

*Status: Point in time view as at 30/07/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2010, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 41

#### CLASSIFICATION OF VIDEO GAMES ETC: SUPPLEMENTARY PROVISION

- 1 The Video Recordings Act 1984 is amended as follows.
- 2 (1) Section 4 (authority to determine suitability of video works for classification) is amended as follows.
  - (2) In subsection (1)(b)—
    - (a) in sub-paragraph (i), after “issue” insert “ or revocation ”, and
    - (b) in sub-paragraph (ii), after “issuing” insert “ and revoking ”.
  - (3) After subsection (1B) insert—

“(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.”
  - (4) After subsection (3) insert—

“(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.”
  - (5) For subsection (5) substitute—

“(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.”
  - (6) Omit subsection (6).
  - (7) After that subsection insert—

“(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.”
  - (8) In subsection (8)—
    - (a) after “Act” insert—

“(a),  
and
    - (b) at the end insert

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“, 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)).”

**Commencement Information**

**I1** Sch. 1 para. 2 in force at 1.5.2012 by S.I. 2012/1164, art. 2(b)

3 In section 7 (classification certificates), at the end insert—

“(3) For the purposes of this Act, a video work is not a video work in respect of which a classification certificate has been issued if every classification certificate issued in respect of the video work has been revoked.”

**Commencement Information**

**I2** Sch. 1 para. 3 in force at 1.5.2012 by S.I. 2012/1164, art. 2(b)

4 After that section insert—

**“7A Classification certificates for particular video recordings**

- (1) A classification certificate issued in respect of a video work may be issued so as to have effect only for the purposes of a video recording that is described in the certificate (whether by reference to its contents, to the manner in which it is, or is to be, supplied or otherwise).
- (2) For the purposes of this Act, a video recording contains a video work in respect of which a classification certificate has been issued if (and only if) a classification certificate that has been issued in respect of the video work has effect for the purposes of the video recording.”

**Commencement Information**

**I3** Sch. 1 para. 4 in force at 1.5.2012 by S.I. 2012/1164, art. 2(b)

5 In section 8 (requirements as to labelling etc), omit subsections (2) and (3).

6 (1) Section 11 (supplying video recording of classified work in breach of classification) is amended as follows.

(2) In subsection (1)—

- (a) for “containing” substitute “ , or no video recording described in the certificate, that contains ”,
- (b) for “a video recording containing that work” substitute “ such a video recording ”, and
- (c) after “unless” insert—

“(a) the video work is an exempted work, or

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(b)”.

(3) In subsection (2), after paragraph (b) (but before “or”) insert—

“(ba) that the accused believed on reasonable grounds that the video work concerned or, if the video recording contained more than one work to which the charge relates, each of those works was an exempted work,”.

**Commencement Information**

**I4** Sch. 1 para. 6 in force at 1.5.2012 by S.I. 2012/1164, art. 2(b)

7 (1) Section 12 (certain video recordings only to be supplied in licensed sex shops) is amended as follows.

(2) In subsections (1) and (3)—

(a) for “containing” substitute “, or no video recording described in the certificate, that contains”, and

(b) for “a video recording containing the work” substitute “ such a video recording ”.

(3) In subsection (6)—

(a) for “containing” substitute “, or no video recording described in the certificate, that contains”, and

(b) for “a video recording containing that work” substitute “ such a video recording ”.

**Commencement Information**

**I5** Sch. 1 para. 7 in force at 1.5.2012 by S.I. 2012/1164, art. 2(b)

8 (1) Section 13 (supplying video recording not complying with requirements as to labels etc) is amended as follows.

(2) In subsection (1), after “unless” insert—

“(a) the video work is an exempted work, or

(b)”.

(3) In subsection (2), before paragraph (a) insert—

“(za) believed on reasonable grounds that the video work concerned or, if the video recording contained more than one work to which the charge relates, each of those works was an exempted work,”.

**Commencement Information**

**I6** Sch. 1 para. 8 in force at 1.5.2012 by S.I. 2012/1164, art. 2(b)

9 (1) Section 14 (supplying video recording containing false indication as to classification) is amended as follows.

(2) In subsection (1), after “unless” insert—

“(a) the video work is an exempted work, or

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(b)”.

(3) In subsection (2)(a), after sub-paragraph (i) (but before “or”) insert—

“(ia) that the video work concerned or, if the video recording contained more than one work to which the charge relates, each of those works was an exempted work,”.

(4) In subsection (3)—

(a) after “unless” insert—

“(a) the video work is an exempted work, or  
(b)”.

(5) In subsection (4)(a), before sub-paragraph (i) insert—

“(ai) that the video work concerned or, if the video recording contained more than one work to which the charge relates, each of those works was an exempted work,”.

**Commencement Information**

**I7** Sch. 1 para. 9 in force at 1.5.2012 by S.I. 2012/1164, art. 2(b)

10 (1) Section 22 (other interpretation) is amended as follows.

(2) In subsection (1), at the end insert—

““video games authority” and “video works authority” have the meaning given in section 4ZA.”

(3) In subsection (2), after “Act” insert “ (and subject to regulations under subsection (2A)) ”.

(4) After subsection (2) insert—

“(2A) The Secretary of State may by regulations make provision about the circumstances in which, for the purposes of this Act, a video recording does or does not contain a video work.”

**Commencement Information**

**I8** Sch. 1 para. 10 partly in force; Sch.1 para. 10(1)(3)(4) in force at 8.6.2010 see s. 47(1)(3)(c)

**I9** Sch. 1 para. 10(2) in force at 1.5.2012 by S.I. 2012/1164, art. 2(b)

11 After section 22 insert—

**“22A Regulations**

(1) Regulations under this Act are to be made by statutory instrument.

(2) Every power of the Secretary of State to make regulations under this Act includes—

- (a) power to make different provision for different purposes, and
- (b) power to make transitional or saving provision.

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- (3) A statutory instrument containing regulations under section 2, 2A or 3 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.”

12      Until such time as section 2A of the Video Recordings Act 1984 comes into force, section 22A(3) of that Act has effect as if the words “, 2A” were omitted.

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