
STATUTORY INSTRUMENTS

2013 No. 1831

CORPORATION TAX

The Cultural Test (Television Programmes) Regulations 2013

Made - - - - 18th July 2013
Laid before the House of
Commons - - - - 22nd July 2013
Coming into force - - 13th August 2013

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1216CB and 1216CC(7) of the Corporation Tax Act 2009 ^{M1}.

Regulations 3 to 5 of, and Schedule 1 to, these Regulations are made with the approval of the Treasury in accordance with section 1216CB(2) of that Act.

Marginal Citations

M1 2009 c.4. Part 15A of the Act, which contain sections 1216CB and 1216CC(7), was inserted by Schedule 16 to the [Finance Act 2013 \(c.29\)](#).

PART 1

Introductory

Citation and commencement

1.—(1) These Regulations may be cited as the Cultural Test (Television Programmes) Regulations 2013.

(2) These Regulations come into force on 13th August 2013.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Corporation Tax Act 2009;

“cast” means the actors and performers in a drama or animation, but not any extras;

“heads of department” has the meaning given by paragraph (2);

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Cultural Test (Television Programmes) Regulations 2013. (See end of Document for details)

“participant” means a presenter, narrator, subject, or any other person who both participates and appears in a documentary [^{F1}or a children’s programme];

“production crew” means all the persons directly involved in the production of a programme who do not appear in the programme;

“programme” means a drama ^{M2}, a documentary [^{F2}, an animation or a children’s programme] which is a relevant programme ^{M3};

“qualifying person” means a national of, or a person ordinarily resident in, [^{F3}the United Kingdom or] an EEA state;

“recognised regional or minority language” means Welsh, Scottish-Gaelic, Irish, Scots, Ulster Scots, Cornish or British Sign Language;

“special effects” means artificial techniques or processes, which are not visual effects, used to create an illusion in a programme; and

“visual effects” means digital alterations to a programme's images.

(2) “Heads of department” means—

- (a) in relation to a drama, lead cinematographer, lead production designer, lead costume designer, lead editor, lead sound designer, lead visual effects supervisor and lead hair and makeup supervisor;
- (b) in relation to a documentary, lead camera operator, lead sound recordist, lead editor and lead researcher;
- (c) in relation to an animation, lead layout supervisor, lead production designer, lead character designer, lead editor, lead sound designer, lead visual effects supervisor and lead modelling supervisor [^{F4}]; and
- (d) in relation to a children’s programme, lead cinematographer, lead production designer, lead costume designer, lead editor, lead sound designer, lead visual effects supervisor, lead hair and makeup supervisor and lead researcher].

Textual Amendments

- F1** Words in reg. 2(1) inserted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **4(2)(a)(i)** (with reg. 2)
- F2** Words in reg. 2(1) substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **4(2)(a)(ii)** (with reg. 2)
- F3** Words in reg. 2(1) inserted (31.12.2020) by [The Cultural Tests \(Films, Television Programmes and Video Games\) \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1105\)](#), regs. 1, **3(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Reg. 2(2)(d) and word inserted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **4(2)(b)** (with reg. 2)

Marginal Citations

- M2** “Drama” is defined in section 1216AC(2) of the Act.
- M3** “Relevant programme” is defined in section 1216AB of the Act.

PART 2

The Cultural Tests

Cultural test: dramas and documentaries

3.—(1) A drama or documentary will be certified by the Secretary of State as a British programme under section 1216CB(1) of the Act only if it passes the following cultural test.

(2) A drama or documentary passes the cultural test if it meets either of the following conditions—

- (a) subject to paragraph (3), it is awarded at least [F518 points] in total under paragraphs (4) to (7); or
- (b) it is a qualifying co-production^{M4} made in accordance with an international agreement specified in Schedule 1.

(3) A drama or documentary that is awarded all the points available under paragraphs (4)(d) (language), (6) (where work carried out) and (7) (personnel) will not pass the cultural test unless it is awarded—

- (a) at least 2 points under paragraph (4)(a) (setting);
- (b) at least 2 points under paragraph (4)(b) (characters); or
- (c) 4 points under paragraph (4)(c) (story).

