

There is a vast disparity in the regulation of content and the application of age restrictions in the UK, and it poses number of problems. Not only is the inconsistency illogical and unfair to young people, it poses regulatory and legislative dilemmas, difficulties for content providers, and unreasonable penalties for those caught up in the tangled web of age restrictions.

A British citizen is considered a minor until the age of 18, though is granted the right to serve for their country in the military and even marry at the age of 16. A young person can legally have sex, start a family, and for all intents and purposes, function as a grown adult at the age of 16. That is, if they can navigate around minimum wage laws that discriminate based on age. At the [current 2018 rates](#), anyone under the age of 18 will be paid £4.20 for an hour of their time in a minimum wage role. Anyone between the ages 18 and 20 will be paid £5.90, those between 21 and 24 will receive £7.38, and those over 25 will be paid £7.83. The cost of living doesn't change for a young person intending to live their life and start a family, in the same way that that members of Generation X might.

At the end of a hard day's work, a 16-year-old might watch post-watershed TV perfectly legally. Movies and television series are increasingly comfortable with airing sexual content, often showing full-frontal nudity and gratuitous sex scenes. No laws will have been broken. But if that 16-year-old takes out his phone and decides to download an image of a nude woman from an online content provider, he could be in breach of the law. Alternatively, Regulators or Law Enforcement may decide to label this junior citizen as 'vulnerable'. And this poses a real problem for those content providers.

Impossible Standards of Regulation

The disparity in age regulation in the UK puts strain on content providers in a completely unnecessary way. Few would deny that there is an important debate to be had about young people under the age of 18 gaining access to adult materials, but that shouldn't mean content providers must be punished for failing to meet almost impossible standards of regulation. It is near impossible for websites and content providers to control what young people access on the Internet, and it's equally difficult for the government to do it. It is, however, well within reach for most parents to download software and monitor phone usage.

The government [has been planning](#) an age verification system for adult entertainment websites for some time now. As part of the Digital Economy Act being signed into law in 2017, new regulation of how porn sites would verify the age of users were set to be implemented – but how these measures are to be implemented has been hotly debated, and the introduction of age verification [has been delayed](#) over and over again. Ministers have already had to admit that the new regulations could ultimately cost as much as £10 million to the tax payers in the first year from legal battles alone.

In October 2018, [it was reported](#) that the Treasury had earmarked £10 million of tax payer money to pay for challenges to their incoming age verification policy. The legal battles are expected to come from service providers who may not just be fined, but who may have their ability to take credit card payments blocked if an underage user slips through.

What Happened to Individual Responsibility?

The Internet has changed how practically every industry now works, but what has remained consistently true is that the best protection against young people accessing content they shouldn't come from parents and guardians. That's not to say content providers and regulatory bodies don't have some reasonable responsibility – they do – but who can be more effective than parents who control what can be accessed in the home, and who can monitor the use of mobile phones?

The fact that 16-year-olds are able to access content through television that is not dissimilar to some content found online that would be considered illegal, should say to those in the government and regulatory bodies that large fines, the blocking of credit card payments and the cracking down on basic business functions is an overreaction to say the least. Heavy fines could soon be implemented – potentially crippling industries worth billions to the British economy. The pornography industry alone is worth [at least £1 billion](#) in the UK

But this appears to be the new normal in Britain; punish successful industries in the name of protecting people, while ignoring the blatantly obvious. The solution here is clearly a combination of parental responsibility, more reasonable regulation, and open dialogue between regulators and content providers.

In short? Smaller government and greater responsibility. Not only does this better protect children from content they shouldn't see, but it ends excessive punishment of companies and makes way for a more sensible, well-rounded approach that can protect children while allowing flourishing online industries to continue growing and contributing to our economy.

It would be incumbent on an age-verification regulator, namely the British Board of Film Classification, to properly consider the effect that large fines will have. But with an arbiter ordering ISPs to block websites that fail to comply with yet-to-be-determined rules, and [giant fines being dished up](#) for every breach, what digital content provider would reasonably want to do business in the UK?

