businesscompanion
trading standards law explained

Video recordings and games for sale and hire

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In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

This guidance is for England, Scotland and Wales

The Video Recordings Act 1984 (which was repealed and revived by the Video Recordings Act 2010) regulates the sale, hire, exchange and loan of all video works - including video games - that are made available to the public on DVD, Blu-ray or any other device capable of storing data electronically, unless the supply or the video work is 'exempt'. The Video Recordings Act 1984 sets out a number of criminal offences.

The British Board of Film Classification (BBFC) is responsible for classifying video works. With certain minor exceptions the Games Rating Authority (an operating name of the Video Standards Council) is responsible for classifying video games.

Retailers should take note of and comply with all legislation applicable to the sale, hire, exchange and loan

of video works and games to avoid committing criminal offences; a list of other relevant legislation enforced by Trading Standards is included in this guide.

Classification

The BBFC is designated as the authority responsible for classifying works according to the material they contain (criminal behaviour, sex, violence, bad language, drugs, etc) and for issuing or refusing classification certificates. The classification certificate will include a statement, such as:

- the video work is suitable for general viewing and unrestricted supply
- the video work is suitable for viewing by people of a specified age (not more than 18) and must not be supplied to anyone under the specified age
- the video work is suitable for viewing by people of a specified age (18 - suitable only for adults) and must not be supplied to anyone under the specified age
- the video recording containing the video work can only be supplied in a licensed sex shop to adults

The Games Rating Authority is responsible for classifying video games using the Pan-European Game Information (PEGI) system. Video games are classified at 12, 16 and 18 according to the content of the video game. Video games receiving a 3 or 7 rating are advisory only. The BBFC retains responsibility for classifying video games where the content warrants an R18 classification (because of more extreme sexual content) or where the video game is a small game contained on a disc that is predominantly a film.

Video works and video games are exempt from classification if their purpose is to inform, educate or instruct, or if they are about sport, religion or music. However, their content is taken into consideration when deciding if classification is required - for example, if a video work or a video game includes violence, sexual messages, offensive or discriminatory behaviour, alcohol, tobacco, or illegal drugs, it will not be exempt from classification. A further exemption condition for video games is that they must be verified as being suitable for viewing by under-12s. Exempted supplies of video works include those that are not related to a business activity, not for financial gain and those that are private recordings of an event or occasion - such as a wedding video - made for those people connected with it.

Classification categories for video works

Symbol	Classification	Only to be sold to
	Universal	Unrestricted
	Parental guidance. General viewing, but some scenes may be unsuitable for young children	Unrestricted
	Suitable only for persons aged 12 and over	12 and over
	Suitable only for persons aged 15 and over	15 and over

Symbol	Classification	Only to be sold to
	Suitable only for persons aged 18 and over	18 and over
	To be supplied only in licensed sex shops and to persons aged 18 and over	18 and over in a licensed sex shop

It is illegal for a retailer to sell a video recording with a BBFC classification rating of 12, 15 or 18 to a person who has not reached that age.

Classification categories for video games

Symbol	Classification	Only to be sold to
	Suitable for all age groups	Unrestricted
	Normally rated as a 3, but some content may not be suitable for younger children	Unrestricted
	Parental guidance recommended for some non-game apps where user-generated or curated content can be broad and unpredictable	Unrestricted
	Slightly more graphic violence and mild bad language. Suitable for persons aged 12 and over	12 and over
	Graphic violence, bad language, concept of use of tobacco, drugs and criminal activities. Suitable for persons aged 16 and over	16 and over
	Depictions of gross violence. Suitable for persons aged 18 and over	18 and over

The PEGI rating system also includes descriptor icons on the back of the packaging showing the reasons why the content of the video game has received the particular age rating.

PEGI rating system

Descriptor icon	Explanation
	Contains bad language

Descriptor icon	Explanation
	Depicts or contains material that may encourage discrimination
	Depicts or refers to the use of drugs
	May frighten or scare young children
	Teaches or encourages gambling
	Can be played online
	Has sexual references or depicts nudity and/or sexual behaviour
	Contains depictions of violence

It is illegal for a retailer to sell a video game with a PEGI age rating of 12, 16 or 18 to a person who has not reached that age.

Labelling

The Video Recordings (Labelling) Regulations 2012 specify the labelling requirements for video recordings and video games.

Where required by the Regulations, the classification symbol, classification / descriptor icon, unique title (including the registered number) and explanatory statement must be clearly legible, indelible and not hidden or obscured.

Defences

There are defences available if you are charged with offences under the Video Recordings Act 1984. Offences under section 11 of the Act are most relevant for the content of this guide; the defences are given below.

