



Students' British Board of Film Classification

The sbbfc Student Guide 2009 /10

The sbbfc Student Guide

Welcome to the printable (pdf) version of the sbbfc Student Guide. This has been designed to give students and educators a detailed overview of the BBFC as an aid to studying the topics of Media Regulation and Censorship. For details of the latest additional resources, please refer to the Resources section of the online version of the guide. This printable version of the guide will be updated every August.

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History: Introduction

The British Board of Film Classification is an independent, non-governmental body, which has exercised responsibilities over cinema for more than ninety years, and over video since 1985.

Cinema

The British Board of Film Censors was established in 1912 by the film industry when local authorities started to impose their own, widely varying, censorship standards on films.

The Board was set up in order to bring a degree of uniformity to those standards. The object was to create a body which could make judgements that were acceptable nationally. To this end the Board has needed to earn the trust of the local authorities, Parliament, the press and the public. It must not only be independent, but be seen to be so, taking care, for example, that the film industry does not influence its decisions, and that, similarly, pressure groups and the media do not determine its standards.

Statutory powers on film remain with the local councils, which may overrule any of the Board's decisions on appeal, passing films we reject, banning films we have passed, and even waiving cuts, instituting new ones, or altering categories for films exhibited under their own licensing jurisdiction. However, by the mid 1920s it had become general practice for local authorities to accept the decisions of the Board.

Video

In 1984 Parliament passed the Video Recordings Act. This act stated that, subject to certain exemptions, video recordings offered for sale or hire in the UK must be classified by an authority designated by the Secretary of State. The following year the President and Vice Presidents of the BBFC were so designated, and charged with applying the new test of 'suitability for viewing in the home'. At this point the Board's title was changed to the British Board of Film Classification to reflect the fact that classification plays a far larger part in the Board's work than censorship.

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1912 – 1949

In the past, the BBFC did not have any written rules or code of practice like the Motion Picture Production Code, introduced in Hollywood by the Hays Office in 1930. Policy evolved along practical lines, whilst seeking to reflect public attitudes. Since 2000, the BBFC has operated under a series of published Guidelines, available on the BBFC's websites. These Guidelines are flexible and stress the importance of taking into consideration the context of each individual work. They are reviewed on a regular basis, which entails a period of extensive public consultation, the most recent of which took place in 2009.

Standards have evolved throughout the Board's ninety year history, and current concerns and practices can be found in the sections on the classification process and classification issues. This section will focus on key moments in the evolution of current standards and the development of the category system.

It must be stressed that shifts in standards are linked to external changes - new legislation, developments in technology, the social and historical climate of the period, and the accompanying changes in social attitudes. This evolution must therefore be examined in the wider cultural and historical context. Here are some key stages in the Board's early history.

1916 - T. P. O'CONNOR

When T. P. O'Connor was appointed President of the BBFC, one of his first tasks was to give evidence to the Cinema Commission of Inquiry, set up by the National Council of Public Morals in 1916. He summarised the Board's Policy by listing forty-three grounds for deletion laid down for the guidance of examiners. This list was drawn from the Board's annual reports for 1913-1915. The list shows the strictness felt necessary if the Board was to earn the trust of the public and relevant bodies.

1. Indecorous, ambiguous and irreverent titles and subtitles
2. Cruelty to animals
3. The irreverent treatment of sacred subjects
4. Drunken scenes carried to excess
5. Vulgar accessories in the staging
6. The modus operandi of criminals
7. Cruelty to young infants and excessive cruelty and torture to adults, especially women
8. Unnecessary exhibition of under-clothing
9. The exhibition of profuse bleeding
10. Nude figures
11. Offensive vulgarity, and impropriety in conduct and dress

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12. Indecorous dancing
13. Excessively passionate love scenes

14. Bathing scenes passing the limits of propriety
15. References to controversial politics
16. Relations of capital and labour
17. Scenes tending to disparage public characters and institutions
18. Realistic horrors of warfare
19. Scenes and incidents calculated to afford information to the enemy
20. Incidents having a tendency to disparage our Allies
21. Scenes holding up the King's uniform to contempt or ridicule
22. Subjects dealing with India, in which British Officers are seen in an odious light, and otherwise attempting to suggest the disloyalty of British Officers, Native States or bringing into disrepute British prestige in the Empire
23. The exploitation of tragic incidents of the war
24. Gruesome murders and strangulation scenes
25. Executions
26. The effects of vitriol throwing
27. The drug habit. e.g. opium, morphia, cocaine, etc
28. Subjects dealing with White Slave traffic
29. Subjects dealing with premeditated seduction of girls
30. 'First Night' scenes
31. Scenes suggestive of immorality
32. Indelicate sexual situations
33. Situations accentuating delicate marital relations
34. Men and women in bed together
35. Illicit relationships
36. Prostitution and procuration
37. Incidents indicating the actual perpetration of criminal assaults on women
38. Scenes depicting the effect of venereal disease, inherited or acquired
39. Incidents suggestive of incestuous relations
40. Themes and references relative to 'race suicide'
41. Confinements
42. Scenes laid in disorderly houses
43. Materialization of the conventional figure of Christ

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THE YEARS BETWEEN THE WARS

During this period the kind of material that caused concern included horror and gangster films, as well as those that dealt with aspects of sexuality. Some councils were beginning to bar children from films classified 'A', even when they had been cut by the BBFC to achieve a certificate. For example, the London County Council (LCC) and Manchester City Council (MCC) banned children from *Frankenstein* (1931), although a sequence in which the monster drowns a small girl had already been cut. In response to such material, the advisory category 'H' (for horror) was agreed in 1932, to indicate the potential unsuitability for children of the horror theme.

1948 - ARTHUR WATKINS

Arthur Watkins was appointed Secretary to the Board in 1948, under the Presidency of Sir Sidney Harris. Both men had come from the Home Office, and Watkins was also a successful playwright. Many film-makers sought the Board's advice on scripts before films went into production. Watkins and Harris formulated new terms of reference for the Board based on three principles:

- was the story, incident or dialogue likely to impair the moral standards of the public by extenuating vice or crime or depreciating moral standards?
- Was it likely to give offence to reasonably minded cinema audiences?
- What effect would it have on children?

The effect on children was of major importance since, apart from the advisory 'H' category, from which some councils already chose to bar children, there was no category that excluded children. An 'adults only' category was increasingly seen as desirable, not only to protect children, but as an extension of the freedom of film-makers to treat adult subjects in an adult fashion.

Related sbbfc Case Study:

Battleship Potemkin

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the 1950s

The Fifties saw the end of rationing and a gradual increase in prosperity for those who, as Prime Minister MacMillan stated, “have never had it so good”. One development that stemmed from this apparent affluence was the emergence of ‘youth’ as a group with a defined identity and as a target for consumer goods, as young people with disposable income became an attractive proposition for those selling records, clothes and all the trappings of the teenager.

Controversial subjects on film were accommodated in the UK under the new ‘X’ category, introduced in 1951 and incorporating the former advisory ‘H’ category given to horror films. As the growth of television ownership eroded the adult/family cinema audience, films like **Rock Around The Clock** (1956) drew teenage audiences. Cut for U, this film caused rioting in cinemas and fuelled increasing concern about teenage criminality, although there was in fact no evidence of a teenage crime wave as suggested by the popular Press.

The new ‘X’ category, which excluded children under 16, was sufficient to contain the cynical **La Ronde**, Max Ophuls’ 1951 film about a chain of sexual encounters. Records suggest that the film was cut, unsurprising in an era when the Board was disinclined to relinquish its role as protector of public morals, to the extent that even in 1956 dialogue cuts were made to Ingmar Bergman’s **Smiles Of A Summer Night** because the sex references were considered too risqué.

Concerns about what were then known as juvenile delinquents delayed the classification of Laslo Benedek’s 1954 film, **The Wild One**, for thirteen years because the Board described the contents as ‘a spectacle of unbridled hooliganism’. Marlon Brando stars as the leader of a biker gang who rides into a small American town and creates mayhem, fighting with a rival gang leader and defying adult authority. Repeated attempts were made to secure a classification, and eventually some local authorities overturned the Board’s rejection, allowing local releases. The riots in English seaside towns involving Mods and Rockers, (Margate and Clacton in 1964), were cited as providing justification for the Board’s continuing objections to the film. The Board maintained its stance until 1967, when the dangers associated with the film’s release were judged to be over.

Nicholas Ray’s 1955 **Rebel Without A Cause** also ran into trouble because of its depiction of what the Board considered to be anti-social behaviour and teen violence, but substantial cuts were agreed for the film’s release at ‘X’. In the same year, Richard Brook’s **The Blackboard Jungle** was submitted. The film followed the progress of a dedicated teacher assigned to a tough class of adolescents in a New York urban school. The first reaction of the BBFC’s Secretary, Arthur Watkins, was to reject it, on the grounds that ‘filled as it is with scenes of

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unbridled revolting hooliganism (it) would, if shown in this country, provoke the strongest criticism from parents... and would have the most damaging and harmful effect on... young people'. The film was withdrawn from the Venice Film Festival after pressure from the US ambassador to Italy, who felt that it presented an unflattering impression of American schools. The rejection decision was challenged by MGM, the distributor, and the film was viewed again by the Board President which resulted in another rejection, although the artistic merits of the film were acknowledged and cuts were considered. A series of negotiations then began, resulting in substantial cuts for an 'X' certificate.

1955 also saw the rejection of a very different film, *The Garden Of Eden*, about a mother and daughter who decide to become nudists. The film only showed bare breasts and buttocks, but the film was regarded as unacceptable, the BBFC having had a long-standing policy against screen nudity, partly on the grounds that if they encouraged more nudity on screen, they would be inviting sexual exploitation. However, a large number of local authorities saw fit to overturn the BBFC decision, to the extent that in 1958, the Board was obliged to classify the film at 'A'.

The topic of drugs exercised the BBFC to a considerable degree during the decade. *Devil's Weed* was rejected in 1951, because the Board felt that the moral lessons about the evils of drugs use were not made sufficiently clear. In 1954, however, the Board passed *L'Esclave*, another film dealing with the subject of drugs, albeit with cuts.

