



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *The Parole Board*

#### **149 Incorporation of the Parole Board.**

In section 32 of the <sup>M1</sup>Criminal Justice Act 1991 (which provides the constitution and basic functions of the Parole Board), for subsection (1), there shall be substituted the following subsection—

“(1) The Parole Board shall be, by that name, a body corporate and as such shall be constituted in accordance with, and have the functions conferred by, this Part.”.

#### **Marginal Citations**

**M1** 1991 c. 53.

#### **150 Powers to recall prisoners released on licence.**

In section 50 of the Criminal Justice Act 1991 (power by order to transfer certain functions to the Parole Board) subsection (4) shall cease to have effect and, in subsection (1), for the words “(2) to (4)” there shall be substituted the words “ (2) or (3) ”.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Prisons: powers in relation to prisoners, visitors and others*

**151 Power to test prisoners for drugs.**

- (1) After section 16 of the <sup>M2</sup>Prison Act 1952 there shall be inserted the following section—

**“16A Testing prisoners for drugs.**

- (1) If an authorisation is in force for the prison, any prison officer may, at the prison, in accordance with prison rules, require any prisoner who is confined in the prison to provide a sample of urine for the purpose of ascertaining whether he has any drug in his body.
- (2) If the authorisation so provides, the power conferred by subsection (1) above shall include power to require a prisoner to provide a sample of any other description specified in the authorisation, not being an intimate sample, whether instead of or in addition to a sample of urine.
- (3) In this section—

“authorisation” means an authorisation by the governor;

“drug” means any drug which is a controlled drug for the purposes of the <sup>M3</sup>Misuse of Drugs Act 1971;

“intimate sample” has the same meaning as in Part V of the <sup>M4</sup>Police and Criminal Evidence Act 1984;

“prison officer” includes a prisoner custody officer within the meaning of Part IV of the Criminal Justice Act 1991; and

“prison rules” means rules under section 47 of this Act.”.

- (2) After section 41A of the <sup>M5</sup>Prisons (Scotland) Act 1989 there shall be inserted the following section—

**“41B Testing prisoners for drugs.**

- (1) If an authorisation is in force for the prison, any officer of the prison may, at the prison, in accordance with rules under section 39 of this Act, require any prisoner who is confined in the prison to provide a sample of urine for the purpose of ascertaining whether he has any drug in his body.
- (2) If the authorisation so provides, the power conferred by subsection (1) above shall include power to require a prisoner to provide a sample of any other description specified in the authorisation, not being an intimate sample, whether instead of or in addition to a sample of urine.
- (3) In this section—

“authorisation” means an authorisation by the governor;

“drug” means any drug which is a controlled drug for the purposes of the <sup>M6</sup>Misuse of Drugs Act 1971; and

“intimate sample” means a sample of blood, semen or any other tissue fluid, saliva or pubic hair, or a swab taken from a person’s body orifice.”.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

#### Extent Information

**E1** S. 151(1) extends to England and Wales only; s. 151(2) extends to Scotland only see s. 172(7)(13)

#### Marginal Citations

**M2** 1952 c. 52.

**M3** 1971 c. 38.

**M4** 1984 c. 60.

**M5** 1989 c. 45.

**M6** 1971 c. 38.

## 152 Powers of search by authorised employees in prisons.

(1) In the <sup>M7</sup>Prison Act 1952, after section 8, there shall be inserted the following section—

### “8A Powers of search by authorised employees.

- (1) An authorised employee at a prison shall have the power to search any prisoner for the purpose of ascertaining whether he has any unauthorised property on his person.
- (2) An authorised employee searching a prisoner by virtue of this section—
  - (a) shall not be entitled to require a prisoner to remove any of his clothing other than an outer coat, jacket, headgear, gloves and footwear;
  - (b) may use reasonable force where necessary; and
  - (c) may seize and detain any unauthorised property found on the prisoner in the course of the search.
- (3) In this section “authorised employee” means an employee of a description for the time being authorised by the governor to exercise the powers conferred by this section.
- (4) The governor of a prison shall take such steps as he considers appropriate to notify to prisoners the descriptions of persons who are for the time being authorised to exercise the powers conferred by this section.
- (5) In this section “unauthorised property”, in relation to a prisoner, means property which the prisoner is not authorised by prison rules or by the governor to have in his possession or, as the case may be, in his possession in a particular part of the prison.”

(2) In the <sup>M8</sup>Prisons (Scotland) Act 1989, after section 41, there shall be inserted the following section—

### “41A Powers of search by authorised employees.

- (1) An authorised employee at a prison shall have the power to search any prisoner for the purpose of ascertaining whether he has any unauthorised property on his person.
- (2) An authorised employee searching a prisoner by virtue of this section—

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) shall not be entitled to require a prisoner to remove any of his clothing other than an outer coat, jacket, headgear, gloves and footwear;
  - (b) may use reasonable force where necessary; and
  - (c) may seize and detain any unauthorised property found on the prisoner in the course of the search.
- (3) In this section “authorised employee” means an employee of a description for the time being authorised by the governor to exercise the powers conferred by this section.
- (4) The governor of a prison shall take such steps as he considers appropriate to notify to prisoners the descriptions of employees who are for the time being authorised employees.
- (5) In this section—
- “employee” means an employee (not being an officer of a prison) appointed under section 2(1) of this Act; and
  - “unauthorised property”, in relation to a prisoner, means property which the prisoner is not authorised by rules under section 39 of this Act or by the governor to have in his possession or, as the case may be, in his possession in a particular part of the prison.”.

#### Extent Information

**E2** S. 152(1) extends to England and Wales only; s. 152(2) extends to Scotland only see s. 172(7)(13)

#### Marginal Citations

**M7** 1952 c. 52.

**M8** 1989 c. 45.

### 153 Prohibited articles in Scottish prisons.

- (1) Section 41 of the Prisons (Scotland) Act 1989 (unlawful introduction of tobacco, etc. into prison) shall be amended as follows.
- (2) In subsection (1), for the words from the beginning to “shall be guilty” there shall be substituted—
- “(1) Any person who without reasonable excuse brings or introduces, or attempts by any means to bring or introduce, into a prison—
    - (a) any drug;
    - (b) any firearm or ammunition;
    - (c) any offensive weapon;
    - (d) any article to which section 1 of the <sup>M9</sup>Carrying of Knives etc. (Scotland) Act 1993 applies; or
    - (e) without prejudice to paragraphs (a) to (d) above, any article which is a prohibited article within the meaning of rules under section 39 of this Act,  - shall be guilty”.
- (3) After subsection (2) there shall be inserted the following subsections—

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“(2A) Where an officer of a prison has reasonable grounds for suspecting that a person who is in or is seeking to enter a prison has in his possession any article mentioned in paragraphs (a) to (e) of subsection (1) above he shall, without prejudice to any other power of search under this Act, have power to search that person and any article in his possession and to seize and detain any article mentioned in those paragraphs found in the course of the search.

