STATUTORY INSTRUMENTS

2010 No. 115

VIDEO RECORDINGS

The Video Recordings (Labelling) Regulations 2010

Made - - - -	*22nd January 2010*
Laid before Parliament	*25th January 2010*
Coming into force - -	*26th January 2010*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 8 of the Video Recordings Act 1984(**a**).

Citation and Commencement

1. These Regulations may be cited as the Video Recordings (Labelling) Regulations 2010 and shall come into operation on 26th January 2010.

Interpretation

2.—(1) In these Regulations—

(a) "the Act" means the Video Recordings Act 1984;

(b) "disc" and "magnetic tape" mean, respectively, a disc or magnetic tape containing information by the use of which the whole or a part of a video work may be produced;

(c) "double-sided disc" means a disc containing on both faces the information by the use of which the whole or part of a video work may be produced;

(d) "spine" means in relation to a case or cover in which a video recording is kept the next largest face, or one of them, after the first largest pair of faces;

(e) "unique title" means the title assigned to a video work under section 4(1)(b)(ia) of the Act.

(2) In these Regulations, "the appropriate explanatory statement" means—

(a) in relation to a classification certificate which contains a statement of a kind described in column (1) below, the explanatory statement set out opposite thereto in column (2)—

(1)Statement contained in classification certificate	*(2)Explanatory statement*
1. A statement within section 7(2)(a) of the Act with advice as to the particular suitability of the video work for viewing by young children.	UNIVERSAL. Particularly suitable for young children.

(**a**) 1984 c.. 39, as amended by the Video Recordings Act 1993 (c.24) and the Criminal Justice and Public Order Act 1994 (c.33) and as repealed and revived by the Video Recordings Act 2010 (c.1).

2. A statement within section 7(2)(a) of the Act with advice as to the particular suitability of the video work for viewing by children.	UNIVERSAL. Particularly suitable for children.
3. A statement within section 7(2)(a) of the Act without the advice mentioned in item 1 or item 2 above or item 4 below.	UNIVERSAL. Suitable for all.
4. A statement within section 7(2)(a) of the Act with advice as to the desirability of parental guidance with regard to the viewing of the work by young children.	PARENTAL GUIDANCE. General viewing but some scenes may be unsuitable for young children.

(b) in relation to a classification certificate which contains a statement within section 7(2)(b) of the Act without the other statement within section 7(2)(c) of the Act, a statement in the following terms—

"Suitable only for persons of.....years and over. Not to be supplied to any person below that age.",

with the inclusion (in numbers) of the age specified in the certificate in the explanatory statement before the word "years";

(c) in relation to a classification certificate which contains the statements within section 7(2)(c) of the Act, a statement in the following terms—

"RESTRICTED. To be supplied only in licensed sex shops to persons of not less than.....years.",

with the inclusion (in numbers) of the age specified in the certificate in the explanatory statement before the word "years".

(3) In these Regulations, "the appropriate symbol" means—

(a) in relation to a classification certificate which contains a statement of the kind described in items 1 or 2 of the Table in paragraph (2)(a) above, the letters "Uc";

(b) in relation to a classification certificate which contains a statement of the kind described in item 3 of the said Table the letter "U";

(c) in relation to a classification certificate which contains a statement of the kind described in item 4 of the said Table, the letters "PG";

(d) in relation to a classification certificate which contains a statement within section 7(2)(b) of the Act without the other statement within section 7(2)(c) of the Act, the numbers representing the age specified in the certificate;

(e) in relation to a classification certificate which contains the statements within section 7(2)(c) of the Act, the word "Restricted" with the inclusion (in numbers) of the age specified in the certificate after the word "Restricted".

(4) In these Regulations, "case" does not include a case or other article from which a video recording need not be removed in order for the video work contained on the recording to be produced; but such a case or other article is, for the purpose of these Regulations, to be treated as if it were a spool.

(5) A reference in these Regulations to a face of a case or cover in which a video recording is kept and to a spine of such a case or cover is a reference to the outer face of such a case or cover and to the outer face of the spine, respectively.

(6) For the purposes of these Regulations—

(a) where a video recording contains more than one video work and all or some of those works are works in respect of which classification certificates which are equally restrictive have been issued, those video works shall be taken to be one video work comprising any one of them;

(b) where a video recording contains more than one video work in respect of which classification certificates which are not equally restrictive have been issued, the video

recording shall be taken to contain only the most restrictively classified video work of those works.

(7) (a) For the purposes of paragraph (6) above—

(i) a classification certificate is equally restrictive as another such certificate if either they both contain the same statement within section 7(2) of the Act or one contains a statement within paragraph (a) of that subsection with which is included advice as to the particular suitability of the work for viewing by children and the other contains such a statement with which is included no advice falling within the said paragraph (a);

(ii) "the most restrictively classified video work" means the work in respect of which the classification certificate issued in respect of it contains the most restrictive statement.

