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08 December 2000

Dear David,

Many thanks for the copy of your submission.

Please find enclosed a copy of our own submission which you may find interesting.

Kind regards



Clive Sullivan

RECEIVED 12 DEC 2000

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**IMMEDIATE RELEASE**

From:-  
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## **Sex-Shop Operator Quotes Bible to Jack Straw**

Darker Enterprises Ltd today responded to the Home Office consultation paper on the regulation of R18 videos with its own document titled 'RESPONSIBILITY - WHERE DOES IT LIE?'

The company accused the Home Office of presenting a one-sided document designed to produce comments skewed on one direction, giving a misleading background to the situation and failing to properly identify or reflect the attitude of the public in this matter.

Mr Ray Darker, 47, managing director, said, "The Home Office seems to have forgotten that the history of Government interfering in personal morality in a piecemeal fashion is littered with errors and glaring inconsistencies."

He attacked the proposal to force the censors to take into account the fact that even one child might see a video - "The logical result of this would be only to pass videos suitable for 5 year-olds and nothing else!", he explained.

The Company described the proposal to make parents criminally responsible for failing to stop a child for R18 as a dangerous precedent. It stated, "The logic of this would demand prosecution of a parent who 'Failed to prevent' his son from involvement in offering to sell drugs. It would also require similar treatment in respect of 'failing to prevent' a son from illegally consuming alcohol to such an extent as to be found lying on the pavement and semi-conscious in his own vomit in central London.

We can only refer to the **Gospel of St. John, Chapter 8 Verse 7 (Let he who is without sin among you, let him throw the first stone)**. If any government should be aware that there are limits to what a parent can realistically be expected to do, this must be it."

Darker Enterprises concluded that the proper course of action would be to ensure that existing legislation is properly used against the 'pirates' operating in the adult industry. It suggested that those who are selling uncertificated videos are those who are likely to have little or no concern for the ages of their customers.

It added, "If the Government genuinely wishes to take practical steps that could help children, it should exert pressure on, or provide specific resources to, Local Authorities to take more action against such pirates."

27 October 2000

Notes for Editors:-

Darker Enterprises Ltd is the operator of 50 sex shops licenced in the UK and parent company of **Sheptonhurst Ltd**, one of the largest distributors of R18 videos in the UK, and an appellant in the most recent case before the Video Appeals Committee of the British Board of Film Classification (BBFC).

The full text of the response is available at <http://194.164.192.15/darker>

# RESPONSIBILITY: WHERE DOES IT LIE?

RESPONDING TO THE HOME OFFICE  
ON THEIR CONSULTATION PAPER ON  
THE REGULATION OF R18 VIDEOS.



**DARKER ENTERPRISES LTD.**



## **DARKER ENTERPRISES LTD**

Darker Enterprises Ltd operates 50 sex shops licenced under the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA). It is the parent company of **Sheptonhurst Ltd**, one of the largest distributors of R18 videos in the UK, one of the appellants in the most recent case before the Video Appeals Committee and the operator of three sex shops in areas where the LGMPA is not in force.

Sheptonhurst was established in 1983 and Darker in 1986. The group together with its directors, employees and advisors have large experience of the practicalities and problems of the Adult industry. Even though they have a commercial interest, this does not mean that the views put forward should be ignored. Not only have they economic interests, which could be jeopardised by failure to act responsibly, but also the majority of their staff have family responsibilities themselves.

### **1. INTRODUCTION**



The consultation paper limits itself in a number of ways. It limits itself to the question of R18 videos. It limits itself to a selective background. It limits itself in consideration of the issues and, by artificially limiting the choice of options that it offers for consideration, it limits true and proper consultation. It is the equivalent of a salesman asking whether you want a car in red or blue, rather than asking whether you want the car at all.

We feel that there is a very severe risk that the proposals run the risk of running into the same problems that previous piecemeal legislation in the area of the intrusion of the law into the morals of the Public has encountered. They will either fail to meet objectives or fail altogether.

Although we make comments on the proposals outlined, we also make submissions in respect of other actions that we consider relevant to the question of availability of adult material and the consequences associated therewith.

