
STATUTORY INSTRUMENTS

1995 No. 2551

VIDEO RECORDINGS

The Video Recordings (Review of Determinations) Order 1995

Made - - - - *27th September 1995*
Laid before Parliament *6th October 1995*
Coming into force - - *1st November 1995*

The Secretary of State, being satisfied that adequate arrangements will be made for an appeal against determinations under the following Order, and in exercise of the powers conferred on him by section 4B of the Video Recordings Act 1984(1), hereby makes the following Order:

1. This Order may be cited as the Video Recordings (Review of Determinations) Order 1995 and shall come into force on 1st November 1995.

2. In this Order:

“the 1984 Act” means the Video Recordings Act 1984;

“classification certificate” has the same meaning as it is given in section 7 of the 1984 Act(2);

“the designated authority”, in relation to any transaction, means the person or persons designated under section 4 of the 1984 Act at the time of that transaction;

“a review” means a review under this Order of a determination as to the suitability of a video work;

“suitability” means suitability for the issue of a classification certificate or suitability for the issue of a certificate of a particular description;

“video work” has the same meaning as it is given in section 1 of the 1984 Act.

3. The designated authority may, if they think fit, review any determination made by them before 3rd November 1994 as to the suitability of a video work.

4. The designated authority shall determine on a review whether, if they were then determining the suitability of the video work, they would:

(a) issue a classification certificate; or

(b) issue a different classification certificate from that previously issued.

(1) 1984 c. 39. Section 4B was inserted by section 90 of the Criminal Justice and Public Order Act 1994 (c. 33).

(2) Subsection (2) of this section has been amended by section 1(3) of the Video Recordings Act 1993 (c. 24) and by section 90(2) of the Criminal Justice and Public Order Act 1994.

5.—(1) If the designated authority determine that they would not issue a classification certificate and the video work in question is one in respect of which a classification certificate has previously been issued, they shall cancel the classification certificate previously issued.

(2) The cancellation referred to above shall take effect after the expiry of two weeks from the date of the designated authority's determination.

6.—(1) If the designated authority determine that they would issue a different classification certificate, they shall cancel the classification certificate previously issued and issue a new one.

(2) The cancellation and issue referred to above shall take effect after the expiry of three months from the date of the designated authority's determination.

(3) The three month period shall be suspended on the lodging of an appeal against the determination in accordance with arrangements made for such appeals and shall resume on the determination of the appeal.

7. A classification certificate which is cancelled under article 5(1) or 6(1) shall be treated, in relation to any act or omission occurring after its cancellation takes effect, as if it had not been issued.

8.—(1) Where the designated authority cancel a classification certificate under article 5(1) or 6(1) or issue a new one under article 6(1), they shall notify, in accordance with paragraphs (2) and (3) below, persons appearing to them to fall into the following categories of person of that fact, of the date on which the cancellation or issue will take effect in accordance with article 5(2) or 6(2), and of any relevant suspension or resumption under article 6(3):

- (a) persons owning the right to distribute in any part of the United Kingdom the video work in question;
- (b) bodies or organisations representing persons engaged in the distribution or supply of video recordings;
- (c) bodies or authorities having as a statutory function the enforcement of the 1984 Act in their respective areas;
- (d) persons engaged in the retail sale or rental of video recordings.

(2) A notice under paragraph (1) (a), (b) or (c) above shall be sent by first class post to the intended recipient's last known address.

(3) A notice under paragraph (1) (d) above shall be placed, at such a time as will allow it to be read at the earliest possible date following the designated authority's decision, in at least two publications which are widely read by persons engaged in the retail sale or rental of video recordings and which (between them) circulate throughout the United Kingdom.

9.—(1) Subject to paragraph (2) below, the provisions of section 4 of the 1984 Act shall apply to a determination made on a review as they apply to a determination made otherwise than on a review.

(2) Where the video work in question is one in respect of which a classification certificate has previously been issued, no fee shall be recoverable by the designated authority in connection with a determination on a review or the issue of a classification certificate on a review.

10. The regulations made under section 8 of the 1984 Act(3) shall apply to a video work in respect of which a classification certificate has been issued on a review as they apply to a video work in respect of which a classification certificate has otherwise been issued.

Home Office
27th September 1995

Blatch
Minister of State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 4B of the Video Recordings Act 1984, which was inserted by the Criminal Justice and Public Order Act 1994.

It enables video works which were classified before 3rd November 1994 to have their classification certificates reviewed. The authority responsible for classifying video works may issue a different certificate (for example, one specifying a different age restriction) or it may refuse to classify the work altogether.

Under article 5, a decision to withdraw a work's classification takes effect after two weeks. Under article 6, the corresponding period for decisions to issue a different certificate is three months.

Under article 8, the authority must notify certain interested persons of any decision to re-classify, or not to classify, a previously classified work.