(b) For the purposes of this paragraph—

(i) the statements within paragraphs (a), (b) and (c) of section 7(2) of the Act are to be regarded as being progressively more restrictive so that the statement within the said paragraph (a) is the least restrictive and the statement within the said paragraph (c) that no video recording containing the video work in respect of which the certificate was issued is to be supplied other than in a licensed sex shop is the most restrictive;

(ii) a statement within paragraph (a) of that subsection with which is included advice as to the desirability of parental guidance with regard to the viewing of the video work by young children is to be regarded as more restrictive than such a statement with which is included advice as to the particular suitability of the video work for viewing by children or with which is included no advice falling within the said paragraph (a);

(iii) a statement within paragraph (b) of that subsection is to regarded as more restrictive than another statement within that paragraph if the age included in the first statement is greater than that included in the other statement.

Labelling requirements

3. These Regulations apply in relation to video work in respect of which classification certificates have been issued.

4.—(1) Subject to the following provisions of these Regulations, the appropriate symbol and the unique title shall be shown—

(a) on one face of every disc;

(b) on every magnetic tape which is not kept on a spool;

(c) on one face of every spool on which a magnetic tape is kept or, in the case of a case which, by virtue of Regulation 2(4), is to be treated as a spool, on one of its largest faces.

(2) Subject as aforesaid, the appropriate symbol shall be shown on the spine or one spine, as appropriate, of every case or cover in which a video recording is kept unless one of the dimensions of the spine is less than 2 centimetres.

(3) Where the title of any video work or works contained on a video recording is visible on or through one spine of the case or cover in which the recording is kept, paragraph (2) above shall apply as if the requirement in that paragraph was for the appropriate symbol to be shown on that spine.

(4) Paragraph (2) above does not apply where the appropriate symbol is clearly visible through the spine or one spine, as appropriate, of the case or cover or, in a case falling within paragraph (3) above, through the spine of the case or cover on or through which the title of any video work or works contained on the video recording is visible and it is shown in the manner provided for in Regulations 9 and 11 as if it was required to be shown under these Regulations.

(5) Subject as aforesaid, the appropriate symbol shall be shown on one of the largest faces or the largest face, as appropriate, of the case or cover in which a video recording is kept and the appropriate explanatory statement and the appropriate symbol shall be shown together on another

of the largest faces or another face other than the spine, as appropriate, of the case or cover unless—

(a) the appropriate symbol is clearly visible through one of the largest faces or the largest face, as appropriate, of the case or cover in which the disc, tape or spool is kept;

(b) the appropriate symbol and the appropriate explanatory statement are together clearly visible through another of the largest faces or another face other than the spine, as appropriate, of the case or cover; and

(c) the appropriate symbol and the appropriate explanatory statement referred to in sub-paragraph (b) above are shown together in the manner provided for in Regulation 8, the appropriate symbol referred to in sub-paragraph (a) above is shown in the manner provided for in Regulation 9 and the said symbol or symbol and statement is or are shown in the manner provided for in Regulation 11 as if it was or they were required to be shown under these Regulations.

5.—(1) In relation to a double-sided disc, the requirement in regulation 4(1)(a) above to show the appropriate symbol on one face of every disc shall have effect as if these Regulations were amended in accordance with paragraphs (2) and (3) below.

(2) In regulation 2(3), after "means" add "the letters "UK", followed by".

(3) In regulation 9:

(a) omit paragraphs (a) to (d);

(b) in paragraph (e), for "5" substitute "2"; and

(c) in paragraph (f), before sub-paragraph (i) insert:

"(ai)the letters "U" and "K" before the letters, numbers or word and numbers, as the case may be, specified in sub-paragraphs (a) to (e) of regulation 2(3);".

6.—(1) In relation to a disc which is not a double-sided disc, the requirement in regulation 4(1)(a) above to show the appropriate symbol on one face of every disc shall have effect as if regulation 9 were amended in accordance with paragraph (2) below.

(2) In regulation 9:

(a) in paragraph (a), omit the words "green coloured";

(b) in paragraph (b), omit the words "yellow coloured";

(c) in paragraph (c)(i), omit the words "red coloured";

(d) in paragraph (c)(ii),

(i) add after the word "red" the words "or black"; and

(ii) omit the words "white coloured"; and

(e) in paragraph (d) omit the words "blue coloured".

