



Appeals Statement in relation to the Proposal for the Designation of Age- Verification Regulator

Presented to Parliament pursuant to Section 17(1)(b) of the Digital
Economy Act 2017



APPEALS STATEMENT IN RELATION TO THE PROPOSAL FOR THE DESIGNATION OF THE AGE-VERIFICATION REGULATOR

“This paper accompanies the paper titled, ‘Particulars of Proposed Designation of Age-Verification Regulator’ ”

In April this year, Her Majesty the Queen gave Royal Assent to the Digital Economy Act 2017. The Act introduced measures to protect children from online pornography.

I, the Secretary of State for Digital, Culture, Media and Sport, can today inform the House that I have laid a proposal for designation of the age verification regulator under section 17 of the Digital Economy Act 2017. I am pleased to announce that we intend to designate the British Board of Film Classification (BBFC) as the age-verification regulator for the purposes of carrying out those functions of the regulator as specified in the proposal.

The BBFC has unparalleled expertise in classifying content. It is an independent, not-for-profit company that has a proven track record of interpreting and implementing legislation as the statutory authority for age rating video works under the Video Recordings Act 1984. The BBFC also understands the way developing technology is shaping the way people access content and has successfully worked in partnership with the Mobile Network Operators to set the standards for automatic filters applied across all mobile networks in the UK. These filters can be disabled by adult mobile customers on the straightforward process of proof of age.

The Secretary of State Guidance to the Regulator which will shortly be laid before the House builds on the legislation to provide guidance to the regulator in relation to the exercise of its functions. This guidance is issued by the Secretary of State under section 27 of the Digital Economy Act. Section 27 (3) requires that ‘The regulator must have regard to the guidance.’

An explicit provision of the designation under section 16 (5) is that the Secretary of State must be satisfied that arrangements will be maintained by the age-verification regulator for appeals and any person hearing an appeal under those arrangements will be sufficiently independent of the age-verification regulator. Section 17 (1) requires a statement of the reasons why the Secretary of State is satisfied about the matters mentioned in section 16 (5).

Appeals provide a key route for holding regulators to account and giving parties a right of challenge. The BBFC has strong experience of administering an independent appeals process for the classification of film and video. These decisions relate to a multi-million pound industry and are subject to appeal to an independent authority.

I have deposited a detailed outline of the BBFC's proposed appeals arrangements in the Library of the House.

The BBFC proposes that, to ensure that persons appointed to the Independent Appeals Panel are entirely independent of the BBFC, the members of that body will be appointed by an Appointments Board. The Chair of the Appointments Board will be engaged by the age-verification regulator through fair and open competition run by an executive search agency body. The Appointments Board will then be solely responsible for appointing the Independent Appeals Panel. The BBFC will not play a part in deciding who is on the Panel. Appointments will be open and transparent following best practice set out in the Code of Practice for Ministerial Appointments to Public Bodies. Thereafter, new members of the Panel will be appointed by the Independent Appeals Panel itself, following the same process.

The proposed arrangements allow that an appeal may be pursued by those specified in section 16(6), where the BBFC is being assigned the relevant functions. Sections 16 (6) (a) is not relevant as the BBFC is not being designated in relation to the functions in section 19(1) or (10).

With these proposals I am satisfied that:

- (a) arrangements will be maintained by the age-verification regulator for appeals to which subsection (6) applies, and
- (b) any person hearing an appeal under those arrangements will be sufficiently independent of the age-verification regulator.

Today we are laying the proposal to designate the BBFC to carry out specific functions of the Regulator, which marks a significant milestone towards implementing Part 3 of the Digital Economy Act 2017 and making the internet safer for children.

The Rt Hon Karen Bradley MP
Secretary of State for Digital, Culture, Media and Sport