(4) Up to [F618 points] will be awarded in respect of the content of the drama or documentary as follows—

- (a) up to 4 points depending on the percentage of the drama or documentary that is set in the [F7United Kingdom or an EEA state] as follows—
 - (i) 4 points for at least 75%;
 - (ii) 3 points for at least 66%;
 - (iii) 2 points for at least 50%;
 - (iv) 1 point for at least 25%;
- (b) up to 4 points depending on the number of the characters depicted in the drama or documentary that are from the [F8United Kingdom or an EEA state] as follows—
 - (i) if there are more than three characters depicted in the drama or documentary—
 - (aa) if two or three of the three lead characters are from the [F9United Kingdom or an EEA state], 4 points;
 - (bb) if only one of the three lead characters is from the [F10United Kingdom or an EEA state], 2 points if that character is the first or second lead, or 1 point if that character is the third lead;
 - (ii) if there are only three characters depicted in the drama or documentary—
 - (aa) if two or three of the characters are from the [F11United Kingdom or an EEA state], 4 points;
 - (bb) if only one of the characters is from the [F12United Kingdom or an EEA state], 2 points if that character is the first or second lead, or 1 point if that character is the third lead;
 - (iii) if there are only two characters depicted in the drama or documentary—
 - (aa) if both of the characters are from the [F13United Kingdom or an EEA state], 4 points;

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- (bb) if one of the characters is from the [^{F14}United Kingdom or an EEA state], 2 points;
- (iv) if there is only one character depicted in the drama or documentary, 4 points if that character is from the [^{F15}United Kingdom or an EEA state];
- (c) 4 points if the drama or documentary depicts a British story or a story which relates to [^{F16}an EEA state];
- (d) up to [^{F17}6 points] depending on the percentage of the original dialogue that is recorded in [^{F18}a language recognised for official purposes in the [^{F19}United Kingdom or an EEA state]]—
- (i) [^{F17}6 points] for at least 75%;
 - (ii) [^{F20}4 points] for at least 66%;
 - (iii) 2 points for at least 50%;
 - (iv) 1 point for at least 25%.
- (5) Up to 4 points will be awarded in respect of the contribution of the drama or documentary to the promotion, development and enhancement of [^{F21}one or more of the following—
- (a) British creativity;
 - (b) British heritage; or
 - (c) diversity].
- [^{F22}(6) Up to 5 points will be awarded in respect of work carried out in the making of the drama or documentary as follows—
- (a) 4 points if at least 80% of the work carried out on any of the following is carried out in the United Kingdom (unless points are awarded under sub-paragraphs (b) or (c) below, in which case nil)—
 - (i) in relation to a drama—
 - (aa) principal photography;
 - (bb) visual effects;
 - (cc) special effects;
 - (ii) in relation to a documentary—
 - (aa) shooting;
 - (bb) visual effects;
 - (cc) research and development;
 - (dd) special effects;
 - (b) 2 points if at least 50% of the work carried out on any of the following is carried out in the United Kingdom—
 - (i) in relation to a drama—
 - (aa) principal photography;
 - (bb) special effects;
 - (ii) in relation to a documentary—
 - (aa) shooting;
 - (bb) research and development;
 - (cc) special effects;

- (c) 2 points if at least 50% of the work carried out on visual effects is carried out in the United Kingdom;
 - (d) 1 point if at least 50% of the work carried out on any of the following is carried out in the United Kingdom—
 - (i) performing and recording the music score created for the drama or documentary;
 - (ii) audio post production;
 - (iii) picture post production.]
- (7) Up to 8 points will be awarded in respect of the personnel involved in the making of the drama or documentary as follows—
- (a) 1 point if a director (or, if there are more than three, one of the three lead directors) is a qualifying person;
 - (b) 1 point if at least one of the scriptwriters (or, if there are more than three, one of the three lead scriptwriters) is a qualifying person;
 - (c) 1 point if at least one of the producers (or, if there are more than three, one of the three lead producers) is a qualifying person;
 - (d) 1 point if a composer (or, if there are more than three, one of the three lead composers) is a qualifying person;
 - (e) 1 point if at least one of the actors or participants (as the case may be) (or, if there are more than three, one of the three lead actors or participants) is a qualifying person;
 - (f) 1 point if at least 50% of the cast or participants (as the case may be) are qualifying persons;
 - (g) 1 point if at least one of the heads of department is a qualifying person;
 - (h) 1 point if at least 50% of the production crew are qualifying persons.

Textual Amendments

- F5** Words in reg. 3(2)(a) substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **5(2)(a)** (with reg. 2)
- F6** Words in reg. 3(4) substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **5(2)(b)(i)** (with reg. 2)
- F7** Words in reg. 3(4)(a) substituted (31.12.2020) by [The Cultural Tests \(Films, Television Programmes and Video Games\) \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1105\)](#), regs. 1, **3(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in reg. 3(4)(b) substituted (31.12.2020) by [The Cultural Tests \(Films, Television Programmes and Video Games\) \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1105\)](#), regs. 1, **3(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 3(4)(b)(i)(aa) substituted (31.12.2020) by [The Cultural Tests \(Films, Television Programmes and Video Games\) \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1105\)](#), regs. 1, **3(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 3(4)(b)(i)(bb) substituted (31.12.2020) by [The Cultural Tests \(Films, Television Programmes and Video Games\) \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1105\)](#), regs. 1, **3(3)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in reg. 3(4)(b)(ii)(aa) substituted (31.12.2020) by [The Cultural Tests \(Films, Television Programmes and Video Games\) \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1105\)](#), regs. 1, **3(3)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in reg. 3(4)(b)(ii)(bb) substituted (31.12.2020) by [The Cultural Tests \(Films, Television Programmes and Video Games\) \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1105\)](#), regs. 1, **3(3)(f)**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Cultural Test (Television Programmes) Regulations 2013. (See end of Document for details)

