

## STATUTORY INSTRUMENTS

# 2013 No. 1831

## The Cultural Test (Television Programmes) Regulations 2013

### PART 3

#### Applications for Certification

##### Applications

**6.—(1)** An application under section 1216CC(1) for the certification of a relevant programme <sup>M1</sup> (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 <sup>M2</sup> by satisfying the condition in [<sup>F1</sup>regulation 3(2)(b), 4(2)(b) or 4A(2)(b)].

**F1** 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

**M1** “Relevant programme” is defined in section 1216AB of the Act.

**M2** 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.

##### 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 [<sup>F2</sup>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 <sup>M3</sup> 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.

**F2** 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**

**M3** [2006 c.46](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Cultural Test (Television Programmes) Regulations 2013, PART 3.