



Video Recordings Act 1984

1984 CHAPTER 39

Designated authority

4 Authority to determine suitability of video works for classification.

[^{F1}(1) The Secretary of State may by notice under this section designate any person as the authority responsible for making arrangements—

- (a) for determining for the purposes of this Act whether or not video works are suitable for classification certificates to be issued in respect of them, having special regard to the likelihood of video works in respect of which such certificates have been issued being viewed in the home,
- (b) in the case of works which are determined in accordance with the arrangements to be so suitable—
 - [^{F2}(ia) for assigning a unique title to each video work in respect of which a classification certificate is to be issued]
 - (i) for making such other determinations as are required for the issue [^{F3} or revocation] of classification certificates, and
 - (ii) for issuing [^{F4}and revoking] such certificates, and
- (c) for maintaining a record of such determinations (whether determinations made in pursuance of arrangements made by that person or by any person previously designated under this section), ^{F5} . . .

[^{F6}(1A) A title assigned to a video work under subsection (1)(b)(ia) above shall consist of—

- (a) the title under which the video work was determined to be suitable for the issue of a classification certificate; and
- (b) a registration number (which may contain letters and other symbols as well as figures).

(1B) The record maintained under subsection (1)(c) above shall include, in relation to each video work in respect of which a classification certificate has been issued, a video recording which—

- (a) contains the video work; and
- (b) shows, or shows on its spool, case or other thing on or in which the recording is kept—

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- (i) the title assigned to the video work under subsection (1)(b)(ia) above; and
- (ii) the determination or determinations made in respect of the video work.]

[^{F7}(1C) The arrangements made under this section may require a person requesting a classification certificate for a video work to agree to comply with a code of practice, which may, in particular, include provision relating to the labelling of video recordings.]

- (2) The power to designate any person by notice under this section includes power—
 - (a) to designate two or more persons jointly as the authority responsible for making those arrangements, and
 - (b) to provide that any person holding an office or employment specified in the notice is to be treated as designated while holding that office or employment.
- (3) The Secretary of State shall not make any designation under this section unless he is satisfied that adequate arrangements will be made for an appeal by any person against a determination that a video work submitted by him for the issue of a classification certificate—
 - (a) is not suitable for a classification certificate to be issued in respect of it, or
 - (b) is not suitable for viewing by persons who have not attained a particular age, or against a determination that no video recording containing the work is to be supplied other than in a licensed sex shop.

[^{F8}(3A) The Secretary of State must not make a designation under this section unless satisfied that adequate arrangements will be made for taking account of public opinion in the United Kingdom.]

(4) The Secretary of State may at any time designate another person in place of any person designated under this section and, if he does so, may give directions as to the transfer of any record kept in pursuance of the arrangements referred to in subsection (1) above; and it shall be the duty of any person having control of any such record or any part of it to comply with the directions.

[^{F9}(5) No fee is recoverable by, or in accordance with arrangements made by, the designated authority in connection with a determination in respect of a video work or the issue of a classification certificate unless the designated authority has consulted the Secretary of State about such fees.]

^{F10}(6)

[^{F11}(6A) When making arrangements under this section, the designated authority must have regard to any guidance issued by the Secretary of State.

(6B) The Secretary of State may not issue guidance about the matters to be taken into account when determining the suitability of a video work for the issue of a classification certificate or a classification certificate of a particular description.]

(7) Any notice under this section shall be published in the London, Edinburgh and Belfast Gazettes.

(8) In this Act,]

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- [^{F12}(a)] references to the designated authority, in relation to any transaction, are references to the person or persons designated under this section at the time of that transaction]^{F13}, and
- (b) references to the designated authority, in relation to a classification certificate, are references to the person or persons designated under this section when the certificate is issued,
- (but see also section 4ZA(2)).]

Textual Amendments

- F1** Ss. 1-17 repealed and revived (21.1.2010) by [Video Recordings Act 2010 \(c. 1\)](#), **ss. 1(1)**, 2(2) (with [Sch. paras. 2\(2\)](#), 6)
- F2** S. 4(1)(b)(ia) inserted (20.9.1993) by [1993 c. 24](#), **ss. 1(1)**, 6(2).
- F3** Words in s. 4(1)(b)(i) inserted (1.5.2012) by [Digital Economy Act 2010 \(c. 24\)](#), s. 47(3)(c), **Sch. 1 para. 2(2)(a)**; [S.I. 2012/1164](#), art. 2(b)
- F4** Words in s. 4(1)(b)(ii) inserted (1.5.2012) by [Digital Economy Act 2010 \(c. 24\)](#), s. 47(3)(c), **Sch. 1 para. 2(2)(b)**; [S.I. 2012/1164](#), art. 2(b)
- F5** Words in s. 4(1)(c) omitted (20.9.1993) by virtue of [1993 c. 24](#), **ss. 1(2)**, 6(2).
- F6** S. 4(1A)(1B) inserted (20.9.1993) by [1993 c. 24](#), **ss. 1(2)**, 6(2).
- F7** S. 4(1C) inserted (1.5.2012) by [Digital Economy Act 2010 \(c. 24\)](#), s. 47(3)(c), **Sch. 1 para. 2(3)**; [S.I. 2012/1164](#), art. 2(b)
- F8** S. 4(3A) inserted (1.5.2012) by [Digital Economy Act 2010 \(c. 24\)](#), s. 47(3)(c), **Sch. 1 para. 2(4)**; [S.I. 2012/1164](#), art. 2(b)
- F9** S. 4(5) substituted (1.5.2012) by [Digital Economy Act 2010 \(c. 24\)](#), s. 47(3)(c), **Sch. 1 para. 2(5)**; [S.I. 2012/1164](#), art. 2(b)
- F10** S. 4(6) repealed (1.5.2012) by [Digital Economy Act 2010 \(c. 24\)](#), s. 47(3)(c), [Sch. 1 para. 2\(6\)](#), **Sch. 2**; [S.I. 2012/1164](#), art. 2(b)(c)
- F11** S. 4(6A)(6B) inserted (1.5.2012) by [Digital Economy Act 2010 \(c. 24\)](#), s. 47(3)(c), **Sch. 1 para. 2(7)**; [S.I. 2012/1164](#), art. 2(b)
- F12** Word in s. 4(8) inserted (1.5.2012) by [Digital Economy Act 2010 \(c. 24\)](#), s. 47(3)(c), **Sch. 1 para. 2(8)(a)**; [S.I. 2012/1164](#), art. 2(b)
- F13** S. 4(8)(b) and word inserted (1.5.2012) by [Digital Economy Act 2010 \(c. 24\)](#), s. 47(3)(c), **Sch. 1 para. 2(8)(b)**; [S.I. 2012/1164](#), art. 2(b)

Modifications etc. (not altering text)

- C1** S. 4 applied (1.11.1995) by [S.I. 1995/2551](#), **art. 9(1)**

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Changes to legislation:

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