



Video Recordings Act 1984

1984 CHAPTER 39

Designated authority

4 Authority to determine suitability of video works for classification

- (1) The Secretary of State may by notice under this section designate any person as the authority responsible for making arrangements—
 - (a) for determining for the purposes of this Act whether or not video works are suitable for classification certificates to be issued in respect of them, having special regard to the likelihood of video works in respect of which such certificates have been issued being viewed in the home,
 - (b) in the case of works which are determined in accordance with the arrangements to be so suitable—
 - (i) for making such other determinations as are required for the issue of classification certificates, and
 - (ii) for issuing such certificates, and
 - (c) for maintaining a record of such determinations (whether determinations made in pursuance of arrangements made by that person or by any person previously designated under this section), including video recordings of the video works to which the determinations relate.
- (2) The power to designate any person by notice under this section includes power—
 - (a) to designate two or more persons jointly as the authority responsible for making those arrangements, and
 - (b) to provide that any person holding an office or employment specified in the notice is to be treated as designated while holding that office or employment.
- (3) The Secretary of State shall not make any designation under this section unless he is satisfied that adequate arrangements will be made for an appeal by any person against a determination that a video work submitted by him for the issue of a classification certificate—
 - (a) is not suitable for a classification certificate to be issued in respect of it, or
 - (b) is not suitable for viewing by persons who have not attained a particular age,

Status: This is the original version (as it was originally enacted).

or against a determination that no video recording containing the work is to be supplied other than in a licensed sex shop.

- (4) The Secretary of State may at any time designate another person in place of any person designated under this section and, if he does so, may give directions as to the transfer of any record kept in pursuance of the arrangements referred to in subsection (1) above; and it shall be the duty of any person having control of any such record or any part of it to comply with the directions.
- (5) No fee shall be recoverable by the designated authority in connection with any determination falling within subsection (1)(a) or (b) above or the issue of any classification certificate unless the fee is payable in accordance with a tariff approved by the Secretary of State.
- (6) The Secretary of State may for the purposes of subsection (5) above approve a tariff providing for different fees for different classes of video works and for different circumstances.
- (7) Any notice under this section shall be published in the London, Edinburgh and Belfast Gazettes.
- (8) In this Act, references to the designated authority, in relation to any transaction, are references to the person or persons designated under this section at the time of that transaction.

5 Parliamentary procedure for designation

- (1) Where the Secretary of State proposes to make a designation under section 4 of this Act, he shall lay particulars of his proposal before both Houses of Parliament and shall not make the proposed designation until after the end of the period of forty days beginning with the day on which the particulars of his proposal were so laid.
- (2) If, within the period mentioned in subsection (1) above, either House resolves that the Secretary of State should not make the proposed designation, the Secretary of State shall not do so (but without prejudice to his power to lay before Parliament particulars of further proposals in accordance with that subsection).
- (3) For the purposes of subsection (1) above—
 - (a) where particulars of a proposal are laid before each House of Parliament on different days, the later day shall be taken to be the day on which the particulars were laid before both Houses ;
 - (b) in reckoning any period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

6 Annual report

- (1) The designated authority shall, as soon as it is reasonably practicable to do so after 31st December, make a report to the Secretary of State on the carrying out in the year ending with that date of the arrangements referred to in section 4(1) and (3) of this Act (together with a statement of accounts) and on such other matters (if any) as the designated authority consider appropriate or the Secretary of State may require.
- (2) The Secretary of State shall lay a copy of any report made to him under this section before each House of Parliament.