Video Recordings Act 1984

1984 CHAPTER 39

Miscellaneous and supplementary

16 Offences by bodies corporate.

[F1(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.**]**

Textual Amendments

F1 Ss. 1-17 repealed and revived (21.1.2010) by Video Recordings Act 2010 (c. 1), **ss. 1(1)**, 2(2) (with Sch. paras. 2(2), 6)

[F2 16A Enforcement.

[F1(1) The functions of a local weights and measures authority include the enforcement in their area of this Act.

[F3(1A) F4. . . . . .

(1B) F5. . . . . .]

F6(2) . . . . . .

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 under s. 28).

(3) Nothing in this section shall be taken as authorising a local weights and measures authority in Scotland to initiate proceedings for an offence.

(4) **[**[F7]Subsection (1)**]** above does not apply in relation to the enforcement of this Act in Northern Ireland, but the functions of the Department of Economic Development include the enforcement of this Act in Northern Ireland. [F8]...

[[F9](4ZA) For the investigatory powers available to a local weights and measures authority or the Department of Enterprise, Trade and Investment in Northern Ireland for the purposes of the functions in this section, see Schedule 5 to the Consumer Rights Act 2015.**]**

[[F10](4A) [F11]. . . . . .**]**

(5) 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 the provisions of this Act were contained in that Act and as if the functions of any person in relation to the enforcement of this Act were functions under that Act.**]]**

Textual Amendments

F1 Ss. 1-17 repealed and revived (21.1.2010) by Video Recordings Act 2010 (c. 1), **ss. 1(1)**, 2(2) (with Sch. paras. 2(2), 6)

F2 S. 16A inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123(6), 162, 171(7), **Sch. 8 para. 16**

F3 S. 16A(1A)(1B) inserted (3.2.1995) by 1994 c. 33, **s. 91(2)(a)**; S.I. 1995/127, art. 2, **Sch. 1**

F4 S. 16A(1A) omitted (1.10.2015) by virtue of Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 6 para. 27(2)**; S.I. 2015/1630, art. 3(i) (with art. 8)

F5 S. 16A(1B) omitted (1.10.2015) by virtue of Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 6 para. 27(2)**; S.I. 2015/1630, art. 3(i) (with art. 8)

F6 S. 16A(2) omitted (1.10.2015) by virtue of Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 6 para. 27(2)**; S.I. 2015/1630, art. 3(i) (with art. 8)

F7 Words in s. 16A(4) substituted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 6 para. 27(3)(a)**; S.I. 2015/1630, art. 3(i)

F8 Words in s. 16A(4) omitted (1.10.2015) by virtue of Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 6 para. 27(3)(b)**; S.I. 2015/1630, art. 3(i) (with art. 8)

F9 S. 16A(4ZA) inserted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 6 para. 27(4)**; S.I. 2015/1630, art. 3(i)

F10 S. 16A(4A) inserted (3.2.1995) by 1994 c. 33, **s. 91(2)(c)**; S.I. 1995/127, art. 2, **Sch. 1**

F11 S. 16A(4A) omitted (1.10.2015) by virtue of Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 6 para. 27(5)**; S.I. 2015/1630, art. 3(i) (with art. 8)

[[F12]16B Extension of jurisdiction of magistrates' courts in linked cases.

[[F1](1) A justice of the peace for an area to which section 1 of the [M1] Magistrates' Courts Act 1980 applies may issue a summons or warrant under and in accordance with that section as respects an offence under this Act committed or suspected of having been committed outside the area for which he acts if it appears to the justice that the offence is linked to the supply or possession of video recordings within the area for which he acts.

(2) Where a person charged with an offence under this Act appears or is brought before a magistrates' court in answer to a summons issued by virtue of subsection (1) above,

or under a warrant issued under subsection (1) above, the court shall have jurisdiction to try the offence.

(3) For the purposes of this section an offence is "linked" to the supply or possession of video recordings within the area for which a justice acts if—

(a) the supply or possession of video recordings within his area is likely to be or to have been the result of the offence; or

(b) the offence is likely to be or to have been the result of the supply or possession of video recordings in his area.**]]**

Textual Amendments

F1 Ss. 1-17 repealed and revived (21.1.2010) by Video Recordings Act 2010 (c. 1), **ss. 1(1)**, 2(2) (with Sch. paras. 2(2), 6)

F12 Ss. 16B-16D inserted (3.2.1995) by 1994 c. 33, **s. 91(3)**; S.I. 1995/127, art. 2, **Sch. 1**

Marginal Citations

M1 1980 c. 43.

