



Digital Economy Act 2017

2017 CHAPTER 30

PART 3

ONLINE PORNOGRAPHY

15 Meaning of “pornographic material”

- (1) In this Part “pornographic material” (except in the expression “extreme pornographic material”) means any of the following—
- (a) a video work in respect of which the video works authority has issued an R18 certificate;
 - (b) material that was included in a video work to which paragraph (a) applies, if it is reasonable to assume from its nature that its inclusion was among the reasons why the certificate was an R18 certificate;
 - (c) any other material if it is reasonable to assume from its nature that any classification certificate issued in respect of a video work including it would be an R18 certificate;
 - (d) a video work in respect of which the video works authority has issued an 18 certificate, and that it is reasonable to assume from its nature was produced solely or principally for the purposes of sexual arousal;
 - (e) material that was included in a video work to which paragraph (d) applies, if it is reasonable to assume from the nature of the material—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that its inclusion was among the reasons why the certificate was an 18 certificate;
 - (f) any other material if it is reasonable to assume from its nature—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that any classification certificate issued in respect of a video work including it would be an 18 certificate;

Status: This is the original version (as it was originally enacted).

- (g) a video work that the video works authority has determined not to be suitable for a classification certificate to be issued in respect of it, if—
 - (i) it includes material (other than extreme pornographic material) that it is reasonable to assume from its nature was produced solely or principally for the purposes of sexual arousal, and
 - (ii) it is reasonable to assume from the nature of that material that its inclusion was among the reasons why the video works authority made that determination;
- (h) material (other than extreme pornographic material) that was included in a video work that the video works authority has determined not to be suitable for a classification certificate to be issued in respect of it, if it is reasonable to assume from the nature of the material—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that its inclusion was among the reasons why the video works authority made that determination;
- (i) any other material (other than extreme pornographic material) if it is reasonable to assume from the nature of the material—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that the video works authority would determine that a video work including it was not suitable for a classification certificate to be issued in respect of it.

(2) In this section—

“18 certificate” means a classification certificate which—

- (a) contains, pursuant to section 7(2)(b) of the Video Recordings Act 1984, a statement that the video work is suitable for viewing only by persons who have attained the age of 18 and that no video recording containing that work is to be supplied to any person who has not attained that age, and
- (b) does not contain the statement mentioned in section 7(2)(c) of that Act that no video recording containing the video work is to be supplied other than in a licensed sex shop;

“classification certificate” has the same meaning as in the Video Recordings Act 1984 (see section 7 of that Act);

“material” means—

- (a) a series of visual images shown as a moving picture, with or without sound;
- (b) a still image or series of still images, with or without sound; or
- (c) sound;

“R18 certificate” means a classification certificate which contains the statement mentioned in section 7(2)(c) of the Video Recordings Act 1984 that no video recording containing the video work is to be supplied other than in a licensed sex shop;

“the video works authority” means the person or persons designated under section 4(1) of the Video Recordings Act 1984 as the authority responsible for making arrangements in respect of video works other than video games;

“video work” means a video work within the meaning of the Video Recordings Act 1984, other than a video game within the meaning of that Act.