

PN 6493

DAÍL ÉIREANN
25 NOV 1998
ON ORDER PAPER

ANNUAL REPORT

OF THE

FILM CENSOR

FOR 1994

FIFTH REPORT OF THE FILM CENSOR UNDER THE
VIDEO RECORDINGS ACT 1989

TO: MS. NORA OWEN, T.D.
MINISTER FOR JUSTICE

I have the honour to submit my Annual Report for the year ended 31st December, 1994.

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 the 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 on our activities under the Video Recordings Act, 1989 and the Censorship of Films Acts, 1923 to 1992.

During 1994 I performed my functions under those sections of the Video Recordings Act, 1989 which were already in operation and the final sections of the Act which came into operation on 12 May, 1994 and, of course, I continued to perform my functions under the Censorship of Films Acts, 1923 to 1992.

VIDEO WORKS

GENERAL

The Video Recording 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 considered unsuitable for viewing. Third it provides for classification of the video works in terms of suitability for viewing by different age groups.

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 1994 11 Wholesale and 1,638 retail licences (1,549 premises and 89 vehicles) were issued

The total amount received in 1994 in respect of wholesale and retail licences was £207,000.

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 1994 prohibitions orders were made in respect of 931 video works, details of which were published in Iris Ofiguil.

CERTIFICATIONS AND CLASSIFICATIONS AND LABELLING

In May, 1994 the Minister made Orders commencing the remaining sections of the Act i.e. the certification, classification and labelling provisions. With effect from 1 September 1994, all new release video films 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 in the company of a responsible adult
- 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 preview work or a trailer - £ 20
- (d) A video work which is an advertisement - £ 20

Fees amounting to £114,800 were received in respect of video classification for the eight month period - May to December, 1994.

Video works presented for classification in 1994

Certificate Granted

Category of video work	No.	GEN.	12RA	15'S	18'S	PROHIB.
Works for release on the Rental Market	349	31	51	160	104	3
Works for release on the sell through market	262	108	66	66	21	1
Trailers /Previews	431	126	102	158	45	-
Advertisements	28	27	1	-	-	-

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 Film Censor's Office, 16 Harcourt Terrace, Dublin 2.

CERTIFICATES

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

In 1994 the following certificates were issued:

<u>Certificates</u>	<u>Number of Certificates issued</u>
Section 23 (3) (b) Certificates indicating that Video Licences were not in force in respect of certain premises	46
Section 23 (3) (c) Certificates indicating that Video Licences were in force in respect of certain premises	16
Section 15 (3) (b) Certificates indicating that Prohibition Orders were in force in respect of certain works	149
Section 15 (3) (c) Certificates indicating that Prohibition Orders were not in force in respect of certain works	Nil
Section 14 (3) (b) Certificates indicating that Supply Certificates were not in force in respect of certain works	Nil
Section 14 (3) (c) Certificates indicating that Supply Certificates were in force in respect of certain works.	1

FILMS

Films Presented for
Classification

Film Censor's Decision

Category of Films	No. of Films	No. of Certs Granted		No. of Film Censor's Decisions Appealed	No. of Films Rejected
		Without Cuts	With Cuts		
Drama & Variety Films over 5,000 feet	147	144	-	4	3
2,000 to 5,000 feet	2	2	-	-	-
Under 2,000 feet	9	9	-	-	-
Trailers	185	185	-	-	-
Educational	-	-	-	-	-
Interest/ Topical/ Travel	-	-	-	-	-
TOTAL	343	340		4	3

The total length of films presented for certification in 1994 was 1,496,424 feet. The total length of the 4 films where the Film Censor's decision was appealed was 48,090 feet

The 149 films of 2,000 feet and over came from the following countries:-

United States 106, United Kingdom 16, France 6, Ireland 2, Australia 2, Canada 2, Spain 1, Germany 1, China 1.

