



Video Recordings Act 1984

1984 CHAPTER 39

Offences and penalties

9 Supplying video recording of unclassified work

- (1) A person who supplies or offers to supply a video recording containing a video work in respect of which no classification certificate has been issued is guilty of an offence unless—
 - (a) the supply is, or would if it took place be, an exempted supply, or
 - (b) the video work is an exempted work.
- (2) It is a defence to a charge of committing an offence under this section to prove that the accused believed on reasonable grounds—
 - (a) that the video work concerned or, if the video recording contained more than one work to which the charge relates, each of those works was either an exempted work or a work in respect of which a classification certificate had been issued, or
 - (b) that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4) or (5) of this Act.

10 Possession of video recording of unclassified work for the purposes of supply

- (1) Where a video recording contains a video work in respect of which no classification certificate has been issued, a person who has the recording in his possession for the purpose of supplying it is guilty of an offence unless—
 - (a) he has it in his possession for the purpose only of a supply which, if it took place, would be an exempted supply, or
 - (b) the video work is an exempted work.
- (2) It is a defence to a charge of committing an offence under this section to prove—
 - (a) that the accused believed on reasonable grounds that the video work concerned or, if the video recording contained more than one work to which the charge relates, each of those works was either an exempted work or a work in respect of which a classification certificate had been issued,

- (b) that the accused had the video recording in his possession for the purpose only of a supply which he believed on reasonable grounds would, if it took place, be an exempted supply by virtue of section 3(4) or (5) of this Act, or
- (c) that the accused did not intend to supply the video recording until a classification certificate had been issued in respect of the video work concerned.

11 Supplying video recording of classified work in breach of classification

- (1) Where a classification certificate issued in respect of a video work states that no video recording containing that work is to be supplied to any person who has not attained the age specified in the certificate, a person who supplies or offers to supply a video recording containing that work to a person who has not attained the age so specified is guilty of an offence unless the supply is, or would if it took place be, an exempted supply.
- (2) It is a defence to a charge of committing an offence under this section to prove—
 - (a) that the accused neither knew nor had reasonable grounds to believe that the classification certificate contained the statement concerned,
 - (b) that the accused neither knew nor had reasonable grounds to believe that the person concerned had not attained that age, or
 - (c) that the accused believed on reasonable grounds that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4) or (5) of this Act.

12 Certain video recordings only to be supplied in licensed sex shops

- (1) Where a classification certificate issued in respect of a video work states that no video recording containing that work is to be supplied other than in a licensed sex shop, a person who at any place other than in a sex shop for which a licence is in force under the relevant enactment—
 - (a) supplies a video recording containing the work, or
 - (b) offers to do so,is guilty of an offence unless the supply is, or would if it took place be, an exempted supply.
- (2) It is a defence to a charge of committing an offence under subsection (1) above to prove—
 - (a) that the accused neither knew nor had reasonable grounds to believe that the classification certificate contained the statement concerned,
 - (b) that the accused believed on reasonable grounds that the place concerned was a sex shop for which a licence was in force under the relevant enactment, or
 - (c) that the accused believed on reasonable grounds that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4) of this Act or subsection (6) below.
- (3) Where a classification certificate issued in respect of a video work states that no video recording containing that work is to be supplied other than in a licensed sex shop, a person who has a video recording containing the work in his possession for the purpose of supplying it at any place other than in such a sex shop is guilty of an offence, unless he has it in his possession for the purpose only of a supply which, if it took place, would be an exempted supply.

- (4) It is a defence to a charge of committing an offence under subsection (3) above to prove—
- (a) that the accused neither knew nor had reasonable grounds to believe that the classification certificate contained the statement concerned,
 - (b) that the accused believed on reasonable grounds that the place concerned was a sex shop for which a licence was in force under the relevant enactment, or
 - (c) that the accused had the video recording in his possession for the purpose only of a supply which he believed on reasonable grounds would, if it took place, be an exempted supply by virtue of section 3(4) of this Act or subsection (6) below.
- (5) In this section "relevant enactment" means Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 or, in Scotland, Schedule 2 to the Civic Government (Scotland) Act 1982, and "sex shop" has the same meaning as in the relevant enactment.
- (6) For the purposes of this section, where a classification certificate issued in respect of a video work states that no video recording containing that work is to be supplied other than in a licensed sex shop, the supply of a video recording containing that work—
- (a) to a person who, in the course of a business, makes video works or supplies video recordings, and
 - (b) with a view to its eventual supply in sex shops, being sex shops for which licences are in force under the relevant enactment,
- is an exempted supply.

13 Supply of video recording not complying with requirements as to labels, etc.

- (1) A person who supplies or offers to supply a video recording or any spool, case or other thing on or in which the recording is kept which does not satisfy any requirement imposed by regulations under section 8 of this Act is guilty of an offence unless the supply is, or would if it took place be, an exempted supply.
- (2) It is a defence to a charge of committing an offence under this section to prove that the accused—
- (a) believed on reasonable grounds that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4) or (5) of this Act, or
 - (b) neither knew nor had reasonable grounds to believe that the recording, spool, case or other thing (as the case may be) did not satisfy the requirement concerned.

14 Supply of video recording containing false indication as to classification

- (1) A person who supplies or offers to supply a video recording containing a video work in respect of which no classification certificate has been issued is guilty of an offence if the video recording or any spool, case or other thing on or in which the recording is kept contains any indication that a classification certificate has been issued in respect of that work unless the supply is, or would if it took place be, an exempted supply.
- (2) It is a defence to a charge of committing an offence under subsection (1) above to prove—
- (a) that the accused believed on reasonable grounds—

Status: This is the original version (as it was originally enacted).

- (i) that a classification certificate had been issued in respect of the video work concerned, or
 - (ii) that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4) or (5) of this Act, or
 - (b) that the accused neither knew nor had reasonable grounds to believe that the recording, spool, case or other thing (as the case may be) contained the indication concerned.
- (3) A person who supplies or offers to supply a video recording containing a video work in respect of which a classification certificate has been issued is guilty of an offence if the video recording or any spool, case or other thing on or in which the recording is kept contains any indication that is false in a material particular of any statement falling within section 7(2) of this Act (including any advice falling within paragraph (a) of that subsection) contained in the certificate, unless the supply is, or would if it took place be, an exempted supply.
- (4) It is a defence to a charge of committing an offence under subsection (3) above to prove—
- (a) that the accused believed on reasonable grounds—
 - (i) that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4) or (5) of this Act, or
 - (ii) that the certificate concerned contained the statement indicated, or
 - (b) that the accused neither knew nor had reasonable grounds to believe that the recording, spool, case or other thing (as the case may be) contained the indication concerned.

15 Penalties

- (1) A person guilty of an offence under section 9 or 10 of this Act shall be liable, on summary conviction, to a fine not exceeding £20,000.
- (2) In relation to England and Wales, Scotland or Northern Ireland, the Secretary of State may by order amend subsection (1) above so as to substitute for the sum specified in that subsection (whether at the passing of this Act or by a previous order made under this subsection) such other sum as appears to him to be justified by a change in the value of money appearing to him to have taken place since the passing of this Act or the date of the previous order made under this subsection, as the case may be.
- (3) A person guilty of an offence under any other provision of this Act shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale. In this subsection " the standard scale " has the meaning given by section 75 of the Criminal Justice Act 1982.
- (4) The power to make an order under subsection (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) An order under subsection (2) above shall not affect the punishment for an offence committed before that order comes into force.