# CHAPTER 66

## *Obscene Publications Act*, 1959

ARRANGEMENT OF SECTIONS

Section

1. Test of obscenity.
2. Prohibition of publication of obscene matter.
3. Powers of search and seizure.
4. Defence of public good.
5. Citation, commencement and extent.

---

An Act to amend the law relating to the publication of obscene matter; to provide for the protection of literature; and to strengthen the law concerning pornography. [29th July, 1959]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Test of obscenity.

**1.**—(1) For the purposes of this Act an article shall be deemed to be obscene if its effect or (where the article comprises two or more distinct items) the effect of any one of its items is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

(2) In this Act "article" means any description of article containing or embodying matter to be read or looked at or both, any sound record, and any film or other record of a picture or pictures.

(3) For the purposes of this Act a person publishes an article who—

(*a*) distributes, circulates, sells, lets on hire, gives, or lends it, or who offers it for sale or for letting on hire; or

(*b*) in the case of an article containing or embodying matter to be looked at or a record, shows, plays or projects it:

Provided that paragraph (*b*) of this subsection shall not apply to anything done in the course of a cinematograph exhibition (within the meaning of the Cinematograph Act, 1952), other than one excluded from the Cinematograph Act, 1909, by subsection (4) of section seven of that Act (which relates to exhibitions in private houses to which the public are not admitted), or to anything done in the course of television or sound broadcasting.

15 & 16 Geo. 6 & 1 Eliz. 2. c. 68.
9 Edw. 7. c. 30.

Prohibition of publication of obscene matter.

**2.**—(1) Subject as hereinafter provided, any person who, whether for gain or not, publishes an obscene article shall be liable—

(*a*) on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months;

(*b*) on conviction on indictment to a fine or to imprisonment for a term not exceeding three years or both.

15 & 16 Geo. 6 & 1 Eliz 2. c. 55.

(2) Notwithstanding anything in section one hundred and four of the Magistrates' Courts Act, 1952, summary proceedings for an offence against this section may be brought at any time within twelve months from the commission of the offence; and paragraph 16 of the First Schedule to the Magistrates' Courts Act, 1952 (under which an offence at common law of publishing, exhibiting or selling obscene articles may be tried summarily) is hereby repealed.

(3) A prosecution on indictment for an offence against this section shall not be commenced more than two years after the commission of the offence.

(4) A person publishing an article shall not be proceeded against for an offence at common law consisting of the publication of any matter contained or embodied in the article where it is of the essence of the offence that the matter is obscene.

(5) A person shall not be convicted of an offence against this section if he proves that he had not examined the article in respect of which he is charged and had no reasonable cause to suspect that it was such that his publication of it would make him liable to be convicted of an offence against this section.

(6) In any proceedings against a person under this section the question whether an article is obscene shall be determined without regard to any publication by another person unless it could reasonably have been expected that the publication by the other person would follow from publication by the person charged.

Powers of search and seizure.

**3.**—(1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that, in any premises in the petty sessions area for which he acts, or on any stall or vehicle in that area, being premises or a stall or vehicle specified in the information, obscene articles are, or are from time to time, kept for publication for gain, the justice may issue a warrant under his hand empowering any constable to enter (if need be by force) and search the premises, or to search the stall or vehicle, within fourteen days from the date of the warrant, and to seize and remove any articles found therein or thereon which the constable has reason to believe to be obscene articles and to be kept for publication for gain.

(2) A warrant under the foregoing subsection shall, if any obscene articles are seized under the warrant, also empower the seizure and removal of any documents found in the premises or, as the case may be, on the stall or vehicle which relate to a trade or business carried on at the premises or from the stall or vehicle.

(3) Any articles seized under subsection (1) of this section shall be brought before a justice of the peace acting for the same petty sessions area as the justice who issued the warrant, and the justice before whom the articles are brought may thereupon issue a summons to the occupier of the premises or, as the case may be, the user of the stall or vehicle to appear on a day specified in the summons before a magistrates' court for that petty sessions area to show cause why the articles or any of them should not be forfeited; and if the court is satisfied, as respects any of the articles, that at the time when they were seized they were obscene articles kept for publication for gain, the court shall order those articles to be forfeited:

Provided that if the person summoned does not appear, the court shall not make an order unless service of the summons is proved.

(4) In addition to the person summoned, any other person being the owner, author or maker of any of the articles brought before the court, or any other person through whose hands they had passed before being seized, shall be entitled to appear before the court on the day specified in the summons to show cause why they should not be forfeited.

(5) Where an order is made under this section for the forfeiture of any articles, any person who appeared, or was entitled to appear, to show cause against the making of the order may appeal to quarter sessions; and no such order shall take effect until the expiration of fourteen days after the day on which the order is made, or, if before the expiration thereof notice of appeal is duly given or application is made for the statement of a case for the opinion of the High Court, until the final determination or abandonment of the proceedings on the appeal or case.

(6) If as respects any articles brought before it the court does not order forfeiture, the court may if it thinks fit order the person on whose information the warrant for the seizure of the articles was issued to pay such costs as the court thinks reasonable to any person who has appeared before the court to show cause why those articles should not be forfeited; and costs ordered to be paid under this subsection shall be enforceable as a civil debt.

(7) For the purposes of this section the question whether an article is obscene shall be determined on the assumption that copies of it would be published in any manner likely having regard to the circumstances in which it was found, but in no other manner.

20 & 21 Vict. c. 83.

(8) The Obscene Publications Act, 1857, is hereby repealed, without prejudice, however, to the execution of any warrant issued thereunder before the commencement of this Act or to the taking of any proceedings in pursuance of a warrant so issued.

Defence of public good.

**4.**—(1) A person shall not be convicted of an offence against section two of this Act, and an order for forfeiture shall not be made under the foregoing section, if it is proved that publication of the article in question is justified as being for the public good on the ground that it is in the interests of science, literature, art or learning, or of other objects of general concern.

(2) It is hereby declared that the opinion of experts as to the literary, artistic, scientific or other merits of an article may be admitted in any proceedings under this Act either to establish or to negative the said ground.

Citation, commencement and extent.

**5.**—(1) This Act may be cited as the Obscene Publications Act, 1959.

(2) This Act shall come into operation on the expiration of one month beginning with the date of the passing thereof.

(3) This Act shall not extend to Scotland or to Northern Ireland.

# CHAPTER 67

## *Factories Act*, 1959

ARRANGEMENT OF SECTIONS

Section
1. Cleanliness.
2. Dangerous substances.
3. Hoists or lifts and lifting machines.
4. Floors, passages and stairs.
5. Safe means of access and safe place of employment.
6. Dangerous fumes and lack of oxygen.
7. Explosive dust.
8. Steam boilers.
9. Exercise by fire authorities of functions relating to means of escape in case of fire.
10. Means of escape in case of fire.
11. Prevention of fire.
12. Fire fighting.
13. Safety provisions in case of fire.
14. Power to extend provisions as to fire warnings and means of escape in case of fire.
15. Extension to other premises, etc. of regulations under ss. 11 and 12.
16. Testing or examination of fire warnings.
17. Power of entry of officers of fire authorities, etc.
18. Washing facilities.
19. First aid.
20. Lifting excessive weights.
21. Special regulations for safety and health.