1955 saw the submission of Otto Preminger's *The Man With The Golden Arm*, a story about a recovering drug addict who is lured back into his habit. The Home Office had made it known that they had no objection to films dealing with the subject of addiction, provided that drug-taking was not seen to be attractive. That the profits from dealing were not emphasised. Given this basis, the Board felt able to offer an 'X' in 1956 with cuts to details of drug-preparation and some incidental violence. It is interesting to note that while the film had a fairly smooth passage past the Board in the UK, it met with problems with the Production Code in the USA, where the theme of drugs in films was proscribed by the MPAA. The Code was amended in 1956 to allow for the treatment of narcotics as a theme. The video was later classified at '15'.

In the same year, Lee Thompson's *Yield To The Night* was passed uncut at 'X'. The Board read both the novel on which the film is based, and the script, before the coincidental execution in 1956 of Ruth Ellis, the last woman to be hanged in the UK for murder, but the theme of capital punishment for women was much on the public agenda. The film tells the story of a woman who murders out of jealousy, and dwells on the last weeks before the death sentence is carried out. Examiners expressed concerns at an early stage about how such a

theme might be handled, and even before the film was scripted Arthur Watson was warning the distributor that an 'X' certificate was the most likely outcome, and only if the treatment was discreet. The distributor argued strongly for an 'A' category at the script stage and the Board's examiners considered whether there was any possibility of an 'A', but felt that parents of girls aged between 12 and 16 would not endorse such a decision. The film was passed 'X' and it remains a '15' on video.

The year 1956 also saw the resignation of Arthur Watkins, who was replaced for the next two years as Secretary by John Nichols. In 1958 John Trevelyan became Board Secretary. The upheaval in social and class barriers that followed the war is reflected in films like Jack Clayton's *Room At The Top* (1958), a film that generated much amicable negotiation between John Trevelyan and Romulus Films on the language used in the film. The BBFC required the removal of 'lust' and 'bitch' from the dialogue, and also required a softening of the words used to describe the death of a female character in a car accident. It was clear that Trevelyan wished to establish the 'X' category for serious adult British films - the category that had previously been used mostly for horror and continental films. However, the American League of Decency attacked the film, describing it as involving 'gross suggestiveness and costuming, dialogue and situations. It moreover tends to arouse undue sympathy for an adulteress'. The video version is currently classified at '15'.

At the end of the decade came *Beat Girl*, a sort of UK equivalent of *Rebel Without A Cause*, starring Adam Faith. The Board was not impressed with the script for this film about a teenage girl who seeks to rebel against her father by hanging around with a bad crowd in Soho and considers becoming a stripper. The script was judged to be 'the product of squalid and illiterate minds' and several amendments were made before it was cut for 'X'. It is now classified '12' on video, having lost its appeal to shock.

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the 1960s

THE 60s AND LIBERALISATION

Challenges to the Obscene Publications Act (1959), in cases such as the successful defence in 1960 of D. H. Lawrence's novel *Lady Chatterley's Lover*, suggested a strong shift in public opinion, when a jury acquitted this work. John Trevelyan, as Secretary to the Board, responded to the new spirit of liberalism by stating: "The British Board of Film Censors cannot assume responsibility for the guardianship of public morality. It cannot refuse for exhibition to adults films that show behaviour that contravenes the accepted moral code, and it does not demand that 'the wicked' should also be punished. It cannot legitimately refuse to pass films which criticise 'the Establishment' and films which express minority opinions".

However, the decade began with a challenge in the form of Michael Powell's *Peeping Tom*, which had been seen by the Board at the script stage and provoked a remark from Trevelyan about its 'morbid concentration on fear'. Various cuts had been suggested at script stage, and the film was passed 'X' in 1960 with cuts. Critics greeted the film with a torrent of abuse and it failed to please the public, damaging Powell's reputation.

New realism took hold in British films, with the submission of a number of 'kitchen sink' dramas from the British New Wave directors - Karel Reisz's *Saturday Night And Sunday Morning* in 1960, Tony Richardson's *The Loneliness Of The Long Distance Runner* in 1962, both passed 'X', the latter with cuts. *Saturday Night...* had been submitted to the Board at script stage. Concerns were expressed about the language, violence and the theme of abortion, and the script was modified to meet these concerns. This might have been the 'swinging Sixties', but in spite of the film's BBFC uncut release at 'X', Warwickshire Council deemed it too strong and demanded that cuts be made for a local certificate.

By 1966, Lewis Gilbert's *Alfie* was passed uncut, with the remark that it contained a 'basically moral theme' in spite of some misgivings at the Board about the abortion theme. Attitudes to sexuality were on the change in the wake of the 1957 Wolfenden Report which recommended a relaxation of the laws concerning homosexuality, although no new legislation was to appear for another ten years. Trevelyan claimed that the BBFC had never banned the subject of homosexuality from the screen but 'the subject was one that would probably not be acceptable to the British audience'. Basil Dearden's *Victim* contributed to the debate in 1961, containing the line 'they call the law against homosexuality the blackmailer's charter'. The film was passed 'X' with a brief cut. As public tolerance increased in the sweeping social change of the sixties, films became more explicit, but in practice the Board still requested cuts, usually

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to verbal and visual 'indecenty'. Ingmar Bergman's 1964 ***The Silence*** created a stir because of its treatment of sexual matters. After extensive consultation with the distributor and the director, Trevelyan passed the film 'X' with 35 seconds of cuts to sex scenes. Similar cuts were made to Ken Loach's unglamorous tale of a young working-class woman, ***Poor Cow***, passed 'X' in 1967 with cuts to sex references. The decade also saw the establishment of the ***Carry On..*** series, characterised by its use of seaside postcard humour, some of which was trimmed for the 'A' category - for instance in ***Carry On Cleo*** (1964) and ***Carry On Camping*** (1969).

Violence in Walter Grauman's ***Lady In A Cage*** proved too strong for the Board in 1964 and the film was rejected on the grounds that it could 'invite and stimulate juvenile violence and anti-social behaviour by young people'. The Greater London Council granted a cut version of the film an 'X' certificate. However, there was no holding back the inevitable, and in 1967 Arthur Penn's ***Bonnie and Clyde***, with its notorious denouement of the charismatic outlaws being riddled with bullets, was passed 'X' uncut in 1967. By the end of the decade in 1969 Sam Pekinpah's classic Western ***The Wild Bunch*** pushed levels of violence still further in spite of some ten seconds of cuts for 'X'.

One of the most commercially successful series of films of the decade began in 1962 with Terence Young's ***Dr No***, the first of the long running James Bond movies. Passed 'A' with cuts, this set a pattern for what followed, with ***From Russia With Love*** passed 'A' with cuts to sexual innuendo in 1963, ***Goldfinger*** passed 'A' in 1964 with cuts to nudity and violence, and ***Thunderball*** passed 'A' in 1965 with a cut to a sexy massage scene.

In 1968 Lindsay Anderson's controversial ***If...***, a metaphorical look at British society through the microcosm of a boys' public school, proved to be a box-office success. Only one cut was made, not to violence but to male nudity. In the decade of tuning in, turning on, and dropping out, ***The Trip*** fell foul of BBFC concerns about drugs and was rejected in 1967. This Roger Corman work about the delights and drawbacks of taking LSD was not classified until 35 years had elapsed and it was no longer considered a danger. It was for years the Board's stance that the film presented LSD use as normal and legitimate, rather than as a dangerous and criminal, practice. It was finally passed '18' on video in 2002 under Guidelines that allowed for a balanced and realistic depiction of class A drugs use at the adult category.

the 1970s

1970 - CHANGES IN THE CATEGORY SYSTEM

During the sixties it was recognised that teenagers had specific concerns of their own which ought to be reflected in the category system. The introduction of the 'AA' was finally approved by local authorities and the industry in 1970. The principal changes to the category system were the raising of the minimum age for 'X' certificate films from 16 to 18. The old 'A' (advisory) category was split to create a new advisory 'A' which permitted the admission of children of five years or over whether accompanied or not, but which warned parents that a film in this category would contain some material that parents might prefer their children under fourteen not to see, and a new 'AA' certificate which allowed the admission of those over 14, but not under 14, whether accompanied or not. The idea was that this would protect adolescents from material of a specifically adult nature and would permit more adult films to be passed uncut for an older, more mature audience. It recognised the earlier maturity of many teenagers by giving them access to certain films at the age of 14, without being accompanied by an adult. It also indicated to parents the difference between films wholly suitable for children of all ages, which would continue to be classified 'U', and those which, while not generally unsuitable, might contain some material which some parents might prefer their children not to see.

70s SEXUAL VIOLENCE AND OTHER CONTROVERSIES

A new ratings system in the United States included an uncensored 'X' category, left to the sole control of the criminal law. John Trevelyan, the Secretary at the time, was concerned by this: "We are afraid that this will have the effect of giving certain film-makers the opportunity of going much further than they have done in scenes of sex and sexual perversion, since with the protection of an 'X' category, they can shed personal responsibility". The seventies did indeed see the release of a number of provocative films, in particular those that linked sex and violence, for example *Straw Dogs* (1971), and *A Clockwork Orange* (1971), both of which contained controversial rape scenes. There were a number of other controversies during the seventies, for example Ken Russell's *The Devils* (1971), which was accused of blasphemy, *Last Tango In Paris* (1972), which was accused of being 'obscene' and *The Exorcist* (1973), which was accused of having a psychologically damaging effect on young people. In the case of each of these films, the decision of the BBFC to award an 'X' was overturned by a number of local authorities. Pressure groups such as The Festival of Light, and Lord Longford's Committee on Pornography also placed immense pressure on the BBFC, in a backlash against what was perceived as liberalisation having gone too far. The Festival of Light took out an unsuccessful private prosecution against *Last Tango In Paris* and mounted

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a campaign against alleged links between teenage suicide and screenings of *The Exorcist*. Meanwhile anti-censorship campaigners also continued to criticise the Board, defending cause celebre films such as Andy Warhol's *Trash* (1970), which the BBFC had passed only after several cuts.

Stephen Murphy, who became Secretary of the Board in July 1971, resigned in 1975 and was succeeded by James Ferman. One of the first films Ferman looked at was *The Texas Chain Saw Massacre*, which his predecessor had already refused to classify shortly before his departure. Ferman agreed with Murphy that the violence and terrorisation in the film (directed largely towards a woman over a sustained period) was unacceptable. In an early interview, Ferman remarked that it was not the sex that worried him but the violence and, in particular sexual violence. During his time at the BBFC, Ferman permitted increasingly explicit sexual material whilst clamping down on sadistic violence (especially when perpetrated by heroes) and sexual violence (particularly where it seemed that the portrayal of rapes and assaults were intended as a 'turn on' to viewers).

