

BRITISH BOARD OF FILM CLASSIFICATION

**ANNUAL REPORT
AND ACCOUNTS FOR 1990**

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17th July 1991

THE SIXTH ANNUAL REPORT OF THE
BRITISH BOARD OF FILM CLASSIFICATION

Dear Secretary of State,

We have pleasure in sending you, in accordance with section 6 of the Video Recordings Act 1984 and our letter of designation of 26th July 1985, the Annual Report of the British Board of Film Classification, together with the statement of accounts, for the year ended 31st December 1990.

Yours sincerely,



Lord Harewood
President



Lord Birkett
Vice President



Monica Sims OBE
Vice President

The Rt Hon Kenneth Baker MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
London SW1H 9AT

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THE RT HON THE EARL OF HAREWOOD KBE

Vice Presidents

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Staff (at 31st December 1990)

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Accounts: Peter Mavromatis, Post-Examination: Karen Grant

Video Archive and Technical Analysis: Stephen Myers

PRESIDENT'S INTRODUCTION

Last year's Report celebrated the busiest year in the Board's history and its continuing expansion to meet this rising demand. Recession came in the latter half of 1990, and with it the pause for reassessment to which we had once looked forward. The changing economic climate had an unexpectedly severe impact on video retailers, whose business had flourished unstoppably during most of the '80s. Having geared itself up to deliver an efficient and reliable service, the Board now faced a gradual decline in submissions which left it with spare capacity. Fortunately, the film industry seemed unaffected by the slump and, together with films classified for subscription television, provided sufficient business to keep an expert team of highly trained examiners fully occupied. When the decline continued past the year end, it became necessary to consider how much of this spare capacity could be funded. For the first time, some posts that had fallen vacant remained unfilled, but no long-term restructuring was undertaken since at any time the video demand might rise and leave us short of the skills we needed to respond. One thing was clear, the income provided by the Video Recordings Act would never assume that "regular and more predictable pattern" we anticipated and indeed mentioned in the first of these Annual Reports five years ago.

The rebuilding of the Board's reserves enabled work on our offices to be resumed in 1989, and those works continued in 1990, when at last it seemed possible to envisage the completion of the Board's leasehold commitments within a year or two. But since capital requirements can only be met out of current or future income, the uncertainty of the economic climate remained a deterrent. Since the building programme arose from the need in 1985 to expand our accommodation, the Board's capital needs can be attributed wholly to our new duties under the Video Recordings Act. Thus it is unsurprising that the video accounts have yet to move into the black, even after five long years. The Board is always reluctant to compensate for a fall in volumes by too great a rise in the tariff, since this might prove a disincentive for marginal companies who might otherwise endeavour to soldier on through the recession. Some of our customers might even risk flouting the law again, having drawn back from delinquency only when trading standards officers became active in 1988. The future is uncertain, not only for the Board, but for the industry it has been asked to regulate.

Fewer classification difficulties confronted us during the year in mainstream videos, since the issue of violence had already been largely brought under control. A few 'fringe activities' made us scratch our heads, but these were problems of unfamiliarity, which are now being resolved. Occasionally, one of the so-called 'video nasties' still turns up in under-the-counter stock seized by trading standards officers, but they are seldom if ever encountered by the general public. Violence towards women, particularly in a sexual context, is too serious ever to be taken lightly, but it is encouraging to find that the Board seems to have stemmed the flood which once did so much harm to the reputation of video. Few works of the type once regularly rejected by the Board are being submitted nowadays, so the best form of regulation, self-regulation, may have taken over. If so, the standards the Board has striven to enforce since 1985 have been accepted and fully assimilated by most British distributors.

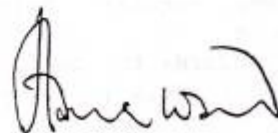
If respectability has been thrust upon a section of the video industry, then distributors have, for the most part, welcomed it, though some spokesmen have begun to call for even stricter censorship, particularly in respect of language. The public, however, holds widely divergent views on the subject,

and the Board receives almost as many letters asking why children are barred from viewing films in which language is the only classification issue as from those who regret the passing of more mannerly social conventions. The Board has tried to respond with a flexible approach to manners issues, and the viewing public has apparently welcomed this. The new '12' category is a considerable success in the cinema, and includes some of the year's biggest hits. Yet of the 50 films passed '12' during the year, only 16 contained any instance of the sort of language complained of. And only four letters of complaint were received about language in the new category, three of them concerning GHOST. As this was the most popular film of the year, that is an insignificant sample out of an audience of nearly eight million cinemagoers. The Board can take satisfaction in having introduced a category which seems eminently sensible to children and their parents. The line drawn between primary school and secondary school is self-evident to most of them, since it is the line that separates the world of childhood from the new and daunting teenage environment. The Board gets letters from 12-year-olds asking why they can see in the cinema a film they are forbidden to hire from their local video shop. The video industry holds the answer. It is time they accepted the introduction of the '12' for video as well as film.

Protection of children is one of the primary purposes of the Video Recordings Act, but the Board's concerns go beyond classification to the effect of films on their audience. Child pornography is unacceptable not just because of its exploitation of children during the shooting of the film, but because of the tastes it cultivates or reinforces in those who view it. Occasionally, a work is submitted in which the participants are clearly over the age of consent, but the narrative is constructed in a manner which can only reinforce those very tastes. One of the videos rejected in 1990 sought to sell the idea that grown men may legitimately lust after and seduce under-age schoolgirls. The Board considered it depraving and corrupting.

The other rejection made the headlines and was overturned by the Video Appeals Committee. This was the Pakistani film which, in the Board's view, had a clear capacity to stir up hatred against the author Salman Rushdie, whose murder it treated as a laudable aim. Since the grim likelihood of a real assassination attempt on Mr Rushdie has existed for two years, it seemed too serious an issue to be ignored. It was also, we were advised, a legal issue on grounds of criminal libel. The case is fully discussed in the Report, together with an account of the successful appeal and the views of the Video Consultative Council on the decision.

Last year, I drew attention to the relative failure of the 'R18' category because of the scarcity of licensed sex shops. Also highlighted was the concern of regulatory authorities in Europe at the prospect of a flood of unclassified pornography crossing frontiers in 1992. If the regime of segregation breaks down in Britain because of the lack of licensed shops, it will be difficult to construct a new regulatory system adequate to such an influx. 1992 looms, and our warnings have not as yet borne fruit. The Board has been given responsibility for managing this area of public policy, but it has not had the support from central and local government which alone could make such management effective.



Harewood

RETRENCHMENT

1. The economic climate darkened during the latter part of 1990, when several of our video customers went out of business. Yet the flow of submissions from 1989 and early 1990 kept the Board's expanded staff at full stretch until the autumn. Results were again encouraging, with a marked increase in film submissions to counter the decline in video. In all, 395 films were classified, an unexpectedly high figure, as well as 3,555 videos, a marked increase over 1989. Also classified were 543 films for subscription television. The high video figure reflects the success of the BBFC's reminders to the industry to return their signed Clearances and submit their packaging in order to receive the necessary classification certificates. Notwithstanding these good results, it was the future which looked uncertain. Plans to complete the building programme to which the Board was committed under the terms of its lease were put back so priority could be given to building up its inadequate reserves. Like its customers, the Board was feeling the pinch, and a degree of insecurity was introduced after two years of growth.

The '12' category

2. The new cinema category introduced in 1989 had become an integral part of the system a year later. Teething troubles were forgotten or overcome, and parents welcomed the idea of a category barring primary school children but suitable for younger teenagers, hitherto a neglected audience. Mothers who had inquired why there was nothing to which they could take a party of 12-year-olds now had a category for all youngsters in secondary school. Five of the 50 films passed '12' during the year were major hits, yet few complaints were received from parents about the inappropriateness of the category. Indeed, the largest number of letters was from adults embarrassed to find young teenagers around them during the pottery scene in GHOST, a sexy scene but not a sex scene. No parents complained about their own children seeing it, just as no parent complained about the violence in DANCES WITH WOLVES, a '12' decision reached during 1990, though the Oscar-laden film did not open until the New Year. Here again, adults without children in the relevant age group expressed concern that 12-year-olds might find it frightening or disturbing, while actual 12-year-olds found it both entertaining and informative. Teachers also welcomed the film as a useful introduction to the history of the American West and the plight of the Indians.
3. The language issue still troubling the video industry is a non-issue for cinemagoers, judging by the very few letters received by the Board. Nevertheless, the risk of causing offence is a constant preoccupation, and only 16 of the 50 films passed '12' during the year contained any language which could not have been heard at 'PG'. Of those 16, 4 were '12' because of a single expletive never passed for pre-teenagers. Of the others, 28 were '12' because of violence (none stronger than BATMAN); 25 for nudity or sex (of a very mild kind); 14 for dialogue intimations of sexuality or references to violence, including suicide; 6 for horror imagery too strong for 'PG'; 7 for thematic contents demanding the maturity of early secondary school pupils, and 4 for scenes depicting or discussing drugs. Many of the 50, of course, included a combination of factors, all inappropriate for pre-teenage viewing. It is interesting to note that most of these '12' films were comedies.

Enforcement

4. Requests for evidence from trading standards departments were roughly similar to the year before, with an increased proportion for offences involving supply to underage children. During 1990, there were 223 written inquiries from TSOs (231 in 1989), concerning 334 different cases (356 a year earlier) and requiring the BBFC to examine some 1830 seized tapes (an increase of 1). All these were compared with versions in the archive, where such existed. Among trends was the increasing vigilance of TSOs in smoking out under-the-counter trade in obscene videos never submitted to the Board. It is a pity that cuts in the budgets of police and trading standards departments may lead to the survival of more illicit trade in such material than is socially desirable.
5. As the year ended, neither LACOTS (Local Authorities Co-ordinating Body on Trading Standards) nor ITSA (Institute of Trading Standards Administration), nor even the strong support of the Video Consultative Council, had persuaded the Home Office to consider amendments to the enforcement provisions of the 1984 Act. In particular, bypass powers, as provided in the Trade Descriptions Act, would enable TSOs to trace offences back beyond the retailer to the irresponsible or negligent distributor that supplied the video. At the moment, only the retailer is charged, and rogue distributors can ignore the law or flout it with impunity.

Packaging

6. Although the Video Packaging Review Committee, the video industry's self-regulatory scheme which the BBFC administers on a voluntary basis, has become an useful part of the system for most distributors, the pause it introduces before final classification means that a number of videos are never certificated. Roughly 400 titles per year reach the stage of interim classification pending packaging approval and are then never pursued. Many companies choose to submit more videos to the Board than they intend to publish, finding it cheaper to investigate the category or cuts required before deciding whether to make the bigger investment of designing the sleeve. In the event, many titles are shelved on marketing grounds despite having been approved by the Board. Thus the number of videos examined and cleared is always somewhat higher than the number of certificates issued. And the list of titles dead or withdrawn increases steadily.

International Links

7. The Board's contacts with those carrying similar responsibilities in Europe and the Commonwealth have been developed in recent years through overseas visits and conferences. In 1990, it was agreed to follow up links between the British and Australian Boards with an exchange of senior staff. Thus in December, the BBFC welcomed the Senior Censor of Australia's Office of Film and Literature Classification, Andree Wright, for a three-month exchange with one of its own senior officers, Julian Wood. The experience showed how much is to be gained from taking a wider perspective on working methods, criteria and national attitudes. Most of us are seeing the same films within a few months of each other, and the approaches taken and decisions reached cannot fail to be mutually illuminating. These links will continue to grow.