## 2. COMMENTS ON CONSULTATION PAPER



### EXECUTIVE SUMMARY

The first paragraph, states 'there is little conclusive evidence of harmful effects to children from sexually explicit material' and mitigates this by implying that this is because of the inability to conduct research. If there were a problem, it is likely that reported cases would be sufficiently large as to highlight it. Alternatively, research could be conducted on those over 18 by appropriate questioning in respect of childhood. It further asserts that there is '*evidence that sometimes this type of material is used by paedophiles to "groom" children for sexual abuse*'. This requires, at least, a definition of the material referred to.

Just two days after the publication of the R18 consultative document, the Home Office published 'Setting the Boundaries – Reforming the law on sex offences'. This is a consultation paper based on the recommendations of a review of sex offences.

The terms of reference of the review were:-

"To review the sex offences in the common and statute law in England and Wales, and make recommendations that will:-

- provide coherent and clear sex offences which protect individuals, **especially children** (*our emphasis*) and the more vulnerable, from abuse and exploitation;
- enable abusers to be appropriately punished; and
- be fair and non-discriminatory in accordance with the ECHR and Human Rights Act".

The review looked at the law on rape and sexual assault, at the homosexual offences, at offences of sexual exploitation and "flashing". It did not examine decriminalising prostitution or pornography, reducing the age of consent below sixteen, or procedural or evidential issues.

If there were any concerns in respect of paedophiles of the type quoted above, it seems inconceivable that they would not be expressed in the review. None appear. In para 3.6.4, they propose that the offence of adult sexual abuse of a child would apply to a man or woman of 18 or older who (*amongst other provisions*) incited, induced or compelled a child to carry out a sexual act. There is, however, no comment in the body of the report as to any particular concerns.

Para 6, of the R18 consultation document, does not pose the question as to whether there is a problem in connection with this type of material. It assumes that there is. The question it poses is, therefore, aimed purely in the direction as to how children can be protected rather than inviting comment on whether any additional protection is required. It is not difficult to imagine that this could produce comments that are skewed in one direction.

The remainder of the points covered by the executive summary appear in the main body of the consultation and are dealt with at appropriate point.



## CONSULTATION CHAPTER 1: INTRODUCTION

The guidelines quoted in para 1.2 are those adopted by the BBFC following the failure of the application to the High Court for Judicial Review of the decision of the Video Appeals Committee. For some reason, they omit some of the explanatory examples and are printed in a slightly different order to that in which the BBFC list them.

Paras 1.6 and 1.7 refer to the Video Appeals Committee. There is reference to it consisting of 'people of distinction and integrity, wholly independent of the industry and the BBFC'. No details of the membership are given. The following is from the 1999 annual report of the BBFC.

'At the end of 1999, the full membership of the Video Appeals Committee was as follows:

**President:**

*John Wood CB:* Solicitor; Consultant to Morgan Lewis and Bockius, Solicitors; former Deputy Director of Public Prosecutions; former Director of the Serious Fraud Office; former Director of Public Prosecutions in Hong Kong; .

**Members**

*Nina Bawden, CBE, MA, FRSL, JP:* Novelist; President, Society of Women Writers and Journalists.

*Biddy Baxter:* Former producer of children's programmes; BBC Television, Editor of Blue Peter; Consultant to the Director-General of the BBC since 1988.

*Professor Philip Graham:* Chair, National Children's Bureau; Emeritus Professor of Child Psychiatry, Institute of Child Health, University of London.

*Clive Hollin:* Forensic Psychologist; Professor of Psychology, University of Leicester; holder of the British Psychological Society senior award for distinguished contribution to the field of Forensic Psychology.

*Dr Neville March Hunnings:* Lawyer; author; former editor of Common Market Law Reports; former member of the Lord Chancellor's Advisory Committee on Legal Education and Conduct; Editor of the Encyclopaedia of European Union Law.

*Claire Rayner, OBE:* Author; writer; broadcaster; President of the Patients Association; President of the British Humanist Association.

*The Hon. Mrs. Sara Morrison:* Annan Committee; former Director of Channel Four Television; Non Executive Director of Carlton Television.

*Laurie Taylor:* Writer; broadcaster; Visiting Professor in the Department of Politics and Sociology at Birbeck College, University of London.

*Fay Weldon:* Writer.'

The Obscene Publications Act 1959 and 1964 (OPA) state that an article shall be deemed to be obscene if its effect is such as to tend to deprave and corrupt persons who are *likely, having regard to all relevant circumstances*, (our emphasis) to read, see or hear the matter contained or embodied in it. It is an offence to publish an obscene article or to have an obscene article in ownership, possession or control with a view to publishing it or, where the data is stored electronically, to transmit that data.

