
STATUTORY INSTRUMENTS

2015 No. 1449

**The Cultural Test (Television Programmes)
(Amendment) Regulations 2015**

Amendments to Part 2 of the 2013 Regulations

- 5.—(1) Part 2 of the 2013 Regulations is amended as follows.
- (2) In regulation 3 (Cultural test: dramas and documentaries)—
- (a) in sub-paragraph (2)(a), for “16 points” substitute “18 points”;
 - (b) in paragraph (4)—
 - (i) for “16 points” substitute “18 points”;
 - (ii) in sub-paragraph (d)—
 - (aa) for “4 points” substitute “6 points” (in both places);
 - (bb) for “the English language or a recognised regional or minority language” substitute “a language recognised for official purposes in the United Kingdom or another EEA state”; and
 - (cc) for “3 points” substitute “4 points”;
 - (c) in paragraph (5), for “British culture” substitute—

“one or more of the following—

 - (a) British creativity;
 - (b) British heritage; or
 - (c) diversity”;
 - (d) for paragraph (6), substitute—

“(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.”.
- (3) After regulation 4 (Cultural test: animation), insert—

“Cultural test: children’s programme

4A.—(1) A children’s programme⁽¹⁾ 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⁽²⁾ 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 United Kingdom or another 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%;

(1) “Children’s programme” is defined in section 1216AC(2A) of the Corporation Tax Act 2009.

(2) “Qualifying co-production” is defined in section 1216AI(a) of the Corporation Tax Act 2009.

- (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 United Kingdom or another 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 United Kingdom or another EEA state, 4 points;
 - (bb) if only one of the three lead characters or participants is from the United Kingdom or another 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 United Kingdom or another EEA state, 4 points;
 - (bb) if only one of the characters or participants is from the United Kingdom or another 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 United Kingdom or another EEA state, 4 points;
 - (bb) if one of the characters or participants is from the United Kingdom or another 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 United Kingdom or another EEA state.
- (c) 4 points if the children's programme depicts a British story or a story which relates to another 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 United Kingdom or another 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 UK or another 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).”.