CLASSIFICATION

FILMS

8. Cinema admissions in Britain continued to rise during most of 1990, and the number of films submitted to the Board also rose for the third straight year, reaching the highest total since 1976. In all, 395 features were classified, as well as 29 short features, 350 trailers, and 148 advertisements. One film was refused a certificate during 1990, while cuts were required in 42 features.
9. The percentage of films cut in 1990 fell to 10.6%, the lowest proportion since records began. For the sixth year running, no film was classified 'R18'. Last year's Report cited the dearth of licensed clubs and the need for the Board to reassess most of the sex films classified 'R18' in 1983/84 and prescribe cuts sufficient to make them suitable for '18'. By 1990, most of these 44 films had been reclassified, but again those seen account for a larger than average share of cut screentime. The fact that most such material now goes straight to video, where the viability of the sex-shop category is also in doubt, has merely shifted this time-consuming work from one medium to another.
10. The other factor determining the reduced number of cinema cuts has been the success of the new '12' category, which provides a halfway house between the advisory 'PG' and the formerly lowest age bar at '15'. This enabled 50 films to be classified specifically for young teenagers without having to cut the level of violence, language or sexual references because of their unsuitability for primary school children. Five of the top twenty box-office hits of 1990 were rated '12', confirming the popularity of this new category and the extent to which it has been welcomed as a guide to parents and as a protector of younger children from unsuitable material. Only two '12' films needed cuts, one for language and one for inhumane treatment of animals, a cut that would be required at any category under the 1937 Cinematograph Films (Animals) Act.
11. Trends since 1970 can be gauged from the annual statistics set out in Appendix I. In 1990, the 396 features on which classification decisions were reached can be analysed as follows:

<u>Classification Categories</u>	<u>Total number and percentage of works in each category</u>	<u>Number and percentage of works classified only after cuts</u>
'U'	18 (4.5%)	-
'PG'	69 (17.4%)	6 (8.7%)
'12'	50 (12.6%)	2 (4.0%)
'15'	147 (37.1%)	9 (6.1%)
'18'	111 (28.0%)	25 (22.5%)
'R18'	-	-
Rejected	1 (0.3%)	-
<u>Total</u>	<u>396 (100%)</u>	<u>42 (10.6%)</u>

12. Levels of violence or sexual violence required cutting in far fewer English-language films in 1990, which shows a growing reluctance on the part of distributors to import films which exceed the strict criteria applied by the Board. Indeed, more violent films are now submitted by foreign-language distributors, which is a worry. Once again, cuts in 'PG', '12' or '15' films tended to be made at the request of distributors hoping to achieve a less restrictive category than violence levels would otherwise demand. Popular films like DIE HARD II and TANGO AND CASH were successfully cut to '15', although the latter was '18' uncut on video.
13. The one film refused a certificate in 1990 was LEATHERFACE - TEXAS CHAINSAW MASSACRE III, the third in a series all of which have now been rejected on grounds of violence and terror, particularly towards female victims. This latest in the series was by far the crudest, with its emphasis firmly on torture, cruelty and mutilation, and with a young child encouraged to revel in the atrocities of her cannibalistic family. Cuts were considered, but judged to be so extensive as not to be practicable.

VIDEO

14. In 1990, classification certificates were issued to 3,555 video features, with interim categories given to 402 others pending packaging approval under the voluntary scheme. There was a steep rise in the number dead or withdrawn, often because the distributor could not afford to pursue them. Video statistics for 1990 are tabulated on the facing page, with cumulative totals for 1985/90 overleaf.
15. Two video features were refused classification during 1990, although one was subsequently appealed and granted an '18'. Cuts were required in 278 videos, 7.8% of the total. More than half the features were classified in one of the categories suitable for general viewing and unrestricted supply, confirming the trend towards family entertainment. Both the '15' and '18' categories have dropped below 20% for the first time, despite the Board's increasing caution about the kind of material made available to pre-teenagers. Much of this would now be '12' for the cinema, but is '15' on video because the '12' has not yet been implemented. Again, the 'U/c' for pre-school children accounts for more than 3% of the total, with some companies catering particularly to this growing demand from parents. The 'R18' remains minimal because of the lack of licensed sex shops.

Published Lists and Computerised Data

16. Monthly lists and annual consolidated lists of classified video works have been available to the video industry and the enforcement agencies since the Act came into force in 1985. But these lists are inevitably published a few weeks in arrears, and it has become increasingly clear that more up-to-date information is required. For that reason, the Board has invested in a computer programme which will make this data available within a week of classification. Priority is being given to servicing the needs of trading standards officers, but once such data is available on the computer networks of local authorities, it is the Board's intention to offer such computerised data to video distributors and retailers, who will then be able to check the classification details of every work on a recording. By the end of 1991, this new service should be in place.

Video Recordings Act 1984

VIDEO STATISTICS FOR 1990

<u>Classification Categories</u>	<u>Total Number and percentage of works in each category</u>	<u>Number and percentage of works classified only after cuts</u>
FEATURES		
'U'	1,208 (34.0%)	13 (1.1%)
'U/c'	110 (3.1%)	-
'PG'	814 (22.9%)	31 (3.8%)
'15'	677 (19.0%)	38 (5.6%)
'18'	691 (19.4%)	174 (25.2%)
'R18'	55 (1.5%)	22 (40.0%)
Rejected	1 (0.03%)	-
<u>Total</u>	<u>3,556 (100%)</u>	<u>278 (7.8%)</u>
TRAILERS		
'U'	157 (25.0%)	2 (1.3%)
'U/c'	1 (0.2%)	-
'PG'	152 (24.2%)	4 (2.6%)
'15'	193 (30.8%)	17 (8.8%)
'18'	124 (19.8%)	31 (25.0%)
'R18'	-	-
Rejected	-	-
<u>Total</u>	<u>627 (100%)</u>	<u>54 (8.6%)</u>
ADVERTISEMENTS		
'U'	38 (77.6%)	-
'PG'	4 (8.2%)	-
'15'	2 (4.1%)	-
'18'	5 (10.2%)	1 (20.0%)
'R18'	-	-
<u>Total</u>	<u>49 (100%)</u>	<u>1 (2.0%)</u>

Video Recordings Act 1984

CUMULATIVE VIDEO STATISTICS

September 1985 to December 1990

<u>Classification Categories</u>	<u>Total Number and percentage of works in each category</u>	<u>Number and percentage of works classified only after cuts</u>
FEATURES		
'U'	4,936 (27.3%)	45 (0.9%)
'U/c'	582 (3.2%)	-
'PG'	4,160 (23.0%)	194 (4.7%)
'15'	4,201 (23.2%)	271 (6.5%)
'18'	3,899 (21.6%)	1,053 (27.0%)
'R18'	280 (1.5%)	98 (35.0%)
Rejected	27 (0.2%)	-
<u>Total</u>	18,085 (100%)	1,661 (9.2%)
TRAILERS		
'U'	1,613 (40.5%)	129 (8.0%)
'U/c'	2 (0.1%)	-
'PG'	724 (18.2%)	47 (6.5%)
'15'	984 (24.7%)	75 (7.6%)
'18'	649 (16.3%)	134 (20.6%)
'R18'	4 (0.1%)	1 (25.0%)
Rejected	8 (0.2%)	-
<u>Total</u>	3,984 (100%)	386 (9.7%)
ADVERTISEMENTS		
'U'	356 (92.7%)	3 (0.8%)
'PG'	10 (2.6%)	-
'15'	8 (2.1%)	-
'18'	9 (2.3%)	2 (22.2%)
'R18'	1 (0.3%)	-
<u>Total</u>	384 (100%)	5 (1.3%)

Violence Cuts

17. A survey of attitudes to television found a drop in the proportion of viewers offended by violence. This almost certainly reflects either changes in programme content or self-regulation rather than in viewer attitudes, for all regulatory bodies single out violence as an area of concern. The violence of the world can never be ignored by the media, but nor should its exploitation desensitise viewers to the pain and suffering of others. Thus if in 1990 fewer videos were cut on grounds of violence, this reflects changes in the market rather than in BBFC policy. As greater success accrues to an ever smaller number of films, the cheaply made 'B' picture with its high violence quotient is being forced out of the market-place. And the recession has forced out of business some of the smaller companies specialising in violence, with far fewer martial arts or jungle-war videos passing through the Board as a result.
18. Even so, over 40 video titles required violence cuts, with some of the worst offenders coming from Hong Kong and the Far East. Mostly gangster thrillers, these craftsmanlike films too often lavish high technical skill on torture, brutality and mass slaughter, with no moral dimension in view. Eight such videos accounted for a third of the 35 minutes cut on grounds of violence. Evidently the cut versions passed by Hong Kong film censors have their cuts restored and often more violence added in order to bolster sales in the West, a sad comment on the tastes of the occidental audience, or indeed the ethnic communities for whom these untranslated versions are intended. It is also wasted effort as far as the BBFC is concerned, since standards remain strict in this area, even at '18'.
19. Hollywood continued to take violence to ever further extremes, so much so that even VARIETY, the entertainment industry 'bible', questioned where this was leading, suggesting that the popularity of some movies passed in the States for accompanied children raised "troubling questions about the ... ultra-violence" on display: "visceral kicks, outlandish gore and callously jocular touches ... push the boundaries of the (US) 'R' rating to a dubious extreme," to such an extent, indeed, that the "numbing spectacle" was enough to "make one regret its heedless contribution to the accelerating brutality of its time." Surprising comment from this source, but perhaps reflecting a growing unease within the industry about the role of screen violence. In a year that saw expensively violent films fail while lower-budget comedy romances proved unexpected hits, it was possible to glimpse a turning away from machismo, perhaps the major ingredient in Hollywood films of the '80s.
20. In Britain, some major releases were cut to '15' on film to attract a teenage audience, and then released at '18' on video in a fuller version. With LETHAL WEAPON II, however, the Board refused to reinstate fully the cuts in two scenes in which the hero indulged his vengeful instincts far beyond the needs of narrative. DIE HARD 2, on the other hand, proved so successful as cut to '15' on film that the same version was released on video, where it was equally popular. Some films can be cut for a younger audience without damage to their effectiveness, but with others the Board refuses to alter what seems to be inherently adult material. In 1990, TOTAL RECALL was one in which the violence, clearly '18' by UK standards, could not be cut without compromising a work which proved as popular on video as in the cinema. The same had been true of ROBOCOP, but its sequel, ROBOCOP 2, replaced the wit and ingenuity of its science fiction original with a far cruder level of personalised aggression, with the result that violence cuts were required for '18' on film and video.

21. Science fiction functions in a domain of fantasy within which scenes of futuristic violence may be more acceptable than in contemporary settings. Horror, too, is less disturbing when fantasised, so that blood and gore are clearly unreal. But horror has become a relatively unfashionable genre, with science fiction replacing it in public taste. Only a handful of horror videos were submitted in 1990, with minor cuts sufficient to bring them down to '18'. And when THE EVIL DEAD was resubmitted, after achieving notoriety in the early '80s, its visceral excesses could be viewed more objectively. It had appeared on the list of so-called 'video nasties' in 1984, when no categories appeared on the labels and videos could be supplied to customers of any age. When a test case was heard in 1985 after the Video Recordings Act had come into force, the jury found the work not obscene, the judge stating that it was now time for it to be taken off the DPP's list and supplied within the law. It was never again the subject of obscenity charges, but that did not mean the findings reached in other circumstances were struck from the record. The Board is required to "seek to avoid classifying works which are obscene," and this version had been judged obscene, although violence cuts had already been made for the cinema. To an adult viewer, the video offered a kind of rollercoaster ride with increasingly narrow escapes as the hero/victim fights off the wildly exaggerated demons his friends have become. The problem for the courts seems to have centred on scenes which broke through fantasy into an experience that felt too real in bodily terms, however absurd it might look. Further cuts of just over a minute were required before a certificate could be granted under the Act. There have been no complaints about this new version - except, of course, from horror fans who felt cheated at the loss of some notorious special effects.
22. Perhaps the most interesting horror film of the year was made for children, an adaptation of Roald Dahl's THE WITCHES, and the Board was concerned that some of his younger fans might find the grotesque look of these witches, as created by the late Jim Henson, too overpowering in a darkened cinema. Apparently Dahl himself had misgivings, and the Board thought it wise to test the reactions of child audiences. As always with such screenings, parents were warned beforehand of the nature of the film, and the children were asked to stay and discuss their responses to it after filling in a questionnaire. With THE WITCHES, pleasure and excitement were clearly uppermost, yet two scenes were singled out as unpleasant by many of the children. In each case it was one shot which seemed to trouble them, and when very brief cuts were made with the agreement of the film-makers, a second test screening was held at which the enthusiasm was unconditional. The Board has developed the cautious use of test screenings over the last decade and never fails to learn from the experience. The resulting 'PG' proved uncontentious.