The words highlighted have a very important significance. It means that the legality is not tested just by judging material against an absolute standard but that consideration must be given to the likely viewer. The OPA make it an offence to sell, give, hire or lend material that is obscene.

The reference in para 1.12 to 'video-nasties' hides the fact that there was virtually no concern, other than that of a vocal minority, in respect of adult sex videos at the time. All the problems arose from horror-type videos sold from ordinary video shops not adult shops.

The Video Recordings Act 1984 imposes mandatory restrictions on videos which do not appear to be mirrored in any other major country. The recent BBFC research appears to indicate that the public accept the need for some sort of continued regulatory classification. Although para 1.12 refers to 'irrespective of the media', it is certainly far from clear how applicable it is to the internet. The question of internet supply will become a greater consideration in the remarkably near future. The only effective control will be the OPA – but how this will work in respect of totally overseas suppliers is not easily answered.

With regard to the European Convention on Human Rights (ECHR), it is surprising that reference is limited to Article 10. As the consultation document makes specific reference to the appeals procedure, it might be thought that some consideration would be given to an assessment of both the present and proposed appeals process in relation to the convention, in regard to Article 6, in terms of appointment and terms of operation.

## CONSULTATION CHAPTER 2: ISSUE

The reference in para 2.3 to 'the Board unilaterally relaxed their guidelines in 1997' is, at the very least, misleading.

'In June 1996, James Ferman, Director of the BBFC, met with Tom Sackville, Parliamentary Under Secretary of State for the Home Office. According to a record of this meeting, Supt Hoskins of West End Central Police stated that consumer demand was not being satisfied by material supplied through the licensed sex-shops and had asked Mr Sackville to speak to the BBFC about passing material with a higher degree of explicitness (though not obscene), still well short of European standards, to meet the demand and decrease the need for black market material.

At an Examiners Meeting in July 1996, BBFC Deputy Director Margaret Ford suggested that the Board drew up a checklist to help it determine how much more could now be allowed at R18. The following December she drafted R18 Interim Guidelines and, after these were discussed with the Director, Principal Examiner and Vice-Presidents, they were issued to the examiners. The first R18 to be passed under the new dispensation was **The Pyramid (submitted by Sheptonhurst)**. In February 1997 this was presented to the examiners as a benchmark for the Interim Guidelines; in particular these now permitted shots of a more explicit degree, previously prohibited, such as: long shot to medium/medium close shot images of penetration, oral sex and masturbation.' (Taken from *The Censor and the State, or Why Makin' Whoopee! Matters* By Julian Petley From the Journal of Popular British Cinema, published in February 2000).

We also note that para 2.3 refers to 'he (*the Home Secretary*) instructed the Board to rescind their policy change...'. Compare this with the statement in para 1.3 which says 'The BBFC is an independent organisation.....It is a non-statutory body'. What is missing from para 2.3 is the fact that during the period in 1997 until the Home Secretary's intervention a total of 17 videos were passed with R18 certificates which contained material matching the interim guidelines. These have continued to be on sale throughout the period of changing guidelines without any known adverse effects.



The statement concerning 'Makin' Whoopee!' that the judgement of the Video Appeals Committee (VAC) was 'limited to the issue of obscenity' is also a misleading representation of the actual situation. The Board used the argument of obscenity as the main plank of its case before the VAC but there were other points put forward. The fact that the question of harm to children was not discussed in depth is proof that the Board did not consider that to be of any relevance or presenting any problem. This factor was certainly considered by the Board as it was included in the list of items which the Board had to consider but they did not regard it as of any significance at that time.

The first time the Board raised the justification in Para 2.5, was not when they refused the certificates but when they responded to the lodging of the appeal.

Para 2.7 makes a number of assertions with regard to public concern. No evidence is produced, or even referred to, in support of these contentions. The BBFC carried out extensive research and consultation. It should be remembered that those in charge at the BBFC are not radical reformers but recent appointees of the Home Secretary. Their comment was that, "Neither the BBFC nor any other regulatory organisation has ever embarked on this level of consultation and research before..". The outcome was such that they were able to state unequivocally that **'adults want to choose what they watch without excessive intervention...'** and that **'the present classification system.....was particularly important in terms of protecting children from seeing inappropriate material'**. This is not an indication of widespread public concern. Those that do speak vociferously in linking adult material to children are often those who seek to prevent all adults viewing such items in any event.

