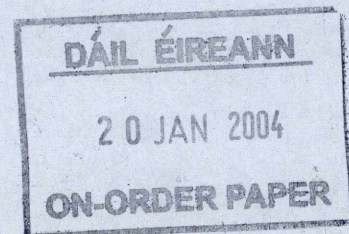


ANNUAL REPORT
OF THE
OFFICIAL CENSOR
OF FILMS
2002

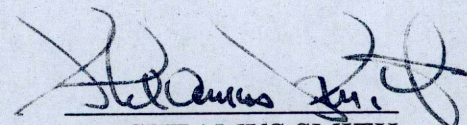


TWELFTH REPORT OF THE OFFICIAL CENSOR UNDER THE
VIDEO RECORDINGS ACT, 1989.

TO : Mr. Michael McDowell, T.D.,
MINISTER FOR JUSTICE, EQUALITY & LAW REFORM

I have the honour to submit my Annual Report for the year ended December 31, 2002.

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 December 27, 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 Official 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 May 1, 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 €5,078.95

Retail Licence €126.97

In 2002, 7 Wholesale and 1289 Retail Licences (premises and vehicles) were issued.

The total amount received in 2002 in respect of **Wholesale and Retail Licences** was **€119,216.98**.

PROHIBITION ORDERS

Section 7 of the Act was commenced with effect from July 26, 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 2002, 16 Prohibition Orders were made in respect of **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 September 1, 1994, all new release video works (excluding exempted works) must be submitted to the Official Censor for certification and classification prior to their release on the market. Each certificated video work 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	€228.55
(b)	A video work for release on the sell-through market	€101.55
(c)	A video work which is a trailer	€25.35
(d)	A video work which is an advertisement	€25.35

The total amount received in 2002, in respect of **Video Classification fees** was €622,497.90

Exempted Works

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

Video Works presented for classification In 2002	Number	CERTIFICATE GRANTED				
Category of Video Work		GEN	PG &12	15	18	PROHIB
Works for release on the Rental market	1043	162	332	307	232	10
Works for release on the Sell-through Market	3421	1201	1180	735	300	5
Trailers/Previews	2277	1000	874	318	42	1
Advertisements	3	0	3	0	0	0
TOTAL	6702	2363	2389	1360	574	*16

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 2002 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	1
<u>Section 23 (3) (c)</u> Certificates indicating that Video Licences were in force in respect of certain premises	1
<u>Section 15 (3) (b)</u> Certificates indicating that Prohibition Orders were in force in respect of certain works	nil
<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	1
<u>Section 14 (3) (d)</u> Certificates indicating that Supply Certificates were in force in respect of certain works	nil

FILMS

GENERAL

Under the Censorship of Films Acts 1923 to 1992, 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 the 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 Official Censor may indicate that part only of a picture is unfit for exhibition, and may grant a certificate on removal of such part. The Official 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.

The total amount received in 2002 in respect of **Film Classification fees** was €155,355.02.

Films Presented for Classification in 2002				Official Censor's Decision	
Category of Films	No. Of Films	Certificates Granted Without Cuts	With Cuts	Rejected	Censor's Decision Appealed
Feature Over 60 mins	184	184	0	0	3
20 mins to 60 mins	1	1	0	0	0
Adverts, Shorts and Trailers Under 20 mins	0	319	0	0	0
Educational Over 60 mins	0	0	0	0	0
Interest/ Topical/ Travel	*2	*2	0	0	0
TOTAL	187	504	0	0	3

* Included in Total of features.

The total duration of Films presented for certification in 2002 was 324 hours 29 mins. The total length of Films where the Official Censor's decision was appealed was 4 hours 44 mins.

The 205 features with a duration of one hour or over were classified as follows:

Ed.	Gen	P.G.	12PG	15PG	18	Total
0	24	24	42	75	**40	205

** The Censorship of Films Appeal Board overruled the Official Censor's decision for 1 film subsequently granting a Parental Certificate for a film that the Official Censor had granted a 12PG Certificate. The Board upheld the Censor's decision on two other films which were granted 18 Certificates by the Official Censor.