Weapons and Harmful or Criminal Techniques

23. Copycat crime is a perennial concern when modelled on the exploits of screen heroes or villains, and the Board sets limits on the extent to which films or videos can teach criminal techniques, lethal blows, or the use of dangerous weapons. The screen is not the only source of such knowledge, but it is a powerful influence, with video one of the great teaching aids of our time. Cuts in weaponry were required in 7 films and 47 videos. Sharpened metal stars were cut, and chainsticks demonstrated or used in combat, though exceptions were made in non-aggressive contexts, as where possession defined character. Extended chainstick fights are now rare, and only in one video were heavy cuts made to such a fight, yet with flails again becoming a street weapon in some parts of London, this is a policy we shall continue. TEENAGE MUTANT NINJA TURTLES, for example, aimed squarely at young children, was shorn of all flails in action and all but the most subliminal glimpses at rest. The same rule was applied to the TURTLE cartoons, a policy also adopted by the BBC.

24. Butterfly knives have become common, dextrously and seductively manipulated prior to threat, particularly in videos from Hong Kong. Board policy is designed to limit the extent to which films or videos popularise the use of such non-indigenous offensive weapons, particularly when proscribed by the Home Office list. A South African video using a butterfly knife for the repeated terrorisation of women was substantially cut. Crossbows were also on the increase in videos which made a feature of their accuracy and deadly power. Legally controlled in Britain in the '80s, they remain irresistibly photogenic. Close-ups of a crossbow being primed are glamorous and also instructional, a blend that self-recommends cuts. Extensive surgery was required in several videos because of the sadistic way the bow was used. In one, three episodes featured a targetting laser beam tracing down the scantily clad bodies of women, either framed or intercut with the curves of the bow. Such weaponry can never be eliminated from films, and is permissible in period swashbucklers, but its glamorisation in contemporary murder settings can be minimised.
25. One work, THE PUNISHER, featured a wide range of exotic weaponry presented in adult comic-book style as its invincible super-hero pursues his predictable bloody revenge. Crossbows were cut for film and video, as were metal stars, blades protruding from boots, spikes thrown through a man's palms, and a spiked metal sphere in a man's throat. An orgy of destruction in a gambling club was also reduced for '18', and removed altogether was sight of a gun forced deep into a man's mouth before firing.
26. As well as weapons, the Board is mindful of the extent to which videos may teach dangerous but highly imitable combat techniques, like double ear-claps, neck breaks and headbutts. Criminal skills like lock picking, credit card entry, incendiary devices in petrol tanks, or levering open car doors have also been reduced on video sufficiently to conceal the precise technique and thus the teaching potential.

Drugs

27. Perhaps the most worrying criminal techniques for parents are those of drug abuse, and the Board assumes a duty of care for those who may be introduced, encouraged, or instructed in such techniques. Prevention is better than cure, if only because the degree of suffering for both abuser and family is so intense. Those at risk include not only lonely or troubled teenagers, but also those older, alienated or defeated members of society, often young adults, who may be drawn to such material as an answer to their own inner problems. To such people, the risks of drug abuse may offer a kind of challenge, a rite of passage, for which ordeal the easing of pain and the cachet of outlaw status may seem sufficient reward. Many films of the sixties and seventies treated drugs as an adventure, which it can easily seem. The price, medical and social, becomes apparent later. Videos that can be watched selectively and repeatedly have a clear capacity to instruct, encourage and finally normalise the elaborate if seedy rituals of drug use. Good films, like the serious and accurate DRUGSTORE COWBOY, are rare, and too many routine thrillers insert drug scenes merely to liven up the action or add spice to a sex scene. Cuts were made in five such videos to reduce both the instructive and seductive details of drug abuse.

Sexual Violence

28. Screen violence towards women, particularly sexual violence, continues to be treated with extreme caution by the BBFC, especially on video where the viewer can replay scenes out of context, over and over again, in the privacy of his own home. In generic sex tapes, the policy, in line with recent decisions of the courts, is to cut all scenes of women subjected to violence or duress (including sado-masochism, bondage and aggressive or cruel language); but the problem of sexual violence is not confined to sex films, where the myth that "all women secretly long to be raped" may at last have been scotched (or at least driven underground). The worst abuse of women in recent years - including rape, sexual humiliation and occasional disfigurement - has occurred with ugly regularity in certain genres of exploitation cinema, low-budget action films or revenge-movies, once mainly from the USA, but now, increasingly, from the third world, especially India, Pakistan and Hong Kong. They are all aimed at the young male adult audience, and they betray the fact that even non-sexual violence to women seems to have its roots in the twisted or frustrated sex drive.

29. During 1990, cuts in sexual violence were made in 61 videos and one film. These included ten scenes in which women's naked or semi-naked bodies were menaced or even mutilated with knives, razors or guns, wielded invariably by men, sometimes during sex. The fact that sex scenes may arouse the viewer makes the sudden drawing of blood all the more worrying, since the reward of sexual arousal is linked in the viewer's subconscious mind with viciousness rather than affection. Violence to women is often eroticised through carefully posed details of the woman's nakedness, often bound, chained or manacled, sometimes covered with blood or lashmarks. One cut was of a woman's body stroked and then pressed down as she screams on a bed of nails, yet another (in a major Hollywood release, HALLOWEEN II) of a woman's face being held under boiling water. Scenes of forcible stripping, of women being terrorised or raped by groups of men, others looking on or aiding and abetting, were common both in Western and Asian films, and were cut to remove the lingering emphasis on humiliation as seen from the point of view of the assailants. Close-ups of gloating faces (sometimes female, in women's prison films) were sometimes reduced, as were exchanges of dialogue with no other purpose than to degrade. Though one has to maintain a sense of perspective and remember that there is much less sexual violence on UK video screens now than in the past, nevertheless the Board's examiners, watching such highly-charged material, can be forgiven for remembering the shock they felt when first subjected to such material: "Why all this fear and hatred of women? And why is there an audience for it?" The answers, sadly, are not reassuring.

30. A new problem surfaced in 1990, films featuring men in bondage scenes or subjected to humiliation or beating by women. These were not feminist revenge movies but videos catering to male masochism, certainly sexually oriented, but far too mild to be unambiguously sex films. In accordance with the policy of cutting material which links pain, degradation or loss of volition with sexual pleasure, cuts were made in all of these, but as the year ended, the Board had begun to consider whether masochism without a convincing display of sadism as its corrupting partner need always be seen as harmful if it satisfies certain needs. Or may it nevertheless draw novices into a world with dangers ahead? Could it attract or arouse the latent sadism in some viewers? The Board began to seek expert advice in a field in which it had not yet developed any real expertise of its own.

The Sex-Shop Category

31. In 1986, when 76 videos were classified 'R18', there were thought to be around 100 licensed sex shops in the United Kingdom. In the only appeal that year, against the award of an 'R18' to a video of women's nude mud wrestling, the appellant questioned the commercial viability of a category which restricts supply to so few retailers in the whole of the UK. And in allowing the appeal, the Video Appeals Committee expressed some sympathy for the view that the dearth of outlets for 'R18' material constituted in some respects a restraint of trade. Yet in the four years since that appeal, the number of such licences has dwindled to no more than half that number, chiefly because local authorities have proved reluctant to grant the appropriate licence. Thus there are apparently no licensed sex shops at all in Scotland, Wales and Northern Ireland.
32. In 1987, 133 videos were classified 'R18', but as the number of licensed premises declined, so the number of videos submitted for that category diminished, to less than half that number in each of the last three years. As a result, the Board has been obliged to view many more cut-down sex videos for the '18' category than had been envisaged. These usually require further cuts to conform with the decency standards laid down by the Board when it was expected that most such videos would be segregated into specialised premises with no one below '18' given entry, either in front of the counter or behind it.
33. An 'R18' video is clearly a "sex article" in the meaning of the Local Government (Misc. Provisions) Act 1982, in that it is a "recording of vision or sound which is concerned primarily with the portrayal of, or primarily deals with ... or is intended to stimulate or encourage, sexual activity" The Act empowers local authorities to require the licensing of sex shops and to lay down the conditions under which such establishments may trade. When Parliament considered this section of the Bill, it was clear that the advantage for Councils would lie in the ability to segregate such premises on environmental grounds and to control the age of entry, thus balancing the freedom of adult customers to view sexually explicit but legal material against the needs and vulnerabilities of children and the rights of other adults who may have no wish to encounter such articles in the public domain. The 'R18' category was introduced in 1982 in order to distinguish videos which were essentially sex articles in the meaning of that 1982 Act. And when Parliament decided further in 1984 to provide in the Video Recordings Act for a certificate stating that no copy of the video work in question "is to be supplied other than in a licensed sex shop," it was the final step in a carefully thought-out scheme for controlling such material through segregation rather than prohibition.
34. The paucity of licensed sex shops has meant that few customers wishing to find such "sex articles" have any real freedom to do so in practical terms. The resulting regime is stricter than that of any of our continental partners in the EC, especially when '18' videos conform to a decency test more stringent than that of most of the "adult" magazines available in high street stores. The Board does not believe it would be socially desirable to loosen the standards applied to sex entertainment at '18', despite pressure from the trade, since '18' videos may legally be supplied in any shop in which those under 18 have rights of entry or employment. They may also be sent through the post.

35. Britain has so far taken no steps to prepare for the flood of goods legal throughout western Europe which will be imported into Britain in 1992. Some of these involve gross violence towards or mutilation of women, and would clearly fall foul of the deprave and corrupt test. But much of the rest consists exclusively of mutually consenting sexual activity of a non-violent kind which is beyond BBFC guidelines simply because of the degree of sexual explicitness. Much of this will disappear under the counter, with no attempt made to distinguish the non-violent, mutually loving sex tapes from those which associate pain and humiliation with sexual arousal. Only classification can do that, but a barely viable sex-shop category means that the Board will be unable to accommodate most of these continental sex tapes, and the black market for a widely divergent range of material will grow and no doubt flourish.
36. Police and trading standards officers already complain of budgetary cutbacks and competing priorities, with the result that under-the-counter sales continue, often of material not in itself obscene or criminal, yet outside the limits set by the Board for '18' videos, both for good social reasons and because of the indecency provisions of the Post Office Act which cover any '18' video sent through the post. That such material should be conflated with works that are truly depraving and corrupting and constitute a real danger to society is surely unhealthy and socially inept. By 1992, Britain must begin to grasp this nettle. A viable, realistic system of licensed sex shops and 'R18' videos is the logical solution.

Manners

37. For the 'PG' category, only four videos were cut during the year to remove a sexual expletive, with the Board suggesting this course in every case. The video industry still opposes the '12' as too permissive because on film it has been seen as revealing too flexible an attitude to swearing. They argue that the '15' is preferable because it will prove sufficiently punitive to induce companies to cut the offending expletive in order to obtain a 'PG'. In fact, only one distributor was prepared to do this during 1990, and that was at the Board's insistence, the word being uttered during a crowd scene where it had no necessary function.
38. It is also wrong to assume that language will be the sole determinant in awarding a '12'. Classification involves more than checklists, and a decision based on one factor alone confuses viewers, as CROCODILE DUNDEE did when a single expletive made it '15' and not 'PG'. The fact that many failed to hear the offending word compounded the error and left the '15' even more incomprehensible, which led to parents failing to take the category seriously as a guide to suitability. In the case of CROCODILE DUNDEE, it was the distributor who chose not to cut the offending word, because it got a laugh from those who heard it. The video public is surely badly served by a classification system which denies itself a category option which could solve this sort of problem, and which has proved itself such a welcome and helpful innovation in the cinema.
39. Classification is a better means of solving the language problem than cuts, since it does not leave holes in the film. The Board would prefer to use its censorship powers sparingly, where required on moral grounds or actively sought as a means of securing a less restrictive category.

