



PEGI administrators | game and app ratings

Appeals Process

The Right of Appeal

The VSC is responsible for the age rating of video games for supply in the UK and other countries in accordance with the rules and procedures of the Pan-European Game Information ('PEGI') system. As regards video games for supply in the UK the VSC is also responsible for the granting of classification certificates for video games pursuant to the Video Recordings Act 1984 (as amended) ('VRA').

Any person who shall disagree with a decision made by the VSC that a video game is not suitable for a classification certificate to be issued in respect of it shall have a right of appeal against any such decision. Any such appeal shall be made to the VSC Games Appeals Panel ('GAP') which shall be an independent body set up to deal with any such appeals.

The GAP shall have a Chair and shall be made up of no more than 6 other independent persons deemed suitable as members of the GAP. The Secretary of the GAP may be an officer of the VSC.

Basis of appointment

Although the appointments of members of the Appeals Panel are not subject to the Nolan Rules and do not come within the remit of the Commissioner for Public Appointments they will be made using a process which takes into account the Commissioner's Code of Practice as best practice. In so doing such appointments procedure shall observe the 7 principles of public life which are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

For each appointment there shall be a comprehensive job description and a fair and transparent recruitment procedure which is compatible with the Commissioner's Code of Practice.

If at any time there shall be any doubt as to whether the procedure for making such appointments may be at variance with the Commissioner's Code of Practice then the Code of Practice shall take precedence.

Term of Office

The Chair of the Appeals Panel shall be appointed by the Chair and Vice-Chairs of the VSC. Such appointment shall be for an initial period of 3 years and upon expiry of the initial period of 3 years the person appointed may be appointed for a further period of 3 years. Upon expiry of the second period of appointment the person appointed may be appointed for a further third period of 3 years. No person may be appointed for more than 3 periods.

Other members of the Appeals Panel shall be appointed by the Chair of the Appeals Panel together with the Chair and Vice-Chairs of the VSC. There shall be a maximum of 6 other members of the Appeals Panel.

Such other members shall be appointed for an initial period of 3 years. At the end of the first period these members may be re-appointed for a further 3 year period. At the expiration of this second period these members may be re-appointed for a third 3 year period. No member may be appointed for more than 3 periods.

The absolute maximum that the Chair of the Appeals Panel or any member of the Appeals Panel may remain in post is 9 years. No person may be appointed as Chair of the Appeals Panel if they have at any time already served 9 years as a member of the panel. No person may be appointed as a member of the Appeals Panel if they have at any time already served 9 years as Chair of the Appeals Panel.

Although not required, all appointments to the post of Chair of the Appeals Panel and to the post of Member of the Appeals Panel will be carried out within the spirit of the Nolan principles.

Chair

In the appointment of the Chair of the Appeals Panel the Chair and Vice-Chairs of the VSC shall be free to specify such requirements and factors as they reasonably consider appropriate for the position concerned. Such requirements and factors may include the following:

- A proven ability to objectively analyse a given set of facts in order to reach a fair, equitable and legal conclusion.
- Experience in dealing with and observing the rules and regulations applicable to legal proceedings, industrial tribunals, complaints panels, complaints boards, tribunals, review panels or any other body of a similar nature.
- The person may have held or hold a senior legal position and have proven experience in the administration of justice by way of a High Court of the United Kingdom and with the process of arriving at judicial conclusions.

Members of the VSC Appeals Panel

In appointing the members of the Appeals Panel the Chair of the Appeals panel together with the Chair and Vice-Chairs of the VSC shall use all reasonable endeavours to select persons representing a broad spread of opinion and experience and be respected in their field. The persons appointed may be representative of those who have held responsible positions in the following sectors of society:

- Child and family welfare, including social services

- General education.
- Higher education and academia
- Law enforcement.
- The medical profession.
- The creative industries and media.

Notice of Appeal

In the event that the VSC shall decide that any video game is not suitable for a classification certificate it shall communicate such decision (with reasons) by notice in writing (which shall include communication by way of email) to the person applying for any such classification certificate. The person applying for any such classification certificate ('Appellant') shall have 30 days from the date of such notice in writing to give notice in writing (which shall include communication by way of email) of the intention to appeal against such decision. Such notice of appeal shall be addressed to

The Secretary of the GAP and shall:

- Set out the name and address of the Appellant.
- Identify the decision which the Appellant wishes to appeal against.
- Contain a concise statement of the grounds of the appeal.
- Identify any documents or evidence upon which the Appellant wishes to rely.
- Identify any point of law or fact upon which the Appellant wishes to rely.
- Contain an agreement to pay the appeal fee and the expenses of the VSC (up to a maximum of FIVE THOUSAND POUNDS) in the event that the Appeals Panel decides that the appeal is frivolous or vexatious and that the Appellant should pay such expenses. An appeal may be considered "frivolous" if the Appeals Panel considers there is little prospect that it can ever succeed and it is lacking in substance or seriousness. An appeal may be considered "vexatious" if the Appeals Panel considers it is instituted maliciously or based on improper motives intended to harass or annoy.