- F13** Words in reg. 3(4)(b)(iii)(aa) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(3)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in reg. 3(4)(b)(iii)(bb) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(3)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in reg. 3(4)(b)(iv) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(3)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in reg. 3(4)(c) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(3)(j)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in reg. 3(4)(d) substituted (23.7.2015) by The Cultural Test (Television Programmes) (Amendment) Regulations 2015 (S.I. 2015/1449), regs. 1, **5(2)(b)(ii)(aa)** (with reg. 2)
- F18** Words in reg. 3(4)(d) substituted (23.7.2015) by The Cultural Test (Television Programmes) (Amendment) Regulations 2015 (S.I. 2015/1449), regs. 1, **5(2)(b)(ii)(bb)** (with reg. 2)
- F19** Words in reg. 3(4)(d) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(3)(k)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in reg. 3(4)(d) substituted (23.7.2015) by The Cultural Test (Television Programmes) (Amendment) Regulations 2015 (S.I. 2015/1449), regs. 1, **5(2)(b)(ii)(cc)** (with reg. 2)
- F21** Words in reg. 3(5) substituted (23.7.2015) by The Cultural Test (Television Programmes) (Amendment) Regulations 2015 (S.I. 2015/1449), regs. 1, **5(2)(c)** (with reg. 2)
- F22** Reg. 3(6) substituted (23.7.2015) by The Cultural Test (Television Programmes) (Amendment) Regulations 2015 (S.I. 2015/1449), regs. 1, **5(2)(d)** (with reg. 2)

Marginal Citations

- M4** “Qualifying co-production” is defined in section 1216AI(a) of the Act.

Cultural test: animation

4.—(1) An animation will be certified by the Secretary of State as a British programme under section 1216CB(1) of the Act only if it passes the following cultural test.

(2) An animation passes the cultural test if it meets either of the following conditions—

- (a) subject to paragraph (3), it is awarded at least 16 points in total under paragraphs (4) to (7); or
- (b) it is a qualifying co-production^{M5} made in accordance with an international agreement specified in Schedule 1.

(3) An animation that is awarded all the points available under paragraphs (4)(d) (language), (6) (where work carried out) and (7) (personnel) will not pass the cultural test unless it is awarded—

- (a) at least 2 points under paragraph (4)(a) (setting);
- (b) at least 2 points under paragraph (4)(b) (characters); or
- (c) 4 points under paragraph (4)(c) (story).

(4) Up to 16 points will be awarded in respect of the content of the animation as follows—

- (a) up to 4 points depending on the percentage of the animation that is set in the [F23United Kingdom or an EEA state] as follows—
 - (i) 4 points for at least 75%;
 - (ii) 3 points for at least 66%;

- (iii) 2 points for at least 50%;
 - (iv) 1 point for at least 25%;
 - (b) up to 4 points depending on the number of the characters depicted in the animation that are from the [F24United Kingdom or an EEA state] as follows—
 - (i) if there are more than three characters depicted in the animation—
 - (aa) if two or three of the three lead characters are from the [F25United Kingdom or an EEA state], 4 points;
 - (bb) if only one of the three lead characters is from the [F26United Kingdom or an EEA state], 2 points if that character is the first or second lead, or 1 point if that character is the third lead;
 - (ii) if there are only three characters depicted in the animation—
 - (aa) if two or three of the characters are from the [F27United Kingdom or an EEA state], 4 points;
 - (bb) if only one of the characters is from the [F28United Kingdom or an EEA state], 2 points if that character is the first or second lead, or 1 point if that character is the third lead;
 - (iii) if there are only two characters depicted in the animation—
 - (aa) if both of the characters are from the [F29United Kingdom or an EEA state], 4 points;
 - (bb) if one of the characters is from the [F30United Kingdom or an EEA state], 2 points;
 - (iv) if there is only one character depicted in the animation, 4 points if that character is from the [F31United Kingdom or an EEA state];
 - (c) 4 points if the animation depicts a British story or a story which relates to [F32an EEA state];
 - (d) up to 4 points depending on the percentage of the original dialogue that is recorded in the English language or a recognised regional or minority language as follows—
 - (i) 4 points for at least 75%;
 - (ii) 3 points for at least 66%;
 - (iii) 2 points for at least 50%;
 - (iv) 1 point for at least 25%.
- (5) Up to 4 points will be awarded in respect of the contribution of the animation to the promotion, development and enhancement of British culture.
- (6) Up to 3 points will be awarded in respect of work carried out in the making of the animation as follows—
- (a) 2 points if at least 50% of the work carried out on any of the following is carried out in the United Kingdom—
 - (i) shooting;
 - (ii) visual design;
 - (iii) layout and storyboarding;
 - (iv) visual effects;
 - (v) special effects;