School Visits and Outside Research

40. During the year, the Board was able to embark on a long-cherished scheme to investigate viewers' responses both to what they see on the screen and to the category system in greater depth than resources had hitherto allowed. Audiences for particular films had been monitored through occasional test screenings and questionnaires, but attitudes and responses to video remained speculative or anecdotal. Although most examiners have children of their own, and four were teachers with daily responsibility for a range of children, by far the greatest part of the Board's work is concerned with classification and protection of the young. Thus a pilot scheme was devised to take examiners out of Soho Square and into the classrooms; the purpose was two-fold: to give them a first-hand opportunity to discuss viewing tastes and habits with young consumers while informing the children and teachers about the work of the Board, and secondly to evaluate these visits in terms of developing a more structured programme of long-term research. The eventual aim is for every examiner to go on at least two school visits a year, to a primary school and to a secondary school or sixth form college.
41. Another target is to investigate ways in which videos are used by adult consumers or families, through professional market researchers. The Board was particularly interested in the viewing habits and interests of members of the ethnic communities for whom the many untranslated foreign-language works are classified. As a start, a mini-research project was undertaken by the four Chinese-speaking examiners into the viewing habits and needs of the Chinese community, many of whose children are now being educated in British schools. Questions were asked about family viewing habits and the relevance of the category system to such viewing. The answers provided a rich, stimulating spur to the next stage, a study of the South Asian communities who view the videos from India, Pakistan and Bangladesh.

Foreign Language Videos

42. After a steady rise over the last few years, there was a fall in 1990 of 27% in the total of untranslated videos submitted in the languages of the ethnic minorities. The decline was continuing and accelerating at year end. Statistics for the year are as follows:

<u>Language</u>	<u>Total</u>	<u>'U'</u>	<u>'PG'</u>	<u>'15'</u>	<u>'18'</u>	<u>Cuts</u>
Arabic	4	-	2	2	-	-
Bengali	1	-	-	-	1	1
Cantonese	393	108	179	87	19	13
Greek	14	4	8	2	-	1
Gujerati	3	-	2	1	-	-
Haryavni	-	-	-	-	-	-
Hindi	292	50	109	101	32	21
Punjabi	29	2	5	13	9	3
Tamil	20	-	9	10	1	2
Turkish	13	-	4	8	1	1
Urdu	11	2	5	2	2	2
	780	166	323	226	65	44

43. A comparison with the 1989 figures shows that particularly marked falls were registered in Hindi, Urdu, Greek, and Turkish, while the Punjabi figures continued their steep decline over the last five years. It is difficult to estimate why any of these falls occurred, though we have been told of various factors, including the end of the cinema boom in India and the introduction of European cable or satellite transmissions in some of the relevant languages. We have also been notified of successful court proceedings under the Video Recordings Act against retailers and, more significantly, distributors of foreign language videos which have never been submitted or classified or which were released uncut despite cuts having been required as a condition of certification.
44. Since the Board has taken on examiners fluent in all these languages, it is a problem to gauge the precise demands there might be for such special skills in order to plan more than a year or two ahead. What does show up in the year-on-year figures is the importance of sudden changes in enforcement policy, like the extension of powers to trading standards officers in 1988, which sent the figures up dramatically in some of these languages, though not in all of them.
45. As well as changes in the pattern from year to year, it might be useful to consider a summary table of statistics for all foreign language videos classified since the Act came into force in 1985.

Foreign language videos classified from 1985 through 1990:

<u>Language</u>	<u>Total</u>	<u>'U'</u>	<u>'PG'</u>	<u>'15'</u>	<u>'18'</u>	<u>Cuts</u>
Arabic	168	31	76	53	8	3
Bengali	15	-	3	9	3	2
Cantonese	972	228	463	223	58	29
Greek	63	24	26	12	1	1
Gujerati	31	9	19	3	-	-
Haryavni	1	-	-	1	-	1
Hindi	1,492	297	537	468	190	102
Punjabi	289	15	75	129	70	28
Tamil	27	1	10	15	1	5
Turkish	338	33	122	154	29	12
Urdu	236	40	82	74	40	23
	3,632	678	1,413	1,141	400	206

Rejects

46. In 1989, when only one video was refused a certificate, the decision to reject was taken for the first time on legal grounds, the Board having been advised that the work infringed the law of blasphemy. That decision was appealed, and the Video Appeals Committee confirmed the Board's judgment, stating that it was in no doubt that under the terms of its designation by the Home Secretary, the Board must "refuse a certificate if it decides that in all probability publication could constitute a criminal offence and that ... a reasonable and properly directed jury would convict." In 1990, the Board was confronted for the second year running with a video which raised difficult legal questions as well as moral ones. The subject was the fatwa (holy death sentence) against the author Salman Rushdie, which this Pakistani film zealously supported; the law in question was criminal libel.

47. The Board has, since 1913, applied as one of its criteria the model licensing conditions for British cinemas which state, inter alia, that no film exhibited should "encourage or incite to crime." The deprave and corrupt test of the Obscene Publications Act has been interpreted by the Board as excluding films of this kind which "depict or describe physical behaviour of a grossly immoral, harmful or illegal kind in such a manner as, when taken as a whole, to have the effect of endorsing or encouraging the imitation of such behaviour by a significant proportion of those who are likely to read, see or hear the matter contained or embodied in it." Neither of these tests had previously been found to cover a film which sought to encourage not criminal behaviour of a general kind, like rape treated as somehow beneficial for the victim, but a specific criminal act like the murder of an actual British subject, named and identified, living at the moment in England under 24-hour police protection because of the very real threat to his life. The film INTERNATIONAL GUERRILLAS treated the murder of novelist Salman Rushdie as a laudable goal if pursued by holy warriors of Islam.
48. Rumours abounded, many of them false, like the allegation that the Rushdie character in the film was implicated in some way with a "worldwide Jewish conspiracy". There were no Jewish characters in the film and no anti-Semitic content. The Public Order Act was cited, as was the law of incitement, but the Board took legal advice and was assured that, in law, incitement must be direct rather than indirect, with actual encouragement of persons to act upon it, a charge difficult to prove when the work is fictionalised. And again, screenings in public might inflame a mass audience, but the Public Order Act could scarcely be seen as applying to viewings in the home. Salman Rushdie is heavily caricatured in the film as a kind of James Bond villain, and worse - a cruel slaughterer of Muslims. Public figures have been lampooned many times before in comedy or political satire, and war films have portrayed some enemy leaders as villains, or even monsters, but the depiction of a living person, in England - with no record of violence or criminality of any kind - as a murderous sadist was unprecedented. After careful deliberation and extensive viewings, the Board concluded, on the advice of leading Counsel, that the video presented a prima facie case of criminal libel on a named individual, Salman Rushdie, and that a properly directed jury would be likely to convict.
49. The courts have defined criminal libel as consisting in the publishing of "defamatory words of any living person, words calculated or intended to provoke him to wrath or expose him to public hatred, contempt, or public ridicule or damage his reputation." (R v Wicks [1936] 25 CAR 168) In the Board's view, it was clear that the real Salman Rushdie was being libelled here as a bloodthirsty killer, since the film delays introducing this character until ample reference has been made to the historic facts: a famous author, under ecclesiastical sentence of death for writing a book called The Satanic Verses; protesters against the book shot down in Pakistan; martyrs created; and a holy war launched to carry out the death sentence. The antipathy which likely viewers would already feel about the man is tapped and then intensified - or else rekindled and intensified - by the denigratory portrait which follows. No reference is made in the film to the fact that the real Rushdie had been living in peril of his life in England, under police protection, for eighteen months. The circumstances of that endangered life could not fail, in the Board's view, to make the libel a serious one, and since there was no truth in the portrait painted, there could be no public interest defence in its publication.

50. In rejecting the video, the Board offered the submitting company the option of changing the identity of the villain and removing all those defamatory elements capable of stirring up hatred against the real Salman Rushdie. That option was not taken, the distributor preferring to have the case heard by the Video Appeals Committee. The hearing took place on 17th August 1990, by which time Rushdie himself had issued a statement that, having viewed the film, "which quite plainly vilifies [him] as a murderer and as a sadist," he was nevertheless prepared to overlook its "clearly abusive content," as "censorship is usually counter-productive and can actually exacerbate the risks which it seeks to reduce." Thus he would neither seek nor support any criminal prosecution, since "the banning of INTERNATIONAL GUERILLAS, however well-intentioned, can only damage the process of reconciliation." He urged the Video Appeals Committee to reverse the existing ban. The Committee did so, and its written decision is summarised on pp 19 to 20.

51. One other video was rejected during the year. This was a sex tape which, under the title SIXTEEN SPECIAL, depicted the seduction of a schoolgirl by a middle-aged man. When the company was informed that the Board would need further viewings, it apparently assumed that the title was the problem and suggested alternatives like: SCHOOL UNIFORM LOVE, MISS BENNISON'S OLDER LOVER and DIRTY IAN GETS HIS WAY, none of which was considered an improvement, although they supported the view that the work had no other discernible purpose than to turn men on to the idea of seducing schoolgirls. During the first seven minutes of the video, while the actress is still in school uniform, sitting on a sofa clutching a teddy bear, she is still very plausibly a schoolgirl, fighting off a grown man to protect her honour. Once she begins to undress, however, it becomes clear that the actress is probably over sixteen (she was actually 21), but the offence, in the Board's view, was not that the work contained indecent photographs of a child under 16, but that by seeking to glamorise and eroticise the seduction of a schoolgirl, the work had a clear tendency to deprave and corrupt. The company was offered the option of replacing that establishing scene with a different one, and with different clothes for the actress, so that her youth was not the main source of arousal. This was declined and the work therefore rejected. Given the increasing concern in Britain about paedophilia and child sexual abuse, the Board has accepted the need to exercise the greatest caution in this area. Rules were drawn up to cover the use of schoolgirl attire in sex videos, and distributors of such material were advised accordingly.

Subscription Television

52. This was the second year during which the Board had been classifying films for the Sky Movie Channel, now B Sky B. Discussions had already been held with the Broadcasting Standards Council on the relevance of film and video classification to time slots on either side of the 'Watershed', that time after which parents are expected to assume some responsibility for their children's viewing. For broadcasters, this has traditionally been 9 pm, after which programmes may include increasing amounts of material unsuitable for children. A separate Code was ruled out for subscription TV, but, given that such channels were theoretically "capable of being secured against unauthorised use," the Watershed policy for services available only on payment of a fee was free to treat 9 pm "as a fulcrum, with programmes graduating their demands ... as the evening progresses It should be for the broadcasting authorities to determine what limits ... are appropriate to the individual services under their control." In 1990, the IBA began to consider such limits and to draw up the Programme Code it would publish when merged with the Cable Television Authority in 1991 as the Independent Television Commission.

53. It was clear that the ITC would be particularly concerned with film channels and was unlikely to endorse the policy of the Cable Authority in allowing any '15' film to be shown at 8 pm, regardless of contents. They wanted to discuss the current category system and to ensure it would not conflict with guidelines on scheduling being introduced for broadcast and subscription channels. They were prepared to offer enough flexibility to acknowledge the private and deliberate choice involved in buying a dish and receiver or a cable connection and then in paying an additional fee for an extra channel. Subscription TV can compete with home video as a medium of consumer choice, although the selection and timing of one evening's films on a movie channel will have been made by somebody else. Video viewing allows greater control of choice and timing, but more important for parents is likely to be the fact that it excludes access to alternative programmes. Once a pay channel is installed, it is just another button on the handset. Thus unless parents have made a conscious decision to block a certain programme, that programme is accessible at the flick of a switch, and cable or satellite have the same degree of random access to disturbing, frightening or embarrassing scenes divorced from context as broadcast TV has had since the invention of the handset. More than any other factor, random access is responsible for the degree of caution exercised by the Board in distinguishing video standards from those of pay TV.
54. The ITC chose to use the BBFC categories as a guide to the scheduling of films on any channel, although they limited the kind of '15' rated scenes which could be shown at 8 pm rather than 9 pm. Since this section of the Code is detailed and prescriptive, it is useful to quote it in extenso.

1.5 (ii) ENCRYPTED AND SUBSCRIPTION CHANNELS

Where a channel is encrypted, or only available to cable customers on payment of a fee additional to the basic subscription to the service, its availability to children will be more restricted, and the point at which parents may be expected to share responsibility for what is viewed may be shifted from 9.00pm to as early as 8.00pm, depending on the nature of the programme concerned and the factors cited above. Similarly, material of a more adult kind than would be acceptable at the same time on a more broadly available channel may be shown after 10.00 pm and before 5.30 am. This flexibility does not extend to channels provided to cable customers as part of the 'basic' package available to all subscribers on a system.

