
STATUTORY INSTRUMENTS

2013 No. 1831

The Cultural Test (Television Programmes) Regulations 2013

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 [^{F1}18 points] in total under paragraphs (4) to (7); or
- (b) it is a qualifying co-production ^{M1} 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 [^{F2}18 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 [^{F3}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%;
- (b) up to 4 points depending on the number of the characters depicted in the drama or documentary that are from the [^{F4}United 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 [^{F5}United Kingdom or an EEA state], 4 points;
 - (bb) if only one of the three lead characters is from the [^{F6}United 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 [F7United Kingdom or an EEA state], 4 points;
- (bb) if only one of the characters is from the [F8United 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 [F9United Kingdom or an EEA state], 4 points;
 - (bb) if one of the characters is from the [F10United 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 [F11United Kingdom or an EEA state];
- (c) 4 points if the drama or documentary depicts a British story or a story which relates to [F12an EEA state];
- (d) up to [F136 points] depending on the percentage of the original dialogue that is recorded in [F14a language recognised for official purposes in the [F15United Kingdom or an EEA state]]—
 - (i) [F136 points] for at least 75%;
 - (ii) [F164 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 [F17one or more of the following—
 - (a) British creativity;
 - (b) British heritage; or
 - (c) diversity].
- [F18(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

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)

- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)
- F14** 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)
- F15** 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)
- F16** 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)
- F17** 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)
- F18** 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

- M1** “Qualifying co-production” is defined in section 1216AI(a) of the Act.

Changes to legislation:

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