Is it Time for Standardisation?

Would it not also be worth our time to consider the inconsistencies and disparity within current age restriction rules, also? No reasonable person would deny that it is essential unsuitable content is not put into the hands of very young people – but crippling entire industries based on 16-year-olds accessing content that they have already seen (legally) on television seems to be a frighteningly obvious issue that is yet to be addressed.

Standardisation of age restrictions in the UK would not just make things easier from a regulatory standpoint but would also be fairer on the individual. If a young person is considered responsible enough to start a family or fight for his or her country, or even old enough to watch mature content on evening television, then surely that person must be afforded the same rights as other legal adults just two years their senior. This appears to be an underlying issue in the Digital Economies Act debacle that has gone largely undebated.

Can the BBFC Keep Up?

While a new age verification system is developed (Telecom 2 for example have an excellent system), this time should be used for politicians and government to consider the impact such a policy might have on our economy. Beyond crippling fines, however, critics have suggested that a new age-checking system would simply crack under the pressure.

The British Board of Film Classification, the body appointed as regulator for the new Digital Economies Act, will be placed under immense pressure once new age verification systems are put in place. With an estimated [200 million active websites](#) available right now, and [as much as 4.41%](#) of all desktop visits including adult entertainment and content, how likely is it that the BBFC will be able to effectively apply new regulations fairly, and consistently?

There is already an effective game-labelling system in effect in the UK that could be effectively expanded and incorporated into new film legislation. PEGI, [the Pan-European Game Information age rating system](#), was established to help parents make better decisions about the games their children played.

By combining parental responsibility with a recognisable rating system, it's possible to reduce the chances that children access content they shouldn't be. This system is already in effect in 22 European countries, and is widely understood. Could this not be a more effective way of labelling content online, which would allow adult content blockers and parents to quickly recognise what films or imagery are inappropriate for younger users?

A PEGI system for online video content would reduce the regulatory burden on content providers and the regulators themselves, and provide a framework for better parenting and more responsible control of what children access online.

A Flawed Child Protection Policy?

Assuming that the BBFC is capable of handling the pressure of issuing fines to adult entertainment companies who are unable to stop every 16-year-old accessing photographs and media the government deems unsuitable, is it really the right way to protect children? Or is the proposed system merely drawing a sword to kill a fly?

Savvy teenagers will easily be able to navigate around measures taken by the BBFC and digital content providers, whether through the use of virtual proxy networks, or switching to the deep web and browsing with TOR – the latter of which is arguably considerably more dangerous for curious teenagers.

A [2011 EU Kids Online study](#) also showed that it is more likely for children to encounter sexual images offline rather than online. How, therefore, would our government plan to tackle such encounters? Should newsagents be fined when a 16 year old catches a glimpse of a 'Page Three' model? Should ITV be cut off from its advertising revenue if an under-18 was caught rewinding a raunchy sex scene on Emmerdale?

Joking aside, protecting children is important – but the Digital Economy Act fails tremendously to do that. No matter how well intended, more regulation doesn't always achieve the desired results – and in

this case, it appears clear that the rules soon to be implemented punish business, put strain on regulators, and achieve nothing positive.

A New Regulatory Direction

It would be welcomed were there to be a review of current legislation and consider revising the Digital Economy Act. New or updated legislation should focus on common-sense actions that can be taken by public network providers, parents, and software providers.

Solutions to controlling what young people access online are available. None are perfect, and none will ever *be* perfect – but they do exist and should be used in conjunction with smart parenting. This may require a culture shift, but direction from the government or regulatory bodies would be better focused towards consumers and parents, rather than content providers themselves.

Dialogue must be improved between regulators and content providers, and regulators must be willing to refer new information back to legislators. They should, in turn, be willing to listen to industry leaders.