1.5 (iii) ACQUIRED MATERIAL, INCLUDING FEATURE FILMS

The contents of the Code apply to the selection of acquired material (including films) as well as to the production of programmes. Where a BBFC certification exists for the version of a film or programme proposed for transmission, it may be used as a guide to scheduling. It should be borne in mind that a stricter standard of acceptability is set by the BBFC for a video version than for the cinema version, since video classification includes the test of suitability for viewing in the home. A stricter standard again is applied to the version certificated for subscription TV. Not all films certificated for cinema or video release, however, will be suitable for the circumstances of television transmission, and scheduling decisions must continue to be made in the light of the rules set out elsewhere in this Code.

The following basic rules apply:

- (a) No '12' rating should normally start before 8.00 pm on any service.
- (b) No '15' rating should normally start before 9.00 pm (or 8.00 pm on encrypted or 'additional' subscription channels, contents permitting).

- (c) No '18' rating should start before 10.00 pm on any service.
- (d) No 'R18' rating should be transmitted at any time.
- (e) No version which has been refused BBFC certification should be transmitted at any time.

These are, however, minimum requirements. In particular, many '15' rated films will not be suitable as early as 8.00 pm even on a subscription channel if, for example, they contain scenes of drug taking or sexual intercourse or a greater than usual level of violence. Where no BBFC certification exists and the licensee relies only on this Code for guidance, special concern should be given to the interests of younger viewers. Nothing shown before 8.00 pm by any licensee, whether on a subscription channel or otherwise, should be unsuitable for children.

55. Although classification was sought by Sky in 1989 to provide an informed choice, it was scheduling that continued to be used to restrict access. Some films were bought with certain time slots in mind, and if inflexible, these could become the major determinant of whether or not a video version would require cuts for subscription TV in order to conform with current Watershed policy, and in 1990 the Board applied such standards to the classification of 543 Sky movies. Of that total, 57 (11.7%) were passed with cuts, most of them because of an inflexible time slot, although cuts were also required in accordance with general BBFC guidelines, particularly those developed to meet the video test of suitability for viewing in the home. Since the ITC Programme Code was not published until February 1991, the '12' was not an option for Sky during 1990.
56. Category statistics for that year are as follows, with the categories read out and displayed before every transmission. During 1990, TV listings had not yet begun to carry the BBFC categories awarded especially for subscription TV.

Statistics of films classified for Sky in 1990 are as follows:

<u>Categories</u>	<u>Total</u>	<u>Number Cut</u>	<u>Proportion</u>
'U'	99	1	1.0%
'PG'	143	14	9.8%
'15'	142	18	12.7%
'18'	159	24	15.1%
<hr/>	<hr/>	<hr/>	<hr/>
Total	486	57	11.7%

The ITC Programme Code was strict about forbidding the use of sexual expletives before 9 pm on broadcast channels or 8 pm on subscription. Thus any '15' film containing such words could be rescheduled for daytime or 6 pm viewing only if the offending words were removed, in which case a second, modified version could be approved for Sky with an earlier time condition. Where sex, violence or drugs were the issue, however, the Code adopted the BBFC standard devised for Sky during 1989, whereby such '15' films either carried the condition 'Not before 9 pm' (or later) or were trimmed of the offending details for an earlier slot. As in 1989, '18' films could be put back to 11 pm or even midnight, depending on contents. No submitted film was rejected for showing on Sky Movies during the year.

57. In 1990, Sky experimented with a few midnight sex films, all limited to sex that was clearly simulated and acceptable at '18'. These films were popular with subscribers, and no complaints were evidently received. In 1991 it was Sky's intention to test screen some films of this type a bit earlier, but only in the middle of the week. They accept that on Saturday evening, mid-teenagers might well be watching until midnight.

THE VIDEO APPEALS COMMITTEE

58. The Video Appeals Committee was constituted under section 4(3) of the Act to hear appeals against a determination that a video has been classified more restrictively than it should or, alternatively, has been found unsuitable for any classification certificate at all. Only one appeal was heard during 1990, the seventh since the Act came into force, and for the second year running, it was against a BBFC refusal to grant a certificate, in this case to a video of the Pakistani film INTERNATIONAL GUERRILLAS. Again, the grounds were legal, since the Board was advised by leading Counsel that the video presented a prima facie case of criminal libel on a named individual, Salman Rushdie, and that a reasonable and properly directed jury would convict.
59. In its written decision in the 1989 appeal against the Board's first rejection of a work on legal grounds, in that case blasphemy, the Appeals Committee confirmed that the Board was bound by the terms of its designation to avoid classifying works which infringe the criminal law. This point was not contested in the 1990 appeal, and the decision of the Committee, signed by its President, Peter Barnes CB, cited the fact that the Board "... considered whether publication of the video ... might amount to the commission of any other criminal offence and decided - rightly in [the Committee's] view - that it did not."
60. "For the purpose of the present Appeal," it goes on, "one can confine the definition of criminal libel to only part of that set out in the judgement of du Parc, J, in *R v Wicks* (1936) 25 Cr. App. R.168, namely the publishing of something calculated to expose the defamed person to public hatred.
- "Whether or not the Board was right in deciding that publication of [I.G.] would justify the institution of criminal proceedings depends in our opinion upon whether it is covered by the following three principles set out in the judgement of Wein J in *Goldsmith v Pressdram Ltd* [1977] Q.B. 83:-
- "1. That there is a clear prima facie case, so clear at first sight that it is beyond argument that there is a case to answer.
 - "2. That the libel is a serious one - so serious that it is proper for the criminal law to be invoked.
 - "3. That its nature is such that the public interest requires the institution of criminal proceedings."
61. The decision refers to the "most useful Synopsis" of the video provided by the Board, and to the work's running time, 2 hours 50 minutes, with dialogue exclusively in Urdu, and no English sub-titles. The Synopsis had been prepared by Ms Shahrukh Husain, one of the Board's senior examiners and a scholar, author and noted expert on Indo-Pakistani languages and literature. She had been the Board's interpreter during more than a dozen screenings of the work, and her Synopsis and dialogue extracts were agreed by the Appellant to be a fair and accurate summary, with the exception of one contested word. She was also interpreter for the Appeals Committee when they viewed it in the presence of the Appellant's solicitor and an interpreter of his own choice. No objection was raised to the explanatory matter she provided on the cultural and historical background of the work.
62. The written decision then turns to the narrative, in which "three Muslims ... set out to kill the 'Rushdie' character who, with his armed henchmen, lives in style on a small Pacific island. They feel driven to do this because 'Rushdie and his men have announced their intention of ridding the world of all Muslims."

The story, as pointed out, "is in the form of melodrama rather than drama" with "the various killings (including Rushdie's killing of three bound guerillas) being stylised, somewhat unreal and with little attempt to stir the emotions ... as unconvincing as those in old Cowboy and Indian films ... [scenes] reminiscent of the 'James Bond' films ... quite lengthy scenes of singing and dancing ... comedy verging on farce, amusing dialogue and some 'in' jokes.... Pakistani films of this genre are, we understand, very popular ... pure escapist entertainment, and 'International Guerillas' only differs from them in that the arch villain is Salman Rushdie rather than a purely fictional 'baddie'."

"Mr Rushdie himself ... describes [I.G.] as 'a piece of trash'" in a statement forwarded to the Appeal (Appendix II) by his solicitors, who say they "'discussed the statement with him and he agrees with its contents.'" Although the statement is unsigned and was almost certainly not drafted by Mr Rushdie, we have no hesitation in accepting this assurance."

It is in this statement that Mr Rushdie calls the video 'trash'," although the Committee adds that "the Board in its written submission said ... that "to viewers steeped in the conventions, these films are not just trivial entertainment. They have an emotional weight and a spiritual and symbolic authority that makes the polarisation of good and evil a source of moral support and a reaffirmation of communal identity."

Nevertheless, the Board "entirely accepts that if the chief villain ... had been not Salman Rushdie, author of 'Satanic Verses', but some wholly fictional villain, it would have had no grounds for refusing a Certificate."

"The Board was clearly faced with a most difficult decision, this being the first time they had had to balance the "rights of a group of people to pursue their own pleasures in an untrammelled way against the rights of a particular, named, individual."

Turning to the Rushdie statement, the Committee points out that, although the video "'quite plainly vilifies' him, he would not support any prosecution for criminal libel nor testify for the prosecution, and might indeed be prepared to give evidence for the defendant."

"We do not suggest that the wishes contained in such a statement should necessarily be binding upon a potential prosecutor any more than, for instance, would be the wishes of a victim of an offence of rape, who declined to give evidence; always assuming, of course, that there would be sufficient evidence without her testimony."

"However, it seems very probable that there have never been proceedings for criminal libel which have not had the support of the defamed person and we are of the opinion that such lack of support is a factor which any potential prosecutor would be fully entitled to take into consideration when deciding, in accordance with the third of Mr Justice Wein's principles, whether the libel is such that the public interest requires the institution of criminal proceedings."

"This statement by Mr Rushdie was not, of course, available to the Board when it made its decision and it may well be that, if available at that time, it would have tipped the balance in favour of granting a Certificate. But, disregarding the possible effect of this statement, was the Board right in concluding that the video presented a prima facie case of criminal libel and that a jury would convict?"

"It seems to us," concludes the Committee, "that not even the most gullible viewer would believe for one moment that the real-life Salman Rushdie had ever acted or spoken in the way depicted in the video."

"In our views the defamation must not merely be serious on the surface but must be capable of being taken seriously by a reasonable man, for if he does not take it seriously, it follows that he will not be stirred to feelings of hatred."

"It was urged on behalf of the Board that one should primarily consider the probable reactions of those most likely to see the video, namely steadfast believers in the Islamic faith who feel themselves isolated in the community. But, even if this be correct, we feel that one can only reach a decision upon the basis that the likely reaction is that of a believer who is reasonable.

"On this basis we are of the unanimous opinion that 'International Guerillas', viewed as a whole, is not a serious defamatory libel and that the public interest is not such as to warrant the institution of proceedings. Furthermore we consider that a jury would be unlikely to convict - even assuming that the case went that far - and we feel reinforced in both views by the effect of Mr Rushdie's statement.

"This Appeal is accordingly allowed, the Appeal fee should be returned and we recommend the appropriate category for the Certificate should be '18'."

63. The Board is in no doubt that, whatever the justice of the argument, the decision was, in practice, the right one. The intervention by Rushdie not only erased the libel, but the charitable view he was prevailed on to take made it difficult for viewers to be stirred to hatred by something they were able to see only through the defamed man's generosity. The press and TV attention, with leaders and columnists pressing their own views on the matter, the questions in the House of Commons and an answer from the Prime Minister stressing the independence of the Board and the Appeals Committee, and the sympathetic hearing given for almost the first time to the feelings of the Muslim Community, whose outrage at the insult to their religion they took The Satanic Verses to be, all led to a clearing of the air and a swing in public mood to perhaps a more even-handed understanding of the issues dividing the novelist and the many millions of devout followers of Islam. The Appeals Committee's decision was the first overt gesture of support from the British establishment for an increasingly alienated immigrant community. And justice was seen to be done, which perhaps left the pain of the 'Rushdie affair' at least temporarily ameliorated.
64. Still, the Board was left with a nagging doubt: if in such cases, "one can only reach a decision on the basis that the likely reaction is that of a believer who is reasonable," can one ever take account of the less than reasonable zealots most likely to over-react. The partition riots in India in 1947 left a terrible deathtoll of less than reasonable zealots and their victims on both sides, and the recent history of communal fratricide in India and Pakistan proves less than reassuring. On the other hand, when the film was at last passed and shown a few times in the cinema, few were moved to attend, and so far the video has never been released. Apparently, it was considered potentially damaging to community relations in Britain. So it seems that reason has prevailed after all.
65. In 1990, membership of the full Video Appeals Committee was:-
- President:
Peter Barnes CB, former Deputy Director of Public Prosecutions
- Members:
Nina Bawden FRSL JP, novelist, Pres, Soc'y of Women Writers & Journalists
Richard Hoggart FRSL, former Professor of English, author and lecturer
Dr Neville March Hunnings, lawyer, author, editor Common Market Law Rpts
The Hon Mrs Sara Morrison, Annan Committee and ex-director, Channel Four
Dr Faith Spicer OBE JP, psychotherapist and founder Director,
London Youth Advisory Centre
Laurie Taylor, Professor of Sociology, York University
T J Taylor, former Assistant Director, Department of the DPP
Fay Weldon, novelist and playwright
Sir Brian Young, former Director-General, IBA

THE VIDEO CONSULTATIVE COUNCIL

66. The Video Consultative Council is a forum for monitoring the progress of the Video Recordings Act and advising the Board on classification policy and implementation. Membership includes representatives of the local authority associations and the video trade and industry, as well as persons of individual distinction with relevant experience or expertise. During 1990, Patricia Rawlings, now MEP for Essex South West, retired as a member of the Consultative Council, though she still uses her expertise to put down interesting questions on the lack of video classification in much of the EC. The Council welcomed three new industry representatives: John Woodward of the Producers' Association, who replaces Otto Plaschkes; Paul Coster of the Video Industry Dealers' Association (VIDA); and Laurie Hall of the Video Standards Council. Edward Cook, the Home Office observer, moved on in the spring to be replaced by Dennis Evans, while the observer from the Scottish Home and Health Department, George Aitken, retired. Having rarely if ever missed a meeting, he left his last Council meeting early before members could begin watching the work found legally blasphemous by the Video Appeals Committee, since, as a churchgoer, he had no wish to view it. His mellifluous voice and keen attention to detail is sorely missed. A recurrent observer from ITSA (Institute of Trading Standards Administration), John Evans joined the VCC for meetings considering enforcement matters, while Lyn Shelton of LACOTS (Local Authorities Co-ordinating Body on Trading Standards) deputised for Keith Hale. The presence of observers from central and local government means that the views of Council members can be brought fairly swiftly to the attention of Ministers, MPs, and Local Authorities.