(2B) The power conferred by subsection (2A) above—

- (a) shall be exercised in accordance with rules under section 39 of this Act;
- (b) shall not be construed as authorising the physical examination of a person’s body orifices;
- (c) so far as relating to any article mentioned in paragraph (c), (d) or (e) of subsection (1) above (and not falling within paragraph (a) or (b) of that subsection), shall not be construed as authorising an officer of a prison to require a person to remove any of his clothing other than an outer coat, jacket, headgear, gloves and footwear; and
- (d) shall include power to use reasonable force where necessary.”.

(4) For subsection (3) there shall be substituted the following subsections—

“(3) Where an officer of a prison has reasonable grounds for suspecting that any person has committed or is committing an offence under subsection (1) above he may, for the purpose of facilitating investigation by a constable into the offence, detain that person in any place in the prison in question and may, where necessary, use reasonable force in doing so.

(4) Detention under subsection (3) above shall be terminated not more than six hours after it begins or (if earlier)—

- (a) when the person is detained in pursuance of any other enactment or subordinate instrument;
- (b) when the person is arrested by a constable; or
- (c) where the governor of the prison or a constable investigating the offence concludes that there are no such grounds as are mentioned in subsection (3) above or the officer of the prison concludes that there are no longer such grounds,

and the person detained shall be informed immediately upon the termination of his detention that his detention has been terminated.

(5) Where a person has been released at the termination of a period of detention under subsection (3) above he shall not thereafter be detained under that subsection on the same grounds or on any grounds arising out of the same circumstances.

(6) At the time when an officer of a prison detains a person under subsection (3) above he shall inform the person of his suspicion, of the suspected offence and of the reason for the detention; and there shall be recorded—

- (a) the place where and the time when the detention begins;
- (b) the suspected offence;
- (c) the time when a constable or an officer of the police authority is informed of the suspected offence and the detention;

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (d) the time when the person is informed of his rights in terms of subsection (7) below and the identity of the officer of the prison so informing him;
  - (e) where the person requests such intimation as is specified in subsection (7) below to be sent, the time when such request is—
    - (i) made; and
    - (ii) complied with; and
  - (f) the time when, in accordance with subsection (4) above, the person’s detention terminates.
- (7) A person who is being detained under subsection (3) above, other than a person in respect of whose detention subsection (8) below applies, shall be entitled to have intimation of his detention and of the place where he is being detained sent without delay to a solicitor and to one other person reasonably named by him and shall be informed of that entitlement when his detention begins.
- (8) Where a person who is being detained under subsection (3) above appears to the officer of the prison to be under 16 years of age, the officer of the prison shall send without delay to the person’s parent, if known, intimation of the person’s detention and of the place where he is being detained; and the parent—
- (a) in a case where there is reasonable cause to suspect that he has been involved in the alleged offence in respect of which the person has been detained, may; and
  - (b) in any other case, shall,
- be permitted access to the person.
- (9) The nature and extent of any access permitted under subsection (8) above shall be subject to any restriction essential for the furtherance of the investigation or the well-being of the person.
- (10) In this section—
- “drug” means any drug which is a controlled drug for the purposes of the <sup>M10</sup>Misuse of Drugs Act 1971;
  - “firearm” and “ammunition” have the same meanings as in the <sup>M11</sup>Firearms Act 1968;
  - “offensive weapon” has the same meaning as in the <sup>M12</sup>Prevention of Crime Act 1953; and
  - “parent” includes a guardian and any person who has actual custody of a person under 16 years of age.”.

#### **Marginal Citations**

- M9** 1993 c. 13.
- M10** 1971 c. 38.
- M11** 1968 c. 27.
- M12** 1953 c. 14.

*Status:* This version of this part contains provisions that are prospective.

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

*Harassment, alarm or distress*

**154 Offence of causing intentional harassment, alarm or distress.**

In Part I of the <sup>M13</sup>Public Order Act 1986 (offences relating to public order), after section 4, there shall be inserted the following section—

**“4A Intentional harassment, alarm or distress.**

- (1) A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress, he—
  - (a) uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or
  - (b) displays any writing, sign or other visible representation which is threatening, abusive or insulting,thereby causing that or another person harassment, alarm or distress.
- (2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is displayed, by a person inside a dwelling and the person who is harassed, alarmed or distressed is also inside that or another dwelling.
- (3) It is a defence for the accused to prove—
  - (a) that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the writing, sign or other visible representation displayed, would be heard or seen by a person outside that or any other dwelling, or
  - (b) that his conduct was reasonable.
- (4) A constable may arrest without warrant anyone he reasonably suspects is committing an offence under this section.
- (5) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both.”.

**Marginal Citations**

**M13** 1986 c. 64.

*Offence of racially inflammatory publication etc. to be arrestable*

**155 Offence of racially inflammatory publication etc. to be arrestable.**

<sup>F1</sup> .....

**Textual Amendments**

**F1** S. 155 repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, Sch. 17 Pt. 2; S.I. 2005/3495, art. 2(1)(u)(xxxvi) (subject to art. 2)

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Prohibition on use of cells from embryos or foetuses*

**156 Prohibition on use of cells from embryos or foetuses.**

- (1) The <sup>M14</sup>Human Fertilisation and Embryology Act 1990 shall be amended as follows.
- (2) After section 3 there shall be inserted the following section—

**“3A Prohibition in connection with germ cells.**

- (1) No person shall, for the purpose of providing fertility services for any woman, use female germ cells taken or derived from an embryo or a foetus or use embryos created by using such cells.
- (2) In this section—
  - “female germ cells” means cells of the female germ line and includes such cells at any stage of maturity and accordingly includes eggs; and
  - “fertility services” means medical, surgical or obstetric services provided for the purpose of assisting women to carry children.”.
- (3) In section 41(1)(a) (offences under the Act) after the words “section 3(2)” there shall be inserted “, 3A ”.