16C [F13] Extension of jurisdiction of sheriff in linked cases.

[[F1](1) Subsection (4) of **[**[F14]section 9 of the Criminal Procedure (Scotland) Act 1995**]** (jurisdiction of sheriff as respects offences committed in more than one district) shall apply in respect of linked offences, whether or not alleged to have been committed by one and the same person, as that subsection applies in respect of offences alleged to have been committed by one person in more than one sheriff court district which, if committed in one of those districts, could be tried under one complaint.

(2) For the purposes of subsection (1) above, offences are linked if, being offences under this Act, they comprise the supply or possession of video recordings each within a different sheriff court district but such supply or possession within the one district is likely to be, or to have been, the result of such supply or possession within the other.**]**

Textual Amendments

F1 Ss. 1-17 repealed and revived (21.1.2010) by Video Recordings Act 2010 (c. 1), **ss. 1(1)**, 2(2) (with Sch. paras. 2(2), 6)

F13 Ss. 16B-16D inserted (3.2.1995) by 1994 c. 33, **s. 91(3)**; S.I. 1995/127, art. 2, **Sch. 1**

F14 Words in s. 16C(1) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(5), **Sch. 4 para. 51**

[F15]16D Extension of jurisdiction of magistrates' courts in Northern Ireland in linked cases.

. . . . . .

Textual Amendments

F15 S. 16D repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 90, **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

17 Entry, search and seizure.

[[F1](1) If a justice of the peace is satisfied by information on oath that there are reasonable grounds for suspecting—

(a) that an offence under this Act has been or is being committed on any premises, and

(b) that evidence that the offence has been or is being committed is on those premises,

he may issue a warrant under his hand authorising any constable to enter and search the premises **[**[F16]within one month from the date of issue of the warrant**]**.

(2) A constable entering or searching any premises in pursuance of a warrant under subsection (1) above may use reasonable force if necessary and may seize anything found there which he has reasonable grounds to believe may be required to be used in evidence in any proceedings for an offence under this Act.

(3) In subsection (1) above—

(a) the reference to a justice of the peace is, in Scotland, a reference to the sheriff or a justice of the peace and, in Northern Ireland, a reference to a resident magistrate, and

(b) the reference to information is, in Scotland, a reference to evidence and, in Northern Ireland, a reference to a complaint.**]**

Textual Amendments

F1 Ss. 1-17 repealed and revived (21.1.2010) by Video Recordings Act 2010 (c. 1), **ss. 1(1)**, 2(2) (with Sch. paras. 2(2), 6)

F16 Words in s. 17(1) repealed (E.W.N.I.) (3.2.1995) by 1994 c. 33, s. 168(1)(3), Sch. 9 para. 23(b), **Sch. 11**; S.I. 1995/127, art. 2, **Sch. 1**

Modifications etc. (not altering text)

C1 S. 17(2) modified (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), 51, ss. 55, 138(2), **Sch. 1 para. 103** (with ss. 57(3), 68); S.I. 2003/708, art. 2(a)

C2 S. 17(2) powers of seizure extended (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), ss. 50, ss. 51, 138(2), **Sch. 1 para. 34** (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)

18 Arrest.

(1) If a constable has reasonable grounds for suspecting that a person has committed an offence under this Act, he may require him to give his name and address and, if that person refuses or fails to do so or gives a name and address which the constable reasonably suspects to be false, the constable may arrest him without warrant.

(2) This section does not extend to Scotland.

19 Evidence by certificate.

[[F17](1) In any proceedings in England and Wales or Northern Ireland for an offence under this Act, a certificate purporting to be signed by a person authorised in that behalf by the Secretary of State and stating—

(a) that he has examined—

(i) the record maintained in pursuance of arrangements made by the designated authority, and

(ii) a video work (or part of a video work) contained in a video recording identified by the certificate, and

(b) that the record shows that, on the date specified in the ceritficate, no classification certificate had been issued in respect of the video work concerned,

shall be admissible as evidence of the fact that, on that day, no classification certificate had been issued in respect of the video work concerned.

(2) A certificate under subsection (1) above may also state—

(a) that the video work concerned differs in such respects as may be specified from another video work examined by the person so authorised and identified by the certificate, and

(b) that the record shows that, on a date specified in the certificate under subsection (1) above, a classification certificate was issued in respect of that other video work;

and, if it does so, shall be admissible as evidence of the fact that the video work concerned differs in those respects from the other video work.