67. The morning sessions reviewing standards in the video categories were revived for the benefit of new members, and the Council continued to monitor the decisions of the Video Appeals Committee, viewing two videos during the year, the first having been found blasphemous at law by the Board and the Committee, VISIONS OF ECSTASY, and the second, INTERNATIONAL GUERRILLAS, having been alleged to constitute a serious criminal libel against the author Salman Rushdie. Both decisions were discussed to determine the bearing they should have on the development of Board policy. Other major issues considered by the Council were:

- (a) enforcement of the Act by trading standards officers, who had for the most part taken over the functions once performed by the police;
- (b) the demand for timely video lists, preferably computerised, and for faster processing of certificates of evidence;
- (c) the need experienced by TSOs for at least three amendments to the enforcement provisions of the Act, as first discussed at a Home Office meeting in 1989;
- (d) the success of the new '12' category for films and the increased complaints from young teenagers turned away from video shops by the reclassifying of most '12' films to '15' on video.

Other issues discussed during the year included the urgency for the Board to expand in 1989 to service a thriving industry and the sudden need for retrenchment a year later because of recession; the continuing fall in the proportion of videos cut by the Board as distributors learn BBFC standards or begin to reorient to the family market; child sexual abuse and the persistent link with possession of child pornography; cross-border satellite transmissions and the problems of 1992; divergence between the standards applied to film and video and why it is never more than 2-3%; and the goals of the recently formed voluntary body, the Video Standards Council, which included an eventual membership of 80% of shops.

The Video Appeals Committee - VISIONS OF ECSTASY

68. The Council viewed this video in January and considered the decision of the Appeals Committee, but not before the need for the Board to avoid classifying works which infringe the criminal law was explained and set against the probability that the work had gained far more notoriety as forbidden fruit. Once the 18-minute work had been viewed in toto, there was general agreement that if blasphemy were a valid legal test, then this video was likely to be found obscene. There was a suggestion that it might better have been lost among the 'R18' videos, but it was clear that the sex was simulated and kept deliberately within the '18' limits so it could be distributed through the sell-through market. One member said she found the work "quite controversial enough to arouse a sense of outrage among those who considered themselves Christians," and it was felt that enough deep religious feeling remained in Britain for the work to have caused considerable offence. The Board had decided to reject the video on the grounds that it was "contemptuous of the divinity of Christ" in that the "ecstasy or rapture" of the St Teresa figure is expressed solely in sexual terms through her longing for the crucified body on the cross. The film-maker's defence at the appeal hearing was that the Christ figure was merely "a projection of St Teresa's mind" rather than "an active participant in any overt sexual act." One member of the Council found some logic in that argument, assuming that the imagined Jesus "would respond to her because such a response was almost inherent and integral to the illusion being entertained." The Chairman pointed out that a comparison could be made with THE LAST TEMPTATION OF CHRIST "where the film-maker made it very clear that the illusion was subjective by suddenly showing the cross empty - a fact not noticed by any of the bystanders ..." But here there was no signal from the film-maker that the human figure of Christ on the cross was a fantasy on the part of St Teresa, the fantasy in this case being the total film, and since this was a sex fantasy, and treated as such, it was bound to risk causing offence if the sexual elements were too blatant. There was general confirmation that in this case the Board's decision had been the right one, and its affirmation by the Video Appeals Committee correct. There was thus no need to adjust or rethink policy.

The Video Appeals Committee - INTERNATIONAL GUERRILLAS

69. Members of the VCC again saw virtually the entire video as interpreted by Shahrukh Husain, and a considerable debate ensued, many expressing surprise to find themselves agreeing with the Board that the film could prove inflammatory, given that the violence was by and towards a named individual already living in peril in England. The Board was asked whether it had any Pakistani examiners and explained that ten of its examiners were members of the ethnic communities, including one Pakistani and three Indians, all of whom had seen the film, as had every examiner on the Board. Since three or more such Asian videos were being assessed per week, a great deal of experience had been gained in recognising their political and cultural impact. In fact, this film was far more than just a matter of Salman Rushdie as a James Bond villain. There were detailed religious and historical elements which would not be taken lightly by a Muslim audience. And the plight of the real Rushdie, a man in perpetual danger, could not be ignored. If we were to pass this film, an examiner had asked, and Rushdie were killed, how would we ever forgive ourselves? Thus it was fascinating that, during the appeal, the Committee received a written submission from Rushdie himself, saying he was prepared to ignore the nature of the video and allow it to be published. After hearing the arguments on both sides, the appeal was allowed.

70. Typical of its genre, the film was found grotesquely melodramatic at one level and deeply symbolic and spiritual on another. Examiners had been evenly divided, with many arguing that banning the film would do more harm than good, since the Islamic community would never understand. One had to see it with an interpreter to appreciate the extent to which it was capable of whipping up hatred for the subject of the fatwa, to which, of course, some viewers might owe allegiance. To reinforce or rekindle hatred on such a level is precisely the sort of threat the charge of criminal libel was meant to forestall. Indeed, the debate taking place in the Council was similar to those that took place in the Board. Some worried about criminal libel, others about incitement; others about society allowing people to be threatened and to have that threat dramatised. Did free speech license such a threat? Controversy was intense.
71. A member of Council, agreeing with the Board's decision, hoped the appeal would not create a precedent by allowing films to urge retribution on named members of society, who had not been found guilty in any British court. The Chairman assured members that the finding would not create an overmastering precedent. Another member said he had come along convinced that, when unsure about letting something be broadcast or published, one should always err on the side of freedom, so while understanding the Board's dilemma, he was sure the Appeals panel had been right. Now, having seen the video, he agreed with the Board and thought the Appeal decision wrong. He was concerned, despite ideals of free speech, that what we had, with this personalising of a named individual, could lead many sincere Muslims, equivocal about choosing between the fatwa and the law of the land, to put the law to one side. It was an emotional incitement to violence against a named individual, and having seen it, he was disturbed. Thus the Board's decision not to certificate seemed the right one. The Board had followed the same argument, Lord Harewood explained, while the Appeal decision had been a response to the Rushdie letter.
72. But wouldn't the real, practical effect of banning the film be to incite anger and hatred? The Board was on a hiding to nothing, and it was lucky Rushdie had absolved it of the problem. On balance, it was right, in terms of the mood and feelings of Muslims in the UK, to let them see it. On the other hand, if this was not a criminal libel, what was? Danger and criminality were the issues; politics did not come into it.
73. Yet at root, it was a clash of cultures; that would have existed even if the story had not concerned a figure called 'Salman Rushdie'. It was the Western belief in free speech against the concept of a holy war. Yet the film would not have been accepted within many Islamic countries because of its depiction of women. On balance, then, the appeal decision had been right because the world had moved on. Such films would become more common, given the increasing number of teachers anxious about the clash between Islamic and Western values. Similar films minus Rushdie had been turning up regularly, and policy must evolve if it is to be suitable for films imported for small, discrete communities within the wider community.
74. The problem lay in the name of the central character, who would have been no problem at all with a fictitious name. In fact, the Board had offered just that solution, a change of name and identity, but had been turned down. The statement from Rushdie (Appendix II) urging the Committee to allow the appeal was read to the Council. Those views were not available to the Board when it made its decision, so perhaps it had all turned out for the best.

75. One member had assumed that the references to Salman Rushdie were by inference; on seeing the film, he realised they were specific, which made him decide the Board's decision was the right one. Yet even after the appeal, the Board did not feel free to classify a video which libelled a named British subject or urged violence as the way to solve problems. Members were asked to consider the second of three principles cited by Wein as justifying proceedings for criminal libel, namely:
- "That the libel is a serious one - so serious that it is proper for the criminal law to be invoked."
- But surely, the libel was a serious one when the victim had been living in peril of his life for 18 months. If a film calls for the death of a real man, living in fear in this country, then a public body has to take that threat seriously. The Council took the view that the Appeals Panel should not have started looking at the video without benefit of full synopsis, two weeks before seeing it in a group with an interpreter. This led them to state in their written decision that:-
- "it appears - at least to Western eyes and ears - that films of this genre are pure escapist entertainment, and 'International Guerillas' only differs from them in that the arch villain is Salman Rushdie rather than a purely fictional 'baddie'."
- It was clear that members of the Council who had seen the film would not agree with that formulation.
76. After further discussion during which extracts from the Appeal decision were read to the Council, attention was drawn to the final paragraphs:
- "In our views, the defamation must not merely be serious on the surface but must be capable of being taken seriously by a reasonable man, for if he does not take it seriously, it follows that he will not be stirred to feelings of hatred."
- "It was urged on behalf of the Board that one should primarily consider the probable reactions of those most likely to see the video, namely steadfast believers in the Islamic faith who feel themselves isolated in the community. But, even if this be correct, we feel that one can only reach a decision upon the basis that the likely reaction is that of a believer who is reasonable."
- "On this basis we are of the unanimous opinion that 'International Guerillas', viewed as a whole, is not a serious defamatory libel ... and we feel reinforced in both views by the effect of Mr Rushdie's statement."
77. Mr Ferman concluded, as with other appeals, by asking the Council if they agreed with the decision or the reasons for the decision or both. Every previous decision tempered by the views of the VCC had become a precedent, and the Board accepted that such decisions would do so in future. This was one of the reasons for the Appeals Committee and the VCC.
78. One member found it interesting that the grounds for refusing the certificate were that publication of the libel was a criminal act. For example, if a wife was beaten by her husband and she reported the assault, even if afterwards she said he didn't mean it, the police were obliged to act because what she alleged was a criminal offence. For this reason, it seemed to him that the Rushdie statement was irrelevant. Another said the Appeals Committee seemed to base its decision on its interpretation of how a court would react to a criminal prosecution. He did not think this was the function of the panel. Lord Birkett noted the panel's view "that we can only reach a decision upon the basis that the likely reaction is that of a believer who is reasonable". Yet "reasonable" was where the cultural difference came in, since it could be reasonable in the legal sense to believe in the fatwa, although that decree was illegal in Britain.

