STATUTORY INSTRUMENTS

2015 No. 86

CINEMAS AND FILMS

The Films (Definition of "British Film") Order 2015

Made - - - -	*28th January 2015*
Coming into force - -	*29th January 2015*

The Secretary of State, in exercise of the power conferred by paragraph 10(2) of Schedule 1 to the Films Act 1985(**1**) and with the consent of the Treasury, makes the following Order.

In accordance with paragraph 10(5) of Schedule 1 to that Act, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Films (Definition of "British Film") Order 2015 and shall come into force on the day after the day on which it is made.

Application

2.—(1) The amendments made by this Order have effect in relation to any film other than an excepted film.

(2) A film is an excepted film if—

(a) the amendments made to Schedule 1 to the Films Act 1985 by the Films (Definition of "British Film") (No 2) Order 2006(**2**) do not apply in relation to it,

(b) an application for certification of the film was made before the commencement day, or

(c) the film production company has made an election in relation to the film under paragraph (3).

(3) A film production company may make an election under this paragraph in relation to a film if—

(a) the first day of shooting (in relation to a documentary or animation) or principal photography (in the case of a film other than a documentary or animation) was before the commencement day, and

(b) no application for certification of the film was made before the commencement day.

(**1**) 1985, c. 21; paragraph 10 of Schedule 1 was amended by the Finance Act 2006 (c.25), Schedule 5, Part 2, paragraphs 23(a) and 23(b).
(**2**) S.I. 2006/3430.

(4) In this article—

"application for certification" means an application for an interim or final certificate under paragraph 2 of Schedule 1 to the Films Act 1985, and

"commencement day" means the day on which this Order comes into force.

The cultural test for films other than documentaries and animations

3.—(1) Paragraph 4A of Schedule 1 to the Films Act 1985(**3**) is amended as follows.

(2) In sub-paragraph (2), for "16 points" substitute "18 points".

(3) In sub-paragraph (3)—

(a) for "16 points" substitute "18 points";

(b) in paragraph (a) after "United Kingdom" insert "or another EEA state";

(c) in paragraph (b)—

(i) for "are British" substitute "are qualifying persons" (in each place);

(ii) for "is British" substitute "is a qualifying person" (in each place);

(d) in paragraph (c) for "British" substitute "qualifying";

(e) in paragraph (d)—

(i) for "4 points" substitute "6 points" (in both places);

(ii) for "the English language or in a recognised regional or minority language" substitute "a language recognised for official purposes in the United Kingdom or another EEA state"; and

(iii) for "3 points" substitute "4 points".

(4) In sub-paragraph (4), for "British culture" substitute one or more of the following—

"(a) British creativity;

(b) British heritage;

(c) diversity".

(5) For sub-paragraph (5), substitute—

"(5) Up to 5 points shall be awarded in respect of work carried out in the making of the film 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 paragraphs (b) or (c) below, in which case nil)—

(i) principal photography;

(ii) visual effects;

(iii) special effects;

(b) 2 points if at least 50% of the work carried out on either of the following is carried out in the United Kingdom—

(i) principal photography;

(ii) special effects;

(c) 2 points if at least 50% of the work carried out on visual effects is carried out in the United Kingdom;

(**3**) Paragraph 4A was inserted by S.I. 2006/643 and amended by S.I. 2006/3430.

(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 film;

(ii) audio post production;

(iii) picture post production.".

The cultural test for documentary films

4.—(1) Paragraph 4B of Schedule 1 to the Films Act 1985(**4**) is amended as follows.

(2) In sub-paragraph (2), for "16 points" substitute "18 points".

(3) In sub-paragraph (3)—

(a) for "16 points" substitute "18 points";

(b) in paragraph (a) after "United Kingdom" insert "or another EEA state";

(c) in paragraph (b)—

(i) for "characters" substitute "participants" (in each place);

(ii) omit "depicted" (in each place);

(iii) for "are British" substitute "are qualifying persons" (in each place);

(iv) for "is British" substitute "is a qualifying person" (in each place);

(v) for "character" substitute "participant";

(d) in paragraph (c) for "British" substitute "qualifying";

(e) in paragraph (d)—

(i) for "4 points" substitute "6 points" in both places;

(ii) for "the English language or in a recognised regional or minority language" substitute "a language recognised for official purposes in the United Kingdom or another EEA state"; and

(iii) for "3 points" substitute "4 points".

(4) In sub-paragraph (4), for "British culture" substitute "one or more of the following—

"(a) British creativity;

(b) British heritage;

(c) diversity".

(5) For sub-paragraph (5), substitute—

"(5) Up to 5 points shall be awarded in respect of work carried out in the making of the film 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 paragraph (b) or (c) below, in which case nil)—

(i) principal photography;

(ii) visual effects;

(iii) research and development;

(iv) special effects;

(**4**) Paragraph 4B was inserted by S.I. 2006/643 and amended by S.I. 2006/3430.