



# Video Recordings Act 1984

## 1984 CHAPTER 39

### *Preliminary*

#### **3 Exempted supplies**

- (1) The provisions of this section apply to determine whether or not a supply of a video recording is an exempted supply for the purposes of this Act.
- (2) The supply of a video recording by any person is an exempted supply if it is neither—
  - (a) a supply for reward, nor
  - (b) a supply in the course or furtherance of a business.
- (3) Where on any premises facilities are provided in the course or furtherance of a business for supplying video recordings, the supply by any person of a video recording on those premises is to be treated for the purposes of subsection (2) above as a supply in the course or furtherance of a business.
- (4) Where a person (in this subsection referred to as the "original supplier") supplies a video recording to a person who, in the course of a business, makes video works or supplies video recordings, the supply is an exempted supply—
  - (a) if it is not made with a view to any further supply of that recording, or
  - (b) if it is so made, but is not made with a view to the eventual supply of that recording to the public or is made with a view to the eventual supply of that recording to the original supplier. For the purposes of this subsection, any supply is a supply to the public unless it is—
    - (i) a supply to a person who, in the course of a business, makes video works or supplies video recordings,
    - (ii) an exempted supply by virtue of subsection (2) above or subsections (5) to (10) below, or
    - (iii) a supply outside the United Kingdom.
- (5) Where a video work—
  - (a) is designed to provide a record of an event or occasion for those who took part in the event or occasion or are connected with those who did so,

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*Status: This is the original version (as it was originally enacted).*

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- (b) does not, to any significant extent, depict anything falling within paragraph (a), (b) or (c) of section 2(2) of this Act, and
  - (c) is not designed to any significant extent to stimulate or encourage anything falling within paragraph (a) of that subsection or, in the case of anything falling within paragraph (b) of that subsection, is not designed to any extent to do so,

the supply of a video recording containing only that work to a person who took part in the event or occasion or is connected with someone who did so is an exempted supply.
- (6) The supply of a video recording for the purpose only of the exhibition of any video work contained in the recording in premises other than a dwelling-house—
  - (a) being premises mentioned in subsection (7) below, or
  - (b) being an exhibition which in England and Wales or Scotland would be an exempted exhibition within the meaning of section 5 of the Cinematograph Act 1952 (cinematograph exhibition to which public not admitted or are admitted without payment), or in Northern Ireland would be an exempted exhibition within the meaning of section 5 of the Cinematograph Act (Northern Ireland) 1959 (similar provision for Northern Ireland),

is an exempted supply.
- (7) The premises referred to in subsection (6) above are—
  - (a) premises in respect of which a licence under section 2 of the Cinematograph Act 1909 is in force,
  - (b) premises falling within section 7(2) of that Act (premises used only occasionally and exceptionally for cinematograph exhibitions), or
  - (c) premises falling within section 7(3) of that Act (building or structure of a movable character) in respect of which such a licence as is mentioned in paragraph (a) of that subsection has been granted.
- (8) The supply of a video recording with a view only to its use for or in connection with—
  - (a) broadcasting services provided by the British Broadcasting Corporation or the Independent Broadcasting Authority, or
  - (b) a service authorised by a licence granted or having effect as if granted under section 58 of the Telecommunications Act 1984 (power to license cable programme services) or, until the coming into force of that section, a system licensed under section 89 of the Post Office Act 1969 (licensing of programme distribution systems),

is an exempted supply.
- (9) The supply of a video recording for the purpose only of submitting a video work contained in the recording for the issue of a classification certificate or otherwise only for purposes of arrangements made by the designated authority is an exempted supply.
- (10) The supply of a video recording with a view only to its use—
  - (a) in training for or carrying on any medical or related occupation,
  - (b) for the purpose of—
    - (i) services provided in pursuance of the National Health Service Act 1977 or the National Health Service (Scotland) Act 1978, or
    - (ii) such of the services provided in pursuance of the Health and Personal Social Services (Northern Ireland) Order 1972 as are health services (within the meaning of that Order), or

- (c) in training persons employed in the course of services falling within paragraph (b) above,  
is an exempted supply.
- (11) For the purposes of subsection (10) above, an occupation is a medical or related occupation if, to carry on the occupation, a person is required to be registered under the Professions Supplementary to Medicine Act 1960, the Nurses, Midwives and Health Visitors Act 1979 or the Medical Act 1983.
- (12) The supply of a video recording otherwise than for reward, being a supply made for the purpose only of supplying it to a person who previously made an exempted supply of the recording, is also an exempted supply.