

2012 No. 1764

VIDEO RECORDINGS

**The Digital Economy Act 2010 (Transitional Provision)
Regulations 2012**

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| <i>Made</i> - - - - | <i>4th July 2012</i> |
| <i>Laid before Parliament</i> | <i>6th July 2012</i> |
| <i>Coming into force</i> - - | <i>29th July 2012</i> |

The Secretary of State makes these Regulations in exercise of the powers conferred by section 44 of the Digital Economy Act 2010(a):

Citation

1. These Regulations may be cited as the Digital Economy Act 2010 (Transitional Provision) Regulations 2012.

Interpretation

2. In these Regulations –

- (a) “the commencement day” means the day on which section 40(2), (3) and (5) of the Digital Economy Act 2010 come into force;
- (b) “the 1984 Act” means the Video Recordings Act 1984(b);
- (c) “a designated authority” means the persons who, on the commencement day, are designated by the Secretary of State under section 4 and 4ZA of the 1984 Act, as –
 - (i) the authority responsible for making arrangements for the matters specified in that Act in respect of video games (“the video games authority”); or
 - (ii) the authority responsible for making arrangements for matters specified in that Act in respect of other video works (“the video works authority”).

Classification Certificates

3.—(1) In relation to times on or after the commencement day, any references in the 1984 Act, or any other Act or subordinate legislation, to a classification certificate issued under section 4 of the 1984 Act by, or in pursuance of arrangements made by a designated authority, includes a pre-commencement classification document unless expressly excluded.

(a) 2010 c.24.
(b) 1984 c.39. as amended by the Video Recordings Act 1993 (c.24), the Criminal Justice and Public Order Act 1994 (c.33), and the Digital Economy Act 2010 (c.24); and as repealed and revived by the Video Recordings Act 2010 (c.1).

(2) In this regulation a “pre-commencement classification document” means a document issued by a designated authority in respect of a video game prior to the commencement day that contains

- (a) the title of the video game, and
- (b) a statement that the video game concerned is only suitable for viewing by persons who have attained the age specified in the document (not being less than twelve years).

4th July 2012

Ed Vaizey
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations make transitional provision in relation to the issue of classification certificates by a designated authority under section 4 of Video Recordings Act 1984 (“the 1984 Act”). Sections 40(2), (3) and (5) of the Digital Economy Act 2010, which come into force on 30th July 2012 by Appointed Day Order made under section 47 of that Act, make amendments to the 1984 Act to secure a new statutory classification regime for video games. On the coming into force date of these provisions video games that are only suitable for viewing by persons aged twelve years and over and intended for supply in the United Kingdom will be required to be submitted to the “video games authority” for classification (subject to any allocation of responsibility made under section 4ZB of the 1984 Act). The “video games authority” is designated by the Secretary of State under sections 4 and 4ZA of the 1984 Act as the authority responsible for making arrangements for matters specified in that Act regarding video games.

These regulations preserve any determination made by the “video games authority” or the “video works authority” prior to the 30th July 2012 as to the suitability of a video game to be viewed by persons aged 12 years or above so that video game publishers will not be required to re-submit the same video game for the formal issue of a classification certificate to the newly designated video games authority on or after the 30th July 2012.

An Explanatory Memorandum is published alongside these Regulations on www.legislation.gov.uk.

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