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STATUTORY INSTRUMENTS

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**1999 No. 2224**

**CINEMAS AND FILMS**

**The Films (Certification) (Amendment) Regulations 1999**

<i>Made</i>	- - - -	<i>6th August 1999</i>
<i>Laid before Parliament</i>		<i>6th August 1999</i>
<i>Coming into force</i>	- -	<i>27th August 1999</i>

The Secretary of State, in exercise of the powers conferred upon him by paragraph 10(1), (4) and (5) of Schedule 1 to the Films Act 1985<sup>(1)</sup>, and all other powers enabling him in that behalf, hereby makes the following regulations—

**Citation and commencement**

1. These Regulations may be cited as the Films (Certification) (Amendment) Regulations 1999 and shall come into force on 27th August 1999.

**Amendment of the Films (Certification) Regulations 1985**

2. The amendments to the Films (Certification) Regulations 1985<sup>(2)</sup> set out in regulations 3 to 6 of these Regulations shall have effect.

3. In regulation 2—

- (a) in the definition of “the Act” after “1985” insert “, as amended”;
- (b) in the definition of “co-production film”, for “4(5)” substitute “4(7)”;
- (c) omit the definitions of “Member State” and “television film”.

4. For regulation 4 substitute—

“4. The application shall set out the particulars of the film described in Regulation 6 below.”.

5. Regulation 5 shall be amended as follows—

(a) For regulation 5(b) substitute—

- “(b) a report to the Secretary of State prepared by a person referred to in (c) below:
  - (i) verifying particulars G and H set out in regulation 6, and

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<sup>(1)</sup> 1985 c. 21.

<sup>(2)</sup> S.I.1985/994, as amended by S.I. 1991/1997 and 1992/1311.

- (ii) stating whether, in the opinion of that person the criteria set out in subparagraphs 4(3) and 4(4) of Schedule 1 to the Act have been satisfied in relation to the film.”;
- (b) After regulation 5(b), insert—
  - “(c) The persons referred to in regulation 5(b) are:
    - (i) an accountant who is a member of a body of accountants for the time being recognised for the purposes of section 389(1)(a) of the Companies Act 1985(3), or
    - (ii) a person authorised under section 389(1)(b) of that Act to be appointed as auditor of a company
 and who in either case is not and was not at any time while the film was being made in partnership with, nor in the employment of the maker of the film or, where the maker is a company, is not and was not at any time while the film was being made—
    - (iii) an officer or servant of that company or, if that company is a member of a group of companies, of any other company in that group; or
    - (iv) in partnership with or in the employment of, any such officer or servant.”.
- 6. In regulation 6—
  - (a) for A, substitute—
    - (i) The title of the film or, in the case of a series of films or a part thereof, the title of the series or part,
    - (ii) whether the applicant for certification has incurred expenditure on the production or the acquisition of the master negative, master tape or master disc of the film,
    - (iii) if the applicant is not the maker of the film:
      - (a) the applicant’s name and principal place of business, and
      - (b) if the applicant has incurred expenditure on the production of the master negative, master tape or master disc of the film, a brief description (including the amount) of that expenditure, and
    - (iv) the total playing time in minutes and seconds of the film, including credits and titles.”;
  - (b) in B:
    - (i) delete “and, if applicable, the acquirer”,
    - (ii) in (i)(a) delete the second “and”,
    - (iii) in (i)(b) for “;” substitute “, and”,
    - (iv) after (i)(b) insert—
      - “(c) the State in which he was ordinarily resident throughout the period during which the film was being made;”,
    - (v) in (ii)(b) delete the second “and”,
    - (vi) in (ii)(c) after “business,” insert “and”,
    - (vii) after (ii)(c) insert—