**Marginal Citations**

**M14** 1990 c. 37.

*Increase in certain penalties*

**157 Increase in penalties for certain offences.**

- (1) The enactments specified in column 2 of Part I of Schedule 8 to this Act which relate to the maximum fines for the offences mentioned (and broadly described) in column 1 of that Part of that Schedule shall have effect as if the maximum fine that may be imposed on summary conviction of any offence so mentioned were a fine not exceeding the amount specified in column 4 of that Part of that Schedule instead of a fine of an amount specified in column 3 of that Part of that Schedule.
- (2) For the amount of the maximum fine specified in column 3 of Part II of Schedule 8 to this Act that may be imposed under the enactments specified in column 2 of that Part of that Schedule on summary conviction of the offences mentioned (and broadly described) in column 1 of that Part of that Schedule there shall be substituted the amount specified in column 4 of that Part of that Schedule.
- (3) For the maximum term of imprisonment specified in column 3 of Part III of Schedule 8 to this Act that may be imposed under the enactments specified in column 2 of that Part of that Schedule on conviction on indictment, or on conviction on indictment or summary conviction, of the offences mentioned (and broadly described) in column 1 of that Part of that Schedule there shall be substituted the maximum term of imprisonment specified in column 4 of that Part of that Schedule.



*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) Any reference in column 2 of Part II of Schedule 8 to this Act to a numbered column of Schedule 4 to the <sup>M15</sup>Misuse of Drugs Act 1971 is a reference to the column of that number construed with section 25(2)(b) of that Act.
- (5) Any reference in column 2 of Part III of Schedule 8 to this Act—
- (a) to a numbered column of Schedule 6 to the <sup>M16</sup>Firearms Act 1968 is a reference to the column of that number construed with section 51(2)(b) of that Act; or
  - (b) [<sup>F2</sup>to a numbered column of Schedule 2 to the <sup>M17</sup>Firearms (Northern Ireland) Order 1981 is a reference to the column of that number construed with Article 52(2)(b) of that Order.]
- (6) Section 143 of the <sup>M18</sup>Magistrates' Courts Act 1980 (power of Secretary of State by order to alter sums specified in certain provisions) shall have effect with the insertion, in subsection (2), after paragraph (p), of the following paragraph—
- “(q) column 5 or 6 of Schedule 4 to the Misuse of Drugs Act 1971 so far as the column in question relates to the offences under provisions of that Act specified in column 1 of that Schedule in respect of which the maximum fines were increased by Part II of Schedule 8 to the Criminal Justice and Public Order Act 1994.”.
- <sup>F3</sup>(7) .....
- (8) Article 17 of the <sup>M19</sup>Fines and Penalties (Northern Ireland) Order 1984 (power of Secretary of State by order to alter sums specified in certain provisions of the law of Northern Ireland) shall have effect with the insertion, in paragraph (2), after sub-paragraph (j) of the following sub-paragraph—
- “(k) column 5 or 6 of Schedule 4 to the <sup>M20</sup>Misuse of Drugs Act 1971 so far as the column in question relates to the offences under provisions of that Act specified in column 1 of that Schedule in respect of which the maximum fines were increased by Part II of Schedule 8 to the <sup>M21</sup>Criminal Justice and Public Order Act 1994.”.
- (9) Subsections (1), (2) and (3) above do not apply to an offence committed before this section comes into force.

#### Extent Information

- E3** [S. 157\(1\)](#) extends to England and Wales and Scotland; [s. 157\(2\) to \(5\)](#) and (9) extends to the United Kingdom; [s. 157\(6\)](#) extends to England and Wales only; [s. 157\(7\)](#) extends to Scotland only; [s. 157\(8\)](#) extends to Northern Ireland only see [s. 172\(7\)\(8\)\(10\)\(13\)\(15\)](#)

#### Textual Amendments

- F2** [S. 157\(5\)\(b\)](#) repealed (N.I.) (1.2.2005) by The Firearms (Northern Ireland) Order 2004 (N.I. 3), art. 1(3), {Sch. 8}; [S.R. 2005/4](#), [art. 3](#)
- F3** [S. 157\(7\)](#) repealed (1.4.1996) by [1995 c. 40](#), ss. 6, 7(2), [Sch. 5](#) (with [Sch. 3 paras. 1, 3](#))

#### Commencement Information

- I1** [S. 157](#) wholly in force at 3.2.1995; [s. 157](#) not in force at Royal Assent see [s. 172](#); s. in force at 3.2.1995 subject to savings by [S.I. 1995/127](#), [art. 2\(1\)](#), [Sch. 1](#) (with [art. 3](#))

#### Marginal Citations

- M15** 1971 c. 38.  
**M16** 1968 c. 27.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- M17** S.I. 1981/155 (N.I.2).
- M18** 1980 c. 43.
- M19** S.I. 1984/703 (N.I.3).
- M20** 1971 c. 38.
- M21** 1994 c. 33.

*Extradition procedures*

**158 Extradition procedures.**

F4 .....

**Textual Amendments**

**F4** S. 158 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 226, Sch. 4; S.I. 2003/3103, art. 2 (subject to savings in the Order) (as amended by S.I. 2003/3312art. 2(2) and S.I. 2003/3258, art. 2(2))

---

**Commencement Information**

**I2** S. 158 wholly in force at 1.4.1997; s. 158 partly in force at Royal Assent see s. 172(4); s. 158(2)(6) (7) in force at 1.4.1997 and s. 158(5)(8) in force at 1.4.1997 by S.I. 1997/882, arts. 2, 3(1)(subject to transitional savings in art. 3(2)).

**159 Backing of warrants: Republic of Ireland.**

F5 .....

**Textual Amendments**

**F5** S. 159 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 220, 226, Sch. 4; S.I. 2003/3103, art. 2 (subject to savings in the Order) (as amended by S.I. 2003/3312art. 2(2) and S.I. 2003/3258, art. 2(2))

---

**Commencement Information**

**I3** S. 159 wholly in force; s. 159 not in force at Royal Assent see s. 172; s. 159(1)(2)(4) in force at 19.12.1994 by S.I. 1994/2935, art. 2; s. 159(5) in force at 1.4.1997 by S.I. 1997/882, art. 2; s. 159(3) in force at 20.3.2002 by S.I. 2002/447, art. 2

*Constabulary powers in United Kingdom waters*

**160 Extension of powers, etc., of constables to United Kingdom waters.**

F6(1) .....