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- (b) 1 point if at least 50% of the work carried out on any of the following is carried out in the United Kingdom—
- (i) performing and recording the music score created for the animation;
 - (ii) voice recording;
 - (iii) audio post production;
 - (iv) picture post production.
- (7) Up to 8 points will be awarded in respect of the personnel involved in the making of the animation as follows—
- (a) 1 point if a director (or, if there are more than three, one of the three lead directors) is a qualifying person;
 - (b) 1 point if at least one of the scriptwriters (or, if there are more than three, one of the three lead scriptwriters) is a qualifying person;
 - (c) 1 point if at least one of the producers (or, if there are more than three, one of the three lead producers) is a qualifying person;
 - (d) 1 point if a composer (or, if there are more than three, one of the three lead composers) is a qualifying person;
 - (e) 1 point if at least one of the actors (or, if there are more than three, one of the three lead actors) is a qualifying person;
 - (f) 1 point if at least 50% of the cast are qualifying persons;
 - (g) 1 point if at least one of the heads of department is a qualifying person;
 - (h) 1 point if at least 50% of the production crew are qualifying persons.
- (8) An animation which is set in, or in which any character is from, an undetermined location is eligible to be awarded points under paragraphs (4)(a)(ii)-(iv) (setting) and (4)(b) (characters) as if that location were in the [^{F33}United Kingdom or an EEA state], provided it complies with the following condition.
- (9) The condition is that that animation is awarded at least one point under any of—
- (a) paragraph (4)(c) (story);
 - (b) paragraph (4)(d) (language); or
 - (c) paragraph (5) (culture).

Textual Amendments

- F23** Words in reg. 4(4)(a) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in reg. 4(4)(b) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in reg. 4(4)(b)(i)(aa) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in reg. 4(4)(b)(i)(bb) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(4)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

- F27** Words in reg. 4(4)(b)(ii)(aa) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, 3(4)(e); 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in reg. 4(4)(b)(ii)(bb) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, 3(4)(f); 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in reg. 4(4)(b)(iii)(aa) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, 3(4)(g); 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in reg. 4(4)(b)(iii)(bb) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, 3(4)(h); 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in reg. 4(4)(b)(iv) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, 3(4)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in reg. 4(4)(c) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, 3(4)(j); 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in reg. 4(8) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, 3(4)(k); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M5** “Qualifying co-production” is defined in section 1216AI(a) of the Act.

[^{F34}Cultural test: children’s programme

4A.—(1) A children’s programme will be certified by the Secretary of State as a British programme under section 1216CB(1) of the Act only if it passes the following cultural test.

(2) A children’s programme passes the cultural test if it meets either of the following conditions—

- (a) subject to paragraph (3), it is awarded at least 18 points in total under paragraphs (4) to (7); or
- (b) it is a qualifying co-production made in accordance with an international agreement specified in Schedule 1.

(3) A children’s programme that is awarded all the points available under paragraphs (4)(d) (language), (6) (where work carried out) and (7) (personnel) will not pass the cultural test unless it is awarded—

- (a) at least 2 points under paragraph (4)(a) (setting);
- (b) at least 2 points under paragraph (4)(b) (characters); or
- (c) 4 points under paragraph (4)(c) (story).

(4) Up to 18 points will be awarded in respect of the content of the children’s programme as follows—

- (a) up to 4 points depending on the percentage of the children’s programme that is set in the [^{F35}United Kingdom or an EEA state] as follows—
 - (i) 4 points for at least 75%;
 - (ii) 3 points for at least 66%;
 - (iii) 2 points for at least 50%;
 - (iv) 1 point for at least 25%;

