



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART VII

OBSCENITY AND PORNOGRAPHY AND VIDEOS

Video recordings

91 Enforcement by enforcing authorities outside their areas.

(1) The Video Recordings Act 1984 shall have effect with the following amendments.

(2) In section 16A (enforcement)—

(a) after subsection (1) there shall be inserted the following subsections—

“(1A) Subject to subsection (1B) below, the functions of a local weights and measures authority shall also include the investigation and prosecution outside their area of offences under this Act suspected to be linked to their area as well as the investigation outside their area of offences suspected to have been committed within it.

(1B) The functions available to an authority under subsection (1A) above shall not be exercisable in relation to any circumstances suspected to have arisen within the area of another local weights and measures authority without the consent of that authority.”;

(b) in subsection (4), for the words “Subsection (1)” there shall be substituted the words “ Subsections (1) and (1A) ”;

(c) after subsection (4), there shall be inserted the following subsection—

“(4A) For the purposes of subsections (1A), (1B) and (2) above—

(a) offences in another area are “linked” to the area of a local weights and measures authority if—

Changes to legislation: Criminal Justice and Public Order Act 1994, Section 91 is up to date with all changes known to be in force on or before 30 June 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

- (i) the supply or possession of video recordings in contravention of this Act within their area is likely to be or to have been the result of the supply or possession of those recordings in the other area; or
- (ii) the supply or possession of video recordings in contravention of this Act in the other area is likely to be or to have been the result of the supply or possession of those recordings in their area; and
- (b) “investigation” includes the exercise of the powers conferred by sections 27 and 28 of the ^{M1}Trade Descriptions Act 1968 as applied by subsection (2) above;

and sections 29 and 33 of that Act shall apply accordingly.”.

- (3) After section 16A there shall be inserted the following sections—

“16B Extension of jurisdiction of magistrates’ courts in linked cases.

- (1) A justice of the peace for an area to which section 1 of the ^{M2}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.

16C Extension of jurisdiction of sheriff in linked cases.

- (1) Subsection (4) of section 287 of the ^{M3}Criminal Procedure (Scotland) Act 1975 (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.

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

- (1) Paragraph (2) of Article 16 of the ^{M4}Magistrates' Courts (Northern Ireland) Order 1981 (jurisdiction of magistrates' court as respects offences committed in another division) shall apply in respect of linked offences as that paragraph applies in respect of summary offences committed in other county court divisions.
- (2) For the purposes of subsection (1) above, an offence is a linked offence if the supply or possession of video recordings within one county court division is likely to be or to have been the result of the supply or possession of those recordings in another such division."

Marginal Citations

- M1** 1968 c. 29.
M2 1980 c. 43.
M3 1975 c. 21.
M4 S.I. 1981/1675 (N.I. 26).

Changes to legislation:

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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\(3\)](#)