Draft Regulations laid before Parliament under section 22A(3) of the Video Recordings Act 1984, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

VIDEO RECORDINGS

The Video Recordings Act 1984 (Exempted Video Works) Regulations 2014

Made - - - -	***
Coming into force - -	*1st October 2014*

The Secretary of State, in exercise of the powers conferred by sections 2(4), 3(13) and 22A(2) of the Video Recordings Act 1984(**1**), makes the following Regulations:

[In accordance with section 22A(3) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.]

Citation and commencement

1.—(1) These Regulations may be cited as the Video Recordings Act 1984 (Exempted Video Works) Regulations 2014.

(2) They come into force on 1st October 2014.

Cases in which video works are not exempted works

2.—(1) Section 2 of the Video Recordings Act 1984 (exempted works) is amended as follows.

(2) In subsection (1), for "(2) or (3)", substitute "(1ZA)".

(3) After that subsection, insert—

"(1ZA) A video work other than a video game is not an exempted work for those purposes if it does one or more of the following—

(a) it depicts or promotes violence or threats of violence;

(b) it depicts the immediate aftermath of violence on human or animal characters;

(**1**) 1984 c. 39; sections 2 and 3 were repealed and revived (having been notified to the European Commission in accordance with Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998) by section 1(1) of the Video Recordings Act 2010 (c. 1). Sections 2(4) and 3(13) were inserted by section 40(4) and 40(7) of the Digital Economy Act 2010 (c. 24) respectively. Section 22A was inserted by paragraph 11 of Schedule 1 to the Digital Economy Act 2010.

(c) it depicts an imitable dangerous activity without also depicting that the activity may endanger the welfare or health of a human or animal character;

(d) it promotes an imitable dangerous activity;

(e) it depicts or promotes activities involving illegal drugs or the misuse of drugs;

(f) it promotes the use of alcohol or tobacco;

(g) it depicts or promotes suicide or attempted suicide, or depicts the immediate aftermath of such an event;

(h) it depicts or promotes any act of scarification or mutilation of a person, or of self-harm, or depicts the immediate aftermath of such an act;

(i) it depicts techniques likely to be useful in the commission of offences or, through its depiction of criminal activity, promotes the commission of offences;

(j) it includes words or images intended or likely to convey a sexual message (ignoring words or images depicting any mild sexual behaviour);

(k) it depicts human sexual activity (ignoring any depictions of mild sexual activity);

(l) it depicts or promotes acts of force or restraint associated with human sexual activity;

(m) it depicts human genital organs or human urinary or excretory functions (unless the depiction is for a medical, scientific or educational purpose);

(n) it includes swearing (ignoring any mild bad language); or

(o) it includes words or images that are intended or likely (to any extent) to cause offence, whether on the grounds of race, gender, disability, religion or belief or sexual orientation, or otherwise.

(1ZB) For the purposes of subsection (1ZA), a video work promotes something if the work is likely (to any extent) to stimulate or encourage that thing.

(1ZC) In subsection (1ZA)—

"human or animal character" means a character that is or whose appearance is similar to that of—

(a) a human being, or

(b) an animal that exists or has existed in real life,

but does not include a simple stick character or any equally basic representation of a human being or animal;

"imitable dangerous activity" means an activity which—

(a) if imitated by a person, may endanger the welfare or health of any person or animal, and

(b) may be easily imitated by a person; and

"violence" does not include any violence that is—

(a) mild, or

(b) not directed towards human or animal characters,

unless it is sexual violence..".

(4) In subsections (2) and (3), for "video work" substitute "video game".