(3) In any proceedings in England and Wales or Northern Ireland for an offence under this Act, a certificate purporting to be signed by a person authorised in that behalf by the Secretary of State and stating—

(a) that he has examined—

(i) the record maintained in pursuance of arrangements made by the designated authority, and

(ii) a video work (or part of a video work) contained in a video recording identified by the certificate, and

(b) that the record shows that, on the date specified in the certificate under this subsection, a classification certificate was issued in respect of the video work concerned and that a document identified by the certificate under this subsection is a copy of the classification certificate so issued,

shall be admissible as evidence of the fact that, on that date, a classification certificate in terms of the document so identified was issued in respect of the video work concerned.

[F18(3A) In any proceedings in England and Wales or Northern Ireland for an offence under this Act, a certificate purporting to be signed by a person authorised in that behalf by the Secretary of State and stating—

(a) that he has examined the record maintained in pursuance of arrangements made by the designated authority, and

(b) that the record shows that, on the date specified in the certificate, no classification certificate had been issued in respect of a video work having a particular title,

shall be admissible as evidence of the fact that, on that date, no classification certificate had been issued in respect of a work of that title.

(3B) In any proceedings in England and Wales or Northern Ireland for an offence under this Act, a certificate purporting to be signed by a person authorised in that behalf by the Secretary of State and stating—

(a) that he has examined the record maintained in pursuance of arrangements made by the designated authority, and

(b) that the record shows that, on the date specified in the certificate under this subsection, a classification certificate was issued in respect of a video work having a particular title and that a document identified by the certificate under this subsection is a copy of the classification certificate so issued,

shall be admissible as evidence of the fact that, on that date, a classification certificate in terms of the document so identified was issued in respect of a work of that title.**]**

(4) Any document or video recording identified in a certificate tendered in evidence under this section shall be treated as if if had been produced as an exhibit and identified in court by the person signing the certificate.

[[F19](4A) This section does not make a certificate admissible as evidence in proceedings in England and Wales for an offence unless a copy of the certificate has, not less than seven days before the hearing, been served on the person charged with the offence in accordance with Criminal Procedure Rules.**]**

(5) This section does not make a certificate admissible as evidence in proceedings **[**[F20]in Northern Ireland**]** for an offence unless a copy of the certificate has, not less than seven days before the hearing, been served on the person charged with the offence in one of the following ways—

(a) by delivering it to him or to his solicitor, or

(b) by addressing it to him and leaving it at his usual or last known place of abode or place of business or by addressing it to his solicitor and leaving it at his office, or

(c) by sending it in a registered letter or by the recorded delivery service addressed to him at his usual or last known place of abode or place of business or addressed to his solicitor at his office, or

(d) in the case of abody corporate, by delivering it to the secretary or clerk of the body at its registered or principal office or sending it in a registered letter or by the recorded delivery service addressed to the secretary or clerk of that body at that office.**]**

Textual Amendments

F17 S. 19 repealed and revived (21.1.2010) by Video Recordings Act 2010 (c. 1), **ss. 1(1)**, 2(2) (with Sch. paras. 2(2), 6)

F18 S. 19(3A)(3B) inserted (20.9.1993) by 1993 c. 24, **ss. 4**, 6(2)

F19 S. 19(4A) inserted (28.6.2022) by Judicial Review and Courts Act 2022 (c. 35), s. 51(3), **Sch. 1 para. 8(a)**

F20 Words in s. 19(5) inserted (28.6.2022) by Judicial Review and Courts Act 2022 (c. 35), s. 51(3), **Sch. 1 para. 8(b)**

Modifications etc. (not altering text)

C3 S. 19(5)(a)(b)(c) amended (E.W.) (1.1.1992) by S.I. 1991/2684, arts. 2, 4, 5, **Sch. 1**

C4 S. 19(5)(a)(b)(c) applied (with modifications) (E.W.S.) (23.12.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866), art. 1(2), **Sch. 2**

[F21]**20** . . . . . .

Textual Amendments

F21 S. 20 repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 para. 1)

21 Forfeiture.

[[F22](1) Where a person is convicted of any offence under this Act, the court may order any video recording—

(a) produced to the court, and

(b) shown to the satisfaction of the court to relate to the offence,

to be forfeited.

(2) The court shall not order any video recording to be forfeited under subsection (1) above if a person claiming to be the owner of it or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

(3) references in this section to a video recording include a reference to any spool, case or other thing on or in which the recording is kept.