Ferman's attitudes and policies reflected a more general shift of public concern during the 1970s, away from arguments about the explicitness of screen representations towards a consideration of any possible corrupting influence. This has been understood more and more in terms of whether the viewer is encouraged to enjoy the pain of victims of violence, and, often, sexual violence. Prior to 1977 the Obscene Publications Act did not apply to cinema films and films were judged on the basis of whether any individual scene might be considered 'indecent', regardless of context. Notably, this led to the seizure of Pasolini's *Salo* from a Soho cinema club in 1976 on the grounds that it was 'indecent' (the BBFC itself had refused to classify the film on exactly these grounds).

However, the extension of the OPA to films in 1977 gave the BBFC more latitude when considering depictions of sex in films since they now had to be considered 'as a whole'. Therefore, the BBFC was able to waive, in 1978, a cut for sexual explicitness made in 1973 to *Last Tango In Paris*. On the other hand, the OPA required that the Board consider whether a scene might deprave and corrupt its likely audience. Therefore, in 1978, the BBFC demanded that an additional cut should be made to the sex film *Emmanuelle*, (originally passed 'X' in 1974) to remove a rape scene that, although not 'indecent', might deprave and corrupt viewers by suggesting that rape was erotic and could teach the victim a valuable 'lesson'.

Related sbbfc Case Study:

Straw Dogs

A Clockwork Orange

The Devils

The Exorcist

Last Tango In Paris

The Texas Chainsaw Massacre

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the 1980s

The decade started in dramatic fashion for the BBFC with the submission of Tinto Brass' **Caligula**. The film has respectable antecedents, being based on *The Lives of the Twelve Caesars* by Suetonius, and a screenplay by Gore Vidal. Original producer Franco Rossellini approached Penthouse mogul Bob Guccione for financial support. Tinto Brass was hired as director. The stars were familiar and respected names - Sir John Gielgud, Peter O'Toole, Helen Mirren. Problems occurred after shooting, with Brass being fired and Vidal protesting that his screen play bore little relationship to what was on screen. He dissociated himself from the film and attempted to have his name removed from the credits. Guccione then added some material of his own, some of it hard-core pornography.

The film achieved notoriety in the USA and arrived in the UK with the reputation of being 'the most controversial film of the eighties'. It was seized by Customs and Excise officials when it came into the UK and then seen by the BBFC together with lawyers and Customs officials so that any footage that was in danger of breaching UK laws could be removed. At this stage all sexually explicit material was removed in order to conform with Customs regulations (specifically the Customs Act 1876), and further cuts made to material which was potentially actionable under the Obscene Publications Act - the later including sexually violent material. The cut film was then viewed again by the Board, who had already indicated that further cuts to sex and violence would be necessary in order to secure a nation-wide release under BBFC 'X' category standards. Some innocuous material was added to restore some dialogue which had been lost when the cuts were made.

After six months the film was finally released in the UK with an 'X' certificate, and while the majority of local authorities were content with the certificate, it was banned in some areas. Inevitably, there was some orchestrated protest from concerned citizens who had not seen the film, but because the Board had taken every precaution to ensure that the classification was within the law, the fuss died down. The video was classified '18' when it was submitted in 1990 in a greatly reduced version, having been cut by a further 50 minutes by its distributors in addition to the cuts made for cinema release. It was finally passed '18' uncut in 2008.

Throughout the decade there were a number of films involving gangland characters. 1981 saw the release of Tom Clegg's **McVicar**, a criminal biopic passed 'X'; and John Mackenzie's **The Long Good Friday**, the story of a criminal determined to preserve his manor against incursions by the IRA, also passed 'X'. Neil Jordan's **Mona Lisa**, was passed '18' in 1986, with Bob Hoskins playing the role of chauffeur to a prostitute. David Green's **Buster**, passed '15' in 1988, told the story of Great Train Robber 'Buster' Edwards on the run from the law.

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The decade concluded with Peter Medak's tale of infamous twin gangland figures, *The Krays*, passed '18', after cuts to an horrific mutilation scene. Another film based on real-life was Michael Caton-Jones' *Scandal*, an account of the Profumo affair, a political scandal of the 1960s. Although for some the events were considered too recent for comfort, the problem for the BBFC was of a different kind. An orgy scene revealed the presence of an erect penis in the background of the shot. The image was obscured by soft-focus lighting and the film released with an '18' certificate.

The first of the Rambo series, *First Blood* (Ted Kotcheff), was passed '15' uncut in 1982, and the second, George Pan Cosmatos' *Rambo - First Blood Part II* was passed '15' uncut in 1985. However, *Rambo III* was cut in 1988 to obtain an '18' certificate. In addition to a horse-fall removed under the terms of the Cinematograph Films (Animals) Act 1937, the violence was reduced by the excision of spatter shots, and cuts were made to counteract the glamorisation of weapons which constituted a significant classification issue.

Paul Verhoeven's film *Robocop* was passed '18' without cuts in 1987, and the same on video a year later. The 2001 video version was submitted with additional material that had been removed by the MPAA before the film was submitted in the UK. However, the Conan films did not have the same easy passage. John Milius' *Conan The Barbarian* required cuts to a sex scene between Conan and a serpent-woman, and to remove horse-falls, for an 'AA' category in 1982. The second Conan film, Richard Fleischer's *Conan The Destroyer* also required horse-fall and animal cruelty cuts in 1984.

The decade also saw the establishment of the 'stalk and slash' genre with the *Friday 13th* series of films, with parts I and II passed 'X' uncut on film in 1980 and 1981 respectively. Part III was also passed 'X' uncut on film in 1982, but with two cuts to violence/horror to obtain an '18' on video in 1987. 1981 saw the second in the *Halloween* series passed 'X' uncut on film, but a scene where a woman was scalded to death in a jacuzzi was reduced for an '18' video release in 1990. The cuts have since been restored.

The development of the video recorder created new anxieties about the home viewing of feature films. Legally, there was no requirement that videos should be classified, which meant that films that had not been approved by the BBFC or which were suitable for adults only, were falling into the hands of children. In particular the tabloid press led a campaign against so called 'video nasties'. This term was not always clearly defined, but there were 70 titles that had either been prosecuted by the DPP under the Obscene Publications Act, or were awaiting prosecution. Some of these were horror films that had never been submitted to the BBFC. Others had been cut for their cinema release, and the video versions sometimes

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included restored cuts. The outcome of this concern was new legislation, introduced as a private member's Bill by Conservative MP, Graham Bright. The Video Recordings Act 1984, makes it an offence for a video work to be supplied if it has not been classified, or to supply a classified work to a person under the age specified in the certificate. The Board was designated as the authority with responsibility for classification in 1985, with a consequent increase in staff to deal with a massively increased workload consisting of a backlog of titles already on the market and all new titles (eg in 1986 the Board classified 348 cinema films and 4464 videos works).

No record of the decade of the so-called 'video nasties' would be complete without mention of Sam Raimi's zombie film, *The Evil Dead*. This was submitted in 1982 and required 49 seconds of cuts to violence and horror. The video was placed on the Director of Public Prosecution's (DPP) list and seized, with a number of retailers charged under the Obscene Publications Act - although the work was never tested in court as the retailers pleaded guilty. In 1985 the distributor, Palace Video, was prosecuted and acquitted. The film cuts were increased for the video version in 1990 as a precautionary measure against possible future prosecution, but in 2000 the full version was passed '18' on video.

Abel Ferrara's *The Driller Killer* was viewed for information in the early 80s, but not formally submitted until 1999 in a version pre-cut by the distributor by some 54 seconds, acting on advice from the Board's departing Director, James Ferman. The cuts were suggested because the film had collected various OPA convictions. The full version was submitted on video in 2002 and passed '18' without cuts.

The House On The Edge Of The Park (Ruggero Deodato) was rejected by the Board in 1981 for serious violations of the sexual violence standards. It subsequently appeared on the DPP list and was the subject of successful prosecutions under the OPA. It was formally submitted on video for the first time in 2001 and cut for '18'. Most of the cuts were made for sexual violence under the BBFC's Guidelines.

When former 'video nasties' like those above are submitted to the Board, they are examined under current Guidelines, and their legal history considered. It is usually possible to make cuts to ensure a modern release, although many of them continue to test the Guidelines for sexual violence.

1982 - Review of the category system

In 1982 'A' was changed to 'PG', 'AA' was changed to '15' and 'X' became '18'. A new category 'R18' was introduced which permitted more explicit sex films to be shown in

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members-only clubs. Previously, such clubs had shown material unclassified by the BBFC, but a change in the law closed this loophole. Since the mid 1980s most 'R18' material is released on video, only available from a limited number of sex shops which must be specially licensed by local authorities.

Further changes to the category system in the 80s

In 1985, at the request of the industry, the 'Uc' was introduced for video only, to identify works specifically suitable for very young children to watch alone. In 1989 the BBFC introduced the '12' certificate on film, to bridge the huge gap between 'PG' and '15'. This was extended to video in 1994. The first film to be given a '12' rating was *Batman*.

Related sbbfc Case Study:

Caligula

The Evil Dead

Cannibal Holocaust

the 1990s

Video Legislation

Despite the statutory regulation of video since 1984, public concern about the influence of videos has continued and there have been periodic calls for stricter standards, most notably following the Jamie Bulger case. The trial judge linked this murder of a two year-old by two ten year-old boys to the viewing of violent videos, with the media singling out the horror video ***Child's Play 3*** (1991). Though subsequent enquiries refuted this connection, public opinion rallied behind calls for stricter regulation. Parliament supported an amendment to the Video Recordings Act, contained in the Criminal Justice and Public Order Act 1994, which requires the Board to consider specific issues, and the potential for harm, when making video classification decisions. The Board has always been stricter on video than on film. This is partly because younger people are more likely to gain access to videos with restrictive categories than such films at the cinema (where admissions can be screened). But it is also because, on video, scenes can be taken out of context, and particular moments can be replayed.