The Appeal Fee

The appeal fee shall be in the sum of UK£2,500.00 (TWO THOUSAND FIVE HUNDRED UK POUNDS) plus value added tax (if applicable). Upon receipt of any notice of appeal an invoice for the appeal fee shall be sent to the Appellant. No further action and no time limits shall commence until the appeal fee is paid.

Documents

Reply from the VSC

Within 14 days of the date of any notice of appeal or payment of the appeal fee (whichever is the later) the VSC shall send to the Secretary of the GAP:

A copy of the notice in writing setting out its decision not to grant a classification certificate.

Details of any representations that the VSC wishes to make.

Copies of any documents upon which the VSC wishes to rely.

The Secretary of the GAP shall send details of any reply received from the VSC to the Appellant.

Reply from the Appellant

Within 14 days of receipt by the Appellant of the details of any reply received from the VSC the Appellant shall give notice to the Secretary of the GAP of any further representations or documents upon which the Appellant wishes to rely.

Service of Documents

The Secretary of the GAP shall upon receipt of any notice or document from any party pursuant to these provisions forthwith send a copy thereof to the other party. Such notice or document may be sent by email or by recorded delivery post.

Interested Parties

The GAP may at its discretion accept for consideration any written representations, documents or other material submitted to it by any person other than the Appellant who appears to the GAP to have an interest in the outcome or determination of an appeal.

If the GAP accepts any such written representations, documents or other material it shall forthwith send copies thereof to the parties to the appeal to enable each such party to consider whether to request that person to attend as a witness or to rely upon such written representations, documents or other material without any need to attend as a witness.

Pre-appeal Procedures

The GAP may at its discretion make such directions as to the conduct of any appeal as it shall consider to be in the interests of justice including (but not by way of limitation) the dispensing of any steps required or authorised by these provisions, directing that any steps be taken other than as specified in these provisions or extending the time limits set out in these provisions.

The failure by any party to comply with any procedural requirement in these provisions may not invalidate any decision of the GAP and the GAP shall if it considers that any party has been prejudiced take such steps as it considers fit to cure any such irregularity before deciding any appeal provided that the GAP shall ensure that any such irregularity (or steps taken to cure any such irregularity) does not leave any appeal decision open to judicial review or other legal challenge.

The GAP shall fix the date, time and place of the hearing of an appeal and shall give each party at least 14 days in writing (including communication by way of email) of such details.

The Appeals Panel

The Chair of the GAP shall preside over and be chair of all appeal hearings of the GAP and shall for each hearing of the GAP appoint from members of the GAP no less than 2 other members of the GAP to hear and decide each appeal.

The Chair of each Appeals Panel shall exercise the jurisdiction of the Appeals Panel in all procedural matters prior to a hearing.

In the absence of any members of an Appeals Panel the hearing may proceed (provided that the Appeals Panel is not reduced to less than 3 persons). In the absence of the Chair of an Appeals Panel the remaining members may appoint another of their number to act as Chair.

No hearing shall proceed in the event that an Appeals Panel is reduced to less than 3 members and in such event the hearing shall be adjourned to a date fixed by the Chair of the GAP.

The Hearing

The Appeals Panel shall conduct the hearing in such a manner as it considers suitable for the clarification of the issues before it and conducive to the just handling of proceedings. It shall be bound by any enactment or rule of law relating to the admissibility of evidence before the Courts of Law except that in exceptional circumstances it may allow other evidence where this serves the interests of justice.

A party to an appeal may make an opening statement, give evidence, call witnesses, cross-examine any witness called by the other party and address the Appeals Panel.

At any hearing a party may appear in person or may be represented by any other person whom such party wishes to appoint.

If any party shall fail to appear or be represented at the time and place fixed for the hearing of an appeal the Appeals Panel may as it shall think fit either dispose of the appeal in the absence of that party or adjourn the hearing to a later date.

Any hearing of an appeal shall take place in public unless it shall appear to the Appeals Panel that a private hearing either as a whole or in part is in the circumstances desirable.

The Appeals Panel may decide (but only with the written consent of the Appellant) to dispense with the requirement to conduct a formal hearing and deal with an appeal upon the basis of the documentation and pleadings of the parties concerned.