



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 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.”.

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)”.

Prisons: powers in relation to prisoners, visitors and others

151 Power to test prisoners for drugs

(1) After section 16 of the 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 Misuse of Drugs Act 1971;
 - “intimate sample” has the same meaning as in Part V of the 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 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 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.”.

152 Powers of search by authorised employees in prisons

- (1) In the Prison Act 1952, after section 8, there shall be inserted the following section—

Status: This is the original version (as it was originally enacted).

“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 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—
 - (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

Status: This is the original version (as it was originally enacted).

“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.”.

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 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—

“(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.

Status: This is the original version (as it was originally enacted).

- (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;
 - (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.

Status: This is the original version (as it was originally enacted).

- (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 Misuse of Drugs Act 1971;
 - “firearm” and “ammunition” have the same meanings as in the Firearms Act 1968;
 - “offensive weapon” has the same meaning as in the 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.”.

Harassment, alarm or distress

154 Offence of causing intentional harassment, alarm or distress

In Part I of the 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.”.

Offence of racially inflammatory publication etc. to be arrestable

155 Offence of racially inflammatory publication etc. to be arrestable

—In section 24(2) of the Police and Criminal Evidence Act 1984 (arrestable offences), after the paragraph (h) inserted by section 166(4) of this Act, there shall be inserted the following paragraph—

“(i) an offence under section 19 of the Public Order Act 1986 (publishing, etc. material intended or likely to stir up racial hatred);”.

Prohibition on use of cells from embryos or foetuses

156 Prohibition on use of cells from embryos or foetuses

- (1) The 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”.

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.

Status: This is the original version (as it was originally enacted).

- (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.
- (4) Any reference in column 2 of Part II of Schedule 8 to this Act to a numbered column of Schedule 4 to the 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 Firearms Act 1968 is a reference to the column of that number construed with section 51(2)(b) of that Act; or
 - (b) to a numbered column of Schedule 2 to the 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 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.”
- (7) Section 289D of the Criminal Procedure (Scotland) Act 1975 (power of Secretary of State by order to alter sums specified in certain provisions of Scots law) shall have effect with the insertion, in subsection (1A), after paragraph (e), of the following paragraph—
- “(ee) 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.”
- (8) Article 17 of the 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 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.”
- (9) Subsections (1), (2) and (3) above do not apply to an offence committed before this section comes into force.

Extradition procedures

158 Extradition procedures

- (1) The Extradition Act 1989 shall be amended as follows.
- (2) In section 4 (extradition Orders), in subsection (5), for the words “warrant his trial if” there shall be substituted the words “make a case requiring an answer by that person if the proceedings were a summary trial of an information against him and”.
- (3) In section 7 (extradition request and authority to proceed)—
 - (a) in subsection (2), in paragraph (b), after the word “evidence” there shall be inserted the words “or, in a case falling within subsection (2A) below, information”; and
 - (b) after subsection (2), there shall be inserted the following subsection—

“(2A) Where—

 - (a) the extradition request is made by a foreign state; and
 - (b) an Order in Council falling within section 4(5) above is in force in relation to that state,

it shall be a sufficient compliance with subsection (2)(b) above to furnish information sufficient to justify the issue of a warrant for his arrest under this Act.”
- (4) In section 8 (arrest for purposes of committal)—
 - (a) in subsection (3) after the word “evidence” there shall be inserted the words “or, in a case falling within subsection (3A) below, information”; and
 - (b) after subsection (3) there shall be inserted the following subsection—

“(3A) Where—

 - (a) the extradition request or, where a provisional warrant is applied for, the request for the person’s arrest is made by a foreign state; and
 - (b) an Order in Council falling within section 4(5) above is in force in relation to that state,

it shall be sufficient for the purposes of subsection (3) above to supply such information as would, in the opinion of the person so empowered, justify the issue of a warrant of arrest.”
- (5) In section 9 (committal proceedings)—
 - (a) in subsection (2), for the words from “jurisdiction” to the end there shall be substituted the words “powers, as nearly as may be, including powers to adjourn the case and meanwhile to remand the person arrested under the warrant either in custody or on bail, as if the proceedings were the summary trial of an information against him; and section 16(1)(c) of the Prosecution of Offences Act 1985 (costs on dismissal) shall apply accordingly reading the reference to the dismissal of the information as a reference to the discharge of the person arrested.”;
 - (b) after subsection (2) there shall be inserted the following subsection—

“(2A) If a court of committal in England and Wales exercises its power to adjourn the case it shall on so doing remand the person arrested in custody or on bail.”;

Status: This is the original version (as it was originally enacted).