At the time that the new legislation was being discussed and implemented, the BBFC was being asked to look at a number of extremely violent and drug-filled films, which further fuelled the debate about media effects. While the Board waited to see what form the Criminal Justice Act would take, decisions on the video releases of ***Reservoir Dogs***, ***True Romance***, ***Bad Lieutenant***, ***Dirty Weekend*** and ***Menace II Society*** were held up, although all five films were eventually classified, in some cases with additional cuts, reflecting the requirements of the new tests.

Perhaps the film that provoked the most controversy at the time was Oliver Stone's ***Natural Born Killers***, whose video release was held up by its own distributor (despite having been classified by the BBFC) until 2001. More details of this can be found in the relevant case study.

Other controversies

In 1995 further controversy erupted about Larry Clark's film ***Kids***, which some critics described as 'child pornography'. The BBFC considered the film very carefully and, after seeking proof of age for all the actors concerned (all the main performers were in fact over 18), minor cuts were made to two scenes featuring younger performers in situations that might be considered 'indecent' under the Protection of Children Act. Not long after the release of ***Kids*** in 1996, there were calls for the banning of David Cronenberg's film, ***Crash***. Once again, the BBFC considered the film very carefully - including screening the film for lawyers

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and for a group of disabled people - but found that there was no case to answer. The film was passed '18' uncut.

In 1997 the BBFC's President, Lord Harewood, stepped down after 12 years in the job. His replacement, Andreas Whittam Smith, announced his intention to steer the BBFC towards a greater 'openness and accountability'. This included the publication of the BBFC's first set of classification Guidelines in 1998, following a series of public 'roadshows' in which public views were canvassed and the launching of a BBFC website.

Digital Media

The 1990s also saw rapid developments in the world of computer games, which seemed to become more realistic and sophisticated with each passing year. Although the majority of video games were automatically exempt from classification, those that featured realistic violence against humans or animals, or human sexual activity, did come under the scope of the Video Recordings Act. From 1994 the BBFC started to receive some of the stronger video games for formal classification, which necessitated a different way of examining (because it was impossible to see everything that might happen in a game). In 1997, for the first time, the BBFC refused a certificate to the game ***Carnageddon***, on the grounds that it encouraged anti-social behaviour. This decision was later overturned on appeal, subject to the proviso that the game must be fitted with a parental lock to prevent it being accessed by children.

1999 – Robin Duval

Robin Duval became the Director on the retirement of James Ferman who had held the position since 1975. Standards continued to evolve, with due consideration of recent relevant research, shifts in public attitudes, and the developments in comparable media such as terrestrial, satellite and cable television and the internet. For example, ***The Exorcist*** (1973) was given an 'X' classification for cinema release in 1974. The video was available in the early 1980s before the Video Recordings Act made video classification statutory, but in the wake of concerns about the disturbing effect that the film apparently had on a small minority of impressionable young people, it was decided that a video classification was not possible under the terms of the 1984 Act. In 1999, the Board re-examined the issues, in particular the perceived harm that under-age viewing might cause. It was decided that in view of changing public attitudes and the increased media sophistication of young viewers, the video was unlikely to prove harmful to the majority of the likely audience and it was accordingly classified '18' uncut.

1999 also saw the removal of the BBFC's controversial policy on oriental weaponry (most notably chainsticks), originally implemented by Stephen Murphy in the early 1970s but

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continued zealously by James Ferman. Whilst the refusal to allow sight of exotic - and potentially easily manufactured - weaponry had been a reaction to real concerns back in the 1970s (when Kung Fu films and martial arts shops had been at their height of their popularity) a total prohibition on sight of such weapons was no longer considered necessary or particularly constructive. Such weapons were less prevalent than they had been in the past (largely as a result of changing fashions) and information on them was in any case widely available in books, magazines and on the internet. Furthermore, the skill required to handle chainsticks effectively was likely to require more time and practice than most potential offenders would be prepared to invest (it was much easier to use a knife), especially for such a 'dated' and unfashionable weapon. Emphasis was accordingly changed from removing all evidence of unusual weapons towards a policy of being concerned about the glamorisation of any weapons (but especially knives), particularly at the junior categories. This paved the way for the eagerly anticipated (by his fans) release of the uncut version of all Bruce Lee's films in the 2000s

Related sbbfc Case Study:

Natural Born Killers

Crash

The Exorcist

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the 2000s

New Guidelines 2000

In 1999, the Board embarked on an extensive consultation process to gauge public opinion before the compilation of new Classification Guidelines. The process involved a series of public presentations across the UK, two Citizens' Juries, surveys and questionnaires. The film and video industry and other interested groups also contributed their views. The major outcomes were that the depiction of drugs and drugs use was the cause of greatest concern to parents, as was the issue of violence in the lower classification categories. Use of bad language on screen provoked a range of responses, reflecting varying tolerances in the general public. Portrayal of sexual activity, however caused less concern than previously. Details of this consultation process are available in **Sense and Sensibilities: Public Opinion and the BBFC Guidelines**.

Controversy

In 1999 the BBFC had received three European films that challenged the Board's standards on sex. These were *The Idiots*, *Romance* and *Seul Contre Tous*. All three films contained scenes of unsimulated sex that would not normally have been acceptable at '18'. In the case of *Seul Contre Tous* it was decided that the images in question were too explicit - and of too great a duration - to be acceptable at '18' and the images were removed. However, in the cases of *Romance* and *The Idiots*, it was decided that the comparative brevity of the images, combined with the serious intentions of the films, meant that both films could be passed without cuts. This was in line with earlier 'exceptional' decisions in the cases of *WR - Mysteries of the Organism* (passed 'X' uncut in 1972) and *L'Empire des Sens* (passed '18' uncut in 1991). However, as the Board moved into the new millennium it soon became clear that these were not to be isolated examples. A whole generation of European film makers seemed determined to push the boundaries of what was sexually acceptable on the screen. Fortunately, the 1999-2000 consultation exercise had revealed a general desire on the part of the public that the BBFC should relax its attitudes to sex at '15' and '18'. Accordingly the new guidelines stated that real sex may be permitted at '18' in the future, provided that the images were exceptionally justified by context (ie not purely there for titillation). This policy was put to the test by a number of films from 2000 onwards, including *Intimacy*, *Dog Days* and *The Piano Teacher*, all of which were passed '18' uncut. However, once sexual violence entered the equation, things became more complicated.

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Baise-moi (2001) included not only scenes of explicit sex but also a horrifying rape scene, which incorporated explicit detail. Although the Board was prepared to accept the explicit sex elsewhere in the film, and judged that the rape scene was sufficiently aversive to be acceptable, the use of explicit images during the assault itself was considered to lend a pornographic quality to the scene that might have the effect of arousing some viewers. Accordingly a single cut was required.

The issue of sexual violence was also at the heart of an appeal against the BBFC's decision on ***The Last House On The Left***. Rejected by the BBFC for cinema release in 1974 and again in 2000 (after the distributor declined to make cuts), Wes Craven's notorious 'video nasty' was submitted for video/DVD release in 2001. When the BBFC requested that cuts should be made to reduce scenes of eroticised sexual violence (linking sex together with violence in a potentially harmful way) the distributor refused to comply and took the BBFC's decision to the independent Video Appeals Committee (VAC). The VAC universally upheld the Board's decision to require cuts, providing a robust endorsement of the BBFC's strict policy on sexual violence. In 2008, the film was submitted uncut, and after various viewings and much deliberation, it was passed '18' uncut, because the possibility of harm posed to viewers or to society as a result of viewing the work was thought to be much reduced.

The DCMS and Ofcom

In June 2001, governmental responsibility for film and video classification moved from the **Home Office to the Department for Culture, Media and Sport (DCMS)**. **Ofcom** is the new regulator for television, radio, telecommunications and wireless communications services. The regulation of films, videos and DVDs does not fall under **Ofcom's** remit and remains the responsibility of the BBFC. The BBFC is still the only regulator which regulates material before it is seen by the public.

The '12A' rating

In 2002, the new '12A' category replaced the '12' category for film only, allowing children under 12 to see a '12A' film, provided that they are accompanied throughout by an adult. The decision to introduce this new category was taken after a pilot scheme and research had been conducted to assess public reaction. The new category was also conditional on the provision and publication of Consumer Advice for '12A' films. The Board considers '12A' films to be suitable for audiences OVER the age of 12, but acknowledges that parents know best whether their children younger than 12 can cope with a particular film. The first '12A' film was ***The Bourne Identity***. For more information about the '12A' rating see the ***Spider-Man*** case study.

Consumer Advice

While the BBFC has been producing **Consumer Advice** for films which appeared on the website, it was the introduction of the '12A' category which saw its appearance on film posters, TV advertisements and in cinema listings for '12A' films. A single line of information about the film's content indicates what viewers can expect to encounter in the film and therefore why it was given its rating. This is particularly helpful for parents deciding what films are suitable for their children, and in particular whether to take children younger than 12 to a '12A' film. In 2004, the majority of film distributors agreed to include the Consumer Advice in publicity for all films.

Robin Duval's retirement

In late 2004, David Cooke was appointed Director, following Robin Duval's retirement. The first controversial film David Cooke had to consider was Michael Winterbottom's **9 Songs**, described by some commentators as 'the most sexually explicit film in the history of British cinema'. Whilst this description might well be accurate, the Board's decision to classify it at '18' uncut was in line with previous decisions on various European films. The BBFC's Guidelines do not distinguish between films on the basis of their language or country of origin. However, given that the film was in the English language and had been made by a well known British film-maker, it achieved a wider release and attracted more attention than previous explicit films such as **Romance** and **The Idiots**.

New Guidelines 2005

On 9 February 2005, the BBFC published a new set of Guidelines based on an even more extensive research programme than the one which resulted in the 2000 Guidelines. Over 11,000 people contributed their views on the BBFC's Guidelines, 7000 more than in 1999/2000. Public support for the BBFC went up from 59% in 2000 to 63% in 2004. The outcomes of the research can be found in **BBFC Guideline Research - Public Opinion and the BBFC Guidelines**.

Educational Websites

Following the arrival in 2003 of www.cbbfc.co.uk - '**Children's BBFC**', an educational website created by the BBFC with the aim of helping primary school children better understand Film and DVD classification, this website, **sbbfc**, (Students' BBFC) was launched in June 2005. Whilst aimed primarily at Media and Film Studies students and their teachers,

the site holds appeal to anyone interested in the subject of Media Regulation and the history of censorship in the UK.

