

*Status: Point in time view as at 08/06/2010.*

*Changes to legislation: Digital Economy Act 2010 is up to date with all changes known to be in force on or before 23 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (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.

VALID FROM 01/05/2012

- 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—

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“(a),  
and  
(b) at the end insert

“, 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)).”

VALID FROM 01/05/2012

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.”

VALID FROM 01/05/2012

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.”

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

VALID FROM 01/05/2012

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  
(b)”.

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- (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.”.

VALID FROM 01/05/2012

- 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”.

VALID FROM 01/05/2012

- 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.”.

VALID FROM 01/05/2012

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

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“(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,”.

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

**II** 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)

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.

(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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## SCHEDULE 2

Section 45

### REPEALS

#### Commencement Information

**I2** Sch. 2 partly in force; Sch. 2 in force for specified purposes at 8.6.2010 see s. 47(1)(3)(b)-(d)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Public Lending Right Act 1979 (c. 10)	In section 5(2), the word “and” at the end of the definition of “the register”.
Video Recordings Act 1984 (c. 39)	Section 2(1)(c) (and the word “or” before it). Section 4(6). Section 8(2) and (3). In section 22(1), the word “and” at the end of the definition of “business”.
Broadcasting Act 1990 (c. 42)	Section 14(7). In section 106(1A), the word “or” at the end of paragraph (c). Section 183A(7)(a) and (b). Section 184.
Communications Act 2003 (c. 21)	In section 218(7), the words after paragraph (b). Section 221. Section 224(3). In section 314(1)(a), the words from “but” to “that case”. In Schedule 15, paragraph 63 and the preceding heading.

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