(4) An order made under subsection (1) above in any proceedings in England and Wales or Northern Ireland shall not take effect until the expiration of the ordinary time within which an appeal may be instituted or, where such an appeal is duly instituted, until the appeal is finally decided or abandoned; and for this purpose—

(a) an application for a case to stated or for leave to appeal shall be treated as the institution of an appeal; and

(b) where a decision on appeal is subject to a further appeal, the appeal is not finally decided until the expiration of the ordinary time within which a further appeal may be instituted or, where a further appeal is duly instituted, until the further appeal is finally decided or abandoned.

(5) An order made under subsection (1) above in any proceedings in Scotland shall not take effect until the expiration of the time within which, buy virtue of any statute, an appeal may be instituted or, where such an appeal is duly instituted, until the appeal is finally disposed of or abandoned; and for this purpose the lodging of an application for a stated case or note of appeal against sentence shall be treated as the institution of an appeal.**]**

Textual Amendments

F22 S. 21 repealed and revived (21.1.2010) by Video Recordings Act 2010 (c. 1), **ss. 1(1)**, 2(2) (with Sch. paras. 2(2), 6)

22 Other interpretation.

[[F23](1) In this Act—

"business", except in section 3(4), includes any activity carried on by a club; [F24]...

"premises" includes any vehicle, vessel or stall.

[[F25]"video games authority" and "video works authority" have the meaning given in section 4ZA.**]**

(2) For the purposes of this Act **[**[F26](and subject to regulations under subsection (2A))**]**, a video recording contains a video work if it contains information by the use of which the whole or a part of the work may be produced; but where a video work includes any extract from another video work, that extract is not to be regarded for the purposes of this subsection as a part of that other work.

[[F27](2A) The Secretary of State may by regulations make provision about the circumstances in which, for the purposes of this Act, a video recording does or does not contain a video work.**]**

(3) Where any alteration is made to a video work in respect of which a classification certificate has been issued, the classification certificate is not to be treated for the purposes of this Act as issued in respect of the altered work.

In this subsection, "alteration" includes addition.**]**

Textual Amendments

F23 S. 22 repealed and revived (21.1.2010) by Video Recordings Act 2010 (c. 1), **ss. 1(1)**, 2(2) (with Sch. paras. 2(2), 6)

F24 Word in s. 22(1) repealed (1.5.2012) by Digital Economy Act 2010 (c. 24), s. 47(3)(c), **Sch. 2**; S.I. 2012/1164, art. 2(c)

F25 Words in s. 22(1) inserted (1.5.2012) by Digital Economy Act 2010 (c. 24), s. 47(3)(c), **Sch. 1 para. 10(2)**; S.I. 2012/1164, art. 2(b)

F26 Words in s. 22(2) inserted (8.6.2010) by Digital Economy Act 2010 (c. 24), s. 47(1), **Sch. 1 para. 10(3)**

F27 S. 22(2A) inserted (8.6.2010) by Digital Economy Act 2010 (c. 24), s. 47(1), **Sch. 1 para. 10(4)**

Modifications etc. (not altering text)

C5 S. 22(3) applied (26.1.2009) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 64(8)**, 153(7); S.I. 2008/2993, art. 2(2)(b)

C6 S. 22(3) applied (6.4.2010) by Coroners and Justice Act 2009 (c. 25), **ss. 63(8)**, 182(5) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 1

C7 S. 22(3) applied (31.7.2017 for specified purposes) by Digital Economy Act 2017 (c. 30), **ss. 30(2)**, 118(6) (with s. 30(3)); S.I. 2017/765, reg. 2(m)

[[F28]22A Regulations

(1) Regulations under this Act are to be made by statutory instrument.

(2) Every power of the Secretary of State to make regulations under this Act includes—
  (a) power to make different provision for different purposes, and
  (b) power to make transitional or saving provision.

(3) A statutory instrument containing regulations under section 2, 2A or 3 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(4) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F28 S. 22A inserted (8.6.2010) by Digital Economy Act 2010 (c. 24), s. 47(1), **Sch. 1 para. 11** (with Sch. 1 para. 12)

23 Short title, commencement and extent.

(1) This Act may be cited as the Video Recordings Act 1984.

(2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions and for different purposes.

(3) This Act extends to Northern Ireland.

Subordinate Legislation Made

P1 S. 23(2) power of appointment conferred by s. 23(2) fully exercised: S.I. 1985/883, 1985/904, 1985/1264, 1985/1265, 1986/1125, 1986/1182, 1987/123, 1987/160, 1987/1142, 1987/1249, 1987/2155, 1987/2273, 1988/1018, 1079

Changes to legislation:
There are currently no known outstanding effects for the Video Recordings Act 1984, Cross Heading: Miscellaneous and supplementary.