79. It was difficult for the Council to imagine themselves back into a time when they had no knowledge of Rushdie's own views, which had changed the facts and altered public perception of the issues. One member thought she would have gone along with the first decision; another, on reflection, thought the Appeal decision was probably correct, since the film was based on an actual historical incident, and now it had been shown, there had been no riots. Another was happy to have his verdict recorded as supporting the Board's original decision and opposing that of the Appeals Committee, while a fourth said that on balance he went along with the Appeal decision because of his concern for the ethnic community.
80. In summing up, the Director said that not only had Rushdie's intervention changed the facts, but the debate in Parliament and the press, and public sympathy for the rights of the ethnic community had changed the facts, all these having intervened between the Board's decision and the hearing. When the distributor went to appeal, the Director had hoped the video might be rendered less dangerous by being subjected to the democratic process; but Rushdie's intervention on the side of the Appellant had gone further by making it difficult for the film to stir up hatred against him in quite so unambiguous a fashion. Originally it had been hoped that the Board's rejection of the video might at least deflect some of that hatred from Rushdie to the Board itself, which was far less likely to suffer from it. And the Board had gone into the Appeal convinced that the best thing was probably to lose with dignity, since at least justice would have been seen to be done. In the event, perhaps the result had also done something to moderate the resentment of the Muslim community and to make Mr Rushdie's position a bit easier.
81. Lord Birkett said that, although there was strong support for the Board's stand after the morning screening, the afternoon's discussion had ranged rather wider, with a greater balance of views. There was a need to reconcile the rights of the ethnic minorities with the rule of law, which could continue to cause difficulties, but in this case, he hoped he could sum up by saying that, in the view of the Meeting, the Board had indeed lost with dignity. There was no dissent.

Enforcement Provisions of the Video Recordings Act

82. All the major issues discussed by the VCC have been treated elsewhere in this Report except the amendments to the Act which ITSA, LACOTS, the BBFC and the Video Consultative Council have been urging on civil servants since 1989 when a meeting on the subject was held at the Home Office. The needs are relatively simple: (a) bypass powers enabling the TSOs to trace the offence past the retailer to the guilty or negligent distributor, wherever he may be; (b) an extended time limit for the bringing of proceedings under the Act, since 6 months has proved extremely tight given the squeeze on resources which most environmental health services have experienced; and (c) some reference in the Act to the need to display titles and symbols on all labels, packaging, and advertising, whether or not the cassette is contained in the box, since this would enable police and trading standards officers to refer to published lists and computer records of classified video works and to identify (in the first instance) the principal work on a the recording without having to play it. The advantages for law enforcement have often been discussed, but the drafting difficulties, if any, have never been vouchsafed to any of us by the Department.

(Membership of the VCC in 1990 is listed on page 39.)

FINANCE AND FORWARD PLANNING

83. The Board's programme of property refurbishment, which has been a major feature of the Board's expenditure during the last five years, continued in 1990. A provision of £180,000 was made in 1989 in respect of future capital requirements for the refurbishment and modernisation of the Board's listed building under the terms of its lease. Some of these works, together with other re-equipment and redecoration, were carried out during the year, but inflation is expected to ensure that the increased cost of outstanding commitments at the end of 1990 will tend to offset the value of refurbishments actually completed during the year. Thus it was considered prudent to maintain this provision at the level fixed in 1989. It cannot be over-stressed that, as a company limited by guarantee which has no access to public funding, the Board bears the onerous responsibility of financing all its capital needs out of post-tax income. At the same time, under the Video Recordings Act it is required to provide an efficient service for classifying all video works submitted, while continuing to classify films on behalf of the local authorities and subscription TV features under the Codes of Practice for broadcasting. A swift upgrading of its premises is essential to successful provision of these services.
84. The difficulty lies in predicting the future volume of submissions for video and the other media in order to maintain an adequate capacity in staff, equipment and accommodation. In 1990, the flood of videos submitted in 1989 subsided somewhat, as did satellite submissions. The number of films, on the other hand, rose slightly, and there were increased demands for certificates of evidence to support enforcement proceedings by Trading Standards Officers under Section 19 of the Video Recordings Act. Although for several years now the Board has sought, through an annual questionnaire to video distributors, to gauge the next year's trend in throughput, the volatile nature of the video trade makes the forecasting of future demands a very difficult operation. The financial record of the Board since designation under the 1984 Act has been one of striving constantly to respond to a market which was and remains unpredictable, with a consequent alternation between loss and profit over the first five years. Yet because it is financed solely from current income, its response to this seesaw demand must be contained within its own limited resources.

Finance

85. The Statement of Accounts and the Auditors' Report for the year ended 31st December 1990 are set out in the pages which follow. These show that the Board achieved a surplus after tax of £66,137 as against a loss, after provision for extraordinary items, of £16,001 in 1989.
86. The profit for the year meant that revenue reserves as shown in the Balance Sheet rose from £69,014 in 1989 to £135,151. In early 1989, the Council of Management had determined that, in order to ensure the Board's financial security and guard against its potential for future liabilities, reserves equal to 10% of annual expenditure should be achieved as quickly as possible, but in any case within not more than three financial years. Based on total annual expenditure in 1990, the Board remained after two of those years just over 30% below this target.

87. In 1990, video classification again formed the largest proportion of the Board's activities, contributing some 74% of fee income. Yet the final quarter showed a substantial drop in video submissions, continuing into 1991. It was soon clear that the recession in retail business had not passed video dealers by, as it did to a large extent in 1987. A trade association survey has revealed that at least 1000 shops went out of business in 1990, with further closures expected in 1991. Thus BBFC earnings from other elements of its business, like cinema films and satellite TV, continue to provide a valuable cushion against the ups and downs of the video industry. As forecast in the 1989 Annual Report, total video submissions for 1990 showed some decline compared with the previous year, and current expectations for 1991 are for a further reduction.
88. While revenue in the accounts which follow has been apportioned between film, video and other activities, it is difficult to apportion operating costs in the same manner, since some or all of these functions are performed by the same staff working in the same premises. The accounts therefore continue to reflect the unified structure of the Board, and they have been prepared in accordance with the Companies Act 1985.

Council of Management

89. On 22nd June 1990, two of the longest serving members of the Council of Management, Messrs W P Vinten OBE and G W Brooks, the Hon Treasurer, retired after many years. The Council and the Board expressed their thanks for the wide experience, wisdom and devoted service which they both gave to the Board over the years.

**REPORT OF THE AUDITORS TO THE MEMBERS OF
THE BRITISH BOARD OF FILM CLASSIFICATION**

We have audited the financial statements of the Board, which are reproduced on pages 32 to 38, in accordance with approved Auditing Standards.

In our opinion, the financial statements, which have been prepared under the historical cost convention, give a true and fair view of the state of the company's affairs at 31st December 1990, and of its profit and source and application of funds for the year then ended and comply with the Companies Act 1985.

W H Payne & Co
Chartered Accountants
Sandringham House
199 Southwark Bridge Road
London SE1 OHA

18th April 1991

The annual accounts which follow were approved by the Council of Management and were signed on its behalf by the Chairman and Hon Treasurer.

They comprise:

Profit and Loss Account
Balance Sheet as at 31st December 1990
Statement of source and application of funds
Notes to the Accounts

18th April 1991

COUNCIL OF MANAGEMENT

Chairman: R G F CHASE
Hon Treasurer: H MANLEY

D C CALDER	M H COX	J C HOLTON
D KIMBLEY	W T McMAHON	P P RIGBY CBE JP
D W SAMUELSON		J S SANSOM OBE

Secretary: J A Ferman

THE BRITISH BOARD OF FILM CLASSIFICATION

<u>PROFIT AND LOSS ACCOUNT</u>		<u>FOR THE YEAR ENDED 31ST DECEMBER 1990</u>	
	<u>Note</u>	<u>1990</u>	<u>1989</u>
Turnover	(2)	2,145,668	2,091,062
Operating costs		(1,953,323)	(1,712,443)
		<hr/>	<hr/>
Operating profit	(3)	192,345	378,619
Interest and investment income	(4)	5,343	18,451
Interest payable		(603)	(5,013)
Property refurbishment		(76,948)	(58,479)
		<hr/>	<hr/>
Profit on ordinary activities before taxation		120,137	333,578
Tax on profit on ordinary activities	(6)	(54,000)	(129,579)
		<hr/>	<hr/>
Profit on ordinary activities after taxation for the year		66,137	203,999
Extraordinary items	(7)	-	(220,000)
		<hr/>	<hr/>
		66,137	(16,001)
Retained profit at beginning of year		69,014	85,015
		<hr/>	<hr/>
Retained profit at end of year		£135,151	£69,014
		<hr/>	<hr/>

THE BRITISH BOARD OF FILM CLASSIFICATION

BALANCE SHEET

31ST DECEMBER 1990

	<u>Note</u>	<u>1990</u>	<u>1989</u>
<u>Fixed assets</u>			
Tangible assets	(8)	517,025	343,836
Listed investments	(9)	10,000	10,000
		<hr/>	<hr/>
		527,025	353,836
		<hr/>	<hr/>
<u>Current assets</u>			
Debtors	(10)	237,308	291,550
Cash at bank and in hand		14,057	77,351
		<hr/>	<hr/>
		251,365	368,901
Creditors: amounts falling due within one year	(11)	(439,988)	(450,472)
		<hr/>	<hr/>
Net current liabilities		(188,623)	(81,571)
		<hr/>	<hr/>
Total assets less current liabilities		338,402	272,265
Provision for liabilities and charges	(12)	(180,000)	(180,000)
		<hr/>	<hr/>
		£158,402	£92,265
		<hr/>	<hr/>
<u>Reserves</u>			
Capital reserve	(13)	23,251	23,251
Profit and loss account		135,151	69,014
		<hr/>	<hr/>
Total reserves		£158,402	£92,265
		<hr/>	<hr/>

Approved by the Council of Management

..... R.G.F. Chase - Chairman

..... H. Manley - Hon. Treasurer

18th April 1991

THE BRITISH BOARD OF FILM CLASSIFICATION

STATEMENT OF SOURCE AND APPLICATION OF FUNDS
FOR THE YEAR ENDED 31ST DECEMBER 1990

	1990	1989
<u>Funds generated from operations</u>		
Profit from ordinary activities before taxation	120,137	333,578
Adjustments for items not involving the movement of funds:-		
Depreciation	227,323	195,000
Profit on disposal of motor car	(410)	(3,779)
Extraordinary item - purchase of sub-lease	-	(40,000)
	<hr/>	<hr/>
	347,050	484,799
Proceeds from disposal of tangible assets	410	6,365
	<hr/>	<hr/>
Total funds generated from operations	347,460	491,164
	<hr/>	<hr/>
<u>Application of funds</u>		
Purchase of tangible fixed assets	400,512	329,701
Taxation paid	130,669	48,654
Decrease in creditors falling due after more than one year	-	46,872
	<hr/>	<hr/>
	531,181	425,227
	<hr/>	<hr/>
(Decrease)/increase in working capital	£(183,721)	£65,937
	<hr/>	<hr/>
<u>Comprising:</u>		
(Decrease)/increase in debtors	(54,242)	115,742
(Decrease) in cash and bank balances	(63,294)	(1,249)
(Increase) in creditors due within one year (excluding bank overdraft and loan)	(66,185)	(48,556)
	<hr/>	<hr/>
	£(183,721)	£65,937
	<hr/>	<hr/>

THE BRITISH BOARD OF FILM CLASSIFICATION

NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31ST DECEMBER 1990

1. Accounting policies

a) Convention

The accounts have been prepared in accordance with the historical cost convention. The principal accounting policies which the Council of Management have adopted within that convention are set out below.

b) Depreciation

Furniture and equipment and motor car are depreciated over their estimated useful lives at the rate of 25% on a straight line basis. Expenditure on leasehold premises is written off over the life of the lease.

c) Taxation

The charge for taxation is based on the result for the year and takes into account taxation deferred because of timing differences between the treatment of certain items for accounting and taxation purposes.

d) Pensions

The company operates a contributory pension scheme to provide retirement benefits for its staff. Contributions are charged to the profit and loss account as they are made. Any deficits arising on periodic re-appraisal by the actuaries are charged to the profit and loss account when they arise.