- (2) Section 17 of the <sup>M22</sup>Police (Scotland) Act 1967 (general functions and jurisdiction of constables) shall be amended as follows—
  - (a) in subsection (4), after the word “Scotland” there shall be inserted the words “ and (without prejudice to section 1(2) of this Act) the adjacent United Kingdom waters ”; and
  - (b) after subsection (7) there shall be inserted the following subsection—

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“(7A) In this section—  
“powers” includes powers under any enactment, whenever passed or made;  
“United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea;  
and this section, so far as it relates to powers under any enactment, makes them exercisable throughout those waters whether or not the enactment applies to those waters apart from this provision.”.

**Extent Information**

**E4** S. 160(1) extends to England and Wales only; s. 160(2) extends to Scotland only see s. 172(7)(13)

**Textual Amendments**

**F6** S. 160(1) repealed (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 9 Pt. I**

**Marginal Citations**

**M22** 1967 c. 77.

*Obtaining computer-held information*

**F7 161** .....

**Textual Amendments**

**F7** S. 161 repealed (1.3.2000) by 1998 c. 29, s. 74(2), **Sch. 16 Pt. 1**; S.I. 2000/183, **art. 2(1)**

**162 Access to computer material by constables and other enforcement officers.**

(1) In section 10 of the <sup>M23</sup>Computer Misuse Act 1990 (offence of unauthorised access not to apply to exercise of law enforcement powers), after paragraph (b), there shall be inserted the following words—

“and nothing designed to indicate a withholding of consent to access to any program or data from persons as enforcement officers shall have effect to make access unauthorised for the purposes of the said section 1(1).

In this section “enforcement officer” means a constable or other person charged with the duty of investigating offences; and withholding consent from a person “as” an enforcement officer of any description includes the operation, by the person entitled to control access, of rules whereby enforcement officers of that description are, as such, disqualified from membership of a class of persons who are authorised to have access.”.

(2) In section 17(5) of that Act (when access is unauthorised), after paragraph (b), there shall be inserted the following words— “but this subsection is subject to section 10.”.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### Marginal Citations

M23 1990 c. 18.

## *Closed-circuit television by local authorities*

### 163 Local authority powers to provide closed-circuit television.

- (1) Without prejudice to any power which they may exercise for those purposes under any other enactment, a local authority may take such of the following steps as they consider will, in relation to their area, promote the prevention of crime or the welfare of the victims of crime—
  - (a) providing apparatus for recording visual images of events occurring on any land in their area;
  - [<sup>F8</sup>(b) providing within their area an electronic communications service which is distributed—
    - (i) only to persons on a single set of premises; and
    - (ii) by an electronic communications network which is wholly within those premises and is not connected to an electronic communications network any part of which is outside those premises;]
  - (c) arranging for the provision of any other description of [<sup>F9</sup>electronic communications network or electronic communications service] within their area or between any land in their area and any building occupied by a public authority.
- (2) Any power to provide, or to arrange for the provision of, any apparatus includes power to maintain, or operate, or, as the case may be, to arrange for the maintenance or operation of, that apparatus.
- (3) Before taking such a step under this section, a local authority shall consult the chief officer of police for the police area [<sup>F10</sup>or, in Scotland, the local commander designated for the local authority's area] in which the step is to be taken.

[<sup>F11</sup>(3A) For the purposes of subsection (1)(b)—

- (a) a set of premises is a single set of premises if, and only if, the same person is the occupier of all the premises; and
- (b) two or more vehicles are capable of constituting a single set of premises if, and only if, they are coupled together.]

(4) In this section—

<sup>F12</sup>  
...

“local authority”—

- (a) in England, means a county council or district council;
- (b) in Wales, means a county council or county borough council; and
- (c) in Scotland, has the meaning given by section 235(1) of the <sup>M24</sup>Local Government (Scotland) Act 1973; and

[<sup>F13</sup>“local commander” has the meaning given by section 44 of the Police and Fire Reform (Scotland) Act 2012 (asp 8);]

[<sup>F14</sup>“premises” includes a vehicle; and

“vehicle ” includes a vessel, aircraft or hovercraft. ]

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Until 1st April 1996, in this section “local authority” means, in Wales, a county council or district council.

#### Textual Amendments

- F8** S. 163(1)(b) substituted (25.7.2003 for specified purposes and 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411, [Sch. 17 para. 130\(2\)](#) (with transitional provisions in [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), [Sch. 1](#) (with transitional provisions in [art. 3](#) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))
- F9** Words in s. 163(1)(c) substituted (25.7.2003 for specified purposes and 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411, [Sch. 17 para. 130\(3\)](#) (with transitional provisions in [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), [Sch. 1](#) (with transitional provisions in [art. 3](#) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))
- F10** Words in s. 163(3) inserted (E.W.NI) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), [art. 1\(2\)](#), [Sch. 1 para. 4\(3\)\(a\)](#) and words in s. 163(3) inserted (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 9\(3\)\(a\)](#); [S.S.I. 2013/51](#), [art. 2](#) (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F11** S. 163(3A) inserted (25.7.2003 for specified purposes and 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411, [Sch. 17 para. 130\(4\)](#) (with transitional provisions in [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), [Sch. 1](#) (with transitional provisions in [art. 3](#) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))
- F12** Words in s. 163(4) omitted (E.W.NI.) (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), [art. 1\(2\)](#), [Sch. 1 para. 4\(3\)\(b\)\(i\)](#) and words in s. 163(4) repealed (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 8 Pt. 1](#); [S.S.I. 2013/51](#), [art. 2](#) (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F13** Words in s. 163(4) inserted (E.W.NI.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), [art. 1\(2\)](#), [Sch. 1 para. 4\(3\)\(b\)\(ii\)](#) and words in s. 163(4) inserted (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 9\(3\)\(b\)](#); [S.S.I. 2013/51](#), [art. 2](#) (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F14** S. 163(4): definition of substituted (25.7.2003 for specified purposes and 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411, [Sch. 17 para. 130\(5\)](#) (with transitional provisions in [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), [Sch. 1](#) (with transitional provisions in [art. 3](#) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### Marginal Citations