You have the defence that you neither knew, nor had reasonable grounds to believe, that either:

- the classification certificate contained the statement in relation to the specified age
  or
- the person concerned had not reached the specified age

You also have the defence that you had reasonable grounds to believe that the supply was, or would have been, an exempted supply as defined by legislation. No video recording sold to the public by a shop, online, etc can be an exempted supply.

There is a general defence to offences under the Video Recordings Act 1984, namely that you took all reasonable precautions and exercised all due diligence to avoid committing an offence. It is therefore recommended that you have systems in place to avoid committing an offence; these systems should be regularly checked and updated. See the 'Keeping within the law' section of this guide for more information. As well as this defence, it also needs to be shown that the offence was due to the act or default of another person, other than the accused.

Keeping within the law

It is the trader's responsibility to keep within the law and to have systems in place that will act as a 'due diligence' defence.

In order to keep within the law and satisfy the legal defence, you are advised to introduce an age-verification policy and have effective systems in place to prevent an underage sale. To ensure these systems stay effective, they need to be regularly monitored and updated (where necessary) to identify and put right any problems or weaknesses, and to keep pace with any advances in technology.

Key best practice features of an effective system include the following.

Age verification checks

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office, the Scottish Government, the National Police Chiefs' Council and Police Scotland support the national Proof of Age Standards Scheme (PASS), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age. The Scottish Government also endorses the Young Scot card.

A passport or a UK photocard driving licence is also acceptable, but make sure that the card matches the person using it and the date of birth shows they are at least the specified age. Military identification cards can be used as proof of age, but (as with other forms of identification) make sure the photo matches the person presenting the card and check the date of birth. Be aware that military identification cards can be held by 16 and 17-year-old service people.

You do not have to accept all of the above forms of identification, and it may be best to exclude any type of document that your staff are not familiar with.

Some young people may present false identification cards so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on.

Display posters that show age limits and contain a statement regarding the refusal of such sales. This would then deter potential purchasers and act as a reminder to members of staff.

If the person cannot prove that they are at least the minimum legal age, or if you are in any doubt, refuse the sale.

Please see the Home Office *False ID Guidance* for more information (this applies to England and Wales only).

Staff training

Always observe any age restrictions on the video recording or game and make sure your staff do so too. It is advised that the legislation be brought to the attention of all staff via regular training. It is important that you can prove your staff have understood what is required of them under the legislation.

This can be done by keeping a record of the training and asking your staff to sign to say that they have understood it. These records can then be checked and signed on a regular basis by management or the owner.

Maintain a refusals log

It is best practice to record all refusals (date, time, incident, description of potential buyer). Maintaining a refusals log will help to demonstrate that you actively refuse sales and have an effective system in place. It is advisable that the manager / owner checks the log to ensure that all members of staff are using it.

A specimen refusals log is attached.

Some tills have a refusals system built in. If you use a till-based system, ensure that refusals can be retrieved at a later date. Be aware that some refusals are made before a product is scanned.

Till prompts

If you possess an EPoS system, it may be possible to use it to remind staff of age restrictions via a prompt.

Stock

Check your current and new stock and ensure that all video recordings have been classified.

Check your current and new stock for labelling. Make sure that the discs, games, etc - as well as the cases - are correctly marked with the appropriate symbol, icon (where appropriate) and explanatory note.

Always buy from a known and reputable supplier and keep your transaction documentation.

Check the quality of the printing on the disc label and the case sleeve; poor quality printing can indicate that the products may be counterfeit.

Some producers use holograms on their products as a way of showing they are genuine. Check that any

holograms on the products are working and not a copy.

Online sales

If you sell by distance means, such as online or via a catalogue, it is best practice to set up an effective system capable of verifying the age of potential purchasers. Please see 'Online sales of age-restricted products' for more information.

Intellectual property

The Trade Marks Act 1994 and the Copyright, Designs and Patents Act 1988 are both covered in 'Intellectual property', which also includes links to more detailed information from the Intellectual Property Office.

Trade Marks Act 1994

Many traders have registered their trade mark and incorporated it on to the disc or game and the case or any other thing on or in which the recording is kept. It may also appear within the content so that it can be seen on viewing. If an unauthorised copy is made, found in possession for sale or hire, or so sold or hired, and it has a copy of the registered trade mark, an offence is committed.

Copyright, Designs and Patents Act 1988

It is an offence to make an infringing copy of a copyrighted work. Even if no trade marks are displayed a person may still be committing an offence.

Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see 'Trading Standards: powers, enforcement and penalties'.

In this update

'Parental guidance recommended' rating added.

Last reviewed / updated: December 2025

Key legislation

- Video Recordings Act 1984
- Copyright, Designs and Patents Act 1988
- Trade Marks Act 1994

- Digital Economy Act 2010
- Video Recordings Act 2010
- Video Recordings (Labelling) Regulations 2012
- Video Recordings Act 1984 (Exempted Video Works) Regulations 2014

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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