Para 2.8 refers to a 'narrow objective'. The implications of any decision applying to R18 for other categories cannot be ignored. It should be remembered that there is absolutely no difference to the rules applying to the purchaser in respect of R18 or 18 certificated videos. The only requirement for both is that the purchaser shall have attained the age of 18. The difference applies to the seller. In the case of R18, the seller will hold a licence granted by a local authority. This means, amongst other things, that the seller has to satisfy the licencing authority that they are fit and proper persons to hold a licence every 12 months. In view of the larger numbers available, it is infinitely more likely that the contents of '18' videos pose potential problems than 'R18'.

The history of piecemeal limited legislation in areas of moral activities is littered with ineffectual statutes that fail to achieve their promoters' objectives and, on occasions, produce unexpected results. A recent example was printed in the Independent on *13 August 2000*:  
"Northumbria police are using a law designed to prevent the spread of child pornography to suppress a video that allegedly shows one of their officers violently assaulting an oil-rig worker and his wife. The police have banned any broadcast of the video or publication of stills from the film, citing an obscure legal technicality originally intended to prevent the circulation of child pornography in jails."

Governments should be beware of telling adults how they should live their lives.



## CONSULTATION CHAPTER 2: OPTIONS FOR CONSIDERATION

### Option 1



This option basically changes ‘likely’ to ‘may’ in the context of viewing any video. The impact of such a change should not be underestimated. As it is generally accepted that there is always the possibility that at least one child may see any video sold in this country, the use of the word will mean that the Board could well be obliged to refuse to classify a considerable number of videos which previously would have been classified R18, 18, 15, or even lower in the range.

This is not just our view. The following are quotes from the BBFC Press Conference on 14<sup>th</sup> September 2000.

Tom Leonard of the Telegraph asked the following, "Is not the essential problem which remains about children? It has perhaps been compounded by the fact you are relaxing the other levels, that they still have access to videos, to videos which are watched by adults and are meant to be for adult use."

Andreas Whittam Smith replied "This is always the basic problem with regulation of the video market. You can think of the video market as being, to a significant extent advisory. In the home it's advisory, in effect, because parents decide. Parents can quite rationally, because they know their children and children have different rates of development and so on. **Parents can perfectly rationally allow a 12-year-old to watch a 15 video.** There is a leakage; we know that. We know that in most families now, in the children's bedroom, there is not only a television but a video. And so you will find across the range that we are always more severe with video than we are with cinema, particularly with imitable techniques, because you can stop, start, and keep on running the same thing over and over again. So our response to your point, which is a good one, is that on quite a number of occasions the video market will be more strictly rated than the comparable cinema films."

When asked about tightening regulation he responded, "To take your **argument to absurdity, we would have to only allow 'Us' in the video market**, for the very reason you mentioned, and obviously we cannot do that. We have to remember that probably more people see films via the video in the home rather than through going to the cinema. That is the main way of seeing the output of film-makers, and we have to remember that. I do not know what proportion of homes are childless, but I think it is about 60 per cent, and we have got a lot of balancing to do here."

This attitude is not newly found by those involved at the BBFC. When he was at the ITC, Robin Duval, in response to a complaint about the transmission of 'Natural Born Killers' on Channel 5 in November 1997, wrote, amongst other things, "Natural Born Killers was shown at 10.50pm, well after the 9.00pm watershed. It is generally accepted that stronger material exploring adult themes may be transmitted later in the evening. **This is not based on an assumption that no children will be watching at this later hour, but on the principle that from 9.00pm parents are expected to share the responsibility for what their children are permitted to see.**"

The aim of the restrictions is to reduce the chances of under-age persons being directed towards unsuitable material. We say 'reduce' because it does not eliminate. A minority of children may obtain access to their parents' copies of top shelf material, some may purchase directly despite age restrictions and others may obtain copies circulating amongst their peers. Leakage is a generally accepted concept in making restrictions. Indeed, the OPA, mentioned above, incorporates the principle by also using the word 'likely'.

You can sell a bottle of vodka even though a child can get it out of a drinks cabinet. Cars kill large numbers of children every year. We don't stop the sales of alcohol or cars because of these facts. If the fact that the *chance of harm* was the over-riding principle, this Government could not tolerate the continued sale of a product that causes proven short-term and even worse long-term harm to children – tobacco.