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Important 2006 Decisions

In 2006, landmark '18' certificates were awarded to two high-profile films containing explicit images of real sex. The first, **Destricted**, is an exploration of the links between sex and pornography by seven well-known artists, including Matthew Barney, Larry Clark and Sam Taylor-Wood. **Shortbus**, a US comedy about the sexual exploits of a group of friends in New York, also contained real sex. The BBFC felt that both works contained contextual justification for the presence of the explicit images and the decision to award '18' certificates met with approval from the film industry. The Observer's Philip French stated that 'The award of 18 certificates by the BBFC to **Shortbus** and **Destricted** has brought close the abolition of censorship, but not of classification.'

The latest film in the 007 franchise, **Casino Royale**, received critical and commercial success and a '12A' certificate from the BBFC. The film was seen on advice and the distributor was asked to reduce the impact of a torture scene in order to obtain the requested '12A' certificate.

Moving on in 2007

2007 saw the introduction of **Parents' BBFC**, a website designed to help parents and guardians make what they consider to be sensible choices for their children's viewing. The website provides up-to-date information about films and video games in the junior categories, offering a brief plot summary and details of why the film or game received its U, PG or 12A/12. The purpose of the website is to take the guesswork out of making an informed decision about what is suitable viewing for any particular child, a decision best made by a parent or guardian.

This kind of information is also provided on the main BBFC website in the form of **Extended Classification Information (ECI)** for all films and video games, a further innovation for 2007. ECI allows the public to access information intended to add detail to the **Consumer Advice** already carried by posters and other sources, for people who prefer to have a clear idea of the content of a film or game.

During 2007, the BBFC took the decision to reject the video game **Manhunt 2** because of its callousness and sadism. Another (modified) version of the game was submitted and this too

was rejected for the same reasons. The distributor of the game appealed this decision to the **Video Appeals Committee (VAC)**, which found in favour of the distributor. The BBFC was granted leave for a Judicial Review following which the judge required the VAC to reconsider its decision. A final decision relating to **Manhunt 2** ruled in favour of the distributor and the

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game was finally released in 2008. Interestingly, earlier in 2007, the BBFC published the results of some independent research into how video games are played.

New Guidelines 2009

On 23 June 2009, the BBFC published its most recent set of Guidelines based on another detailed public consultation exercise conducted in 2008-2009. Over 8,500 people contributed their views on the BBFC's Guidelines, in the form of lengthy questionnaires and focus groups. 62% of the general public felt that the BBFC was 'effective', which is around the same figure as that produced by the 2004 research. The outcomes of the research can be found on SBBFC downloads - ***BBFC Guideline Research - Public Opinion and the BBFC Guidelines.***

Related sbbfc Case Study:

Spider-Man

Manhunt

Casino Royale

Legislation: Introduction

The BBFC is required to consider whether material submitted for classification is in conflict with the law, or has been created through the commission of a criminal offence. **The Video Recordings Act (VRA)1984** is the basis upon which the BBFC applies the test of whether a work is suitable for viewing in the home (taking into account the potential for under-age viewing). Linked with this is the consideration of potential harm, whether to the viewer, or to society through the viewer's behaviour. In particular, works involving the depiction of criminal behaviour, illegal drugs, violent or horrific behaviour and human sexual activity are given special regard under the 'harm' test. The video games and other digital works that are submitted to the Board for classification are subject to the same level of scrutiny under the VRA as DVDs and videos.

Other legal considerations include indecent images of children, animal cruelty, obscenity, racial hatred and human rights. BBFC Examiners analyse and make recommendations on the legality of a scene or work in the first instance. Then, if a particular legal question requires a more sophisticated and professional analysis, the Board may seek external expert advice. If a work is found to contain material which falls foul of UK law, then it will be cut from the work. If the work as a whole is found to be in breach of the law, then it may be denied a certificate and rejected.

Film: Licensing Legislation

At the cinema, the ultimate power lies with the local authorities, who can decide to ignore the Board's decisions at any time. In practice this rarely happens, although in 2002 before the new '12A' category was introduced, several local authorities gave local 'PG' or 'PG12' certificates to **Spider-Man** in spite of the fact that the BBFC rating was a '12'.

Local authorities grant licences to the cinemas in their area. When a cinema applies for a licence it must include a condition requiring the admission of children to any film to normally be restricted in accordance with BBFC classification categories. In particular circumstances, the local authority can place their own restrictions on a film - that is change the BBFC rating - or even 'ban' the film. It is a licensing offence for cinema managers to allow children into films with an age restriction. Film distributors can always ask a local authority for a certificate for a film banned by the BBFC, or a local category for a film that the Board has not classified.

Cinematograph Act 1909

Introduces licensing of cinemas

Originally for safety (from fire) in cinemas

Statutory control lies with local authorities

BBFC set up by the film industry in 1912 to standardise decisions

Cinematograph Act 1952

Prohibited children from 'unsuitable' films. The mandatory 'X' certificate was introduced at around the same time

Most local authorities use Home Office Guidelines including:

no exhibition of film without certificate;

cinema box office to act as age bar;

the certificate must appear in advertising at the cinema entrance and on screen immediately before the film is shown;

no film to be exhibited if licensing authority gives written notice prohibiting its exhibition

Cinematograph Act (Amendment) Act 1982

Required that cinema clubs promoted for private gain must be licensed

Cinemas Act 1985

Consolidated the legislation

2003 Licensing Act

The Criminal Law

BBFC named for the first time in cinema legislation. If local councils overrule the BBFC or make their own decisions, they must have a published policy in place

The BBFC may not pass any material likely to infringe the criminal law:

The Obscene Publications Act 1959 and 1964

It is illegal to publish a work which is obscene. The Obscene Publications Act (OPA) was extended to include films and videos in 1977. Prior to that the only legal test applied to films was the much vaguer test of common law indecency. Under the OPA a film may be deemed obscene when, taken as a whole, the work has a tendency to 'deprave and corrupt' (ie *make morally bad*) a significant proportion of those likely to see it. It is important to note that a film must be considered as a whole and that individual scenes must not be judged out of the wider context of the complete work. Even a film that would normally be considered obscene can be shown if 'it is in the interests of science, art, literature or learning or of other objects of general concern'.

Crash (1996) was accused by its critics of being obscene, but no prosecution was brought. Indeed, a leading QC gave his opinion that the film was not obscene.

Cinematograph Films (Animals) Act 1937

This law was passed in response to widespread public concern about the mistreatment of animals on film sets, especially in Westerns. Its intention was to prohibit the exhibition of films that had involved the deliberate infliction of cruelty by film makers, in order to encourage them to use more humane techniques. It is therefore illegal to show any scene 'organised or directed' for the purposes of the film that involves actual cruelty to animals. This Act applies to the exhibition of films in public cinemas but the BBFC also applies the same test to video works. It prohibits the exhibition or supply of a film if animals have been cruelly mistreated for the purposes of making the film by:

the cruel infliction of pain or terror

the cruel goading of any animal to fury

Cuts made under this legislation most commonly include head-over-heels horse falls, which may break the horse's neck, and cock-fights orchestrated by the film makers. The Act does not however prohibit documentary footage of cruelty, or scenes, even if set up for the film, depicting swift humane killings. The test is one of cruelty rather than killing. For the purposes of this legislation and The Animal Welfare Act 2006, only vertebrates which are domesticated or otherwise under the control of man are defined as 'animals'.

The Animal Welfare Act 2006

The Criminal Law continued

It is illegal to supply, publish, show or possess with intent to supply a video recording of an 'animal fight' that has taken place within Great Britain since 6 April 2007.

Protection of Children Act 1978

The Protection of Children Act 1978 was passed to prohibit the manufacture, distribution, showing and advertisement of indecent images of children under 16. Existing legislation (such as the Obscene Publications Act) already prohibited the distribution of images of under 16s engaged in sexual acts. However, the OPA was felt to be insufficient to deal with milder but still exploitative 'erotic' images of children that were entering the UK from the continent. Additionally, the OPA concerned itself only with the effect that images might have upon the viewer, rather than the effect that the creation of such images might have on young participants. The intention of the new Act was to prevent the exploitation of children for indecent purposes altogether. Unlike the OPA, it did not allow context or other justifications to be taken into account.

Indecency is not defined by the legislation but case law suggests that 'indecent' should be taken as something that 'offends the ordinary modesty of the average man'. Mere nudity is not of itself considered indecent unless there is some lewdness involved. A shot of a child in the same frame as adults engaged in sexual activity may also be considered to be indecent. Where the Board considers an image may constitute an 'indecent photograph' it will usually seek to establish the age of the person involved, if there is any doubt, and may also seek expert legal opinion.

In 1988 the law was strengthened further by the **Criminal Justice Act**, which made the possession of indecent images of children illegal. In 1994, in response to advances in computer technology, the law was further strengthened by the **Criminal Justice and Public Order Act**, which made illegal the creation, distribution and possession of 'pseudo-photographs' of children. A 'pseudo-photograph' must involve an image of an actual child that has been doctored, such as a photograph depicting a child's head on an adult's body. Animated images are not covered by the Act as they did not involve the exploitation of an actual child in their creation. However, the BBFC may still take issue with such images under the terms of the **Video Recordings Act** if it is felt that harm might arise from their distribution (eg by assisting paedophiles in 'grooming' children or by stimulating a sexual interest in children).

More recently, **The Sexual Offences Act 2003** raised the original definition of a child, which was previously a person under 16 years of age, to include persons under 18 years of age.

This change may affect new classifications of works featuring images of persons aged 16 or 17 which were passed before the Sexual Offences Act came into force.

The Video Recording Act (VRA) 1

984

Background

Video recorders were first introduced in the UK in 1978. At the time there was no legislation governing what could be released on video or to whom video recordings could be supplied. Initially the major distributors were wary of releasing their films on video because they felt video tapes might have an adverse effect on cinema revenues. This left the market open for smaller distributors who, in most cases, could only afford to release low budget material, including horror and pornography. Because there was no legislation governing video recordings, these companies were therefore able to release films that had not been submitted to the BBFC for cinema release, uncut versions of films that had been cut by the BBFC and even films that had been refused a certificate altogether by the BBFC. Some of the films released contained scenes that would be in contravention of UK laws on animal cruelty and obscenity. Even more worrying was the fact that such films were available, in theory at least, to children of any age.

