

2012 No. 1767

VIDEO RECORDINGS

LABELLING

The Video Recordings (Labelling) Regulations 2012

<i>Made</i> - - - -	<i>4th July 2012</i>
<i>Laid before Parliament</i>	<i>6th July 2012</i>
<i>Coming into force</i> - -	<i>30th July 2012</i>

The Secretary of State makes the following Regulations, in exercise of the powers conferred by sections 8 and 22A of the Video Recordings Act 1984(a):

Citation and Commencement

1. These Regulations may be cited as the Video Recordings (Labelling) Regulations 2012 and they come in to force on 30th July 2012.

Interpretation

2.—(1) In these Regulations—

- (a) “the Act” means the Video Recordings Act 1984;
- (b) “double-sided disc” means a disc containing on both faces the information by the use of which the whole or part of the video work may be produced;
- (c) “unique title” means the title assigned to a video work under section 4(1)(b)(ia) of the Act;
- (d) “case” means the case or cover in which a video recording is kept; and any reference to a case includes the case or cover in which a spool may be kept;
- (e) “spool” means the device or article on which a magnetic tape is wound in order to be produced as a video recording but it does not mean the case or covering in which the spool may be kept;
- (f) the “video works authority” and the “video games authority” are the persons designated by the Secretary of State under section 4 and 4ZA of the Act, as the authority responsible for making arrangements for the matters specified in that Act regarding video works and video games respectively;
- (g) A “pre-commencement classification document” means a document issued by the video works authority or the video games authority prior to the coming into force date of these Regulations that contains the title of a video game and a statement that the video game

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Act 1993 (c.24), the Criminal Justice and Public Order Act 1994 (c.33) and the Digital Economy Act 2010 (c.24); and as repealed and revived by the Video Recordings Act 2010 (c.1).

concerned is only suitable for viewing by persons who have attained the age specified in the document (not being less than twelve years).

(2) A reference in these Regulations to a face of a case in which a video recording is kept is a reference to the outer face of such a case.

General labelling requirements

3. Where under these Regulations the classification symbol, the classification icon, the unique title or the 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 sign or label.

4. Where under these Regulations the classification symbol, the classification icon or the explanatory statement is or are required to be shown on a case in which a video recording is kept, it or they shall be shown in such manner as it remains, or they remain, clearly visible where that case is kept in a cover or covering.

5. Where under these Regulations the classification symbol, the classification icon, the unique title or the 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 video recording which satisfies the requirements of these Regulations and any other requirements relating to the labelling of video recordings as may be determined by the authority, or authorities, responsible for making arrangements under section 4 of the Act.

6. Where under these Regulations the explanatory statement and the classification symbol are required to be shown together on the same face of a case in which a video recording is kept, the symbol and the explanatory statement shall be shown within a single rectangular shaped frame.

7. Where under these Regulations the classification symbol and classification icon are required to be shown together on the same face of a case in which a video game is kept, the symbol and the icon shall be shown within a single rectangular shaped frame.

Mixed content

8. 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 containing 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; and
- (c) Where one or more video recordings are placed within a single case and those video recordings contain video works in respect of which classification certificates which are not equally restrictive have been issued, the indication required on the case is only that which applies by virtue of these Regulations to the most restrictively classified video work contained within that case.

9.—(1) For the purposes of paragraph (8) above –

- (a) a classification certificate is equally restrictive as another such certificate if they both –
 - (i) contain an identical statement made within section 7(2)(b) of the Act;
 - (ii) contain an identical statement made within section 7(2)(c) of the Act;
 - (iii) contain a statement made within section 7(2)(a) of the Act with or without including advice as to the particular suitability of the work for viewing by children; or

- (iv) contain a statement made 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.
 - (b) “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.
- (2) For the purposes of these Regulations –
- (a) The statements mentioned within sub-paragraphs (a), (b) and (c) of section 7(2) of the Act are to be regarded as progressively more restrictive so that a statement within sub-paragraph (a) is the least restrictive and the statement within sub-paragraph (c) is the most restrictive;
 - (b) A statement within sub-paragraph (a) of section 7(2) of the Act which includes 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 a statement which includes advice as to the particular suitability of the video work for viewing by children or which includes no advice mentioned in sub-paragraph (a); and
 - (c) A statement within sub-paragraph (b) of section 7(2) of the Act is to be regarded, as more restrictive than another statement made within that sub-paragraph if the age included in the first statement is greater than the age included in the other statement.

