



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART VII

#### OBSCENITY AND PORNOGRAPHY AND VIDEOS

##### *Video recordings*

#### **90 Video recordings: suitability.**

- (1) After section 4 of the <sup>M1</sup>Video Recordings Act 1984 there shall be inserted the following sections—

##### **“4A Criteria for suitability to which special regard to be had.**

- (1) The designated authority shall, in making any determination as to the suitability of a video work, have special regard (among the other relevant factors) to any harm that may be caused to potential viewers or, through their behaviour, to society by the manner in which the work deals with—
- (a) criminal behaviour;
  - (b) illegal drugs;
  - (c) violent behaviour or incidents;
  - (d) horrific behaviour or incidents; or
  - (e) human sexual activity.
- (2) For the purposes of this section—
- “potential viewer” means any person (including a child or young person) who is likely to view the video work in question if a classification certificate or a classification certificate of a particular description were issued;

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**Changes to legislation:** *Criminal Justice and Public Order Act 1994, Section 90 is up to date with all changes known to be in force on or before 02 July 2023. 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*

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“suitability” means suitability for the issue of a classification certificate or suitability for the issue of a certificate of a particular description;

“violent behaviour” includes any act inflicting or likely to result in the infliction of injury;

and any behaviour or activity referred to in subsection (1)(a) to (e) above shall be taken to include behaviour or activity likely to stimulate or encourage it.

#### **4B Review of determinations as to suitability.**

- (1) The Secretary of State may by order make provision enabling the designated authority to review any determination made by them, before the coming into force of section 4A of this Act, as to the suitability of a video work.
- (2) The order may in particular provide—
  - (a) for the authority’s power of review to be exercisable in relation to such determinations as the authority think fit;
  - (b) for the authority to determine, on any review, whether, if they were then determining the suitability of the video work to which the determination under review relates, they—
    - (i) would issue a classification certificate, or
    - (ii) would issue a different classification certificate;
  - (c) for the cancellation of a classification certificate, where they determine that they would not issue a classification certificate;
  - (d) for the cancellation of a classification certificate and issue of a new classification certificate, where they determine that they would issue a different classification certificate;
  - (e) for any such cancellation or issue not to take effect until the end of such period as may be determined in accordance with the order;
  - (f) for such persons as may appear to the authority to fall within a specified category of person to be notified of any such cancellation or issue in such manner as may be specified;
  - (g) for treating a classification certificate, in relation to any act or omission occurring after its cancellation, as if it had not been issued;
  - (h) for specified provisions of this Act to apply to determinations made on a review subject to such modifications (if any) as may be specified;
  - (i) for specified regulations made under section 8 of this Act to apply to a video work in respect of which a new classification certificate has been issued subject to such modifications (if any) as may be specified.
- (3) In subsection (2) above “specified” means specified by an order made under this section.
- (4) The Secretary of State shall not make any order under this section unless he is satisfied that adequate arrangements will be made for an appeal against determinations made by the designated authority on a review.
- (5) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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(6) In this section “suitability” has the same meaning as in section 4A of this Act.”.

(2) In section 7(2) of the <sup>M2</sup>Video Recordings Act 1984 (contents of classification certificates), in paragraph (a), after the words “viewing by children”, there shall be inserted the words “ or young children ”.

#### Marginal Citations

**M1** 1984 c. 39.

**M2** 1984 c. 39.

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**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\(3\)](#)