**We submit that any amendment to the definition of 'potential viewer' would be disproportionate and unjustifiable in any context. It would unfairly deprive adults of the ability to purchase material which is accepted as suitable for them not just in this country but throughout the European Union and the majority of the countries in the world.**

## **Option 2**

This option puts forward a range of possibilities for criminalising various actions or inactions in respect of R18 videos. As the whole principle of certification is based on a series of ages at which different material is considered suitable for viewing, it necessarily follows that any offence concerned with R18 videos should logically also be applicable to each and everyone of the other age categories.

### **Showing an R18 video to a child**

Para 3.7 suggests the creation of an offence of showing an R18 video to a child. **However**, para 3.9 then goes on to say that this would only apply to under 16's. This is despite the fact that the classifying authority has specified that the video 'is suitable for viewing only by persons who have attained the age (not being more than eighteen years) specified in the certificate and that no video recording containing that work is to be supplied to any person who has not attained the age so specified'. (Wording from the Video Recordings Act).

Does this mean that the next step is to make it an offence to show a 15 to a child under the age of 12?

### **Allowing a child to watch an R18 video**

It is difficult to distinguish between this proposed offence and the first. If an R18 video is being shown, it would seem to most people that failure to remove a child from the situation of being present is tantamount to showing it to the child.

Is the next step to make it an offence to permit a child to be present during other adult activities – such as drinking alcohol.



### **Failing to take reasonable care to prevent a child from watching an R18 video.**

This proposed offence is fraught with numerous difficulties. Would the parent be prosecuted for not taking sufficient steps to hide the key to the video cabinet when going out? Does that then apply to other items such as the drinks cabinet?

The logic of this would demand prosecution of a parent who 'Failed to prevent' his son from involvement in offering to sell drugs. It would also require similar treatment in respect of 'failing to prevent' a son from illegally consuming alcohol to such an extent as to be found lying on the pavement and semi-conscious in his own vomit in central London.

We can only refer to the Gospel of St. John, Chapter 8 Verse 7 (*Let he who is without sin among you, let him throw the first stone*). If any government should realise there are limits to what a parent can be expected to do, this must be it.

**We would submit that there are sufficient legal remedies already in place in the event that R18 videos are abused with respect to children. The consultation document fails to consider, or even address this, and there is a risk that it will bias response in one direction.**

**The deliberate showing of a R18 video to a child (or allowing he/she to watch) would seem to be an offence under the Obscene Publications Act and is further covered by the proposals in 'Setting the Boundaries' (page 3 above). No justification for further legislation exists.**

**If the negligence in respect of R18 videos and failing to prevent access was a cause of problems, it would seem highly likely that there would be other areas of negligence present, amounting to abuse, in such cases which would precipitate action on the part of the relevant authorities in any event.**

We consider that the emphasis should be on **reminding adults of their responsibilities to children**. In our sex shops, the last thing that customers see when exiting is a notice reminding them that **the products sold are for adults only** and asking them to take steps to **prevent them from falling into the hands of minors**. There are no such signs in off-licences.

### **Appeals Process**

It is comforting to know the Home Office relies totally on the number of letters received to assess what is the general public perception. Para 3.17 puts this forward as justification for using the words unrepresentative and unaccountable. The vast majority of the public neither know nor care who is on the body. The only persons likely to make representations are those that either have a vested interest or are highly-motivated. It would be interesting to see if these representations followed decisions with which the writers disagreed.

The membership of the body has been detailed earlier in our submission. It consists of highly-respected persons who are well-known in their field and who quite clearly bring relevant knowledge and experience to bear. Para 3.17 makes it clear that it has reported on just 15 appeals in 15 years. Are all the trappings and bureaucracy of a state-appointed body justified for 1 appeal per year. In such circumstances, it is important that there is some continuity of knowledge and consistency of judgement. This means that time-limiting of appointment might be self-defeating.

If it is felt that the appointment of members should be independent of the BBFC, the Independent Committee for the Supervision of Standards of Telephone Information Services (ICSTIS) has recently put forward proposals for an independent appointing body for its appeals body. In any event, the fact that the BBFC appoints the body has not been raised as a problem previously by any of the parties involved.

The reference in para 3.19 to '...a proper balance in the membership to include senior lawyers who may be specialists in child welfare' and '.. the tribunal would be required to account for its decisions more openly than is required of the VAC at present.' is almost incomprehensible.

