



Films Act 1985

1985 CHAPTER 21

1 Repeal of Films Acts 1960 to 1980 and abolition of Cinematograph Films Council.

^{F1}(1)

^{F2}(2)

(3) Where anything purporting to have been done by or in relation to that Council was done before the passing of this Act at a time when the Council was constituted otherwise than as required by law it shall be treated as not having been rendered invalid by reason of the Council's having been so constituted.

Textual Amendments

F1 S. 1(1) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 5](#), Group 19

F2 S. 1(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 5](#), Group 19

^{F3}2

Textual Amendments

F3 S. 2 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt.IX](#).

3 Dissolution of National Film Finance Corporation.

^{F4}(1)

(2) Where in consequence of an order under the said paragraph 8 (whether made by virtue of subsection (1) or not)—

(a) any property or right of the Corporation becomes vested in the Secretary of State; or

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(b) any amount is received by the Secretary of State in respect of any such property or right,
the Secretary of State shall deal with that property, right or amount in such manner as he thinks fit for any purpose connected with the British film industry.

^{F5}(3)

(4) The Secretary of State may, in the case of any right to which this subsection applies, arrange for the right to be transferred, on such conditions as he thinks fit, to any British company or partnership in whose case he is satisfied as to the following matters, namely—

- (a) that the company or partnership will use its best endeavours to encourage the production of relevant films on a commercially successful basis; and
- (b) that it is willing and able to make financial facilities available to persons who wish to arrange for the production of relevant films;

and, subject to any such conditions, the company or partnership may dispose of the right (whether wholly or to any lesser extent) and retain any sums accruing therefrom.

(5) Subsection (4) applies to—

- (a) any copyright or share of a copyright or any licence granted under a copyright;
- (b) any right in, or relating to the exploitation of, a film and not within paragraph (a).

^{F5}(6)

(7) In this section—

“British company” means a company incorporated under the laws of Great Britain, being a company—

- (i) over which a Commonwealth citizen has control, or two or more Commonwealth citizens are together in a position to exercise control, or
- (ii) over which a company which is a British company by virtue of the preceding provisions of this definition has control, or two or more such companies or such a company and a Commonwealth citizen are together in a position to exercise control;

“British partnership” means a limited partnership formed in accordance with the ^{M1}Limited Partnerships Act 1907 in which the general partner within the meaning of that Act, or (as the case may be) each of the general partners, is a British company;

“control”, in relation to a company, means the power of a person or combination of persons to secure—

- (i) by means of the holding of shares or the possession of voting power in or in relation to that company or any other body corporate, or
- (ii) by virtue of any powers conferred by the articles of association or other document regulating that company or any other body corporate,

that the affairs of the company are conducted in accordance with the wishes of that person or those persons;

“relevant film” means a film which is intended to satisfy (whether wholly or to a substantial extent) the conditions that must be satisfied under Schedule 1 to this Act for a film to be a British film for the purposes of that Schedule.

^{F5}(8)

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Textual Amendments

- F4** S. 3(1) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 5](#), Group 19
F5 S. 3(3),(6) and (8) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt.IX](#).

Modifications etc. (not altering text)

- C1** S. 3(7) amended (27.8.1999) by [S.I. 1999/2386, art. 1\(3\)](#)
S. 3(7) modified (10.3.2000) by [S.I. 2000/756, art. 1\(2\)](#)

Marginal Citations

- M1** [1907 c. 24](#).

^{F6}4

Textual Amendments

- F6** S. 4 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt.IX](#).

5 Financial assistance by Secretary of State in connection with the production of films.

- (1) The Secretary of State with the consent of the Treasury may ^{F7}. . . give financial assistance—
- (a) to any British company or partnership, being a company or partnership in whose case he is satisfied as to the matters mentioned in paragraphs (a) and (b) of section 3(4), for any purpose connected with the production of relevant films;
 - (b) to any person—
 - (i) for the purpose of enabling projects to be prepared, or other preliminary work to be undertaken or steps taken, with a view to the production of relevant films; or
 - (ii) for any purpose connected with the production of short films.