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- (b) up to 4 points depending on the number of the characters or participants in the children's programme that are from the [^{F36}United Kingdom or an EEA state] as follows—
- (i) if there are more than three characters or participants in the children's programme—
 - (aa) if two or three of the three lead characters or participants are from the [^{F37}United Kingdom or an EEA state], 4 points;
 - (bb) if only one of the three lead characters or participants is from the [^{F38}United Kingdom or an EEA state], 2 points if that character or participant is the first or second lead, or 1 point if that character or participant is the third lead;
 - (ii) if there are only three characters or participants in the children's programme—
 - (aa) if two or three of the characters or participants are from the [^{F39}United Kingdom or an EEA state], 4 points;
 - (bb) if only one of the characters or participants is from the [^{F40}United Kingdom or an EEA state], 2 points if that character or participant is the first or second lead, or 1 point if that character or participant is the third lead;
 - (iii) if there are only two characters or participants in the children's programme—
 - (aa) if both of the characters or participants are from the [^{F41}United Kingdom or an EEA state], 4 points;
 - (bb) if one of the characters or participants is from the [^{F42}United Kingdom or an EEA state], 2 points;
 - (iv) if there is only one character or participant in the children's programme, 4 points if that character is from the [^{F43}United Kingdom or an EEA state].
- (c) 4 points if the children's programme depicts a British story or a story which relates to [^{F44}an EEA state];
- (d) up to 6 points depending on the percentage of the original dialogue that is recorded in a language recognised for official purposes in the [^{F45}United Kingdom or an EEA state] as follows—
- (i) 6 points for at least 75%;
 - (ii) 4 points for at least 66%;
 - (iii) 2 points for at least 50%;
 - (iv) 1 point for at least 25%.
- (5) Up to 4 points will be awarded in respect of the contribution of the children's programme to the promotion, development and enhancement of one or more of the following—
- (a) British creativity;
 - (b) British heritage; or
 - (c) diversity.
- (6) Up to 5 points will be awarded in respect of the work carried out in the making of the children's programme as follows—
- (a) 4 points if at least 80% of the work carried out on any of the following is carried out in the United Kingdom (unless points are awarded under sub-paragraphs (b) or (c) below, in which case nil)—
 - (i) principal photography;
 - (ii) animation shooting;
 - (iii) visual design;

- (iv) layout and storyboarding;
 - (v) research and development;
 - (vi) visual effects;
 - (vii) special effects;
 - (b) 2 points if at least 50% of the work carried out on any of the following is carried out in the United Kingdom—
 - (i) principal photography;
 - (ii) animation shooting;
 - (iii) visual design;
 - (iv) layout and storyboarding;
 - (v) research and development;
 - (vi) special effects;
 - (c) 2 points if at least 50% of the work carried out on visual effects is carried out in the United Kingdom;
 - (d) 1 point if at least 50% of the work carried out on any of the following is carried out in the United Kingdom—
 - (i) performing and recording the music score for the children’s programme;
 - (ii) voice recording;
 - (iii) audio post production;
 - (iv) picture post production.
- (7) Up to 8 points will be awarded in respect of the personnel involved in the making of the children’s programme as follows—
- (a) 1 point if a director (or, if there are more than three, one of the three lead directors) is a qualifying person;
 - (b) 1 point if at least one of the scriptwriters (or, if there are more than three, one of the three lead scriptwriters) is a qualifying person;
 - (c) 1 point if at least one of the producers (or, if there are more than three, one of the three lead producers) is a qualifying person;
 - (d) 1 point if a composer (or, if there are more than three, one of the three lead composers) is a qualifying person;
 - (e) 1 point if at least one of the actors or participants (or, if there are more than three, one of the three lead actors or participants) is a qualifying person;
 - (f) 1 point if at least 50% of the cast are qualifying persons;
 - (g) 1 point if at least one of the heads of department is a qualifying person;
 - (h) 1 point if at least 50% of the production crew are qualifying persons.
- (8) A children’s programme which is set in, or in which any character or participant is from, an undetermined location is eligible to be awarded points under paragraphs (4)(a)(ii)-(iv) (setting) and (4)(b) (characters or participants) as if that location were in the ^{F46}United Kingdom or an EEA state], provided that it complies with the following condition.
- (9) The condition is that that children’s programme is awarded at least one point under any of—
- (a) paragraph (4)(c) (story);
 - (b) paragraph (4)(d) (language); or

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Cultural Test (Television Programmes) Regulations 2013. (See end of Document for details)

(c) paragraph (5) (culture).]

Textual Amendments

- F34** Reg. 4A inserted (23.7.2015) by The Cultural Test (Television Programmes) (Amendment) Regulations 2015 (S.I. 2015/1449), regs. 1, **5(3)** (with reg. 2)
- F35** Words in reg. 4A(4)(a) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F36** Words in reg. 4A(4)(b) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F37** Words in reg. 4A(4)(b)(i)(aa) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(5)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in reg. 4A(4)(b)(i)(bb) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(5)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F39** Words in reg. 4A(4)(b)(ii)(aa) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(5)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F40** Words in reg. 4A(4)(b)(ii)(bb) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(5)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F41** Words in reg. 4A(4)(b)(iii)(aa) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(5)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F42** Words in reg. 4A(4)(b)(iii)(bb) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(5)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F43** Words in reg. 4A(4)(b)(iv) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(5)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F44** Words in reg. 4A(4)(c) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(5)(j)**; 2020 c. 1, Sch. 5 para. 1(1)
- F45** Words in reg. 4A(4)(d) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(5)(k)**; 2020 c. 1, Sch. 5 para. 1(1)
- F46** Words in reg. 4A(8) substituted (31.12.2020) by The Cultural Tests (Films, Television Programmes and Video Games) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1105), regs. 1, **3(5)(l)**; 2020 c. 1, Sch. 5 para. 1(1)