The Chairman has an impeccable legal background. He must have had experience in cases involving children in the Office of the DPP as sexual matters are invariably given greater attention by the central authority. Professor Graham must be one of the best qualified persons to consider situations vis-à-vis children. The broadcasters have extensive experience in matters affecting children. The other members bring a range of experience and also include some effectively filling the role of lay people. None have a particular axe to grind. There is a gender balance.

The VAC meets in public, publishes its decisions, includes quite extensive reasoning and gives details of any differing views within the constituent members of a particular appeal committee. Its decisions are susceptible to Judicial Review. It is difficult to conceive in what way it could be more open.

It is interesting to note that the proposal to overhaul the VAC was perceived by most of the media as the revenge of the Home Secretary. Two quotes printed on 25<sup>th</sup> July will suffice to illustrate the point.

– **from the Guardian**, 'Jack Straw last night vented his anger at a High Court ruling legalising the sale of sexually explicit videos in Britain by proposing to abolish the independent watchdog that passed them for sale in adult-only licensed sex shops.

The Home Secretary proposes to replace the independent Video Appeals Committee - which includes writers such as Fay Weldon, Nina Bawden, and Claire Rayner, **as well as legal and child welfare experts**(our emphasis) - with a body appointed by the government.'

-**from the Times**, 'The Video Appeals Committee licensed the pornographic videos. Mr Straw was furious over the decision and said that the 1984 Video Recordings Act was in need of reform.'

The most appropriate comment would seem to be one which all lawyers will recognise - the oft cited aphorism of Lord Hewart from *Rex v Sussex Justice* in 1923, "...it is not merely of some importance, but is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done..... Nothing is to be seen which creates even a suspicion that there has been an improper interference with the course of justice."

A Canadian judicial comment on bias also seems relevant to the reaction of the Home Secretary. This was delivered with great clarity by de Grandpré J. in **Committee for Justice and Liberty v. National Energy Board**, [1978]:

The apprehension of bias must be a reasonable one, held by reasonable and right-minded persons, applying themselves to the question and obtaining thereon the required information. . . . The test is "what would an informed person, viewing the matter realistically and practically and having thought the matter through conclude. . . ."

If the journalistic profession virtually unanimously reach similar conclusions to those expressed above, it is difficult to conceive that an informed person could reach a contrary conclusion.



## **Draft Regulatory Impact Assessment**

Para 3 confirms that although ‘**Unlike tobacco and alcohol**, which are widely available, there is **no known and substantiated health or other risk associated with watching a video** which has been given an **R18** classification.’ the government takes a common sense view.

Does this mean – We **know** tobacco and alcohol can kill and ruin the lives of our children but we’re not going to do anything about it. We’re going to do what we think might be popular with the editors of certain newspapers and concentrate our efforts in regulating something that there is no evidence does harm using as justification that we’ve had a few letters from some organised groups that we can classify as ‘widespread public concern’.

The motto would seem to be – ‘Don’t bother us with the facts, we’ve made up our minds’

### **3. CONCLUSIONS**

The consultation paper is based on misconception, misinformation and misdirection.

The misconceptions include the presumption of the existence of problems, the attempt to isolate R18 certification from the rest of the system and the failure to correctly identify the opinion of the British public.

The misinformation consists in giving undue weight to unrepresentative views, ignoring inconvenient facts and failing to present alternative realistic options.

The foregoing inevitably results in misdirection by seeking views on ‘solutions’ that are disproportionate to any realistic problems. It also ignores those that are potentially a real threat to children.

**We submit that the proper course of action would be to ensure that existing legislation is properly used against the ‘pirates’ operating in the adult industry. Those that are selling uncertificated videos, or are selling R18 from unlicensed premises, are those who are likely to have little or no concern for the ages of their customers.**

**Trading Standards seem reluctant to commit their resources to investigating and prosecuting such persons. If the Government genuinely wishes to take practical steps that could help protect children, it should exert pressure on, or provide specific resources to, Local Authorities to take more action in such cases.**

We would suggest that the most appropriate cause of action would be to see how the system operates in the future. Any revisions should be made in the light of a review of the whole of the Video Recordings Act (or even wider question of obscenity) and not on a piece-meal, ad hoc basis.

Darker Enterprises  
October 2000