

Video recordings for sale and hire

The Video Recordings Act 2010

(<http://www.legislation.gov.uk/ukpga/2010/1/contents>) received Royal Assent on 21 January 2010 and secures enforceability of the Video Recordings Act 1984








(<http://www.legislation.gov.uk/ukpga/1984/39/contents>).

All videos, DVDs and Blu-Ray discs (collectively referred to as 'video recordings' in this leaflet), except certain 'exempted' ones, must have been submitted to the British Board of Film Classification (BBFC). This Board will either give the video recording a certificate or refuse classification.

A video recording is classified with regard to all the material on it, so, for example, trailers for other films would be considered in the overall classification.

We advise you not to add any material to a classified video recording. It is an offence to supply, offer to supply, to have in possession for supply, any video recording that has not been classified. The maximum fine for these offences is £20,000 per tape or disc.

Categories of classification

-  U - Universal: suitable for all.
-  Uc - Universal: particularly suitable for children.
-  PG - Parental Guidance: some scenes unsuitable for young children.
-  12 - Twelve: Not to be supplied to any person below 12.
-  12A – Twelve A. No-one younger than 12 may rent or buy a 12-rated DVD/Video.
-  15 - Fifteen: Not to be supplied to any person below 15.
-  18 - Eighteen: Not to be supplied to any person below 18.



- **RESTRICTED 18:** to be supplied only in licensed sex shops to persons 18 years and over.

The maximum fine for selling or hiring an age-restricted video recording to someone who is under that age is £5,000.

Exemptions:

Works which are solely designed to inform, educate, or instruct, concern only sport, religion or music or comprise only a video game are all exempt from classification, unless they contain scenes of a violent or sexual nature. Some producers of video recordings display an 'E' to show that they are exempt, but this is not a legal requirement.

Labelling requirements:

You need to check the labelling of both:

- **the cassette/disc** - this must have the appropriate symbol on top of the spool or on one face of the disc (double sided discs must have the letters 'UK' before the classification letter)
- **the case** - this must have the appropriate symbol on its front and spine (unless one of the dimensions of the spine is less than 2cm, in which case on the front only), and a label that includes the symbol and an explanatory statement on the reverse side.

If you transfer cassettes/discs into library cases, you will need to have those cases labelled in accordance with the regulations. You do not have to label the front of a transparent library case if the label on the cassette or disc is clearly visible through it.

The maximum fine for selling or hiring incorrectly labelled video recordings is £5,000 per item.

Trade Marks Act 1994

<http://www.legislation.gov.uk/ukpga/1994/26/contents>):

Although this legislation is applicable to a wide range of consumer goods, it has a significant bearing on video recordings. Many companies have registered their trade mark and incorporate it on the label, the cassette or disc, and on the content so that it can be seen on viewing. If an unauthorised copy is made, found in possession for sale or hire or so sold or hired and it has a copy of the registered trade mark,

an offence is committed which can result in a prosecution. The fine at the magistrate's court is up to £5,000 and is unlimited with a maximum ten year prison sentence at a crown court. In addition all offending stock is liable for forfeiture and destruction.

Copyright, Designs and Patents Act 1988

(<http://www.legislation.gov.uk/ukpga/1988/48/contents>):

This makes it an offence to make an infringing copy of a copyrighted work. So even if no trademarks are displayed you may still be committing an offence. This applies to whether the goods are for sale or for hire within the course of a business. Most of the offences are punishable by a fine of up to £5000 and/or 6 months in prison.

Consumer Protection from Unfair Trading Regulations 2008

(<http://www.legislation.gov.uk/ukxi/2008/1277/contents/made>):

These Regulations replaced most of the Trade Descriptions Act 1968. They create offences where any misleading actions, omissions or aggressive practices make a consumer take a purchasing decision. There are also thirty one banned practices. This can include a description, a price or the omission of details. For further information, please see our leaflet 'A guide to The Consumer Protection from Unfair Trading Regulations 2008'

(http://www.derbyshire.gov.uk/images/ft23_tcm44-71886.pdf).

Keeping within the law:

- check current stock and see that all video recordings have been classified
- check new stock for labelling
- make sure that cassettes and discs are in correctly marked cases both with the appropriate symbol and with the symbol and explanatory note
- always observe any age restrictions on the recording and make sure your staff do so too
- check the quality of the printing on the label and the cassette or disc itself
- always buy from a known and reputable supplier
- check that any holograms on the goods are working and not a copy

Where can I get further help?

This leaflet is not an authoritative document on the law and is only intended for guidance. For further details or clarification contact Derbyshire Trading Standards at:

Chatsworth Hall
Chesterfield Road
Matlock
Derbyshire
DE4 3FW

Telephone:

Businesses:	Call Derbyshire	08 456 058 058
Consumers:	Citizens Advice consumer helpline	08454 040506

Fax: 01629 536197

Website: www.derbyshire.gov.uk/tradingstandards

We want everyone to be able to understand us. On request, we will arrange:

- Language interpreters, including for sign language
- Translation of written materials into other languages
- Materials in large print, on tape or in Braille.

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