

VIDEO RECORDINGS ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Repeal and revival of provisions of the Video Recordings Act 1984

9. Subsection (1) provides for sections 1 to 17, 19, 21 and 22 of the 1984 Act to cease to be in force and, having been notified to the European Commission in accordance with the Technical Standards Directive, immediately to come into force again.
10. Sections 1 to 17, 19, 21 and 22 of the 1984 Act, which together make up the main provisions of that Act, provide for a system of age classification for video works, such as a film stored on DVD, in the UK. The purpose is to prohibit the supply of video works, particularly those with sexual or violent content, to persons below certain ages, and to prohibit generally the supply of unclassified video works. Sections 1 to 3 of the 1984 Act define key terms and exemptions. Sections 4 to 6 of the 1984 Act relate to the role of the classification authority (the British Board of Film Classification (“BBFC”) has been designated in this role). Sections 7 and 8 of the 1984 Act relate to classification certificates and labelling requirements. Sections 9 to 15 of the 1984 Act contain offences relating to the supply of video recordings in breach of classification and labelling requirements. Section 16 of the 1984 Act relates to offences by corporate bodies. Section 16A of the 1984 Act provides for enforcement by local weights and measures authorities, and sections 16B to 16D of the 1984 Act provide for the extension of jurisdiction of magistrates’ courts, sheriffs and magistrates’ courts in Northern Ireland in linked cases. Section 17 of the 1984 Act provides for powers of entry, search and seizure in relation to suspected offences under the Act. Section 19 of the 1984 Act provides for evidence relating to classification of a video work to be given by certificate. Section 21 of the 1984 Act provides for forfeiture of video recordings following conviction under the Act. Sections 18 and 20 of the 1984 Act have been repealed by earlier legislation.

Schedule: Transitional Provision

11. Paragraph 2(1) makes it clear that references to the 1984 Act in enactments, instruments and documents will not be affected by the repeal and revival of the provisions of the 1984 Act by the Act. For example, the [Criminal Justice and Police Act 2001 \(c.16\)](#) (sections 50 to 55 and Schedule 1) refers to section 17(2) of the 1984 Act (in order to extend and modify the power of search and seizure under that section). Paragraph 2(1) ensures that this reference remains unaffected by the repeal and revival.
12. Paragraph 2(2)(a) provides that existing references to Acts passed before a particular date, or in a particular Session, that include the 1984 Act will not be affected by the repeal and revival of the 1984 Act effected by the Act. For example, sections 281 and 282 of the [Criminal Justice Act 2003 \(c.44\)](#) extend the maximum term of imprisonment on summary conviction for certain offences in ‘relevant enactments’. ‘Relevant enactments’ are defined as Acts passed, or subordinate legislation made, before or in the same Session as the Criminal Justice Act 2003. This includes the 1984

*These notes refer to the Video Recordings Act 2010 (c.1)
which received Royal Assent on 21st January 2010*

Act. Paragraph 2(2)(a) ensures that, in this example, the repeal and revival of the 1984 Act does not affect its being regarded as a ‘relevant enactment’.

13. [Paragraph 2\(2\)\(b\)](#) makes similar provision in relation to existing powers that are exercisable in relation to Acts passed before a particular date, or in a particular Session. For example, section 9(7) of the [Administration of Justice Act 1985 \(c.61\)](#) gives the Lord Chancellor the power to modify Acts passed before or in the same Session as the [Legal Services Act 2007 \(c.29\)](#). Section 19(5) of the 1984 Act has been modified by this power. Paragraph 2(2)(b) ensures that this type of modification is not affected by the repeal and revival of the 1984 Act.
14. [Paragraph 3](#) makes it clear that the Act does not affect the validity of certain things done under provisions of the 1984 Act prior to their repeal and revival. For example, the BBFC will continue to be the designated authority for the purposes of the 1984 Act and classification certificates issued by the BBFC will continue to be valid. Paragraph 3(3) provides that the Act does not affect the date on which any of those things are treated as having been done.
15. [Paragraph 4](#) relates to sections 4, 4A and 4B of the 1984 Act. Section 4 of the 1984 Act allows the Secretary of State to designate an authority as the classification authority. Section 4A requires the classification authority to have special regard to certain criteria in classifying a video work and section 4B allows the Secretary of State to authorise the classification authority to review any earlier determination in the light of the criteria introduced by section 4A. Section 4A first came into force on 3 November 1994. The purpose of paragraph 4 is to confirm that the reference in section 4B to the date on which section 4A came into force is unaffected by the repeal and revival of the 1984 Act.
16. [Paragraph 5](#) confirms that the offences under sections 9 to 14 of the 1984 Act will continue to be “relevant offences” for the purposes of the [Regulatory Enforcement and Sanctions Act 2008 \(c.13\)](#). The Regulatory Enforcement and Sanctions Act 2008 makes provision for civil sanctions to be imposed for “relevant offences”, being offences that were in force immediately before the Regulatory Enforcement and Sanctions Act 2008 was passed.