



Jersey

VIDEO RECORDINGS (AMENDMENT) (JERSEY) LAW 2015

Arrangement

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VIDEO RECORDINGS (AMENDMENT) (JERSEY) LAW 2015

A LAW to amend the Video Recordings (Jersey) Law 1990.

Adopted by the States

24th March 2015

Sanctioned by Order of Her Majesty in Council

10th June 2015

Registered by the Royal Court

19th June 2015

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law “principal Law” means the Video Recordings (Jersey) Law 1990¹.

2 Amendment of Article 1

In Article 1 of the principal Law –

- (a) in paragraphs (2) for the words “disc or magnetic tape” there shall be substituted the words “disc, magnetic tape or any other device capable of storing data electronically”;
- (b) For paragraph (3) there shall be substituted the following paragraph –
 - “(3) ‘Video recording’ means –
 - (a) any disc or magnetic tape; or
 - (b) any other device capable of storing data electronically, containing information by the use of which the whole or a part of a video work may be produced.”.
- (c) after paragraph (3) there shall be inserted the following paragraph –
 - “(3A) ‘Video game’ means any video work that is a game played by manipulating the visual images.”.

3 Amendment of Article 2

For Article 2(2) of the principal Law there shall be substituted the following paragraphs –

“(2) A video work other than a video game is not an exempted work for the purposes of paragraph (1) if it does one or more of the following –

- (a) it depicts or promotes violence or threats of violence;
- (b) it depicts the immediate aftermath of violence on human or animal characters;
- (c) it depicts an imitable dangerous activity without also depicting that the activity may endanger the welfare or health of a human or animal character;
- (d) it promotes an imitable dangerous activity;
- (e) it depicts or promotes activities involving illegal drugs or the misuse of drugs;
- (f) it promotes the use of alcohol or tobacco;
- (g) it depicts or promotes suicide or attempted suicide, or depicts the immediate aftermath of such an event;
- (h) it depicts or promotes any act of scarification or mutilation of a person, or of self-harm, or depicts the immediate aftermath of such an act;
- (i) it depicts techniques likely to be useful in the commission of offences or, through its depiction of criminal activity, promotes the commission of offences;
- (j) it includes words or images intended or likely to convey a sexual message (ignoring words or images depicting any mild sexual behaviour);
- (k) it depicts human sexual activity (ignoring any depictions of mild sexual activity);
- (l) it depicts or promotes acts of force or restraint associated with human sexual activity;
- (m) it depicts human genital organs or human urinary or excretory functions (unless the depiction is for a medical, scientific or educational purpose);
- (n) it includes swearing (ignoring any mild bad language); or
- (o) it includes words or images that are intended or likely (to any extent) to cause offence, whether on the grounds of race, gender, disability, religion or belief or sexual orientation, or otherwise.

(3) For the purposes of paragraph (2), a video work promotes something if the work is likely (to any extent) to stimulate or encourage that thing.

(4) In paragraph (2) –

‘human or animal character’ means a character that is or whose appearance is similar to that of –

(a) a human being; or

(b) an animal that exists or has existed in real life,

but does not include a simple stick character or any equally basic representation of a human being or animal;

‘imitable dangerous activity’ means an activity which –

(a) if imitated by a person, may endanger the welfare or health of any person or animal; and

(b) may be easily imitated by a person; and

‘violence’ does not include any violence that is –

(a) mild; or

(b) not directed towards human or animal characters,

unless it is sexual violence.

(5) A video game is not an exempted work for the purposes of paragraph (1) if, to any significant extent, it depicts –

(a) human sexual activity or acts of force or restraint associated with such activity;

(b) mutilation or torture of, or other acts of gross violence towards, humans or animals; or

(c) human genital organs or human urinary or excretory functions,

or is likely to any significant extent to stimulate or encourage anything falling within sub-paragraph (a) or, in the case of anything falling within sub-paragraph (b), is likely to any extent to do so.

(6) A video game is not an exempted work for the purposes of paragraph (1) if, to any significant extent, it depicts criminal activity which is likely to any significant extent to stimulate or encourage the commission of offences.”.

4 Amendment of Article 3

In Article 3(5) of the principal Law for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs –

“(b) does not, to any significant extent, depict any of the following –

(i) human sexual activity or acts of force or restraint associated with such activity,

(ii) mutilation or torture of, or other acts of gross violence towards, humans or animals, or

(iii) human genital organs or human urinary or excretory functions; and

(c) is not designed –

- (i) to any significant extent to stimulate or encourage anything falling within sub-paragraph (b)(i), or
- (ii) to any extent to stimulate or encourage anything falling within sub-paragraph (b)(ii),”.

5 Citation and commencement

This Law may be cited as the Video Recordings (Amendment) (Jersey) Law 2015 and shall come into force 7 days after it is registered.

M.N. DE LA HAYE, O.B.E.

Greffier of the States

¹ *chapter 11.800*