Excluded programmes

5.—(1) A programme must not be certified as a British programme under these Regulations if parts of the programme whose playing time exceeds 10% of the total playing time are derived from a previous programme, unless—

- (a) the two programmes have the same television production company^{M6} or producer; and
- (b) the previous programme has not been certified under these Regulations.

(2) The Secretary of State may direct that paragraph (1) does not apply in relation to a programme if in the opinion of the Secretary of State—

- (a) it is a documentary within the meaning of section 1216AB(3)(b) of the Act; and
 - (b) its subject matter makes it appropriate for paragraph (1) not to be applied.
- (3) For the purposes of this regulation—
- (a) no account may be taken of the programme soundtrack;
 - (b) “producer” means the person by whom the arrangements necessary for the making of a programme are undertaken.

Marginal Citations

M6 The meaning of “television production company” is set out in section 1216AE of the Act.

PART 3

Applications for Certification

Applications

6.—(1) An application under section 1216CC(1) for the certification of a relevant programme ^{M7} (other than a co-production) as a British programme must be made in writing to the Secretary of State.

- (2) For the purposes of this regulation—
- (a) “in writing” includes text which is—
 - (i) transmitted by electronic means;
 - (ii) received in legible form; and
 - (iii) capable of being used for subsequent reference;
 - (b) “co-production” means a programme which passes the cultural test ^{M8} by satisfying the condition in [^{F47} regulation 3(2)(b), 4(2)(b) or 4A(2)(b)].

Textual Amendments

F47 Words in [reg. 6\(2\)\(b\)](#) substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **6(2)** (with [reg. 2](#))

Marginal Citations

M7 “Relevant programme” is defined in section 1216AB of the Act.

M8 The meaning of “cultural test” in relation to a programme is set out in section 1216CB(2) of the Act.

Particulars

7. An application in relation to a programme must set out the particulars (where applicable) described in Schedule 2 for that programme.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Cultural Test (Television Programmes) Regulations 2013. (See end of Document for details)

Evidence

8.—(1) An application must be accompanied by a statutory declaration made by the applicant as to the truth of the particulars given in the application.

(2) A statutory declaration will be deemed to be properly made by the applicant if it has been made on behalf of the company by the secretary or one of the directors of the company or by any person duly authorised by the company to make the declaration on its behalf.

9.—(1) Where an application for final certification seeks to rely on any point that may be awarded under [^{F48}any of regulations 3(6), 3(7), 4(6), 4(7), 4A(6) or 4A(7)], the application must be accompanied by a report prepared by a person referred to in paragraph (2) verifying (where applicable) the particulars in paragraphs 17 to 19 of Schedule 2.

(2) The person referred to in this paragraph is a person who is eligible for appointment as a statutory auditor under section 1212 of the Companies Act 2006 ^{M9} and is not and was not at any time while the programme was being made—

- (a) in partnership with the applicant or any officer or servant of the applicant;
- (b) in the employment of the applicant or any officer or servant of the applicant; or
- (c) an officer or servant of the applicant or, if the applicant is a member of a group of companies, of any other company in that group.

(3) In this regulation, “group of companies” means a company and all other companies which are its subsidiaries within the meaning of section 1159 of the Companies Act 2006.

Textual Amendments

F48 Words in [reg. 9\(1\)](#) substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), [regs. 1, 6\(3\)](#) (with [reg. 2](#))

Marginal Citations

M9 2006 c.46.

PART 4

General

10. For the purposes of these Regulations—

- (a) a programme is set in the [^{F49}United Kingdom or an EEA state] to the extent that it is set in a country which is now part of the [^{F49}United Kingdom or an EEA state];
- (b) a programme depicts a British story or a story which relates to [^{F50}an EEA state] if the subject matter of the programme or the underlying material on which the programme is based is British or relates to [^{F50}an EEA state];
- (c) a person or a character in a programme is from the [^{F51}United Kingdom or an EEA state] if the person or character is a national or resident of the [^{F51}United Kingdom or an EEA state] (or was a national or resident of a country which is now part of the [^{F51}United Kingdom or an EEA state]).

