



Broadcasting Act 1990

1990 CHAPTER 42

PART VII

PROHIBITION ON INCLUSION OF OBSCENE AND OTHER MATERIAL IN PROGRAMME SERVICES

Supplementary

167 Power to make copies of recordings.

- (1) If a justice of the peace is satisfied by information on oath laid by a constable that there is reasonable ground for suspecting that a relevant offence has been committed by any person in respect of a programme included in a programme service, he may make an order authorising any constable to require that person—
 - (a) to produce to the constable a visual or sound recording of any matter included in that programme, if and so far as that person is able to do so; and
 - (b) on the production of such a recording, to afford the constable an opportunity of causing a copy of it to be made.
- (2) An order made under this section shall describe the programme to which it relates in a manner sufficient to enable that programme to be identified.
- (3) A person who without reasonable excuse fails to comply with any requirement of a constable made by virtue of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding the third level on the standard scale.
- (4) No order shall be made under this section in respect of any recording in respect of which a warrant could be granted under any of the following provisions, namely—
 - (a) section 3 of the ^{M1}Obscene Publications Act 1959;
 - (b) section 24 [^{F1}or 29H] of the ^{M2}Public Order Act 1986; and
 - (c) Article 14 of the ^{M3}Public Order (Northern Ireland) Order 1987.
- (5) In the application of subsection (1) to England and Wales “relevant offence” means an offence under—
 - (a) section 2 of the Obscene Publications Act 1959; or

*Changes to legislation: There are currently no known outstanding effects for the
 Broadcasting Act 1990, Cross Heading: Supplementary. (See end of Document for details)*

- (b) section 22 [^{F2}or 29F] of the Public Order Act 1986.
- (6) In the application of subsection (1) to Scotland—
- (a) “relevant offence” means an offence under—
 - (i) section 51 of the ^{M4}Civic Government (Scotland) Act 1982, or
 - (ii) section 22 of the Public Order Act 1986;
 - (b) the reference to a justice of the peace shall include a reference to the sheriff;
and
 - (c) for the reference to information on oath there shall be substituted a reference to evidence on oath.
- (7) In the application of subsection (1) to Northern Ireland—
- (a) “relevant offence” means an offence under Article 12 of the Public Order (Northern Ireland) Order 1987;
 - (b) for the reference to a justice of the peace there shall be substituted a reference to a resident magistrate; and
 - (c) for the reference to information on oath laid by a constable there shall be substituted a reference to a complaint on oath made by a constable.

Textual Amendments

- F1** Words in s. 167(4)(b) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 26 para. 28(2)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(l)
- F2** Words in s. 167(5)(b) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 26 para. 28(3)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(l)

Modifications etc. (not altering text)

- C1** S. 167 amended (1.4.1997) by [1996 c. 55](#), **s. 117** (with s. 43(1)(6)); S.I. 1997/1005, **art. 4**

Marginal Citations

- M1** 1959 c. 66.
M2 1986 c. 64.
M3 S.I.1987/463 (N.I.7).
M4 1982 c. 45.

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