[GB] Parliament Re-enacts Video Recordings Legislation

IRIS 2010-4:1/27

Tony Prosser
University of Bristol Law School

In 1984 the UK Parliament passed the Video Recordings Act. This statute covered not only videos, but also DVDs and some video games. It provided for them to be classified and age-rated by the British Board of Film Classification and also created a number of criminal offences related to the act of supplying this material without classification or in breach of the classification. Since 1984 this system has been a well-established feature of the UK media landscape.

During the preparatory work for the Digital Economy Bill currently before Parliament it was discovered that the classification and labelling requirements in the 1984 Act fell within the provisions of the EU Technical Standards and Regulations Directive (Directive 83/189/EC). This Directive was aimed at facilitating the free movement of goods in the EU and, for national laws and regulations which might constitute an obstacle to free movement, it established a 'standstill period' of three months during which Member States must notify draft legislation to the Commission and other Member States before it can take legal effect. Failure to notify means that the provisions are not enforceable against individuals.

This notification was not carried out in the case of the 1984 Act. As a result, its provisions were unenforceable. The relevant provisions were notified in accordance with the Directive on 10 September 2009 and the three-month standstill period expired on 11 December 2009.

The Video Recordings Act 2010 provides for the relevant provisions of the 1984 Act (Sections 1-17, 19 and 22) to cease to be in force and, having been notified correctly to the European Commission, to come into force again immediately upon the Royal Assent being granted for the new legislation. This Assent was granted on 21 January 2010. Section 13 concerning the offence of not complying with labelling requirements is dependent on the making of new labelling Regulations; these were made within a week of the Royal Assent and so the section is also once more effective.

Video Recordings Act 2010

http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga_20100001_en.pdf

Video Recordings Act 1984

© European Audiovisual Observatory (Council of Europe) 2026

http://www.opsi.gov.uk/acts/acts1984/pdf/ukpga_19840039_en.pdf

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026