Textual Amendments

- F49** Words in [reg. 10\(a\)](#) substituted (31.12.2020) by [The Cultural Tests \(Films, Television Programmes and Video Games\) \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1105\)](#), regs. 1, [3\(6\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F50** Words in [reg. 10\(b\)](#) substituted (31.12.2020) by [The Cultural Tests \(Films, Television Programmes and Video Games\) \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1105\)](#), regs. 1, [3\(6\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F51** Words in [reg. 10\(c\)](#) substituted (31.12.2020) by [The Cultural Tests \(Films, Television Programmes and Video Games\) \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1105\)](#), regs. 1, [3\(6\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)

11. The amount of work that is carried out in the United Kingdom or elsewhere is determined—
- (a) for the purposes of [^{F52}regulations 3(6)(a)(i)(aa), 3(6)(b)(i)(aa), 4A(6)(a)(i), or 4A(6)(b)(i)] (principal photography), by reference to the number of days spent on the work;
- (b) for the purposes of the rest of [^{F53}regulations 3(6), 4(6) and 4A(6)] (where work carried out), by reference to the amount of expenditure on the work.

Textual Amendments

- F52** Words in [reg. 11\(a\)](#) substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, [6\(4\)](#) (with [reg. 2](#))
- F53** Words in [reg. 11\(b\)](#) substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, [6\(5\)](#) (with [reg. 2](#))

12. No points will be awarded under any provision of [^{F54}regulations 3(6), 4(6) or 4A(6)] (where work carried out) in respect of work the expenditure on which is, in the opinion of the Secretary of State, insignificant in relation to the expenditure on all the work carried out in the making of the programme.

Textual Amendments

- F54** Words in [reg. 12](#) substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, [6\(6\)](#) (with [reg. 2](#))

Department for Culture, Media and Sport
Address

Ed Vaisey
Minister of State

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Cultural Test (Television Programmes) Regulations 2013. (See end of Document for details)

We approve,

Anne Milton
Mark Lancaster
Two Lords Commissioners of Her Majesty's
Treasury

Status: Point in time view as at 31/12/2020.**Changes to legislation:** There are currently no known outstanding effects for the The Cultural Test (Television Programmes) Regulations 2013. (See end of Document for details)

SCHEDULE 1

[^{F55}Regulations 3(2)(b), 4(2)(b), 4A(2)(b)]

INTERNATIONAL AGREEMENTS

Textual Amendments

F55 Words in Sch. 1 heading substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **7(2)** (with reg. 2)

The international agreements specified in this Schedule for the purposes of [^{F56}regulations 3(2)(b), 4(2)(b) and 4A(2)(b)] are the agreements made between the UK Government and the Governments of the countries, or the international organisations or authorities, referred to in the first column of the Table on the dates in the second column of the Table and as referred to by the Command Paper numbers in the third column.

^{F57} Country/International Organisation/Authority	Date of Agreement	Command Paper
Australia	12th June 1990	Cm 1758
Brazil	28th September 2012	Cm 9075
Canada	12th September 1975	Cmnd 6380
	9th July 1985	Cmnd 9887
	5th July 1991	Cm 1807
China	6th December 2016	Cm 9508
Israel	3rd November 2010	Cm 7994
New Zealand	14th April 1993	Cm 2638
Palestinian Organisation for the benefit of the Palestinian Authority	Liberation 3rd November 2010	Cm 7995
South Africa	24th May 2006	Cm 6866
	28th October 2015	Cm 9158]

Textual Amendments

F56 Words in Sch. 1 substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **7(3)** (with reg. 2)

F57 Sch. 1 table substituted (15.12.2017) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2017 \(S.I. 2017/1138\)](#), regs. 1, **2**

Textual Amendments

F56 Words in Sch. 1 substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **7(3)** (with reg. 2)

Status: Point in time view as at 31/12/2020.

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F57 Sch. 1 table substituted (15.12.2017) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2017 \(S.I. 2017/1138\)](#), regs. 1, 2

SCHEDULE 2

Regulation 7

PARTICULARS

1. Title of the programme.
2. Whether the application relates to a drama, a documentary, [^{F58}an animation, or a children's programme].

Textual Amendments

F58 Words in Sch. 2 para. 2 substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **8(2)** (with reg. 2)

3. Total playing time in minutes and seconds of the programme, including credits and titles.
4. Whether the application is for interim or final certification.
5. Whether the programme is intended for broadcast or supply to the general public (as the case may be).
6. Name of the applicant.
7. Address of the applicant's principal place of business.
8. Address of the applicant's registered office.
9. Registered number of the applicant.
10. Date of registration of the applicant.
11. In relation to a drama [^{F59}or a children's programme], the date of the first day of principal photography.

Textual Amendments

F59 Words in Sch. 2 para. 11 inserted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **8(3)** (with reg. 2)

12. Date on which the programme was completed for the purposes of section 1216AA(5) of the Act.
13. A copy of the commissioning agreement.
14. The reasons why it should be considered to be a drama, documentary [^{F60}, animation, or children's programme] (as the case may be).