Of Feature Films (over 60 minutes duration) , came from the following countries:-

United States 102, United Kingdom 10, Ireland 2, Canada 1, Australia 2, France 2, India 1, Spain 2, Argentina 1, Brazil 1

Films were co-produced by the following countries:-

Australia/US 2; Belgium/Italy/Uk/Switzerland/Europe 1; Canada/UK 1, France/UK/Germany/Poland 1; France/UK/US/Canada 1; France/US 1; Ireland/UK 2; Ireland/UK/Germany 1; Ireland/US/Germany 1; Ireland/Italy/France/Denmark/UK 1; Italy/Germany 1; UK/France 2; UK/France/Ireland 1; UK/Germany 6; UK/Germany/US 1; UK/Ireland 1; UK/Luxembourg 1; UK/Spain/Germany 1; UK/US 7; US 102; US/Australia 6; US/Canada 4; US/Czech Republic 2; US/Germany 8; US/UK/Germany 10; US/UK 5; US/UK/Canada 1; US/UK/France 1

On June 1, 2001 the Official Film Censor, Sheamus Smith, made changes in two classification certificates in respect of films for cinema exhibition.

The **Over 15** certificate was replaced by a new **15 PG** certificate. This indicates that while the film is, in the opinion of the Film Censor, only suitable for those over 15 years of age, a person under that age may be admitted to a cinema screening if accompanied by a parent or guardian.

The **Over 12** certificate was replaced by a new **12 PG** certificate. This again indicates that while the film is, in the opinion of the Film Censor, only suitable for those over 12 years of age, a person under that age may be admitted to a cinema screening if accompanied by a Parent or Guardian.

The complete classification categories are now **GENERAL, PARENTAL GUIDANCE, 12PG, 15 PG and OVER 18.**

The new certificates/classifications will allow parents or guardians to exercise more control and greater discretion over the type of film that their children may attend.

OFFICE STAFF

The **Official Film Censor** is responsible for the overall classification 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 FilmCensor**.

In addition, there was **1 Higher Executive Officer, 2 Executive Officers, 1 Staff Officer (worksharing), 4 Clerical Officers (2 work-sharing), 1 Projectionist and 2 part-time Projectionists** employed in the office.

On November 8, 2002 the Minister appointed Mr John Kelleher Official Film Censor on the retirement of Mr Sheamus Smith. The appointment followed an open interview selection process and is effective from April 7, 2003. Mr. Sheamus Smith retired as Official Film Censor on April 6, 2003.

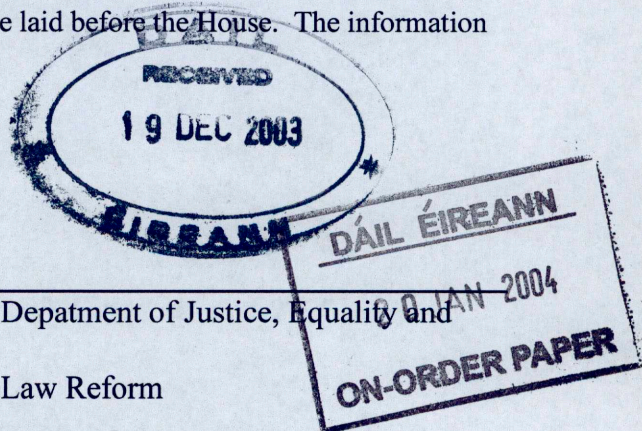
DOCUMENT(S) TO BE LAID BEFORE HOUSE OF OIREACHTAS

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.

[Signed cover letter attached]

Head of Department or other body _____



1. Department or other body laying document	Department of Justice, Equality and Law Reform
2. Title of document	Annual Report of the Official Censor of Films 2002
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.



DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM
AN ROINN DLÍ AGUS CIRT, COMHIONANNAIS AGUS ATHCHÓIRITHE DLÍ

Clerk of Dail
Leinster House,
Dublin 2.

Enclosed is 3 copies each of **Annual Report of Film Censor, 2002** and **Annual Report of Censorship of Film Appeal Board 2002**. Please return pink receipt to me.



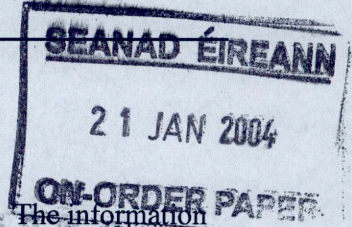
Corporate Services

16 December, 2003

Houses of the Oireachtas

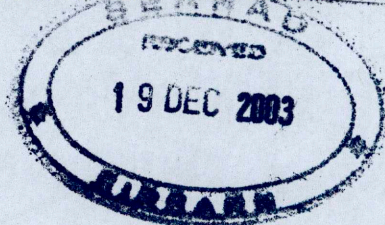
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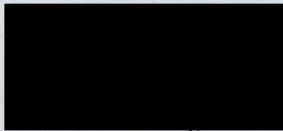
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