



# Digital Economy Act 2017

## 2017 CHAPTER 30

### PART 6

#### MISCELLANEOUS

##### *On-demand programme services*

PROSPECTIVE

#### **94 On-demand programme services: specially restricted material**

- (1) Section 368E of the Communications Act 2003 (restrictions on harmful material contained in on-demand programme services) is amended as follows.
- (2) In subsection (5), after paragraph (b) omit “or”.
- (3) In that subsection, after paragraph (c) insert—
  - “(d) a video work—
    - (i) in respect of which the video works authority has issued an 18 certificate, and
    - (ii) whose nature is such that it is reasonable to assume that its principal purpose is to cause sexual arousal, or
  - (e) material whose nature is such that it is reasonable—
    - (i) to assume that its principal purpose is to cause sexual arousal, and
    - (ii) 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 an 18 certificate.”
- (4) In subsection (6), after “(5)(b)” insert “ or (e) ”.
- (5) In subsection (7), after the definition of “the 1984 Act”, insert—

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2017, Section 94. (See end of Document for details)*

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““18 certificate” means a classification certificate which—

- (a) contains, pursuant to section 7(2)(b) of the 1984 Act, a statement that the video work is suitable for viewing only by persons who have attained the age of 18 and that no video recording containing that work is to be supplied to any person who has not attained that age, and
- (b) does not contain 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 version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Digital Economy Act 2017, Section 94.