Video works in respect of which classification certificates have been issued by the video works authority

10. Regulations 11 to 15 apply with respect to a video work for which a classification certificate is issued by the “video works authority”.

11. The “Explanatory Statement” is the following—

- (a) With respect to a classification certificate containing a statement described in 7(2)(a) of the Act that the video work concerned is suitable for general viewing and unrestricted supply without any advice of a kind described in that section—

“UNIVERSAL. Suitable for all”

with the word “Universal” shown in capital letters.

- (b) With respect to a classification certificate containing a statement described in 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”

with the words “parental guidance” shown in capital letters.

- (c) With respect to a classification certificate containing a statement described in section 7(2)(b) of the Act without the other statement described in section 7(2)(c) of the Act—

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

with the age (in numbers) specified in the certificate in the explanatory statement before the word “years”.

- (d) With respect to a classification certificate containing the statements described in section 7(2)(c) of the Act—

“RESTRICTED. To be supplied only in licensed sex shops to persons of not less thanyears”

with the age (in numbers) specified in the certificate in the explanatory statement before the word “years”.

12.—(1) — Except in the case of a double-sided disc “the classification symbol” is the following—

- (a) With respect to a classification certificate containing a statement described in section 7(2)(a) of the Act that the video work concerned is suitable for general viewing and unrestricted supply without any advice of a kind mentioned in that section, the capital letter “U”.
- (b) With respect to a classification certificate containing a statement described in 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, the capital letters “PG”.
- (c) With respect to a classification certificate containing a statement described in section 7(2)(b) of the Act without the other statement mentioned in section 7(2)(c) of the Act, the age (in numbers) specified in the certificate.
- (d) With respect to a classification certificate containing the statements described in section 7(2)(c) of the Act, the word “restricted” in capital letters with the age (in numbers) specified in the certificate after a capital letter “R”.

(2) In the case of a double-sided disc “the classification symbol” is the symbol specified within paragraphs (1)(a) to (d) above, with respect to the classification certificate referred to in those paragraphs, but with the letters “UK” in capitals inserted immediately before it.

13.—(1) Except in the case of a double-sided disc, “the classification symbol” must be of a minimum height of 5 millimetres and is required to be shown in the following manner—

- (a) in the case of the symbol described in regulation 12(1)(a) it must be black or white, and set on a green coloured triangular shaped background;
- (b) in the case of the symbol described in regulation 12(1)(b) it must be black or white, and set on a yellow coloured triangular shaped background;
- (c) in the case of the symbol described in regulation 12(1)(c)—
 - (i) where the age specified in the classification certificate is 18 years, it must be 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, it must be red and set on a white coloured circular shaped background;
- (d) in the case of the symbol described in regulation 12(1)(d) it must be black or white, and set on a blue coloured rectangular shaped background.

(2) In the case of a double-sided disc where the classification symbol is required to be shown on one face of the disc it must be of a minimum height of 2 millimetres.

14.—(1) The classification symbol and the unique title must be clearly displayed on—

- (a) one face of every video recording; and
- (b) one face of every spool.

