

PN 6496

DAÍL ÉIREANN
25 NOV 1998
ON ORDER PAPER

ANNUAL REPORT
OF THE
FILM CENSOR
FOR 1997

Houses of the Oireachtas

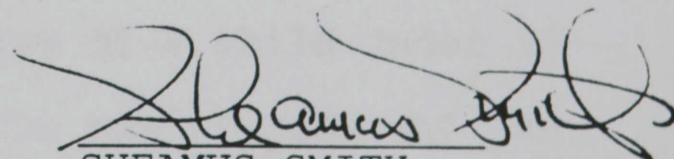
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EIGHTH REPORT OF THE FILM CENSOR UNDER THE
VIDEO RECORDINGS ACT, 1989.

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, 1997.

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.

CHANGES IN CLASSIFICATION

Regulations were made in December 1996 by the then Minister of State Mr. Austin Currie, T.D. [under delegated Ministerial powers], to provide for changes in the classification of video works under the Video Recordings Act, 1989. These changes came into effect on 1st January, 1997.

The changes in video classification implemented are: (a) the substitution of the words "under parental guidance" for the words "fit for viewing generally, but in the case of a child under 12 years, only in the company of a responsible adult", and (b) the introduction of an additional classification of "fit for viewing by persons aged 12 years or more". These changes have brought video classification into line with film classification.

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 1997, 10 Wholesale and 1,575 Retail Licences (1,522 premises and 53 vehicles) were issued.

The total amount received in 1997 in respect of wholesale and retail licences was £201,100.

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 1997, prohibition orders were made in respect of 200 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 1997, in respect of video classification fees was £204,800.

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 1997		CERTIFICATE GRANTED					
Category of Video Work	No.	GEN	P.G.	12	15	18	Prohib
Works for release on the rental Market	511	17	26	66	189	207	6
Works for release on the Sell-through Market	1057	477	165	100	185	122	8
Trailers/Previews	614	149	100	111	175	77	2
Advertisements	71	57	5	8	1		
Total	2253	700	296	285	550	406	* 16

* In addition to the 16 works which were submitted for classification and which were prohibited a further 184 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 admissible as evidence in any proceedings.

In 1997 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	11
<u>Section 23 (3) (c)</u> Certificates indicating that Video Licences were in force in respect of certain premises	2
<u>Section 15 (3) (b)</u> Certificates indicating that Prohibition Orders were in force in respect of certain works	25
<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	16
<u>Section 14 (3) (d)</u> Certificates indicating that Supply Certificates were in force in respect of certain works.	2

FILMS.

Films Presented for Classification		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	161	160		1	2
20 mins to 60 mins	2	2		-	-
Adverts, Shorts and Trailers under 20 mins	229	229		-	-
Educational over 60 mins	5	5		-	-
Interest/ Topical Travel	-	-		-	-
TOTAL	397	396		1	2

The total duration of films presented for certification in 1997 was 318 hours. The total length of the film where the Official Censor's decision was appealed was 3 hours 54 minutes.

Of 166 films with a duration of 1 hour and over 149 came from the following countries:-

United States 115, United Kingdom 27, France 1, Ireland 1, Australia 1, Canada 2, Japan 1, Czech Republic 1.

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

USA/United Kingdom/Italy 1; USA/United Kingdom 6; USA/Ireland 2; United Kingdom/France 1; France/Japan/UK 1; Australia/USA 1; USA/France 2; France/Euroimages 1; Ireland/Sweden 1; Denmark/Germany 1.

CERTIFICATES GRANTED BY FILM CENSOR IN 1997.

	Educational	General	Parental Guidance	Over 12	Over 15	Over 18	Total
	* 5	**11 (12)	** 15 (14)	28	63	50	167

* Also included in figures across.

** Appeal Board overruled the Film Censor's Decision for one film and subsequently granted a General Certificate to a film which had been granted a P.G. Certificate by the Film Censor.

A total of £116,800 was received in Film Censorship Fees in 1997.

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, 1 Staff Officer, 2 Clerical Officers, 1 Clerical Assistant, 1 Chief Projectionist/Operator and 1 Projectionist/Operator employed in the Office.

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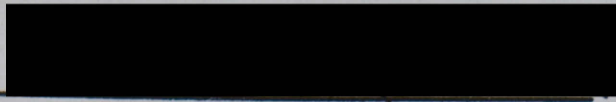
(25.11.1998)

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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

RECEIVED
24 NOV 1998
EIREANN

1. Department or other body laying document	Department of Justice, Equality and Law Reform
2. Title of document	Annual Report of the Film Censor for 1997
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	No
5. Is a motion of approval necessary?	No

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

✓ S7H (25.11.1998)

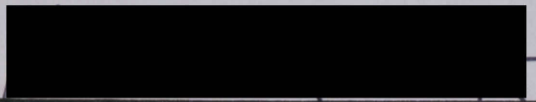
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