns or other information or the books or other documents relate, be disclosed otherwise than—
- (a) in the form of a summary of similar returns or information furnished by, or obtained from, a number of persons, being a summary so framed as not to enable particulars relating to any individual business to be ascertained from it; or
  - (b) to the Secretary of State or an officer of his.
- (2) Nothing in subsection (1) shall apply to any disclosure of information made for the purposes of any legal proceedings (whether civil or criminal and including an arbitration) pursuant to this Act, or for the purposes of any report of any such proceedings.
- (3) If any person discloses any information in contravention of subsection (1), he shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
  - (b) on conviction on indictment, to a fine.

## 9 Interpretation.

- (1) In this Act—
- “the Agency” means the British Film Fund Agency;
  - “British film” shall be construed in accordance with subsections (2) and (3);
  - “the Commissioners” means the Commissioners of Customs and Excise;

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“exhibitor” means a person carrying on the business of exhibiting films to the public in Great Britain;

“film” includes any record (however made) of a sequence of visual images, which is a record capable of being used as a means of showing that sequence as a moving picture;

“the levy” means the levy imposed in accordance with regulations made under section 2;

“maker”, in relation to a film, means, subject to subsection (4), the person by whom the arrangements necessary for the making of the film are undertaken;

“the statutory maximum”, in relation to a fine on summary conviction, means—

- (a) in England and Wales, the prescribed sum within the meaning of section 32 of the <sup>M2</sup>Magistrates’ Courts Act 1980 (£1,000 or another sum substituted by order under section 143(1) of that Act);
- (b) in Scotland, the prescribed sum within the meaning of section 289B of the <sup>M3</sup>Criminal Procedure (Scotland) Act 1975 (£1,000 or another sum substituted by order under section 289D(1) of that Act).

(2) The <sup>M4</sup>Films Act 1960 and the <sup>M5</sup>Films Act 1970 shall, subject to subsection (3), have effect for the purpose of determining whether a film is a British film for the purposes of this Act as they have effect for the purpose of determining whether a film registrable under the Films Act 1960 is registrable as a British film.

(3) Subsection (2) does not apply in relation to any film registered before 1st January 1961 under Part II of the <sup>M6</sup>Cinematograph Films Act 1927 or Part III of the <sup>M7</sup>Cinematograph Films Act 1938; but any such film in respect of which the conditions imposed by section 25(1) of the latter Act, as in force immediately before that date, are fulfilled is a British Film for the purposes of this Act.

(4) Regulations under section 6 may provide that, for all or any of the purposes of the payments made under that section, an assignee of earnings in Great Britain of a film may, in such cases as may be provided for by the regulations, be treated as the maker of the film.

(5) References in this Act to the making of a film do not include the production of blank films or of positives intended for exhibition to the public, or the production of negatives by means of any process used for making copies of negatives.

**Modifications etc. (not altering text)**

C1 S. 9(2) extended by *Films Act 1985 (c. 21, SIF 45A)*, s. 7(4)(a)

**Marginal Citations**

M2 1980 c. 43.

M3 1975 c. 21.

M4 1960 c. 57.

M5 1970 c. 26.

M6 1927 c. 29.

M7 1938 c. 17.

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## 10 Consequential and transitional provisions.

- (1) Schedule 2 to the <sup>M8</sup>Public Records Act 1958 (enactments prohibiting disclosure of information obtained from the public) shall be amended as follows—
- (a) the entry relating to section 5 of the <sup>M9</sup>Cinematograph Films Act 1957 shall as follows— and
  - (b) at the end there shall be added—

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- (2) The enactments mentioned in Schedule 2 are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The <sup>M10</sup> Cinematograph Films (Limits of Levy) Order 1979 is hereby revoked.
- (4) Any reference in this Act (whether express or implied) to a thing done or falling to be done under a provision of this Act shall, so far as the context permits, be construed as including, in relation to times, circumstances and purposes in relation to which the corresponding enactment repealed by this Act had effect, a reference to a thing done or falling to be done under that corresponding enactment.
- (5) If at the commencement of this Act there is current a period in respect of which a levy is imposed in accordance with any regulations having effect as if made under section 2, the whole of that period shall be taken into account for the purpose of determining the Agency’s liability in respect of that period under section 4(1).
- (6) The period mentioned in section 2(1)(a) shall be a financial year of the Agency, notwithstanding that it is longer than a year.
- (7) If at the commencement of this Act the <sup>M11</sup>Magistrates’ Courts Act 1980 is not in force, any reference in section 9(1) of this Act to any provision of that Act shall be read as a reference to the corresponding provision of the <sup>M12</sup>Criminal Law Act 1977.
- (8) Nothing in this section shall be taken as prejudicing the operation of the provisions of the <sup>M13</sup>Interpretation Act 1978 as respects the effect of repeals.

### Modifications etc. (not altering text)

**C2** THE TEXT OF s. 10(1)–(3) AND Sch. 2 IS IN THE FORM IN WHICH IT WAS ORIGINALLY ENACTED: IT WAS NOT REPRODUCED IN STATUTES IN FORCE AND DOES NOT REFLECT ANY AMENDMENTS OR REPEALS WHICH MAY HAVE BEEN MADE PRIOR TO 1.2.1991

### Marginal Citations

**M8** 1958 c. 51.  
**M9** 1957 c. 21.  
**M10** S.I. 1979/379.  
**M11** 1980 c. 43.  
**M12** 1977 c. 45.  
**M13** 1978 c. 30.

## 11 Citation, commencement and extent.

- (1) This Act may be cited as the Film Levy Finance Act 1981.

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- (2) This Act shall come into force at the end of the period of one month beginning with the day on which it is passed.
- (3) This Act does not extend to Northern Ireland.

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