15. The classification symbol must be clearly displayed on one of the largest faces or the largest face of the case in which a video recording or spool is kept, and the explanatory statement and the classification symbol must be displayed together on another of the largest faces or another face of the case unless—

- (a) The classification symbol is clearly visible through one of the largest faces or the largest face, as appropriate, of the case in which the video recording or spool is kept;
- (b) The classification symbol and the explanatory statement are together clearly visible through another of the largest faces or another face of the case; and
- (c) The classification symbol and the explanatory statement referred to in sub-paragraphs (a) and (b) are shown in the manner specified by these Regulations.

Video works in respect of which classification certificates have been issued by the video games authority

16. Regulations 17 to 23 apply with respect to a video work for which a classification certificate is issued by the “video games authority” on or after the coming into force date of these Regulations.

17. The reference to a classification certificate in regulation 16 does not include a pre-commencement classification document.

18. “Classification icon” is the pictorial description of a kind of content (such as violence, sex or drugs) found within a video work, as may be determined by the video games authority to be suitable for pictorial description by virtue of the arrangements it makes under section 4 of the Act.

19. With respect 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 “classification symbol” is the age in numbers specified in the certificate where the minimum age is 12 and the maximum age is 18.

20. Where under these Regulations the “classification symbol” is required to be shown on a video game it must be white, of a minimum height of 5 millimetres, and—

- (a) where the age specified in the classification certificate is 18 years, the symbol must be set on a red background; or
- (b) where the age specified in the classification certificate is less than 18 years, the symbol must be set on an orange background.

21.—(1) The classification symbol referred to in regulation 19 may be required to be displayed together with one or more classification icons as may be specified by the video games authority by virtue of the arrangements that authority makes under section 4 of the Act.

(2) Where the classification icon is required to be displayed it may be white and set on a black rectangular background, or black and set on a white rectangular background.

22. The classification symbol and the unique title must be clearly displayed on one face of every video recording that contains information by the use of which the whole or part of a video game may be produced.

23. The classification symbol must be clearly displayed on one of the largest faces or the largest face of the case in which the video recording mentioned in regulation 22 is kept and the classification symbol together with its associated classification icon or icons must be displayed together on another of the largest faces or another face of the case unless—

- (a) the classification symbol is clearly visible through one of the largest faces or the largest face, as appropriate, of the case in which the video game is kept;
- (b) the classification symbol and the classification icon or icons are together clearly visible through another of the largest faces or another face of the case; and
- (c) the classification symbol and the classification icon or icons referred to in sub-paragraphs (a) and (b) above are shown in the manner provided for by these Regulations.

Revocation

24. The Video Recordings (Labelling) Regulations 2010(a) are revoked.

(a) S.I. 2010/115.

4th July 2012

Ed Vaizey
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 8 and 22A of the Video Recordings Act 1984 (“the 1984 Act”) and specify certain requirements as to the indications of the contents of any classification certificate 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.

These Regulations revoke the Video Recordings (Labelling) Regulations 2010 (S.I. 2010/115) but reproduce the labelling requirements stipulated in those Regulations that apply to video works for which a classification certificate is issued by the “video works authority”.

On or after the coming into force date of these Regulations, video games that are only suitable for viewing by persons aged twelve years and over and intended for supply in the United Kingdom, will be required to be submitted to the “video games authority” for classification (subject to any allocation of responsibility made under section 4ZB of the 1984 Act). These Regulations stipulate the labelling requirements that apply with respect to video games for which a classification certificate has been issued by the video games authority on or after the coming into force date of these Regulations. The “video games authority” is the authority designated under section 4 and 4ZA of the 1984 Act by the Secretary of State as the authority responsible for making arrangements for matters specified in that Act as regards video games.

Regulations made under section 44 of the Digital Economy Act 2010 make transitional provision in relation to the issue of classification certificates by a designated authority under section 4 of the Video Recordings Act 1984.

A draft of these Regulations was notified on 11th January 2012 to the European Commission in accordance with the Technical Standards Directive (Directive 98/34/EC, as amended by Directive 98/48/EC).

An Explanatory Memorandum is published alongside these Regulations on www.legislation.gov.uk.

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