
STATUTORY INSTRUMENTS

1990 No. 1570

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Justice Act 1988
(Confiscation Orders) Order 1990**

<i>Made</i>	- - - -	<i>31st July 1990</i>
<i>Laid before Parliament</i>		<i>3rd August 1990</i>
<i>Coming into force</i>	- -	<i>24th August 1990</i>

In exercise of the powers conferred upon me by paragraph 1 of Part II of Schedule 4 to the Criminal Justice Act 1988(1), I hereby make the following Order:

1. This Order may be cited as the Criminal Justice Act 1988 (Confiscation Orders) Order 1990 and shall come into force on 24th August 1990.

2. Part I of Schedule 4 to the Criminal Justice Act 1988 (offences in respect of which magistrates' courts may make confiscation orders) shall be amended by the addition to the offences there listed of the following offences—

- (a) an offence under paragraph 10(1) or (2) of Schedule 12 to the London Government Act 1963(2) to which sub-paragraph (3A) of paragraph 10(3) of that Schedule applies;
- (b) an offence under section 4(1) of the Private Places of Entertainment (Licensing) Act 1967(4);
- (c) an offence under section 4(2) of the Private Places of Entertainment (Licensing) Act 1967 to which subsection (3A)(b) of section 4(5) of that Act refers; and
- (d) an offence under paragraph 12(1) or (2) of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982(6) to which sub-paragraph (2B) of paragraph 12(7) of that Schedule applies.

3. Accordingly, for the table of offences set out after the words “OFFENCES IN RESPECT OF WHICH MAGISTRATES' COURTS MAY MAKE CONFISCATION ORDERS” in Part I of Schedule 4 to the Criminal Justice Act 1988 there shall be substituted the following table:

(1) 1988 c. 33.
(2) 1963 c. 33.
(3) Paragraph 10 was amended by section 1(1) of the Entertainments (Increased Penalties) Act 1990 (c. 20).
(4) 1967 c. 19.
(5) Section 4 was amended by section 1(2) of the Entertainments (Increased Penalties) Act 1990.
(6) 1982 c. 30.
(7) Paragraph 12 was amended by section 1(3) of the Entertainments (Increased Penalties) Act 1990.

“Enactment	Description of offence
LONDON GOVERNMENT ACT 1963 (c. 33)	
Schedule 12 — paragraph 10(1) and (2), in relation only to an offence to which sub-paragraph (3A) of paragraph 10 applies.	Offences relating to the use of places in Greater London for public dancing or music or other public entertainment of the like kind.
PRIVATE PLACES OF ENTERTAINMENT (LICENSING) ACT 1967 (c. 19)Section 4(1)Section 4(2), in relation only to an offence referred to in sub-section (3A)(b) of section 4.	Offences relating to the use of places for dancing, music or other entertainment of the like kind which is not a public entertainment but is provided for private gain.
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (c. 30)	
Schedule 1 — paragraph 12(1) and (2), in relation only to an offence to which sub-paragraph (2B) of paragraph 12 applies.	Offences relating to the use of places outside Greater London for public dancing or music or other public entertainment of the like kind (not being in the open air) or for public musical entertainment held wholly or mainly in the open air on private land.
Schedule 3 — paragraphs 20 and 21.	Offences relating to sex establishments.
VIDEO RECORDINGS ACT 1984 (c. 39)	
Section 9	Supplying video recording of unclassified work.
Section 10	Possession of video recording of unclassified work for the purpose of supply.
CINEMAS ACT 1985 (c. 13)	
Section 10(1)(a)	Use of unlicensed premises for exhibition which requires a licence.”

Home Office
31st July 1990

David Waddington
One of Her Majesty’s Principal Secretaries of
State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Part I of Schedule 4 to the Criminal Justice Act 1988 to add certain offences to the offences listed there in respect of which magistrates' courts may make confiscation orders under section 71 of that Act. The added offences are offences under paragraph 10 of Schedule 12 to the London Government Act 1963, section 4 of the Private Places of Entertainment (Licensing) Act 1967 and paragraph 12 of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982, all of which relate to the licensing of music and dancing entertainments. In each case the offences are those concerning the use of an unlicensed place for an entertainment or the use of a licensed place for an entertainment in contravention of any term or condition of the licence which limits the number of people who may be present at the entertainment. These are the offences for which the penalties were increased by the Entertainments (Increased Penalties) Act 1990.