



Digital Economy Act 2010

2010 CHAPTER 24

Video recordings

40 Classification of video games etc

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

(2) In subsection (1)—

- (a) after “video work” insert “ other than a video game ”,
- (b) after paragraph (a) insert “ or ”, and
- (c) omit paragraph (c) (and the word “or” before it).

(3) After that subsection insert—

“(1A) Subject to subsection (2) or (3) below, a video game is for the purposes of this Act an exempted work if—

- (a) it is, taken as a whole, designed to inform, educate or instruct;
- (b) it is, taken as a whole, concerned with sport, religion or music; or
- (c) it satisfies one or more of the conditions in section 2A.”

(4) After subsection (3) insert—

“(4) The Secretary of State may by regulations amend this section—

- (a) by adding or removing a case in which a video work is not an exempted work, or
- (b) by amending a description of such a case.”

(5) After section 2 of that Act insert—

“2A Conditions relating to video games

(1) The conditions referred to in section 2(1A)(c) are as follows.

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2010, Cross Heading: Video recordings. (See end of Document for details)

- (2) The first condition is that the video game does not include any of the following—
- (a) depictions of violence towards human or animal characters, whether or not the violence looks realistic and whether or not the violence results in obvious harm,
 - (b) depictions of violence towards other characters where the violence looks realistic,
 - (c) depictions of criminal activity that are likely, to any extent, to stimulate or encourage the commission of offences,
 - (d) depictions of activities involving illegal drugs or the misuse of drugs,
 - (e) words or images that are likely, to any extent, to stimulate or encourage the use of alcohol or tobacco,
 - (f) words or images that are intended to convey a sexual message,
 - (g) swearing, or
 - (h) 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.
- (3) In subsection (2) “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.
- (4) The second condition is that the designated authority, or a person nominated by the designated authority for the purposes of this section, has confirmed in writing that the video game is suitable for viewing by persons under the age of 12.
- (5) The Secretary of State may by regulations amend this section—
- (a) by amending the first condition, or
 - (b) by adding a further condition (or by amending or removing such a condition).
- (6) Regulations under this section may make provision by reference to documents produced by the designated authority.”
- (6) In section 3 of that Act (exempted supplies), after subsection (8) insert—
- “(8A) The supply of a video recording in the form of a machine of a type designed primarily for use in an amusement arcade is an exempted supply unless the video game (or, if more than one, any of the video games) that it contains—
- (a) depicts, to any significant extent, anything falling within section 2(2)(a), (b), (c) or (d) or (3), or
 - (b) is likely to any significant extent to stimulate or encourage anything falling within section 2(2)(a) or, in the case of anything falling within section 2(2)(b), is likely to any extent to do so.
- (8B) The supply of any other video recording is an exempted supply if the recording is supplied for the purpose only of its use in connection with a supply that is an exempted supply under subsection (8A).”

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2010, Cross Heading: Video recordings. (See end of Document for details)

(7) At the end of that section insert—

“(13) The Secretary of State may by regulations amend this section and the regulations may, in particular—

- (a) add a case in which the supply of a video recording is an exempted supply for the purposes of this Act, or
- (b) repeal a provision of this section.”

Commencement Information

- I1** S. 40 partly in force; s. 40(1)(4)(7) in force at 8.6.2010 see s. 47(1)(3)(c)
- I2** S. 40(2)(3)(5)(6) in force at 30.7.2012 by S.I. 2012/1766, art. 2(a)

41 Designated authority for video games etc

(1) After section 4 of the Video Recordings Act 1984 insert—

“4ZA Designated authorities for video games and other video works

- (1) The power to designate a person by notice under section 4 includes power to designate different persons—
 - (a) as the authority responsible for making arrangements in respect of video games (“the video games authority”), and
 - (b) as the authority responsible for making arrangements in respect of other video works (“the video works authority”).
- (2) Where there are two designated authorities, references in this Act to the designated authority, in relation to a video work, are references to the designated authority responsible for making arrangements in respect of the video work, taking account of any allocation in force under section 4ZB.

4ZB Designated authorities: allocation of responsibility for video games

- (1) Where there are two designated authorities, the video games authority may, with the consent of the video works authority, allocate to that authority responsibility—
 - (a) for a class of video games, or
 - (b) for video games, or a class of video games, when (and only when) they are contained in a video recording that is described in the allocation (whether by reference to its contents, to the manner in which it is, or is to be, supplied or otherwise).
- (2) If an allocation is in force—
 - (a) the video works authority is responsible for making arrangements under this Act in respect of the allocated video games, and
 - (b) the video games authority ceases to be responsible for making such arrangements.
- (3) An allocation—
 - (a) must be made by a notice, and

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2010, Cross Heading: Video recordings. (See end of Document for details)

- (b) may be withdrawn at any time by a notice given by the video games authority with the consent of the video works authority.
- (4) When making or withdrawing an allocation under this section, the video games authority must have regard to any guidance issued by the Secretary of State.
- (5) A notice under this section must be—
 - (a) sent to the Secretary of State, and
 - (b) published in such manner as the video games authority considers appropriate.
- (6) A question as to which designated authority is responsible for making arrangements in respect of a video game may be conclusively determined by the video games authority.

4ZC Designated authorities: video works included in video games

- (1) The video games authority may make such arrangements in respect of video works included in video games as it considers are necessary for the purposes of fulfilling its responsibilities in respect of video games.
 - (2) Where there are two designated authorities, the arrangements made by the video games authority under section 4 must, to the extent that the video games authority considers appropriate, include either or both of the following—
 - (a) arrangements for having regard to any classification certificate issued by the video works authority in respect of a video work included in a video game;
 - (b) arrangements for obtaining and having regard to a determination by the video works authority as to the suitability of all or part of a video work included in a video game.
 - (3) For the purpose of determining the extent to which arrangements described in subsection (2)(a) or (b) are appropriate, the video games authority must—
 - (a) consult the video works authority, and
 - (b) have regard to any guidance issued by the Secretary of State.
 - (4) In this section, “suitability” means suitability for the issue of a classification certificate or suitability for the issue of a classification certificate of a particular description.”
- (2) Schedule 1 (which contains further amendments of the Video Recordings Act 1984) has effect.

Commencement Information

- I3** S. 41 partly in force; s. 41(2) in force for specified purposes at 8.6.2010 see s. 47(1)(3)(c)
- I4** S. 41(1) in force at 1.5.2012 by S.I. 2012/1164, art. 2(a)
- I5** S. 41(2) in force for specified purposes at 1.5.2012 by S.I. 2012/1164, art. 2(b)

Changes to legislation:

There are currently no known outstanding effects for the Digital Economy Act 2010, Cross
Heading: Video recordings.