7. Where under these Regulations the appropriate symbol, the unique title or the appropriate explanatory statement, or any combination of them, is or are required to be shown it or they shall be shown by means of a label affixed to or a marking on the disc, magnetic tape, spool, spine, case or cover in which a video recording is kept, as the case may be, which satisfies the requirements of Regulations 8, 9, 10 and 11 as appropriate.

8. Where under these Regulations the appropriate explanatory statement and the appropriate symbol are required to be shown together on the same face of a case or cover in which a video recording is kept, the symbol shall be shown in the manner provided for in Regulation 9, the explanatory statement shall, if appropriate, be shown in the manner provided for in Regulation 10 and both the symbol as so shown and the explanatory statement as so shown, if appropriate, shall be shown within a single rectangular shaped frame.

9. Where under these Regulations the appropriate symbol is required to be shown, it shall be shown in the following manner—

(a) in the case of a symbol referred to in Regulation 2(3)(a) and (b) the symbol shall be black or white, and set on a green coloured triangular shaped background;

(b) in the case of the symbol referred to in Regulation 2(3)(c) the symbol shall be black or white, and set on a yellow coloured triangular shaped background;

(c) in the case of the symbol referred to in Regulation 2(3)(d) the symbol shall be—

(i) where the age specified in the classification certificate is 18 years, black or white, and set on a red coloured circular shaped background;

(ii) where the age specified in the classification certificate is less than 18 years, red and set on a white coloured circular shaped background;

(d) in the case of the symbol referred to in Regulation 2(3)(e) the symbol shall be black or white, and set on a blue coloured rectangular shaped background;

(e) except in the case of the letter "c" in the symbol referred to in Regulation 2(3)(a) and the letters following "R" in the symbol referred to in Regulation 2(3)(e), the letters and numbers contained in a symbol shall be of a minimum height of 5 millimetres;

(f) the following letters shall be shown as capitals:

(i) the letter "U" in the symbols referred to in Regulation 2(3)(a) and (b);

(ii) the letters "P" and "G" in the symbol referred to in Regulation 2(3)(c);

(iii) all the letters in the word "Restricted" in the symbol referred to in Regulation 2(3)(e).

10. Where under these Regulations there is a requirement to show the appropriate explanatory statement described in items 1, 2, 3 or 4 of the Table in Regulation 2(2)(a) or in Regulation 2(2)(c), it shall be shown so that—

(a) in relation to the statements described in items 1, 2 and 3 of the said Table, all the letters in the word "Universal",

(b) in relation to the statement described in item 4 of the said Table, all the letters in the words "Parental Guidance", and

(c) in relation to the statement described in Regulation 2(2)(c), all the letters in the word "Restricted",

are shown in capitals.

11.—(1) Where under these Regulations the appropriate symbol, the unique title or the appropriate explanatory statement, or any combination of them, is or are required to be shown it or they shall be clearly legible and indelible and no part of it or them shall be hidden or obscured by any other written or pictorial matter or by any other matter.

(2) Where under these Regulations the appropriate symbol is or the appropriate explanatory statement and the appropriate symbol are required to be shown on a case or cover in which a video recording is kept or on the spine or one spine, as appropriate, of such a case or cover it or they shall be shown in such manner as it remains or they remain clearly visible where that case or cover is kept in a cover.

Siôn Simon
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

22nd January 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under section 8 of the Video Recordings Act 1984 ("the 1984 Act"), specify certain requirements as to the indications of the contents of any classification certificate issued, in the form of labels and markings, and the position in which such labels and markings are to be shown on any video recording containing the video work in respect of which the certificate was issued. In addition, these Regulations specify the position in which such labels and markings are to be shown on any spool, case or other thing on or in which the video recording is kept.

Provisions of the 1984 Act and these Regulations were notified on 10th September 2009 as draft measures to the European Commission in accordance with the Technical Standards Directive (Directive 98/34/EC, as amended by Directive 98/48/EC) due to earlier omissions to notify them as required by that Directive. Following compliance with the notification procedure under the Technical Standards Directive, the notified provisions of the 1984 Act were repealed and immediately brought back into force (revived) by the Video Recordings Act 2010 (c.1) on 21st January 2010.

These Regulations are made under section 8 of the 1984 Act as repealed and revived. They consolidate and replace the previous labelling regulations made under section 8 before that section was repealed and revived – namely, the Video Recordings (Labelling) Regulations 1985 (S.I. 1985/911), the Video Recordings (Labelling) (Amendment) Regulations 1995 (S.I. 1995/2550) and the Video Recordings (Labelling) (Amendment) Regulations 1998 (S.I. 1998/852). A minor amendment has been made in these consolidated Regulations in order to clarify that in relation to a classification certificate containing a statement of the kind described in items 1 or 2 of the Table in regulation 2(2)(a), "the appropriate symbol" means the letters "Uc".

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