**M24** 1973 c. 65.

### *Serious fraud*

#### **164 Extension of powers of Serious Fraud Office and of powers to investigate serious fraud in Scotland.**

- (1) <sup>F15</sup>.....
- (2) Section 2 of the <sup>M25</sup>Criminal Justice Act 1987 (investigative powers of Director of Serious Fraud Office) shall be amended as follows—
- (a) in subsection (1), for the words from “the Attorney-General” to “the request” there shall be substituted “ an authority entitled to make such a request ”;

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) after subsection (1), there shall be inserted the following subsections—
- “(1A) The authorities entitled to request the Director to exercise his powers under this section are—
- (a) the Attorney-General of the Isle of Man, Jersey or Guernsey, acting under legislation corresponding to section 1 of this Act and having effect in the Island whose Attorney-General makes the request; and
- (b) the Secretary of State acting under section 4(2A) of the <sup>M26</sup>Criminal Justice (International Co-operation) Act 1990, in response to a request received by him from an overseas court, tribunal or authority (an “overseas authority”).
- (1B) The Director shall not exercise his powers on a request from the Secretary of State acting in response to a request received from an overseas authority within subsection (1A)(b) above unless it appears to the Director on reasonable grounds that the offence in respect of which he has been requested to obtain evidence involves serious or complex fraud.”;
- (c) after subsection (8), there shall be inserted the following subsections—
- “(8A) Any evidence obtained by the Director for use by an overseas authority shall be furnished by him to the Secretary of State for transmission to the overseas authority which requested it.
- (8B) If in order to comply with the request of the overseas authority it is necessary for any evidence obtained by the Director to be accompanied by any certificate, affidavit or other verifying document, the Director shall also furnish for transmission such document of that nature as may be specified by the Secretary of State when asking the Director to obtain the evidence.
- (8C) Where any evidence obtained by the Director for use by an overseas authority consists of a document the original or a copy shall be transmitted, and where it consists of any other article the article itself or a description, photograph or other representation of it shall be transmitted, as may be necessary in order to comply with the request of the overseas authority.”; and
- (d) in subsection (18), at the end, there shall be inserted the words “; and “evidence” (in relation to subsections (1A)(b), (8A), (8B) and (8C) above) includes documents and other articles.”.
- (3) [<sup>F16</sup>In section 51(1) of the <sup>M27</sup>Criminal Justice (Scotland) Act 1987 (investigative powers of Lord Advocate as respects serious or complex fraud), at the end there shall be added “; and he may also give such a direction by virtue of section 4(2B) of the <sup>M28</sup>Criminal Justice (International Co-operation) Act 1990 or on a request being made to him by the Attorney-General of the Isle of Man, Jersey or Guernsey acting under legislation corresponding to this section and sections 52 to 54 of this Act.”.]
- (4) [<sup>F17</sup>In section 52 of the <sup>M29</sup>Criminal Justice (Scotland) Act 1987 (investigation by nominated officer)—
- (a) after subsection (7) there shall be inserted—

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- “(7A) Any evidence obtained by the Lord Advocate by virtue of section 4(2B) of the Criminal Justice (International Co-operation) Act 1990 shall be furnished by him to the Secretary of State for transmission to the overseas authority in compliance with whose request (in the following subsections referred to as the “relevant request”) it was so obtained.
- (7B) If, in order to comply with the relevant request it is necessary for that evidence to be accompanied by any certificate, affidavit or other verifying document, the Lord Advocate shall also furnish for transmission such document of that nature as appears to him to be appropriate.
- (7C) Where any evidence obtained by virtue of the said section 4(2B) consists of a document, the original or a copy shall be transmitted and where it consists of any other article the article itself or a description, photograph or other representation of it shall be transmitted, as may be necessary in order to comply with the relevant request.”; and
- (b) in subsection (8), after the definition of “documents” there shall be inserted—
- ““evidence”, in relation to a relevant request, includes documents and other articles;”.]

#### Textual Amendments

- F15** S. 164(1) repealed (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), ss. 94, 91, [Sch. 6](#); S.I. 2004/786, [art. 3\(3\)](#)
- F16** S. 164(3) repealed (S.) (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [sch. 7 para. 20](#); S.S.I. 2011/178, art. 2, sch.
- F17** S. 164(4) repealed (S.) (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [sch. 7 para. 20](#); S.S.I. 2011/178, art. 2, sch.

#### Marginal Citations

- M25** 1987 c. 38.
- M26** 1990 c. 5.
- M27** 1987 c. 41.
- M28** 1990 c. 5.
- M29** 1987 c. 41.

PROSPECTIVE

### *Copyright and illicit recordings: enforcement of offences*

#### **165 Enforcement of certain offences relating to copyright and illicit recordings.**

- (1) The Copyright, Designs and Patents Act 1988 shall be amended as follows.
- (2) After section 107 (offences relating to copyright) there shall be inserted the following section—

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**“107A Enforcement by local weights and measures authority.**

(1) It is the duty of every local weights and measures authority to enforce within their area the provisions of section 107.

(2) The following provisions of the Trade Descriptions Act 1968 apply in relation to the enforcement of that section by such an authority as in relation to the enforcement of that Act—

section 27 (power to make test purchases),

section 28 (power to enter premises and inspect and seize goods and documents),

section 29 (obstruction of authorised officers), and

section 33 (compensation for loss, &c. of goods seized).

(3) Subsection (1) above does not apply in relation to the enforcement of section 107 in Northern Ireland, but it is the duty of the Department of Economic Development to enforce that section in Northern Ireland.

For that purpose the provisions of the Trade Descriptions Act 1968 specified in subsection (2) apply as if for the references to a local weights and measures authority and any officer of such an authority there were substituted references to that Department and any of its officers.

(4) Any enactment which authorises the disclosure of information for the purpose of facilitating the enforcement of the Trade Descriptions Act 1968 shall apply as if section 107 were contained in that Act and as if the functions of any person in relation to the enforcement of that section were functions under that Act.

(5) Nothing in this section shall be construed as authorising a local weights and measures authority to bring proceedings in Scotland for an offence.”.

(3) After section 198 (offences relating to illicit recordings) there shall be inserted the following section—

**“198A Enforcement by local weights and measures authority.**

(1) It is the duty of every local weights and measures authority to enforce within their area the provisions of section 198.

(2) The following provisions of the Trade Descriptions Act 1968 apply in relation to the enforcement of that section by such an authority as in relation to the enforcement of that Act—

section 27 (power to make test purchases),

section 28 (power to enter premises and inspect and seize goods and documents),

section 29 (obstruction of authorised officers), and

section 33 (compensation for loss, &c. of goods seized).



