
STATUTORY INSTRUMENTS

2014 No. 2916

The Audiovisual Media Services Regulations 2014

Amendment of section 368E of the 2003 Act (harmful material)

2. In section 368E(1) of the 2003 Act (harmful material), for subsection (2) substitute—
- “(2) An on-demand programme service must not contain any prohibited material.
 - (3) “Prohibited material” means—
 - (a) a video work which the video works authority has determined for the purposes of the 1984 Act not to be suitable for a classification certificate to be issued in respect of it, or
 - (b) material whose nature is such that it is reasonable to expect that, if the material were contained in a video work submitted to the video works authority for a classification certificate, the video works authority would determine for those purposes that the video work was not suitable for a classification certificate to be issued in respect of it.
 - (4) An on-demand programme service must not contain any specially restricted material unless the material is made available in a manner which secures that persons under the age of 18 will not normally see or hear it.
 - (5) “Specially restricted material” means—
 - (a) a video work in respect of which the video works authority has issued a R18 classification certificate,
 - (b) material whose nature is such that it is reasonable to expect that, if the material were contained in a video work submitted to the video works authority for a classification certificate, the video works authority would issue a R18 classification certificate, or
 - (c) other material that might seriously impair the physical, mental or moral development of persons under the age of 18.
 - (6) In determining whether any material falls within subsection (3)(b) or (5)(b), regard must be had to any guidelines issued by the video works authority as to its policy in relation to the issue of classification certificates.
 - (7) In this section—
 - “the 1984 Act” means the Video Recordings Act 1984;
 - “classification certificate” has the same meaning as in the 1984 Act (see section 7 of that Act);
 - “R18 classification certificate” means a classification certificate containing the statement mentioned in section 7(2)(c) of the 1984 Act that no video recording containing the video work is to be supplied other than in a licensed sex shop;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“the video works authority” means the person or persons designated under section 4(1) of the 1984 Act as the authority responsible for making arrangements in respect of video works other than video games;

“video work” has the same meaning as in the 1984 Act (see section 1(2) of that Act).”.