Twelve films were co-produced by the following countries:-

United Kingdom/Italy 1, United Kingdom/France 1, United Kingdom/Ireland 1, Germany/Ireland 1, France/USA 1, Australia/USA 1, Australia/United Kingdom 1, Argentina/Italy 1, China/Hong Kong 1, Germany/Denmark/Portugal 1, United Kingdom/Germany/France 1, United Kingdom/Europe/France 1.

CERTIFICATES GRANTED BY FILM CENSOR IN 1994

	General	Under 12 years (accompanied by adult)	Over 12	Parental Guidance	Over 15	Over 18	Total
Without Cuts	29*	10	10	14	57	35	155
With Cuts	-	-	-	-	-	-	-
TOTAL	29*	10	10	14	57	35	155

* Nine of the twenty-nine films which received a General classification fell into the shorts/cartoon category.

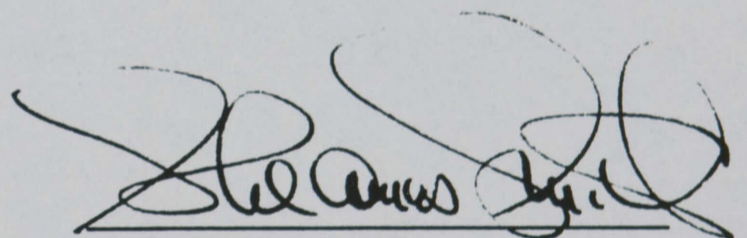
A total of £91,200 was received in Film Censorship Fees in 1994.

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.

The Official Censor deals with censorship of all films and a certain number of video works. The whole-time Assistant Censor is responsible for certification and classification of the video works.

In addition there are 1 Higher Executive Officer, 1 Junior Executive Officer, 1 Staff Officer, 2 Clerical Officers, 2 Clerical Assistants and 2 Projectionists employed in the Office.

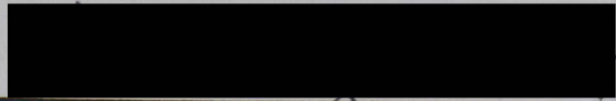
A handwritten signature in black ink, appearing to read 'Sheamus Smith', written over a horizontal line.

SHEAMUS SMITH,
OFFICIAL CENSOR

DOCUMENT(S) TO BE LAID BEFORE HOUSE OF OIREACHTAS

Clerk of Dáil

I enclose copies* of the undermentioned document(s) to be laid before the House. The information sought below is as set out.



Head of Department or other body

DÁIL ÉIREANN
 25 NOV 1998
ON ORDER PAPER

DÁIL
 RECEIVED
 24 NOV 1998
 ÉIREANN

<p>1. Department or other body laying document</p>	<p>Department of Justice, Equality and Law Reform</p>
<p>2. Title of document</p>	<p>Annual Report of the Film Censor for 1994</p>
<p>3. If laid pursuant to statute, state Title and section of Act</p>	<p>Section 29(1) (a) of the Video Recordings Act, 1989</p>
<p>4. Is there a statutory period in relation to the laying of the document? If so, give particulars</p>	<p style="text-align: right;">No</p>
<p>5. Is a motion of approval necessary?</p>	<p style="text-align: right;">No</p>

*Three copies of the document in respect of each House, or six copies where it is to be laid before one House only.

✓ S71 (25.11.1998)

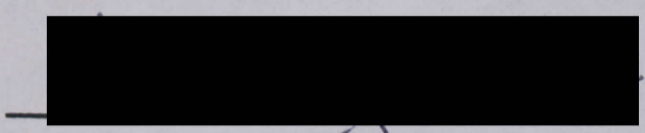
P.N. 6493

DOCUMENT(S) TO BE LAID BEFORE HOUSE OF OIREACHTAS

SEANAD ÉIREANN
25 NOV 1998
ON ORDER PAPER

Clerk of Seanad

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EIREANN

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Department of Justice, Equality and Law Reform

2. Title of document

Annual Report of the Film Censor for 1994

3. If laid pursuant to statute, state Title and section of Act

Section 29(1) (a) of the Video Recordings Act, 1989

4. Is there a statutory period in relation to the laying of the document?

If so, give particulars

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5. Is a motion of approval necessary?

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