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STATUTORY INSTRUMENTS

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**2013 No. 1831**

**The Cultural Test (Television Programmes) Regulations 2013**

**PART 2**

The Cultural Tests

**[<sup>F1</sup>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 [<sup>F2</sup>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 or participants in the children's programme that are from the [<sup>F3</sup>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 [<sup>F4</sup>United Kingdom or an EEA state], 4 points;
    - (bb) if only one of the three lead characters or participants is from the [<sup>F5</sup>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 [<sup>F6</sup>United Kingdom or an EEA state], 4 points;
- (bb) if only one of the characters or participants is from the [<sup>F7</sup>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 [<sup>F8</sup>United Kingdom or an EEA state], 4 points;
  - (bb) if one of the characters or participants is from the [<sup>F9</sup>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 [<sup>F10</sup>United Kingdom or an EEA state].
- (c) 4 points if the children's programme depicts a British story or a story which relates to [<sup>F11</sup>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 [<sup>F12</sup>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 [<sup>F13</sup>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
  - (c) paragraph (5) (culture).]

#### **Textual Amendments**

- F1** 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)
- F2** 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)

- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)

**Changes to legislation:**

There are currently no known outstanding effects for the The Cultural Test (Television Programmes) Regulations 2013, Section 4A.