- (c) in subsection (4), for the words from “warrant the trial” to the end there shall be substituted the words “make a case requiring an answer by the arrested person if the proceedings were the summary trial of an information against him.”; and
 - (d) in subsection (8)(a), for the words from “warrant his trial” to the end, there shall be substituted the words “make a case requiring an answer by that person if the proceedings were the summary trial of an information against him.”
- (6) In section 22 (International Convention cases), in subsection (5), for the words from “warrant his trial” to the end, there shall be substituted the words “make a case requiring an answer by that person if the proceedings were the summary trial of an information against him”.
- (7) In section 35 (interpretation), after subsection (2), there shall be inserted the following subsection—
- “(3) For the purposes of the application of this Act by virtue of any Order in Council in force under it or section 2 of the Extradition Act 1870, any reference in this Act to evidence making a case requiring an answer by an accused person shall be taken to indicate a determination of the same question as is indicated by a reference (however expressed) in any such Order (or arrangements embodied or recited in it) to evidence warranting or justifying the committal for trial of an accused person.”
- (8) In Schedule 1 (provisions applying to foreign states in respect of which an Order in Council under section 2 of the Extradition Act 1870 is in force)—
- (a) in paragraph 6(1) (hearing of case), for the words from “hear the case” to the end there shall be substituted the words “have the same powers, as near as may be, including power to adjourn the case and meanwhile to remand the prisoner either in custody or on bail, as if the proceedings were the summary trial of an information against him for an offence committed in England and Wales; and section 16(1)(c) of the Prosecution of Offences Act 1985 (costs on dismissal) shall apply accordingly reading the reference to the dismissal of the information as a reference to the discharge of the prisoner.”;
 - (b) after paragraph 6(1) there shall be inserted the following sub-paragraph—
 - “(1A) If the metropolitan magistrate exercises his power to adjourn the case he shall on so doing remand the prisoner either in custody or on bail.”; and
 - (c) in paragraph 7(1) (committal or discharge of prisoner), for the words from “justify the committal” to “England or Wales” there shall be substituted the words “make a case requiring an answer by the prisoner if the proceedings were for the trial in England and Wales of an information for the crime,

159 Backing of warrants: Republic of Ireland

- (1) The Backing of Warrants (Republic of Ireland) Act 1965 shall be amended as follows.
- (2) In section 1 (conditions for endorsement of warrants issued in Republic of Ireland), in subsection (1)(b), after the word “acts” there shall be inserted the words “or on his way to the United Kingdom”.

Status: This is the original version (as it was originally enacted).

- (3) In section 2 (proceedings for delivery of person arrested under endorsed warrant), in subsection (2)(a) (excluded offences) the words from “, or an offence under an enactment” to “control” shall be omitted.
- (4) In section 4 (procedure for provisional warrants)—
 - (a) in subsection (1)(c), after the word “acts” there shall be inserted the words “or on his way to the United Kingdom”;
 - (b) in subsection (2), for the words “five days” there shall be substituted the words “seven days”; and
 - (c) in subsection (3)(b), for the words “three days” there shall be substituted the words “seven days”.
- (5) In the Schedule (proceedings before magistrates' court), in paragraph 3, for the words from “and the proceedings” to the end, there shall be substituted the words “as if the proceedings were the summary trial of an information against that person.”.

Constabulary powers in United Kingdom waters

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

- (1) Section 19 of the Police Act 1964 (area within which a constable’s powers and privileges are exercisable) shall be amended as follows—
 - (a) in subsection (1), after the words “England and Wales” there shall be inserted the words “and the adjacent United Kingdom waters.”;
 - (b) in subsection (2), after the words “area for which he is appointed” there shall be inserted the words “and, where the boundary of that area includes the coast, in the adjacent United Kingdom waters”; and
 - (c) after subsection (5), there shall be inserted the following subsection—

“(5A) 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.”.
- (2) Section 17 of the 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—

“(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;

Status: This is the original version (as it was originally enacted).

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.”.

Obtaining computer-held information

161 Procuring disclosure of, and selling, computer-held personal information

(1) In section 5 of the Data Protection Act 1984 (prohibitions in relation to personal data, including disclosure), after subsection (5), there shall be inserted the following subsections—

“(6) A person who procures the disclosure to him of personal data the disclosure of which to him is in contravention of subsection (2) or (3) above, knowing or having reason to believe that the disclosure constitutes such a contravention, shall be guilty of an offence.

(7) A person who sells personal data shall be guilty of an offence if (in contravention of subsection (6) above) he has procured the disclosure of the data to him.

(8) A person who offers to sell personal data shall be guilty of an offence if (in contravention of subsection (6) above) he has procured or subsequently procures the disclosure of the data to him.

(9) For the purposes of subsection (8) above, an advertisement indicating that personal data are or may be for sale is an offer to sell the data.

(10) For the purposes of subsections (7) and (8) above, “selling”, or “offering to sell”, in relation to personal data, includes selling, or offering to sell, information extracted from the data.