Public and political concern increased in 1982 with the release of films such as **SS Experiment Camp**, **Cannibal Holocaust**, **Snuff** and **The Driller Killer**. Quite apart from the content of the films, the advertising for them seemed calculated to cause offence and controversy. The BBFC responded by introducing a voluntary scheme for classifying video recordings. Although the major companies - who were now beginning to release their films on video - were happy to submit titles for classification, the smaller companies were under no obligation to follow suit. Therefore the voluntary system was unable to remove what were seen as the worst examples from the shelves. The **Director of Public Prosecutions (DPP)** responded by issuing a list of videos that he believed to be in breach of the Obscene Publications Act (OPA). This came to be known as the 'Video Nasties' list. The difficulty with this approach, however, was that a work could only be prosecuted once it had been released, which meant that a large number of copies would already be in circulation and in people's homes. Furthermore, even if a video was found to be obscene in one court, it was possible that it might not be found to be obscene in another. So a conviction against any particular title did not automatically stop it being sold everywhere.

Given the problems with effective enforcement of the 'video nasties' list, and the reluctance of smaller companies to offer their titles for voluntary classification, Parliament passed the Video Recordings Act in 1984. This Act required that all video works (including laserdiscs and, later, DVDs) must be classified - and, if necessary, cut or rejected - by an authority designated by the Home Secretary (it is now the Secretary of State for Culture, Media and Sport heading the DCMS). Given the Board's experience of dealing with cinema films for over 70 years, the

VRA continued

BBFC was the obvious choice. From 1985, all video works released in the UK would be submitted to the BBFC and be classified into an appropriate category (U, PG, 15, 18, R18 – the 12 category was only introduced in 1994. Supply of age restricted videos to persons under the age stated on the certificate would become illegal and the supply of unclassified videos would also become a criminal offence.

Video Recordings Act 1984 (VRA)

In making decisions under the Act, the BBFC was required to consider 'whether or not video works are suitable for a classification certificate to be issued to them, having special regard to the likelihood of video works [...] being viewed in the home' and to consider whether a video was 'not suitable for viewing by persons who have not attained a particular age' or whether 'no video recording containing that work is to be supplied other than in a licensed sex shop'. The Act also required that tapes, disc and packaging should be correctly labelled with the BBFC certificate and an explanation of that certificate (eg Suitable only for persons of 15 years and over. Not to be supplied to any person below that age).

Given the enormous number of video works already in circulation, those video works that had already been released were given a series of deadlines by which they must be classified or removed from the shelves. However, by 1st September 1988 all existing recordings needed to have been classified.

Exempt videos

The VRA did, however, state that certain types of video works do not require classification by the BBFC. These are:

video works that, taken as a whole, are designed to inform, educate or instruct
video works that are predominantly concerned with sport, religion or music
video games

This exemption is, however, lost if the work depicts, **to any significant extent**, any one of the following:

human sexual activity or acts of force or restraint associated with such activity
mutilation or torture of, or other gross violence towards, humans or animals

human genital organs or urinary or excretory functions
techniques likely to be useful in the commission of offences

Exemption is also forfeit if a work is likely to **encourage sexual activity** or acts of force associated with it, **violence**, or the **commission of criminal offences**. In such cases the work must be classified by the BBFC before it can be legally distributed.

Criminal Justice & Public Order Act 1994

In response to increased public concerns about media violence (largely in response to the murder of toddler Jamie Bulger in 1993), the Government made some changes to the tests

The Criminal Law continued

laid out by the Video Recordings Act. Whereas previously the BBFC had been given broad

discretion over what elements it should consider when making a classification decision, the main elements of concern were now spelt out clearly. In fact the BBFC had already considered such elements when arriving at classification decisions, but the new legislation provided useful clarification, including a specific test as to whether a work might cause 'harm'. The new tests required that the Board pays "special regard (among the other relevant factors) to any harm that may be caused to potential viewers or, through their behaviour, to society by the manner in which the work deals with -

criminal behaviour;

illegal drugs;

violent behaviour and incidents;

horrific behaviour or incidents; or

human sexual activity"

The 1994 legislation was supplemented by the Video Recordings (Review of Determinations) Order 1995, which allowed the BBFC to revisit any of its existing decisions in the light of the new tests. So far the BBFC has not needed to use these extra powers.

Digital media

The 1994 legislation also redefined the nature of a 'video work' so as to more clearly include video games. Although the majority of games remained exempt from classification, the BBFC would now consider those games that included, amongst other things, gross violence, sexual activity, nudity and criminal acts.

Video games have now been around for over twenty years. In the early days, the comparatively pitiful processing power available to programmers meant that games were simple and uncontentious affairs. Games like **3D Monster Maze** on the ZX81 were blocky

and jerky and would pose no classification issues if they were to come before the BBFC today. However, two major changes have taken place since then that have led to the BBFC having a much more significant influence over the classification of games. First of all, processing power has increased almost exponentially, to the degree that games like *Half Life II* mimic real life in a way that was inconceivable back in the early days. Secondly, the gaming public has grown up with the medium; the average games-player is now in his or her late 20s and is demanding more adult content. Games like the *GTA Series* and *Manhunt* cater for this demand.

Other Legislation

Blasphemous Libel

This is a common law offence, dating back to the Middle Ages. The law only applies to Christianity. A work is said to be blasphemous when it contains 'any contemptuous, reviling, scurrilous or ludicrous matter relating to God, Jesus Christ or the Bible'. It is not blasphemous to speak or publish opinions hostile to the Christian religion or to deny the existence of God, if the publication is couched in decent or temperate language.

This law has been only rarely invoked in the history of the BBFC.

Race Relations Act 1976

The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

In 2004, examiners discussed whether the Act was relevant during their deliberations after seeing the film, *The Passion of the Christ*, which some commentators accused of being anti-Semitic. The Board's conclusion was that it was neither anti-Semitic nor indeed blasphemous.

Hypnotism Act 1954

The BBFC is occasionally required to classify video works which claim to show self hypnosis techniques to help the viewer give up smoking; lose weight; become more confident etc. The BBFC treats these works with caution and has sought expert advice to help with the classification consideration. The Hypnotism Act deals specifically with hypnotism as part of a

stage act and so, arguably, does not apply to so called 'self-help' works. The Board tends, with some exceptions, to pass these works at '18' for an adult audience.

Human Rights Act 1998

This incorporated the **European Convention on Human Rights** into British law. Articles 8 and 10 of the Convention are the ones most likely to impact on BBFC classification decisions. Article 8 covers the right to respect for private and family life. Article 10 deals with the right of freedom of expression. When classifying works, the BBFC will have regard to the impact of any decision on the rights of any relevant person.

The Act does permit restrictions on freedom of expression as are prescribed by domestic law and are necessary in a democratic society; in the interests of national security; territorial integrity or public safety; for the prevention of disorder or crime; for the protection of health or morals; for the protection of the reputation or rights of others; for preventing the disclosure of information received in confidence; or for maintaining the authority and impartiality of the judiciary.

Case Study:

Visions of Ecstasy

Classification Overview

How a film, DVD or video game is classified

The Board's classification decisions are reached by consensus, with the Director, the President and the two Vice-Presidents taking ultimate responsibility.

The Examiner's daily programme consists of a combination of film and video/DVD. Due to the recent high increase in video games submissions, there are also Examiners who specialise in video games, as classifying an interactive game can be a very different experience to classifying a film or video.

Examiners normally view video and DVD submissions on their own – called solo viewing. A large proportion of works suitable for solo viewing are episodes from TV series or works aimed at young children that have already been broadcast on television. Films for cinema release, video games and pornography submissions are classified in teams of two. Controversial works, such as extreme reality material, will also be programmed for team work.

Examiners watch films for cinema release in the Board's cinema, in order to accurately reproduce the effect that sound levels and special effects will have on the cinema audience. DVDs are watched in the Board's viewing rooms on plasma screens, to recreate the 'home viewing' experience.

Video games are also viewed and played in these rooms, using the appropriate consoles. Games are measured by the IT department who assess how long Examiners will need to play the game and view all video elements. Games companies are asked to provide level skips, cheat codes and other information such as scripts to help Examiners make a clear assessment of a game's content.

Many films and videos are submitted in foreign languages (notably Hindi and Cantonese) and Examiners with linguistic skills are programmed to view these works. Where the work is in a language not spoken by any of the Examiners and there are no subtitles, the Board will use an interpreter, who will sit alongside the Examiner or team.

With each work, Examiners log details of what they watch, including:

- general context - plot, characters, outline of individual scenes
- timings of classification moments, including camera angles, type of shots, on- and off-screen moments
- bad language, sex and drug references and so on

Classification Overview continued

Reports include a brief synopsis of the work, details of the classification issues and an argument in support of the category. Most decisions are straightforward and are based on the Board's published Guidelines, which were last revised in 2009. The distributor can request a specific category, which the solo Examiner or team will take into consideration, but such a request does not determine a decision. If necessary and appropriate, cuts may be suggested to meet the category request, and the decision will be ultimately made by the distributor.

A work is referred for further viewing by a team if an Examiner is unsure about an issue or theme.

Sometimes a work will fall between two categories. This second team could include a Senior Examiner or an Examiner with expertise in the particular subject, as well as the Director and the Head of Policy.

Difficult or controversial material can also be referred to the weekly Examiners' Meeting, where they can be debated further to obtain a wide range of valuable opinions. Ultimately, the work will be referred to Senior Management.

If a work contains material which is illegal or unacceptable under the Board's Guidelines, Examiners will draw up a list of cuts which will be sent to the distributor. If a work as a whole is unacceptable, it can be rejected, but this happens only on rare occasions. The Presidential Team will be consulted on difficult works, especially those which may be refused a certificate altogether or which raise serious policy issues.