*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (3) Subsection (1) above does not apply in relation to the enforcement of section 198 in Northern Ireland, but it is the duty of the Department of Economic Development to enforce that section in Northern Ireland.

For that purpose the provisions of the Trade Descriptions Act 1968 specified in subsection (2) apply as if for the references to a local weights and measures authority and any officer of such an authority there were substituted references to that Department and any of its officers.

- (4) Any enactment which authorises the disclosure of information for the purpose of facilitating the enforcement of the Trade Descriptions Act 1968 shall apply as if section 198 were contained in that Act and as if the functions of any person in relation to the enforcement of that section were functions under that Act.
- (5) Nothing in this section shall be construed as authorising a local weights and measures authority to bring proceedings in Scotland for an offence.”

#### *Ticket touts*

### **166 Sale of tickets by unauthorised persons.**

[<sup>F18</sup>(1) It is an offence for an unauthorised person to—

- (a) sell a ticket for a designated football match, or
- (b) otherwise to dispose of such a ticket to another person.]

(2) For this purpose—

- (a) a person is “unauthorised” unless he is authorised in writing to sell [<sup>F19</sup>or otherwise dispose of] tickets for the match <sup>F20</sup>. . . by the organisers of the match;

[<sup>F21</sup>(aa) a reference to selling a ticket includes a reference to—

- (i) offering to sell a ticket;
- (ii) exposing a ticket for sale;
- (iii) making a ticket available for sale by another;
- (iv) advertising that a ticket is available for purchase; and
- (v) giving a ticket to a person who pays or agrees to pay for some other goods or services or offering to do so.]

- (b) a “ticket” means anything which purports to be a ticket; and

[<sup>F22</sup>(c) a “designated football match” means a football match of a description, or a particular football match, for the time being designated for the purposes of [<sup>F23</sup>this section by order made by the Secretary of State].]

[<sup>F24</sup>(2A) An order under subsection (2)(c) may designate descriptions of football matches wherever played or when played at descriptions of ground or in any area specified in the order.

(2B) The power of the Secretary of State to make an order under subsection (2)(c) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) <sup>F25</sup> .....
- (5) Section 32 of the Police and Criminal Evidence Act 1984 (search of persons and premises (including vehicles) upon arrest) shall have effect, in its application in relation to an offence under this section, as if the power conferred on a constable to enter and search any vehicle extended to any vehicle which the constable has reasonable grounds for believing was being used for any purpose connected with the offence.
- (6) The Secretary of State may by order made by statutory instrument apply this section, with such modifications as he thinks fit, to such sporting event or category of sporting event for which 6,000 or more tickets are issued for sale as he thinks fit.
- (7) An order under subsection (6) above may provide that—
- (a) a certificate (a “ticket sale certificate”) signed by a duly authorised officer certifying that 6,000 or more tickets were issued for sale for a sporting event is conclusive evidence of that fact;
  - (b) an officer is duly authorised if he is authorised in writing to sign a ticket sale certificate by <sup>F26</sup> . . . the organisers of the sporting event; and
  - (c) a document purporting to be a ticket sale certificate shall be received in evidence and deemed to be such a certificate unless the contrary is proved.
- (8) Where an order has been made under subsection (6) above, this section also applies, with any modifications made by the order, to any part of the sporting event specified or described in the order, provided that 6,000 or more tickets are issued for sale for the day on which that part of the event takes place.

#### Textual Amendments

- F18** S. 166(1) substituted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 53\(2\)](#), [66\(2\)\(3\)](#); S.I. 2007/858, [art. 2\(k\)](#)
- F19** Words in s. 166(2)(a) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss.53\(3\)\(a\)\(i\)](#), [66\(2\)\(3\)](#); S.I. 2007/858, [art. 2\(k\)](#)
- F20** Words in s. 166(2)(a) repealed (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 53\(3\)\(a\)\(ii\)](#), [65](#), [66\(2\)\(3\)](#), [Sch. 5](#); S.I. 2007/858, [art. 2\(k\)\(n\)\(vi\)](#)
- F21** S. 166(2)(aa) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 53\(3\)\(b\)](#), [66\(2\)\(3\)](#); S.I. 2007/858, [art. 2\(k\)](#)
- F22** S. 166(2)(c) substituted (27.9.1999) by [1999 c. 21](#), [ss. 10](#), [12\(2\)](#) (with s. 12(3))
- F23** Words in s. 166(2)(c) substituted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 53\(3\)\(c\)](#), [66\(2\)\(3\)](#); S.I. 2007/858, [art. 2\(k\)](#)
- F24** S. 166(2A)(2B) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 53\(4\)](#), [66\(2\)\(3\)](#); S.I. 2007/858, [art. 2\(k\)](#)
- F25** S. 166(4) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 174](#), [178](#), [Sch. 17 Pt. 2](#); S.I. 2005/3495, [art. 2\(1\)\(u\)\(xxxvi\)](#) (subject to art. 2)
- F26** Words in s. 166(7)(a) repealed (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 53\(5\)](#), [65](#), [66\(2\)\(3\)](#), [Sch. 5](#); S.I. 2007/858, [art. 2\(k\)\(n\)\(vi\)](#)

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## [<sup>F27</sup>166A] **Supplementary provision relating to sale and disposal of tickets on internet**

- (1) Nothing in section 166 makes it an offence for a service provider established outside of the United Kingdom to do anything in the course of providing information society services.
- (2) If—
  - (a) a service provider established in the United Kingdom does anything in an EEA State other than the United Kingdom in the course of providing information society services, and
  - (b) the action, if done in England and Wales, would constitute an offence falling within section 166(1),the service provider shall be guilty in England and Wales of an offence under that section.
- (3) A service provider is not capable of being guilty of an offence under section 166 in respect of anything done in the course of providing so much of an information society service as consists in—
  - (a) the transmission in a communication network of information falling within subsection (4), or
  - (b) the storage of information provided by a recipient of the service, except where subsection (5) applies.
- (4) Information falls within this subsection if—
  - (a) it is provided by a recipient of the service; and
  - (b) it is the subject of automatic, intermediate and temporary storage which is solely for the purpose of making the onward transmission of the information to other recipients of the service at their request more efficient.
- (5) This subsection applies at any time in relation to information if—
  - (a) the service provider knew when that information was provided that it contained material contravening section 166; or
  - (b) that information is stored at that time (whether as mentioned in subsection (3) (b) or (4)) in consequence of the service provider's failure expeditiously to remove the information, or to disable access to it, upon obtaining actual knowledge that the information contained material contravening section 166.
- (6) In this section—

“the Directive” means Directive [2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce);

“information society services”—

  - (a) has the meaning set out in Article 2(a) of the Directive (which refers to Article 1(2) of Directive [98/34/EC](#) of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive [98/48/EC](#) of 20 July 1998); and
  - (b) is summarised in recital 17 of the Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression)

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

and storage of data, and at the individual request of a recipient of a service”;

“EEA State” means a state which is for the time being a member State, Norway, Iceland or Liechtenstein;

“recipient of the service” means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

“service provider” means any person providing an information society service.]

