



Department
for Culture
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Our Ref: 275003

Mr E Goodman
Chair
Campaign Against Censorship
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23 November 2015

Dear Mr Goodman,

Thank you for your letter of 5 November, to the Secretary of State for Culture, Media and Sport, the Rt Hon John Whittingdale OBE MP, about the British Board of Film Classification (BBFC). I am replying as a member of the Ministerial Support Team.

Your concern appears to be about the Audiovisual Media Services Regulations 2014 and we have noted them. However, we must emphasise that the legislation does not contain any list of forbidden content.

The Government has legislated to ensure that video-on-demand material that has been or would be rated R18 by the British Board of Film Classification (BBFC) is put behind access controls, and to ban the provision of video-on-demand material that has been or would be refused a classification by the BBFC.

The Department for Culture, Media and Sport decided to use the negative resolution procedure as the changes made by the regulations are relatively minor and clarifying in nature, noting that this is also consistent with the procedure used for the Audiovisual Media Services Regulations 2009 and 2010 which inserted Part 4A into the Communications Act 2003 (on-demand program services).

Firstly, the legislation provides that any material to which the BBFC has issued a R18 classification certificate (or any material that would have been issued such a certificate) must not be included in a video-on-demand service unless it is behind effective access controls which verify that the user is aged eighteen or over. Secondly, it provides that any material to which the BBFC has refused to give a classification certificate (or any material that would have been refused such a certificate), must not be included in a video-on-demand service at all.

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The Government has done this due to the significant growth in popularity of video-on-demand in recent years. 37 per cent of UK adults with home internet now watch online catch-up TV. The expansion of such services means that there is a greater amount of potentially harmful content more readily available.


The legislation has the effect of removing any uncertainty from the regulatory framework, providing clarity to consumers and providers of video-on-demand services. It also provides the same level of protection to the provision of video-on-demand services as exists on the high street in relation to the sale of hard-copy DVDs. In a converging media world, these provisions must be coherent. The BBFC classification regime is a tried and tested system of what content is regarded as harmful for minors.

Nothing at all has changed regarding the type of adult content that is and is not permitted, either online or in hard copy. The legislation does not contain any list of forbidden content. The actual guidance can be found on the BBFC website at: <http://www.bbfc.co.uk/what-classification/guidelines>.

This guidance is drawn up by the BBFC and is reviewed regularly in consultation with the public and industry. The Government rightly has no role in this.

I hope that this is helpful.

Yours sincerely,


Brenda Aspinall
Ministerial Support Team