Textual Amendments

F60 Words in Sch. 2 para. 14 substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **8(4)** (with reg. 2)

[^{F61}15. The reasons why any point should be awarded under regulation 3(4) (drama or documentary), 4(4) (animation) or 4A(4) (children’s programme) (as the case may be).]

Textual Amendments

F61 Sch. 2 para. 15 substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **8(5)** (with reg. 2)

[^{F62}16. The reasons why any point should be awarded under regulation 3(5) (drama or documentary), 4(5) (animation) or 4A(5) (children’s programme) (as the case may be).]

Textual Amendments

F62 Sch. 2 para. 16 substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **8(6)** (with reg. 2)

17. If the applicant seeks to rely on regulation 3(6)(a)(i)(aa)^{F63}, 3(6)(b)(i)(aa), 4A(6)(a)(i) or 4A(6)(b)(i)], the total number of days of principal photography and the number of days of principal photography carried out in the United Kingdom.

Textual Amendments

F63 Words in Sch. 2 para. 17 inserted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **8(7)** (with reg. 2)

18. If the applicant seeks to rely on any other part of [^{F64}regulation 3(6), 4(6) or 4A(6)], the total expenditure on such other work and the expenditure on such work as was carried out in the United Kingdom.

Textual Amendments

F64 Words in Sch. 2 para. 18 substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **8(8)** (with reg. 2)

19. The nationality or ordinary residence of all the persons mentioned in [^{F65}regulation 3(7), 4(7) or 4A(7)] in relation to whom the applicant is applying for a point to be awarded.

Textual Amendments

F65 Words in Sch. 2 para. 19 substituted (23.7.2015) by [The Cultural Test \(Television Programmes\) \(Amendment\) Regulations 2015 \(S.I. 2015/1449\)](#), regs. 1, **8(9)** (with reg. 2)

20. Total core expenditure ^{M10}.

Marginal Citations

M10 “Core expenditure” is defined in section 1216AG(3) of the Act.

21. Total UK expenditure ^{M11}.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Cultural Test (Television Programmes) Regulations 2013. (See end of Document for details)

Marginal Citations

M11 “UK expenditure” is defined in section 1216AH of the Act.

22. Total non-UK expenditure by each country the expenditure is carried out in.
23. Other expenditure, meaning all the expenditure on the work carried out in the making of the programme which is not core expenditure.
24. Shooting script in the English language.
25. A complete synopsis or treatment of the screenplay in the English language.
26. Shooting schedule.
27. Production budget.
28. Copy of the chain of title in the programme.
29. The following particulars—
 - (a) if any part of the programme that is the subject of the application is derived from any previous programme, the playing time in minutes and seconds of that part (the “derived part”) and the combined playing time in minutes and seconds of all derived parts;
 - (b) the particulars in paragraph (a) are only required in relation to any derived parts which—
 - (i) do not have the same television production company or producer as the programme that is the subject of the application; or
 - (ii) are derived from a previous programme that has been certified under these Regulations;
 - (c) if the applicant seeks to rely on regulation 5(2), the reasons why the subject matter of the documentary makes it appropriate for the Secretary of State to direct that regulation 5(1) does not apply;
 - (d) for the purposes of sub-paragraph (b)(i), “producer” has the same meaning as in regulation 5(3)(b).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations introduce points-based “cultural tests” for television programmes (dramas, documentaries and animation). The purpose of the tests is to determine whether a programme may be certified as a “British programme” by the Secretary of State under Part 15A of the Corporation Tax Act 2009 (as inserted by the Finance Act 2013). Points under the tests are awarded on the basis of the setting, content, language and British cultural aspects of the programme, where certain work on the programme is carried out, and the residence or nationality of the personnel involved in the making of the programme. Certification as a British programme is a condition of eligibility for television tax relief under that Act.

These Regulations also prescribe the particulars and evidence that must be provided to the Secretary of State in support of an application for certification. They also make provision for the making of a statutory declaration on behalf of a company.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Cultural Test (Television Programmes) Regulations 2013. (See end of Document for details)

The impact on business, charities or voluntary bodies arising from this instrument has been included in the Tax Information and Impact Notes prepared for the Finance Act 2013 which was published alongside the budget on 20th March 2013. The Notes are available on the HMRC website at <http://www.hmrc.gov.uk/tiin/2012/tiin2390.htm> (in respect of dramas and documentaries) and <http://www.hmrc.gov.uk/tiin/2012/tiin2356.htm> (in respect of animation). The Notes remain an accurate summary of the impacts. No significant impact on the public sector is foreseen, and therefore no separate impact assessment has been prepared for this instrument.

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Cultural Test (Television Programmes) Regulations 2013.