- “(d) in respect of each partner, the State in which he was ordinarily resident throughout the period during which the film was being made;”,
- (viii) in (iii)(d) delete “and”,
- (ix) in (iii)(e) for “.” substitute “, and”, and
- (x) after (iii)(e) insert—
- “(f) the State in which the central management and control of the company’s business was exercised throughout the period during which the film was being made.”;
- (c) after B, insert—
- “**BA.** Whether the individual, partnership or company referred to in B(i), (ii) or (iii) above undertook the arrangements necessary for the making of the film.”;
- (d) for C and D substitute—
- “**C.** The date on which production of the film began.
- D.** The date on which production of the film was completed for the purposes of Schedule 1 to the Act.”;
- (e) after D, insert—
- “**DA.** If the applicant seeks treatment of a series of films as a single film in reliance upon paragraph 1(4) of Schedule 1 to the Act:
- (i) the number of parts in the series,
- (ii) the combined playing time in minutes and seconds of those parts, including credits and titles, and
- (iii) the reasons why the series constitutes a self-contained work or is a series of documentaries with a common theme.”;
- (f) for E substitute—
- “**E.** A statement showing:
- (i) the total expenditure incurred in the production of the film;
- (ii) the percentage of the total expenditure referred to in (i) above that was incurred on film production activity carried out in the United Kingdom;
- (iii) how the figures given in response to (i) and (ii) above were arrived at, with reference to different categories of expenditure, the amount of expenditure in each category and where the relevant film production activity was carried out;
- (iv) all amounts of expenditure deducted from the total expenditure referred to in (i) above in reliance upon paragraph 4(5) of Schedule 1 to the Act, and the reason for the deduction of each amount.”;
- (g) for F substitute—
- “**F.** If any part of the film is derived from any other film (“the other film”):
- (i) for each part of the film so derived and in respect of which:
- (a) the maker of the other film is not the maker of the film, or
- (b) the master negative, tape or disc of the other film is certified under paragraph 3(1) of Schedule 1 to the Act,
- the playing time in minutes and seconds of that part;

- (ii) the combined playing time in minutes and seconds of all of the parts referred to in (i) above; and
- (iii) if the applicant seeks to rely upon paragraph 5(2) of Schedule 1 to the Act:
  - (a) a statement of the reasons why the film should be considered to be a documentary, and
  - (b) a statement of the reasons why the subject matter of the film makes it appropriate for paragraph 5(1) of Schedule 1 to the Act not to be applied.”;
- (h) omit G, H and I;
- (i) in J:
  - (i) for “J.” substitute “G.”,
  - (ii) omit “(i)”, and
  - (iii) omit “(ii) the labour costs per minute of playing time,”;
- (j) in K:
  - (i) for “K.” substitute “H.”,
  - (ii) for “*Class B* Other persons” substitute—
 

“Class B

Other persons, not being persons in respect of whom deductions are made in reliance upon paragraph 7(2)(a) or (b) of Schedule 1 to the Act”,
  - (iii) for “following categories of persons”, substitute “categories of persons referred to in (i) and (ii) below”,
  - (iv) in (i), substitute “£10,000”, “£20,000” and “£200” for “£5,000”, “£10,000” and “£100” respectively,
  - (v) omit (ii)(c),
  - (vi) for (iii) substitute—
 

“(iii) the total amounts paid to persons in Class A and Class B respectively for living expenses (if not already specified in response to (i) or (ii) above);”,
  - (vii) omit (vi) and (vii),
- (k) omit L.

6th August 1999

*Janet Anderson*  
Parliamentary Under Secretary of State,  
Department for Culture, Media and Sport

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Films (Certification) Regulations 1985, which prescribe the particulars necessary to satisfy the Secretary of State that a film is a British film for the purposes of Schedule 1 to the Films Act 1985, as amended by the Films (Modification of the Definition of “British Film” Order 1999).

The amendments have been made in consequence of the Films (Modification of the Definition of “British Film”) Order 1999, which modified the criteria for the certification of films as “British films”.

The amendments substitute particulars that reflect the requirements of the modified definition of “British film”, and make other minor and consequential amendments to the Regulations.