#### Textual Amendments

**F27** S. 166A inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 53(6)**, 66(2)(3); S.I. 2007/858, **art. 2(k)**

#### *Taxi touts*

### **167 Touting for hire car services.**

- (1) Subject to the following provisions, it is an offence, in a public place, to solicit persons to hire vehicles to carry them as passengers.
- (2) Subsection (1) above does not imply that the soliciting must refer to any particular vehicle nor is the mere display of a sign on a vehicle that the vehicle is for hire soliciting within that subsection.
- (3) No offence is committed under this section where soliciting persons to hire licensed taxis is permitted by a scheme under section 10 of the <sup>M33</sup>Transport Act 1985 (schemes for shared taxis) whether or not supplemented by provision made under section 13 of that Act (modifications of the taxi code).
- (4) It is a defence for the accused to show that he was soliciting for [<sup>F28</sup>passengers to be carried at separate fares by public service vehicles] on behalf of the holder of a PSV operator’s licence for those vehicles whose authority he had at the time of the alleged offence.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) In this section—
  - “public place” includes any highway and any other premises or place to which at the material time the public have or are permitted to have access (whether on payment or otherwise); and
  - “public service vehicle” and “PSV operator’s licence” have the same meaning as in Part II of the <sup>M34</sup>Public Passenger Vehicles Act 1981.
- (7) <sup>F29</sup> .....

#### Textual Amendments

**F28** Words in s. 167(4) substituted (1.7.2001) by [2000 c. 38](#), **s. 265(3)**; S.I. 2001/1498, **art. 3**

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**F29** S. 167(7) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, Sch. 17 Pt. 2; S.I. 2005/3495, art. 2(1)(u)(xxxvi) (subject to art. 2)

#### Marginal Citations

**M33** 1985 c. 67.

**M34** 1981 c. 14.

### General

#### 168 Minor and consequential amendments and repeals.

- (1) The enactments mentioned in Schedule 9 to this Act shall have effect with the amendments there specified (being minor amendments).
- (2) The enactments mentioned in Schedule 10 to this Act shall have effect with the amendments there specified (amendments consequential on the foregoing provisions of this Act).
- (3) The enactments mentioned in Schedule 11 to this Act (which include enactments which are spent) are repealed or revoked to the extent specified in the third column of that Schedule.

#### Commencement Information

**I4** S. 168 partly in force; s. 168 not in force at Royal Assent see s. 172; s. 168 in force for specified purposes (9.1.1995) by S.I. 1994/3192, art. 2, Sch.; s. 168 in force for further specified purposes at 3.2.1995 by S.I. 1995/127, art. 2, Sch. 1 (with transitional provisions in Sch. 2); s. 168 in force for further specified purposes at 10.4.1995 by S.I. 1995/721, art. 2, Sch.; s. 168 in force for further specified purposes at 4.9.1995 by S.I. 1995/1957, art. 6; s. 168 in force for further specified purposes at 1.3.1998 by S.I. 1998/277, art. 3(2)(3); s. 168 in force for further specified purposes at 20.3.2002 by S.I. 2002/447, art. 2

#### 169 Power of Secretary of State to make payments or grants in relation to crime prevention, etc.

- (1) The Secretary of State may, with the consent of the Treasury—
  - (a) make such payments, or
  - (b) pay such grants, to such persons,as he considers appropriate in connection with measures intended to prevent crime or reduce the fear of crime.
- (2) Any grant under subsection (1)(b) above may be made subject to such conditions as the Secretary of State may, with the agreement of the Treasury, see fit to impose.
- (3) Payments under this section shall be made out of money provided by Parliament.

#### 170 Security costs at party conferences.

- (1) The Secretary of State may, with the consent of the Treasury, pay grants towards expenditure incurred by a [F30qualifying registered political party], or by a person acting for a qualifying political party, on measures to which this section applies.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (2) This section applies to measures which are—
- (a) taken for the protection of persons or property in connection with a conference held in Great Britain for the purposes of the party, and
  - (b) certified by a chief officer of police as having been appropriate.
- (3) A political party is a <sup>[F30]</sup>qualifying registered political party]for the purposes of this section if, at the last general election before the expenditure was incurred,—
- (a) at least two members of the party were elected to the House of Commons, or
  - (b) one member of the party was elected to the House of Commons and not less than 150,000 votes were given to candidates who were members of the party.
- (4) Payments under this section shall be made out of money provided by Parliament.
- <sup>[F31]</sup>(5) In this section “registered political party” means a party registered under <sup>[F32]</sup>the Political Parties, Elections and Referendums Act 2000].]

#### Textual Amendments

**F30** Words in s. 170(1)(3) substituted (24.3.1999) by 1998 c. 48, s. 15(1)(2); S.I. 1999/393, art. 2

**F31** S. 170(5) added (24.3.1999) by 1998 c. 48, s. 15(1)(3); S.I. 1999/393, art. 2

**F32** Words in s. 170(5) substituted (16.2.2001) by 2000 c. 41, s. 158, Sch. 21 para. 11 (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 (subject to transitional provisions in Sch. 1 Pt. II)

## 171 Expenses etc. under Act.

There shall be paid out of money provided by Parliament—

- (a) any sums required by the Secretary of State for making payments under contracts entered into under or by virtue of sections 2, 3, 7, 11, 96, 99, 100, 102(4), 106(1), 112(1) or 118(3) or paragraph 1 of Schedule 1;
- (b) any administrative expenses incurred by the Secretary of State; and
- (c) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