(11) In determining, for the purposes of subsection (6), (7) or (8) above, whether a disclosure is in contravention of subsection (2) or (3) above, section 34(6) (d) below shall be disregarded.”.

(2) In consequence of the amendment made by subsection (1) above—

(a) in subsection (5) of that section, after the word “other” there shall be inserted the word “foregoing”; and

(b) in section 28 (exemptions: crime and taxation), in subsection (3)—

(i) after the words “section 26(3)(a) above” there shall be inserted the words “or for an offence under section 5(6) above”; and

(ii) after the words “to make” there shall be inserted the words “or (in the case of section 5(6)) to procure”.

162 Access to computer material by constables and other enforcement officers

(1) In section 10 of the 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—

Status: This is the original version (as it was originally enacted).

“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.”.

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;
 - (b) providing within their area a telecommunications system which, under Part II of the Telecommunications Act 1984, may be run without a licence;
 - (c) arranging for the provision of any other description of telecommunications system 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 in which the step is to be taken.
- (4) In this section—
- “chief officer of police”, in relation to a police area in Scotland, means the chief constable of a police force maintained for that area;
- “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 Local Government (Scotland) Act 1973; and
- “telecommunications system” has the meaning given in section 4 of the Telecommunications Act 1984 and “licence” means a licence under section 7 of that Act.

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

Serious fraud

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

- (1) Section 4 of the Criminal Justice (International Co-operation) Act 1990 (obtaining evidence in the United Kingdom for use overseas) shall be amended as follows—

- (a) after subsection (2), there shall be inserted the following subsections—

“(2A) Except where the evidence is to be obtained as is mentioned in subsection (2B) below, if the Secretary of State is satisfied—

- (a) that an offence under the law of the country or territory in question has been committed or that there are reasonable grounds for suspecting that such an offence has been committed; and
- (b) that proceedings in respect of that offence have been instituted in that country or territory or that an investigation into that offence is being carried on there,

and it appears to him that the request relates to an offence involving serious or complex fraud, he may, if he thinks fit, refer the request or any part of the request to the Director of the Serious Fraud Office for him to obtain such of the evidence to which the request or part referred relates as may appear to the Director to be appropriate for giving effect to the request or part referred.

(2B) Where the evidence is to be obtained in Scotland, if the Lord Advocate is satisfied as to the matters mentioned in paragraphs (a) and (b) of subsection (2A) above and it appears to him that the request relates to an offence involving serious or complex fraud, he may, if he thinks fit, give a direction under section 51 of the Criminal Justice (Scotland) Act 1987.”;

- (b) in subsection (3), after the words “subsection (2)” there shall be inserted the words “(2A) or (2B)”;
- (c) in subsection (4), after the words “subsection (2)(a) and (b)” there shall be inserted the words “or (2A)(a) and (b)”

- (2) Section 2 of the 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”;
- (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

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- (b) the Secretary of State acting under section 4(2A) of the 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) In section 51(1) of the 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 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) In section 52 of the Criminal Justice (Scotland) Act 1987 (investigation by nominated officer)—
- (a) after subsection (7) there shall be inserted—
 - “(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

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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;”.

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—

“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).
- (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

- (1) It is an offence for an unauthorised person to sell, or offer or expose for sale, a ticket for a designated football match in any public place or place to which the public has access or, in the course of a trade or business, in any other place.
- (2) For this purpose—
- (a) a person is “unauthorised” unless he is authorised in writing to sell tickets for the match by the home club or by the organisers of the match;
 - (b) a “ticket” means anything which purports to be a ticket; and
 - (c) a “designated football match” means a football match, or football match of a description, for the time being designated under section 1(1) of the Football (Offences) Act 1991.

- (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) In section 24(2) of the Police and Criminal Evidence Act 1984 (arrestable offences), after the paragraph (g) inserted by section 85(2) of this Act there shall be inserted the following paragraph—
- “(h) an offence under section 166 of the Criminal Justice and Public Order Act 1994 (sale of tickets by unauthorised persons);”.
- (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 the home club or 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.

*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 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 passengers for 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.

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- (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 Public Passenger Vehicles Act 1981.
- (7) In section 24(2) of the Police and Criminal Evidence Act 1984 (arrestable offences), after the paragraph (i) inserted by section 155 of this Act there shall be inserted the following paragraph—
“(j) an offence under section 167 of the Criminal Justice and Public Order Act 1994 (touting for hire car services).”.

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.

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 qualifying political party, or by a person acting for a qualifying political party, on measures to which this section applies.
- (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 “qualifying 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.

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.
- (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, 61 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.
- (14) Sections 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, extend to that part of those islands, but otherwise Chapter III of Part VIII extends to Northern Ireland only.
- (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 Video Recordings Act 1984.