2. <u>Turnover</u>	<u>1990</u>	<u>1989</u>
Fees receivable:		
Video works	1,571,847	1,506,317
Cinema films	277,687	222,263
Other fees	282,446	339,960
	<u>2,131,980</u>	<u>2,068,540</u>
Video labels and lists	13,606	14,108
Rent receivable	-	6,125
Other income	82	2,289
	<u>£2,145,668</u>	<u>£2,091,062</u>

3. Operating profit 1990 1989

Operating profit is after charging:

Depreciation and amounts written off	227,323	195,000
Staff costs (see note 5)	1,268,477	1,085,309
Auditors remuneration	11,000	4,641
Rental of equipment	6,419	3,153
Bank overdraft interest	151	4,519
Hire purchase interest	453	494
	<u> </u>	<u> </u>

THE BRITISH BOARD OF FILM CLASSIFICATION

NOTES TO THE ACCOUNTS - cont. FOR THE YEAR ENDED 31ST DECEMBER 1990

<u>4. Interest and investment income</u>	<u>1990</u>	<u>1989</u>
Bank and other interest received	4,130	17,238
Income from listed investments	1,213	1,213
	<hr/>	<hr/>
	£5,343	£18,451
	<hr/>	<hr/>

5. Staff costs

Average number of people employed by the company during the year:	<u>1990</u>	<u>1989</u>
Examining	25	26
Administrative and technical	45	42
	<hr/>	<hr/>
	70	68
	<hr/>	<hr/>

Costs in respect of these employees:	<u>1990</u>	<u>1989</u>
Wages and salaries	1,041,267	913,956
Social security costs	102,375	89,640
Pension costs	124,835	81,713
	<hr/>	<hr/>
	£1,268,477	£1,085,309
	<hr/>	<hr/>

<u>6. Tax on profit on ordinary activities</u>	<u>1990</u>	<u>1989</u>
The charge for the year is made up as follows:-		
Provision for corporation tax (see below)	(53,147)	(129,814)
(Under)/overprovision in respect of previous years	(853)	235
	<hr/>	<hr/>
	£(54,000)	£(129,579)
	<hr/>	<hr/>

The taxable profit for the year has been subject to corporation tax at an effective rate of 25%.

THE BRITISH BOARD OF FILM CLASSIFICATION

NOTES TO THE ACCOUNTS - cont. FOR THE YEAR ENDED 31ST DECEMBER 1990

7. Extraordinary items	1990	1989
Purchase of sub-lease	-	40,000
Provision for lease refurbishment commitments (note 14b)	-	180,000
	<u>-</u>	<u>220,000</u>

8. Tangible fixed assets	Leasehold premises	Furniture equipment	Motor car	Total
<u>Movements</u>				
Cost at 1st January 1990	118,257	980,875	16,982	1,116,114
Disposals	-	(750)	-	(750)
Additions	27,977	372,535	-	400,512
	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Cost at 31st December 1990	<u>£146,234</u>	<u>£1,352,660</u>	<u>£16,982</u>	<u>£1,515,876</u>
 Accumulated depreciation at 1st January 1990	49,197	718,835	4,246	772,278
Depreciation on disposals	-	(750)	-	(750)
Charge for the year	4,852	218,225	4,246	227,323
	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Accumulated depreciation at 31st December 1990	<u>£54,049</u>	<u>£936,310</u>	<u>£8,492</u>	<u>£998,851</u>
 Net book value at 31st December 1990	<u>£92,185</u>	<u>£416,350</u>	<u>£8,490</u>	<u>£517,025</u>
 Net book value at 31st December 1989	<u>£69,060</u>	<u>£262,040</u>	<u>£12,736</u>	<u>£343,836</u>

9. Listed investments	1990	1989
Cost (market value £10,320 - 1989 £10,139)	<u>£10,000</u>	<u>£10,000</u>

10. Debtors	1990	1989
Trade debtors	145,638	201,160
Other debtors	60,344	76,732
Prepayments	31,326	13,658
	<u>£237,308</u>	<u>£291,550</u>

THE BRITISH BOARD OF FILM CLASSIFICATION

NOTES TO THE ACCOUNTS cont. FOR THE YEAR ENDED 31ST DECEMBER 1990

11. Creditors: amounts falling due within one year 1990 1989

Amount due on hire purchase	-	2,081
Trade creditors	86,917	70,100
Current corporation tax	52,831	129,500
Other taxation and Social Security costs	71,954	73,710
Other creditors	200,036	158,531
Accruals and deferred income	28,250	16,550
	<hr/>	<hr/>
	£439,988	£450,472
	<hr/>	<hr/>

12. Provision for liabilities and charges

The provision relates to the future costs of property refurbishment required under the lease (see also note 14 b).

13. Capital reserve 1990 1989

As at 1st January 1990 and 31st December 1990	£23,251	£23,251
	<hr/>	<hr/>

The capital reserve represents surpluses realised on sales of fixed assets prior to 1984.

14. Guarantees and other financial commitments

a) Capital expenditure	1990	1989
Committed	NIL	£130,000
	<hr/>	<hr/>
Authorised, but not committed	NIL	£120,000
	<hr/>	<hr/>

b) Lease commitments

During 1987, the company entered into a 25 year lease of its offices at 3 Soho Square with effect from 24th June 1986. The company bears all insurance, maintenance and repairs of the premises and in addition is committed by the terms of the lease to carry out certain specified refurbishment work before 24th June 1991. Some of this specified refurbishment work has been carried out in 1986, 1987, 1989 and 1990 and the work that remains to be carried out is estimated to cost £180,000 at present day values. The commencing rent payable under the lease was £70,000 and rose to £91,500 from 24th June 1987. The next rent review is due on 24th June 1991. A reduction of £50,000 in the annual rental is to be made from the date by which the refurbishment works mentioned above are due for completion.

Membership of the Video Consultative Council

With the exclusion of principal officers of the BBFC, the membership of the VCC in 1990 was as follows:

Norman Abbott (British Videogram Association)
Cllr R F Ashmole (London Boroughs Association)
The Hon Susan Baring OBE JP (Former Vice Chairman, Central Council of Probation Committees)
Cllr W Brogan (Association of Metropolitan Authorities)
Dr Kevin Browne (Forensic Psychology Consortium, University of Birmingham)
Paul Coster (Video Industry Dealers' Association)
Lesley Fromant (Independent Television Association)
Dr Alan Gilmour (former Director, NSPCC; Chairman, Michael Sieff Foundation)
Laurie Hall (Video Standards Council)
Cllr R Harris (Association of Metropolitan Authorities)
Cllr J Higgins (Association of District Councils)
Sandra Horne (Industrial Society, BBC Television News))
Derek Mann (Video Trade Association)
(deputies: Lawrence Brown, Peter Knox)
Hayden Luke (Secondary Head, Association of County Councils)
Michael Marland (Head, North Westminster School)
Jan Neville Oates (Head of Education, Duncroft School)
Claire Rayner (Author, journalist and broadcaster)
Cllr John Russell (Convention of Scottish Local Authorities)
Cllr Tom Sheard (Association of Metropolitan Authorities)
Cllr R Stinson (Association of Local Authorities of Northern Ireland)
Cllr Lloyd Trott (Association of Metropolitan Authorities)
John Woodward (The Producers' Association)
Will Wyatt (British Broadcasting Corporation)

Observers

George Aitken (Scottish Home and Health Department)
Edward Cook (Home Office)
Dennis Evans (Home Office)
Catherine Jones (Home Office)
Bob Perkins (Association of Metropolitan Authorities)
Phil Reader (Association of District Councils)
John Evans (Institute of Trading Standards Administration)
Lyn Shelton (LACOTS)

APPENDICES

APPENDIX I

FILM CLASSIFICATION

ANNUAL STATISTICS

Figures from 1970, when age-bars were set at 14 ('AA') and 18 ('X'). In 1982, the former was raised to 15, with categories renamed '15' and '18', and the 'R18' was introduced for club films. In 1989, a '12' was added. Figures in brackets give the number cut or, in the final column, passed with cuts in later years.

Year	Total	'U'	'PG' (1A)	'12' (1989)	'15' (1AA)	'18' (1X)	'R18' (1983)	Refused
1970	502 (166)	104 (9)	84 (31)		77 (29)	212 (97)		25 (11)
1971	502 (165)	98 (7)	77 (22)		77 (25)	228 (111)		22 (8)
1972	488 (179)	78 (5)	81 (25)		77 (23)	222 (126)		30 (8)
1973	504 (201)	62 (4)	78 (24)		85 (25)	249 (148)		30 (10)
1974	540 (218)	72 (5)	80 (23)		93 (21)	268 (169)		27 (6)
1975	424 (147)	74 (5)	96 (32)		73 (12)	164 (98)		17 (6)
1976	402 (135)	53 (3)	73 (17)		74 (10)	187 (105)		15 (1)
1977	375 (105)	39 (1)	86 (18)		78 (8)	164 (78)		8 (1)
1978	324 (74)	35 (2)	81 (16)		66 (8)	138 (48)		4
1979	331 (81)	33 (2)	88 (19)		87 (14)	120 (46)		3 (1)
1980	319 (67)	25 (-)	82 (9)		84 (4)	124 (54)		4
1981	278 (59)	15 (-)	57 (7)		87 (4)	115 (48)		4
1982	326 (79)	17 (-)	54 (4)		115 (11)	139 (64)		1
1983	390 (100)	23 (1)	95 (14)		100 (8)	137 (52)	33 (25)	2
1984	376 (73)	12 (-)	92 (15)		126 (7)	130 (46)	13 (9)	3
1985	351 (70)	16 (1)	85 (12)		146 (11)	103 (46)	-	1
1986	348 (44)	25 (-)	78 (14)		137 (12)	107 (18)	-	1
1987	330 (38)	16 (-)	89 (15)		129 (3)	96 (20)	-	-
1988	337 (49)	12 (-)	76 (11)		142 (5)	107 (33)	-	-
1989	369 (62)	12 (-)	75 (10)	23 (7)	152 (11)	107 (34)	-	-
1990	396 (42)	18 (-)	69 (6)	50 (2)	147 (9)	111 (259)	-	1

STATEMENT OF SALMAN RUSHDIE

1. As a writer, I am opposed in principle to the use of the archaic criminal laws of blasphemy, sedition and criminal libel against creative works, whether by way of prosecution of their producers or distributors or as an excuse for imposing censorship by way of prior restraint. I believe that these antiquated common laws now serve no purpose and are contrary to the 'freedom of expression' guarantee in the European Convention.
2. I make no exception to this principle, even in the case of a film which quite plainly vilifies me. I have viewed the film 'International Guerillas' (in Urdu, which I speak) which portrays me as a murderer and as a sadist. The producers of this film claim that my good name has already been so vilified as to make the issue of defamation irrelevant. This is manifestly untrue. However, in spite of the film's clearly abusive content, I do not wish to seek the dubious protection of censorship. Censorship is usually counter-productive, and can actually exacerbate the risks which it seeks to reduce.
3. The truth is that I have more confidence than the BBFC (whose submissions I have read) in the ability of the film's audience, non-muslim as well as muslim, to recognise this film for the distorted, incompetent piece of trash that it is, and to understand that the "Salman Rushdie" character is ludicrously unlike the real me.
4. I would therefore not wish to take any legal action against the film's distributors. Nor would I seek or support any criminal prosecution. I would not testify for the prosecution, and might indeed be prepared to do so for the defence in the unlikely event that any prosecution for criminal libel were ever to be brought. I am in favour of this film being certified for open video sale, because I believe that such publication is the surest way of revealing its shabbiness and of preventing it from becoming a "cause celebre".
5. I should add, however, that if the distribution of the cassette is accompanied by publicity or promotional material that incites people to violence, I would expect such material to be subject to the due process of law. Equally I would not hesitate to exercise my civil remedies in the event of publication of other material which genuinely damaged my reputation in the sense of containing falsehoods which reasonable people might take seriously.
6. It continues to be my hope and desire that the difficulties of the past eighteen months can be put behind us. The banning of 'International Guerillas', however well intentioned, can only damage the process of reconciliation, and I urge the Appeal Committee to reverse the existing ban.

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The Basement
8-12 Broadwick Street
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BRITISH BOARD OF FILM CLASSIFICATION

CERTIFICATION SYMBOLS FOR VIDEO PACKAGING AND PUBLICITY

Symbols only, for use on:

- 1) Cassettes: front and spine of case
and top and spine of spool
- 2) Discs: front of disc sleeve
and centre of disc itself



Symbol plus explanatory statement for use on:

- 1) Cassettes: reverse side of case
- 2) Discs: reverse side of sleeve