## 172 Short title, commencement and extent.

- (1) This Act may be cited as the Criminal Justice and Public Order Act 1994.
- (2) With the exception of section 82 and subject to subsection (4) below, this Act shall come into force on such day as the Secretary of State or, in the case of sections 52 and 53, the Lord Chancellor may appoint by order made by statutory instrument, and different days may be appointed for different provisions or different purposes.
- (3) Any order under subsection (2) above may make such transitional provisions and savings as appear to the authority making the order necessary or expedient in connection with any provision brought into force by the order.
- (4) The following provisions and their related amendments, repeals and revocations shall come into force on the passing of this Act, namely sections 5 to 15 (and Schedules 1 and 2), 61, 63, 65, 68 to 71, 77 to 80, 81, 83, 90, Chapters I and IV of Part VIII, sections 142 to 148, 150, 158(1), (3) and (4), 166, 167, 171, paragraph 46 of Schedule 9 and this section.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (5) No order shall be made under subsection (6) of section 166 above unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (6) For the purposes of subsection (4) above—
  - (a) the following are the amendments related to the provisions specified in that subsection, namely, in Schedule 10, paragraphs 26, 35, 36, 59, 60 and 63(1), (3), (4) and (5);
  - (b) the repeals and revocations related to the provisions specified in that subsection are those specified in the Note at the end of Schedule 11.
- (7) Except as regards any provisions applied under section 39 and subject to the following provisions, this Act extends to England and Wales only.
- (8) Sections 47(3), 49, <sup>[F33]</sup>60 to 67], 70, 71, 81, 82, 146(4), 157(1), 163, 169 and 170 also extend to Scotland.
- (9) Section 83(1) extends to England and Wales and Northern Ireland.
- (10) This section, sections 68, 69, 83(3) to (5), 88 to 92, 136 to 141, 156, 157(2), (3), (4), (5) and (9), 158, 159, 161, 162, 164, 165, 168, 171 and Chapter IV of Part VIII extend to the United Kingdom and sections 158 and 159 also extend to the Channel Islands and the Isle of Man.
- (11) Sections 93, 95 and 101(8), so far as relating to the delivery of prisoners to or from premises situated in a part of the British Islands outside England and Wales, extend to that part of those Islands.
- (12) Sections 102(1) to (3), 104, 105 and 117, so far as relating to the transfer of prisoners to or from premises situated in a part of the British Islands outside Scotland, extend to that part of those Islands, but otherwise Chapter II of Part VIII extends to Scotland only.
- (13) Sections 47(4), 83(2), 84(5) to (7), 87, Part IX, sections 145(2), 146(2), 148, 151(2), 152(2), 153, 157(7) and 160(2) extend to Scotland only.
- <sup>[F34]</sup>(13A) Subject to subsection (14), Chapter 3 of Part 8 extends to Northern Ireland only.]
- (14) Sections <sup>[F35]</sup>117A,] 118, 120, 121 and 125, so far as relating to the delivery of prisoners to or from premises situated in a part of the British Islands outside Northern Ireland, <sup>[F36]</sup>also] extend to that part of those islands, <sup>[F37]</sup>except that section 117A does not extend to any part of those islands outside the United Kingdom].
- (15) Sections 53, 84(8) to (11), 85(4) to (6), 86(2), 145(3), 147 and 157(8) extend to Northern Ireland only.
- (16) Where any enactment is amended, repealed or revoked by Schedule 9, 10 or 11 to this Act the amendment, repeal or revocation has the same extent as that enactment; except that Schedules 9 and 11 do not extend to Scotland in so far as they relate to section 17(1) of the <sup>M35</sup>Video Recordings Act 1984.

#### Subordinate Legislation Made

**PI** S. 172(2) power partly exercised: 19.12.1994 appointed for specified provisions by [S.I. 1994/2935](#), [art. 2](#)

S. 172(2) power partly exercised: 9.1.1995 appointed for specified provisions by [S.I. 1994/3192](#), [art. 2](#)

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- S. 172(2) power partly exercised: 11.1.1995 appointed for specified provisions by [S.I. 1994/3258, art. 2](#)
- S. 172(2) power partly exercised: 2.2.1995 appointed for specified provisions by [S.I. 1995/24, art. 2](#)
- S. 172(2) power partly exercised: Different dates appointed for specified provisions by [S.I. 1995/127, art. 2](#)
- S. 172(2) power partly exercised: 10.4.1995 appointed for specified provisions by [S.I. 1995/721, art. 2, Sch.](#)
- S. 172(2) power partly exercised: 30.5.1995 appointed for specified provisions by [S.I. 1995/1378, art. 2](#)
- S. 172(2) power partly exercised: Different dates appointed for specified provisions by [S.I. 1995/1957, arts. 3-6](#)
- S. 172(2) power partly exercised: 8.3.1996 appointed for specified provisions by [S.I. 1996/625, art. 2](#)
- S. 172(2) power partly exercised: 1.7.1996 appointed for specified provisions by 1996/1530, art. 2 (which S.I. is revoked (20.6.1996) by [S.I. 1996/1608, art. 3](#))
- S. 172(2) power partly exercised: 1.7.1996 appointed for specified provisions by [S.I. 1996/1608, art. 2](#)
- S. 172(2) power partly exercised: 1.4.1997 appointed for specified provisions by [S.I. 1997/882, arts. 2, 3](#)
- S. 172(2) power partly exercised: 1.3.1998 appointed for specified provisions by [S.I. 1998/277, art. 3](#)
- S. 172(2) power partly exercised: 20.3.2002 appointed for specified provisions by [S.I. 2002/447, art. 2](#)
- S. 172(2) power partly exercised: 6.4.2007 appointed for specified provision by [S.I. 2007/621, art. 2](#)

#### Textual Amendments

- F33** Words in s. 172(8) substituted (1.3.1999) by 1997 c. 21, [s. 8\(11\)](#); [S.I. 1999/5, art. 2](#)
- F34** S. 172(13A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 7 para. 7\(2\)](#) (with arts. 28-31)
- F35** Word in s. 172(14) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 7 para. 7\(3\)\(a\)](#) (with arts. 28-31)
- F36** Word in s. 172(14) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 7 para. 7\(3\)\(b\)](#) (with arts. 28-31)
- F37** Words in s. 172(14) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 7 para. 7\(3\)\(c\)](#) (with arts. 28-31)

#### Marginal Citations

- M35** 1984 c. 39.



**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

Criminal Justice and Public Order Act 1994, Part XII is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)