In this subsection “British company”, “British partnership” and “relevant film” have the meaning given by section 3(7), and “short film” means a relevant film with a total playing time of less than 35 minutes.

- (2) Assistance under subsection (1) may be given by way of a grant or loan or in the form of a guarantee or otherwise; and in giving assistance under that subsection the Secretary of State may impose such conditions as he thinks fit, including conditions requiring a grant to be repaid in specified circumstances.
- (3) The Secretary of State may appoint a person to make recommendations and provide other services in connection with the discharge by the Secretary of State of his functions under subsection (1)(b).
- (4) Any sums required by the Secretary of State for making payments under subsection (1), or for meeting any expenses of any person appointed under subsection (3), shall be paid out of money provided by Parliament; and any sums

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received by the Secretary of State by virtue of this section shall be paid into the Consolidated Fund.

Textual Amendments

F7 Words in s. 5(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.IX**.

[^{F8}6 Certification of British films

Schedule 1 to this Act has effect with respect to the certification by the Secretary of State of a film as a British film for the purposes of film tax relief.]

Textual Amendments

F8 S. 6 substituted (1.1.2007) by **Finance Act 2006 (c. 25)**, s. 53(1), **Sch. 5 para. 15**; S.I. 2006/3399, art. 2

7 Repeals, etc.

- (1) The enactments mentioned in Schedule 2 to this Act are repealed to the extent specified in the third column of that Schedule.
- (2) ^{F9}
- (3) Notwithstanding the repeal by this Act of the ^{M2}Films Act 1960 the register kept under Part II of that Act shall continue to be kept by the Secretary of State in connection with the determination, for the purposes of any statutory provision, of questions relating to the registration of films under Part II of the Films Act 1960 or Part III of the ^{M3}Cinematograph Films Act 1938.
- (4) Where any film would, but for the repeal by this Act of the Films Act 1960 and the ^{M4}Films Act 1970, be—
 - (a) a British film for the purposes of the ^{M5}Film Levy Finance Act 1981 by virtue of section 9(2) of that Act (interpretation); or
 - (b) an eligible film for the purposes of regulations made under section 6 of that Act,
 that film shall be a British film, or (as the case may be) an eligible film, for those purposes notwithstanding the repeal of the said Acts of 1960 and 1970.
- (5) ^{F10}
- (7) The Secretary of State may by order made by statutory instrument provide for such further transitional and saving provisions to have effect in connection with the coming into operation of any provision of this Act as appears to him to be necessary or expedient.

Textual Amendments

F9 S. 7(2) repealed by **Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A)**, s. 303(2), **Sch. 8**
F10 S. 7(5)(6) repealed by **Capital Allowances Act 1990 (c. 1, SIF 63:1)**, ss. 82, 164, **Sch. 2**

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Marginal Citations

- M2** 1960 c. 57.
- M3** 1938 c. 17.
- M4** 1970 c. 26.
- M5** 1981 c. 16.

8 Short title, commencement and extent.

- (1) This Act may be cited as the Films Act 1985.
- (2) The following provisions of this Act shall come into force at the end of the period of two months beginning with the day on which it is passed, namely—
 - (a) section 6 and Schedule 1;
 - (b) section 7(1) and Schedule 2 so far as relating to the ^{M6}Finance Act 1982 and the ^{M7}Finance Act 1984;
 - (c) section 7(5) and (6).
- (3) The following provisions of this Act extend to Northern Ireland, namely—
 - ^{F11}(a)
 - (b) section 6 and Schedule 1;
 - (c) section 7 and Schedule 2;
 - (d) this section.

Textual Amendments

- F11** S. 8(3)(a) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.IX**.

Marginal Citations

- M6** 1982 c. 39.
- M7** 1984 c. 43.

Changes to legislation:

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