Introduction

Works should be allowed to reach the widest audience that is appropriate for their theme and treatment, and adults should, as far as possible, be free to choose what they see, provided that it remains within the law and is not potentially harmful. The Board works on several major principles in determining the category of a given work:

- Whether the material is in conflict with the law, or has been created through the commission of a criminal offence
- Whether the material, either on its own, or in combination with other content of a similar nature, may cause any harm at the category concerned. This includes not just any harm that may result from the behaviour of potential viewers, but also any 'moral harm' that may be caused by, for example, desensitising a potential viewer to the effects of violence, degrading a potential viewer's sense of empathy, encouraging a dehumanised view of others, suppressing pro-social attitudes, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility. Especially with regard to children, harm may also include retarding social and moral development, distorting a viewer's sense of right and wrong, and limiting their capacity for compassion
- Whether the availability of the material, at the age group concerned, is clearly unacceptable to broad public opinion. It is on this ground, for example, that the BBFC intervenes in respect of bad language
- The context in which an issue (such as sex, language or violence) is presented is central to the question of its acceptability. The work's **target audience** - who is likely to want to watch this film, and to whom does it 'speak' – is also taken into account
- The overall tone of a work may also affect the classification decision. While the presentation of specific issues, such as sex and violence, may not be problematic at a particular category, if the work has a generally dark or unsettling tone that may disturb the audience at that category, then it may receive a more restrictive classification. The impact of a work (ie, how it makes the audience feel) is also taken into account, for example in relation to horror films where threat may be more significant than violence

As well as the relevant legislation, the main **classification issues** are:

- Violence
- Weapons
- Imitable techniques
- Sex
- Sexual language
- Sexual violence
- Drugs
- Horror
- Criminal activity

- Language
- Theme
- Tone

Additionally decisions are made with reference to academic and public opinion research.

Violence

The issue of violence in films is one which has tested censors and examiners since the earliest days of cinema. Ever since *The Great Train Robbery* (1903), widely acknowledged as the first narrative film, violence on screen has been an issue that has sparked argument and debate. (Cinema-goers reportedly ran terrified from the cinema when the villain pointed his gun directly at camera. As the moving image became the most dominant art form of the 20th Century so concerns started to grow about the effects of violence on the audience, in particular on the younger audience, and about the increasing levels of violence on screen. As public attitudes about violence have shifted, so the BBFC has had to change to reflect those shifts.

Violence has been a part of children's entertainment since the very first stories were told and has been a staple element of cartoons such as *Bugs Bunny* and *Tom and Jerry*. The challenge for the BBFC, then, is to determine whether the violence in any given work is acceptable for the audience at which the work as a whole is aimed. To do this the Board takes account of a number of factors:

What is the overall attitude of the film towards violence?

What is the dramatic context of the violence?

Is the violence perpetrated by the hero or villain?

Are there consequences or rewards for the violence?

How is the violence treated?

Is there undue emphasis on weapons?

Is it prolonged?

Are there lots of close-ups?

Is it stylised eg slow motion, soundtrack, editing, and do these techniques accentuate the images or restrain their impact?

How much do we see of:

Process, e.g. blows, bullet impacts, blood spurts, etc?

Effects, e.g. injuries, bodies, forensic etc?

What is the viewer's relationship to what is shown?

Do we identify with victim or aggressor?

Are we repelled or excited by the violence?

What is the power relationship between victim and aggressor?

Is there an element of torture/sadism?

Does the amendment to the **Video Recordings Act** apply? (Harm to viewer or to society through viewer's behaviour?)

We must also consider potential effects such as desensitisation or fear, as well as the more obvious concerns about encouraging violent behaviour. The Board debates issues such as whether more 'sanitised' versions of violence, are in fact more harmful (as some American researchers imply), because they do not show sufficiently the harmful consequences of violence. Nearly always, however, it is the film which encourages the viewer to take pleasure in the pain and suffering of the victim that raises the most objections.

Case Studies

Spider-Man

A Clockwork Orange

Reservoir Dogs

Natural Born Killers

The Passion of the Christ

Sex

Public attitudes to sex have changed a lot over the years, and recent public consultations show a greater tolerance of portrayals of sex on screen. However, there is still a clear public feeling that some images of - and references to - sex should not be passed as suitable for younger children. The BBFC reflects this through the classification system - the 'U' category, for example, allows for only 'mild sexual behaviour (for example, kissing) and references only (for example, to 'making love')'. Progressively stronger images and references are allowed through the categories, and at the other end of the spectrum there is a special category, 'R18', for explicit images of real sex. These types of images can be passed at '18' only when they justified by context. The BBFC must also consider legal issues associated with images of sex, such as the Protection of Children Act and the 1994 amendment to the Video Recordings Act which says that the Board must pay special attention to certain things which include 'human sexual activities'.

Sexual Violence

The Board's strict policy on potentially harmful representations of sexual violence in film, video and digital media remains firmly in place. It is accepted that sexual violence is a legitimate theme for exploration and that adults have a right to regulate their own viewing, whatever the theme. However, the Board will continue to remove scenes or images which may be considered harmful to the individual, or to society, through eroticising or endorsing sexual violence, both for cinema and in line with the requirements of the Video Recordings Act 1984.

Case Studies:

I Spit on Your Grave

A Clockwork Orange

Straw Dogs

Drugs

Films depicting drug abuse have been a perennial concern of censors (and society) for many years. Images of drug use were forbidden from films as early as 1915, not because there was a significant societal problem (as now) but because it was thought that scenes depicting drug use might arouse curiosity. In its initial days the Board had only two strictures regarding films, ie no 'materialisation' of Christ and no nudity, but soon dozens of others followed, including no depictions of 'the drug habit'.

Narcotics such as morphine and cocaine were popular (and not illegal) at the turn of the century. The open trade of such stimulants was restricted by emergency legislation (as were pub opening hours) in order to help the war effort. These restrictions were later extended and codified by the **Misuse of Drugs Act (1971)**.

By the time of the 1960s and the appearance of a counter culture that used drugs as part of its lifestyle, the problem was no longer a question of preventing viewers from gaining 'dangerous knowledge', but rather preventing drug use from appearing attractive. In 1967 a minor American film portraying the effects of LSD was banned on the advice of psychiatrists who concluded the film was 'inaccurate and meretricious'. The Board rejected the film again on video in 1988, and continues to look very carefully at works that may appear to portray drug use as a 'free ride'. Board Guidelines prohibit detailed portrayal of illegal drug use... where it may cause harm to public health or morals even at the adult ('18') level. The tests for these two concerns become increasingly more strict down through the categories, particularly in works aimed at children. At 'U', the Guidelines state 'no references to illegal drugs or drug misuse unless they are infrequent and innocuous, or there is a clear educational purpose or anti-drug message suitable for young children'. At 'PG', 'references to illegal drugs or drug misuse must be innocuous or carry a suitable anti-drug message'. 'No work taken as a whole may promote the misuse of drugs and any detailed portrayal of drug misuse likely to promote or glamorise the activity may be cut. Works which show drug misuse while emphasising the dangers may receive less restrictive classifications than works that present drug misuse in a neutral manner.

Horror

Historically, the Board has often treated horror as a special case and in the late 1930s actually introduced an 'H' for 'Horror' certificate to warn the public of the likely content of such works. Indeed, 'horror' films were banned from distribution in the latter years of the Second World War (in case they damaged public morale), often not being released until several years later when their initial power to disturb had somewhat waned.

However, critical indifference or censorial intervention were the least of the genre's problems when it was claimed that the more extreme examples - particularly those which had never been submitted for theatrical certificates or may have required cuts - were seized by the police and often successfully prosecuted as obscene works when released on video in the early, unregulated 1980s.

Many of these films of the horror variety were subsequently labelled 'video nasties', a catch-all term later refined to mean works which had been successfully prosecuted under the Obscene Publications Act, 1959. Although many of these works were not legally available for many years in the UK, some have now been classified on video, although the content of some of them (eg ***Cannibal Holocaust***, ***I Spit On Your Grave***) means that cuts are still necessary. In the 1980s and 90s, the **Friday 13th**, **Nightmare On Elm Street** and **Scream** series and recent 21st century remakes of ***The Texas Chain Saw Massacre***, (the original having been rejected on film in 1975 before finally being passed '18' uncut on film in 1999), and ***Dawn Of The Dead*** have proved hugely successful with newer, younger audiences, reestablishing the horror genre as a top box office draw. The successful **Saw** and **Hostel** series' and other works which would now be described as 'torture porn' illustrate how horror film makers have raised the bar with ever stronger horror and gory images.

Horror elements in films, especially those aimed at younger audiences, are treated with great caution. Many children enjoy the excitement of scary sequences, but, where films are targeted at a younger audience, classification decisions will take into account such factors as the frequency, length and detail of scary scenes as well as horror effects, including music and sound, and whether there is a swift and reassuring outcome. In 1993, the BBFC hosted a series of test screenings for the dinosaur movie, ***Jurassic Park***, to which an audience of hundreds of children and their teachers were invited. After careful analysis of the reactions of these viewers, (the vast majority loved the experience), the Board opted to put the work out at 'PG' with the proviso that clear Consumer Advice was displayed on all posters – the first time that this had ever happened.

Since then, some notable blockbusters aimed at younger audiences have all had significant horror elements. Examples include ***Spider-Man 2*** ('PG'), ***Lord Of The Rings: The Fellowship Of The Ring*** ('PG') and ***Harry Potter: The Chamber Of Secrets*** ('PG') whose

Consumer Advice contained a warning about a scene featuring some 'scary spiders'! More recently horror has been an issue in 'PG' rated children's films ranging from ***Monster House*** and ***Igor*** to ***The Spiderwick Chronicles***.

Find out more:

Video Nasties

Cannibal Holocaust

I Spit On Your Grave

Imitable Behaviour

Imitable Behaviour

Classification decisions will take into account any detailed portrayal of criminal and violent techniques, and any glamorisation of easily accessible weapons, such as knives. Works which portray anti-social behaviour (for example, bullying) uncritically are likely to receive a more restrictive classification. Works which, taken as a whole, actively promote illegal behaviour will be cut or rejected.

Portrayals of potentially dangerous behaviour (especially relating to hanging, suicide and self-harm) which children and young people are likely to copy, will be cut if a more restrictive classification is not appropriate.







Discrimination

Potentially offensive content relating to such matters as race, gender, religion, disability or sexuality may arise in a wide range of works, and the classification decision will take account of the strength or impact of their inclusion. The context in which such content may appear also has a bearing on the classification. Works with such content may receive a less restrictive category where discriminatory language and behaviour is implicitly or explicitly criticised; or the work as a whole seeks to challenge such attitudes or is obviously dated.

