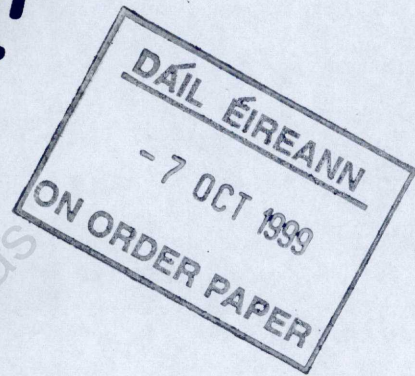


ANNUAL
REPORT
OF THE
OFFICIAL CENSOR
OF FILMS
FOR 1998.



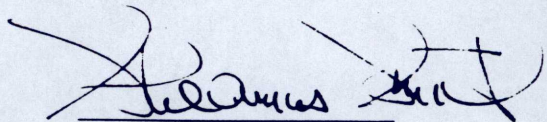
Houses of the Oireachtas

NINTH REPORT OF THE FILM CENSOR UNDER THE
VIDEO RECORDINGS ACT, 1989.

TO: Mr. John O'Donoghue, T.D.,
MINISTER FOR JUSTICE, EQUALITY & LAW REFORM.

I have the honour to submit my Annual Report for the year ended 31st December, 1998.

The Video Recordings Act, 1989 the main purpose of which is to control and regulate the supply and importation of video recordings, was enacted on 27th December, 1989. Section 29 of the Act provides for the making by me and the Censorship of Films Appeal Board of annual and special reports to the Minister for Justice Equality & Law Reform on our activities under the Video Recordings Act, 1989 and the Censorship of Films Acts, 1923 to 1992.



SHEAMUS SMITH.
OFFICIAL CENSOR.

VIDEO WORKS.

GENERAL.

The Video Recordings Act, 1989 provides for the control and regulation of the supply and importation of video recordings at three different levels. First, it provides for licensing of Wholesale and Retail video outlets. Second, it provides that the Film Censor may, on grounds specified in the Act, prohibit the supply of video works which he considers unsuitable for viewing. Third, it provides for classification of the video works in terms of suitability for viewing by different age groups. A person aggrieved by a prohibition order or by the classification of a video work may appeal the decision of the Official Censor to the Censorship of Films Appeal Board.

LICENCES.

Licensing was brought into operation on 1st May, 1991. A licence is required for each premises and/or vehicle and/or place from which it is proposed to sell video recordings or let them on hire. Licences are valid for twelve months from date of issue.

The following licence fees are prescribed:-

Wholesale Licence	-	£4,000
Retail Licence	-	£ 100

In 1998, 11 Wholesale and 1,470 Retail Licences (1,421 premises and 49 vehicles) were issued.

The total amount received in 1998 in respect of wholesale and retail licences was £185,000.

PROHIBITION ORDERS.

Section 7 of the Act was commenced with effect from 26 July, 1991. This section provides for the making of an Order prohibiting the supply of a video recording if it is considered that the work is unfit for viewing because:-

(a) the viewing of it would be likely to cause persons to commit crimes, whether by inciting or encouraging them to do so or by indicating or suggesting ways of doing so or avoiding detection,

or

(b) the viewing of it would be likely to stir up hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the travelling community or sexual orientation,

or

(c) the viewing of it would tend, by reason of the inclusion in it of obscene or indecent matter, to deprave or corrupt persons who might view it,

or

(d) it depicts acts of gross violence or cruelty (including mutilation and torture) towards humans or animals.

In 1998, prohibition orders were made in respect of 211 video works, details of which were published in Iris Oifigiuil.

CERTIFICATION, CLASSIFICATION AND LABELLING.

In May, 1994 the Minister made Orders commencing other sections of the Act i.e. the certification, classification and labelling provisions. With effect from 1st September, 1994, all new release video films (excluding exempted works) must be submitted to the Official Censor for certification and classification prior to their release on the market. Each certificated video must carry a prescribed label showing that it is suitable for viewing by one of the following categories:-

- fit for viewing by persons generally
- fit for viewing generally but in the case of a child under the age of 12 years, only under parental guidance
- fit for viewing by persons aged 12 years or more
- fit for viewing by persons aged 15 years or more
- fit for viewing by persons aged 18 years or more

The following classification fees were prescribed:-

(a) A video work for release on the rental market	- £180
(b) A video work for release on the sell-through market	- £ 80
(c) A work which is a trailer	- £ 20
(d) A video work which is an advertisement	- £ 20

The total amount received in 1998, in respect of video classification fees was £225,600.

Exempted Works

Certain video works (e.g. sport, music and religion) are exempt from classification. A detailed description of exempted works is contained in the Act.

Video Works presented for classification in 1998		CERTIFICATE GRANTED					
Category of Video Work	No.	GEN	P.G.	12	15	18	Prohib
Works for release on the rental Market	526	20	69	48	186	198	5
Works for release on the Sell-through Market	1326	446	254	128	269	221	8
Trailers/Previews	821	263	151	155	176	76	-
Advertisements	91	77	6	4	3	1	-
Total	2764	806	480	335	634	496	* 13

* In addition to the 13 works which were submitted for classification and which were prohibited a further 198 works which were seized by the Gardai/Customs Officers were also prohibited.

REGISTERS.

Registers of (a) Licence Holders (b) Prohibited Works and (c) Classified Works are available to the Public for inspection free of charge at the Official Censor's Office, 16 Harcourt Terrace, Dublin 2.

CERTIFICATES FOR COURT PROCEEDINGS.

Under the Act there is provision for the issuing of certificates providing certain information which is admissable as evidence in any proceedings.

In 1998 the following certificates were issued:-

<u>Certificates</u>	<u>Number of Certificates issued</u>
<u>Section 23 (3) (b)</u> Certificates indicating that Video Licences were not in force in respect of certain premises	17
<u>Section 23 (3) (c)</u> Certificates indicating that Video Licences were in force in respect of certain premises	Nil
<u>Section 15 (3) (b)</u> Certificates indicating that Prohibition Orders were in force in respect of certain works	30
<u>Section 15 (3) (c)</u> Certificates indicating that Prohibition Orders were not in force in respect of certain works	Nil
<u>Section 14 (3) (b)</u> Certificates indicating that Supply Certificates were not in force in respect of certain works	42
<u>Section 14 (3) (d)</u> Certificates indicating that Supply Certificates were in force in respect of certain works.	6

FILMS.

GENERAL

Under the Censorship of Films Act 1923 to 1970, the Official Censor of Films and the Censorship of Films Appeal Board are responsible for the censorship of films in Ireland. No picture may be exhibited in public by means of a cinematograph or similar apparatus unless and until the Official Censor has certified it as fit for exhibition.

The Official Censor shall certify a picture as fit for exhibition in public unless he is of opinion that it is unfit by reason of being indecent, obscene or blasphemous, or because the exhibition would tend to inculcate principles contrary to public morality or would be otherwise subversive of public morality. In some cases, the Censor may indicate that part only of a picture is unfit for exhibition, and may grant a certificate on removal of such part. The Censor may also grant a limited certificate, restricting viewing to certain classes of persons.

Any person aggrieved by a decision of the Official Censor may appeal to the Censorship of Films Appeal Board

A total of £110,200 was received in Film Censorship Fees in 1998.

Films Presented for Classification in 1998		Film Censor's Decision			
Category of Films	No. Of Films	Certificates Granted		Rejected	Censor's Decision Appealed
		Without Cuts	With Cuts		
Feature over 60 mins	156	156		-	2
20 mins to 60 mins	8	8		-	-
Adverts, Shorts and Trailers under 20 mins	256	256		-	-
Educational over 60 mins	-	-		-	-
Interest/ Topical Travel	-	-		-	-
TOTAL	420	420		-	2

The total duration of films presented for certification in 1998 was 308 hours. The total length of the film where the Official Censor's decision was appealed was 3 hours 57 minutes.

CERTIFICATES GRANTED BY FILM CENSOR IN 1998.

Educational	General	Parental Guidance	Over 12	Over 15	Over 18	Total
-	9	18	22	73	34	156

Of 156 films with a duration of 1 hour and over 140 came from the following countries:-

United States 114, United Kingdom 18, Ireland 5,
Australia 1, France 1, Brazil 1.

Sixteen Films were co-produced by the following countries:-

Ireland/United Kingdom/Germany 1; USA/Australia 1;
United Kingdom/France 3; United Kingdom/Australia 1;
USA/United Kingdom/Germany 1; Spain/France 1;
Ireland/United Kingdom/USA 1; United Kingdom/Canada 1;
Ireland/Canada 1; USA/Ireland 1; USA/France 1; United
Kingdom/Spain/Germany 1; United Kingdom/France/Isle Of Man/USA
1; United Kingdom/USA

STAFFING

The **Official Censor** is responsible for the overall censorship and administration of the Film Censor's Office. Under the Censorship of Films (Amendment) Act, 1992 **one whole-time Assistant Censor and seven part-time Assistant Censors** were appointed to assist the **Official Censor**.

In addition, there are 1 Higher Executive Officer, 1 Executive Officer, 2 Staff Officers (one jobsharing), 2 Clerical Officers (one jobsharing), 1 Chief Projectionist/Operator and 1 Projectionist/ Operator employed in the Office.