Language

The BBFC continues to be sensitive to the public's views about strong language. The Board no longer relies upon a list of swear words simply rated by offence, but instead takes into account the strength, context and tone of the words used. The Board takes care to ensure that language does not exceed audience expectations at any category. More offensive terms are removed from junior categories, while the strongest sexual expletives are restricted to the upper categories and, where used aggressively, to '18'.

The BBFC maintains Guidelines on language that reflect public attitudes on the issues:

	<p>Infrequent use only of very mild bad language</p>
	<p>Mild bad language only</p>
	<p>The use of strong language (e.g., "fuck") must be infrequent. Racist abuse is also of particular concern (REPLACE WITH 'Moderate language is allowed. The use of strong language (for example, 'fuck') must be infrequent')</p>
	
	<p>Frequent use of strong language; the strongest terms will be acceptable only where justified by context.</p> <p>Continued aggressive use of the strongest language is unlikely to be acceptable</p> <p>(REPLACE WITH 'There may be frequent use of strong language (for example, 'fuck'). The strongest terms (for example, 'cunt') may be acceptable if justified by the context. Aggressive or repeated use of the strongest language is unlikely to be acceptable')</p>
	<p>No constraints on language</p>

Cuts

The BBFC tries to minimise the need for cuts by placing the work in the appropriate category. Cuts will be required where a work contravenes relevant legislation or particular Board policies.

The decision to cut a work to obtain a lower category and so make it available to a wider or younger audience is made by the distributor and not by the Board, though the Board will specify how the work should be cut to achieve a lower category. These are called 'cuts for category' and the BBFC makes clear that a higher, uncut classification was available to the distributor. Examples of 'cuts for category' include *Pineapple Express* which was cut to reduce a scene in which schoolboys are sold drugs by the protagonists to obtain a '15' rating instead of an '18'; *Welcome to the Jungle* which was cut to reduce the volume and intensity of the violent action and weapon glamorisation and so obtain a '12A' rating instead of a '15'; and *Lara Croft – Tomb Raider* was cut to significantly reduce the sight of a flick knife and its glamorisation in order to obtain a '12' rating (this was before the introduction of '12A'). In instances in which the appeal of the work suggests a lower category, the Board will cut according to the requirements of the 1994 amendment to the Video Recordings Act, as incorporated in the Criminal Justice and Public Order Act.

The process for cuts, briefly, is as follows:

Cuts specified by Board in writing, by examiners in the first instance.

Checked by Senior Examiners.

Choice of category offered to reduce needs for cuts (unless the cuts are compulsory)

Company free to find own editing solutions, for artistic or technical reasons.

Resubmitted work is viewed by a second team to check that the cuts have been made.

Copy of cuts deposited with the Board.

In-house trial cuts may be made to check technical feasibility of proposed cuts.

Information about cuts made is available to the public on the main BBFC Website.

Occasionally there will be strong arguments for passing material that challenges aspects of

Controversial Decisions

Board policy, or for passing a film in a lower category than might be expected, given Board standards, eg *Saving Private Ryan* (1998). It was considered that the educational benefits of making the work available to early teens outweighed the likelihood of upsetting some viewers. Sometimes films attract enormous pre-publicity for their treatment of controversial themes. In such instances further viewing will usually be recommended by the examining team, and the work may be seen by the Presidential team. In some instances expert opinion will be requested. eg legal, psychological, and there may also be a test screening.

In 1997, *The Lost World: Jurassic Park* was shown at test screenings before hundreds of primary school-age children in order to test its suitability for a 'PG' classification. *Lolita* (1997) was the subject of expert professional opinion owing to the difficulties implicit in its theme. In 2001 a single cut was made to the French film *Baise-moi* (2000) and in 2002 another French film, *Irreversible*, was passed uncut, in spite of a protracted rape scene. The film was assessed by a consultant psychologist, and although it presented some challenging issues, it did not breach the Board's Guidelines.

More recently, the Board's decision to award *The Dark Knight* the '12A' category resulted in much press coverage and complaints from members of the public, who thought the violence was too strong to be contained at that category.

Information about the classification of many films and video games (past and present) which have attracted interest or been considered landmark decisions can be found in the SBBFC Case Studies.

Rejects

If a central concept of the work is unacceptable (for example, a sex work with a rape theme); or if intervention in the form of cuts or other means is not acceptable to the submitting company; or if the changes required would be extensive or complex; the work may be rejected, ie refused a classification at any category') Since cinema licences permit the option of a local certificate, film companies are free to submit their product to any local authority in the hope of a different outcome. A letter of rejection will be sent to the submitting company detailing reasons for the rejection.

Appeals

The BBFC offers a formal 'reconsideration' procedure which is open to any distributor dissatisfied with the determination made in respect of their work. The reconsideration is free of charge and will normally take less than 10 working days.

A distributor may also appeal directly to an independent authority. Such an appeal may take place following, or instead of, a request for reconsideration by the BBFC. In the case of films, the distributor (or any member of the public) may address itself to the local authority which licenses cinemas in a particular area. In the case of video works (including DVDs, video games, etc) a distributor may appeal to the Video Appeals Committee (VAC) which is independent of the BBFC')

The most recent rulings were over *The Last House on the Left* (1972) in 2002 and the video game, *Manhunt 2* in 2007.

Complaints from the Public

The BBFC does not receive the volume of complaints routinely dealt with by television companies. All written complaints are responded to by Examiners who helped classify the work in question and, when necessary, the Director himself.

BBFC Guidelines

In line with certain UK legislation and the requirements of the **Human Rights Act**, 1998, there is a need to make the process of classification, and the criteria used for it, clear. This is fulfilled by the publication of the BBFC Guidelines, the latest set of which was published in June 2009'.

Whilst the Guidelines contain specific details about the acceptability of issues at different category levels, there are three main considerations which summarise their purpose and the Board's role. Of the material that Examiners have to view, these questions need to be asked:

- Whether the material is in conflict with the law, or has been created through the commission of a criminal offence
- Whether the material, either on its own, or in combination with other content of a similar nature, may cause any harm at the category concerned. This includes not just any harm that may result from the behaviour of potential viewers, but also any 'moral harm' that may be caused by, for example, desensitising a potential viewer to the effects of violence, degrading a potential viewer's sense of empathy, encouraging a dehumanised view of others, suppressing pro-social attitudes, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility. Especially with regard to children, harm may also include retarding social and moral development, distorting a viewer's sense of right and wrong, and limiting their capacity for compassion
- Whether the availability of the material, at the age group concerned, is clearly unacceptable to broad public opinion. It is on this ground, for example, that the BBFC intervenes in respect of bad language

As with the previous set of published Guidelines, (February 2005), the BBFC carried out an extended period of intensive public consultation and research prior to producing the finished document.

Consumer Advice

For every work passed, the BBFC provides information about its content which indicates why it has been given a particular category; what it contains in the way of sex, violence, bad language and other classification issues. This Consumer Advice is an increasingly important aspect of the classification system, enabling the public to make informed choices about their viewing. This is particularly vital in relation to the '12A' certificate which allows parents to take children under 12 to the cinema if they are satisfied their children can cope with the film's content. Different films can be given the same category for many different reasons, and this is indicated in the Consumer Advice. For example, the consumer advice for ***The Incredible Hulk*** read 'Contains frequent and intense scenes of moderate fantasy violence', while *27 Dresses* received the same category because it 'Contains moderate sex references and language'. Both films were awarded a '12A' certificate.

In 2004, the Board reached an important agreement with the film industry whereby distributors agreed to include Consumer Advice on advertising for all films, including cinema listings for 'U', 'PG' and '12A' movies. The advice for films is displayed as a single sentence, which is replicated on DVD packaging. The advice for films, videos and DVDs also appears on the main BBFC website. The BBFC now also provides Extended Classification Information or ECI for all films to be released in cinemas, which gives much more detail about the issues and contents of each film in a paragraph or two. ECI can be found on the main BBFC website, as well as on pbbfc for U, PG and 12A films.

Structure of the BBFC

COUNCIL OF MANAGEMENT

- Drawn from the technical manufacturing side of the industry
- No involvement in policy development
- Control business affairs
- Appoint principal officers

PRESIDENT AND VICE PRESIDENTS

- Appointed by the Council of Management
- Designated with statutory responsibility for classification of Video by the Secretary of State for Culture, Media and Sport

DIRECTOR

- Delegated to make executive decisions
- Formulate and ensure execution of policy
- Internal management
- External relations, with industry, public and relevant bodies

THREE SENIOR EXAMINERS

- Ratify day to day decisions
- Support Director and Deputy Director
- Manage examiner teams

EXAMINERS

- Drawn from a range of backgrounds including social work, teaching, probation, journalism, research, law, psychology and marketing
- Education Officer

THE CONSULTATIVE COUNCIL

- Advisory forum set up to monitor BBFC policy and practice
- Consists of representatives from United Kingdom Local Authority Associations and from the screen entertainments industry, and also other experts in relevant areas
- Chaired by the President or a Vice-President of the BBFC

THE ADVISORY PANEL ON CHILDREN'S VIEWING

- Constituted as a result of a BBFC initiative
- Charged with remit of considering all classification matters that relate to children
- Members with a range of relevant professional expertise and responsibilities

Structure of the BBFC continued

These various Departments all play a crucial role, in the classification process:

- **Technical**
- **Information Services (IServ)**
- **Accounts**
- **Information Technology (ISys)**
- **Facilities**

Submitted films, videos and DVDs are logged at reception by Facilities, IServ carry out any research that is required on a work and Technical measure the video/DVD and check the quality of the work (the Projectionists measure the films during the actual viewing process). Accounts then request payment from the distributor, after which IServ programme the work for viewing by *Examiners*. A daily schedule or timetable is created by IServ on the BBFC's computer system that lists all the films and videos waiting to be examined. IServ also handle all queries from distributors. Technical are also responsible for maintaining an archive of every single video/DVD work that has been submitted to the Board, as this is a legal requirement. The Board also has Press/Communications and Personnel Departments that contribute to the day to day running of the Board. And of course our vital database would not exist without ISys, the IT division of the BBFC.

Packaging

The Video Packaging Review Committee (VPRC), administered by the BBFC, but attended by industry representatives, was introduced in 1987. This is a voluntary system to prevent offence to members of the public caused by explicitly violent or sexual imagery on the covers of DVDs. Cinema posters, only for films passed '18', are also reviewed by a joint BBFC/Industry body.