



Cancer Act 1939

1939 CHAPTER 13 2 and 3 Geo 6

An Act to make further provision for the treatment of cancer, to authorise the Minister of Health to lend money to the National Radium Trust, to prohibit certain advertisements relating to cancer, and for purposes connected with the matters aforesaid. [29th March 1939]

1, 2. F1

Annotations:

Amendments (Textual)

F1 Ss. 1, 2 repealed by [National Health Service Act 1946 \(c. 81\)](#), [Sch. 10 Pt. II](#) and [National Health Service \(Scotland\) Act 1947 \(c. 27\)](#), [Sch. 11 Pt. II](#)

3 F2

Annotations:

Amendments (Textual)

F2 S. 3 repealed by [National Health Service \(Amendment\) Act 1949 \(c. 93\)](#), [s. 29\(3\)](#)

4 Prohibition of certain advertisements.

- (1) No person shall take any part in the publication of any advertisement—
 - (a) containing an offer to treat any person for cancer, or to prescribe any remedy therefor, or to give any advice in connection with the treatment thereof; or
 - (b) F3
- (2) If any person contravenes any of the provisions of the foregoing subsection, he shall be liable on summary conviction, in the case of a first conviction, to a fine not exceeding

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[^{F4}fifty pounds][^{F4}level 3 on the standard scale], and, in the case of a subsequent conviction, to a fine not exceeding [^{F4}one hundred pounds][^{F4}level 3 on the standard scale] or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment.

- (3) ^{F5}
- (4) In any proceedings for a contravention of subsection (1) of this section, it shall be a defence for the person charged to prove—
- (a) that the advertisement to which the proceedings relate was published only so far as was reasonably necessary to bring it to the notice of persons of the following classes or of one or some of them, that is to say,—
 - (i) members of either House of Parliament or of a local authority or of a governing body of a voluntary hospital;
 - (ii) ^{F6}
 - (iii) registered medical practitioners;
 - (iv) registered nurses;
 - (v) registered pharmacists and [^{F7}persons lawfully conducting a retail pharmacy business in accordance with section 69 of the ^{M1}Medicines Act 1968];
 - (vi) persons undergoing training with a view to becoming registered medical practitioners, registered nurses or registered pharmacists;
 - (vii) ^{F8}
 - (b) that the said advertisement was published only in a publication of a technical character intended for circulation mainly amongst persons of the classes mentioned in the last preceding paragraph or one of some of those classes; or
 - (c) that the said advertisement was published in such circumstances that he did not know and had no reason to believe that he was taking part in the publication thereof.
- (5) Nothing in this section shall apply in respect of any advertisement published by a local authority or by the governing body of a voluntary hospital or by any person acting with the sanction of the Minister.
- ^{F9}(6)
- [^{F10}(7) Each of the following may institute proceedings under this section—
- (a) a county council in England;
 - (b) a non-metropolitan district council for an area in England for which there is no county council;
 - (c) a London borough council;
 - (d) the Common Council of the City of London; or
 - (e) a county council or county borough council in Wales.]
- (8) In this section the expression “advertisement” includes any notice, circular, label, wrapper or other document, and any announcement made orally or by any means of producing or transmitting sounds.

Annotations:

Amendments (Textual)

F3 S. 4(1)(b) repealed by [Medicines Act 1968 \(c. 67\)](#), [Sch. 6](#)

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- F4** Words “level 3 on the standard scale” substituted (S.) for words “fifty pounds” and “one hundred pounds” in each case by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E–289G**
- F5** S. 4(3) repealed by [Medicines Act 1968 \(c. 67\)](#), **Sch. 6**
- F6** S. (4)(a)(ii) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. VIII**
- F7** Words substituted by [Medicines Act 1968 \(c. 67\)](#), **Sch. 5 para. 10**
- F8** S. 4(4)(a) (vii) repealed by [Medicines Act 1968 \(c. 67\)](#), **Sch. 6**
- F9** S. 4(6) repealed (30.10.2008) by [Legislative Reform \(Local Authority Consent Requirements\) \(England and Wales\) Order 2008 \(S.I. 2008/2840\)](#), arts. 1(1), **2(a)**
- F10** S. 4(7) substituted (30.10.2008) by [Legislative Reform \(Local Authority Consent Requirements\) \(England and Wales\) Order 2008 \(S.I. 2008/2840\)](#), arts. 1(1), **2(b)**

Modifications etc. (not altering text)

- C1** [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E. W.)
- C2** [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E** (in relation to liability on first and subsequent convictions), applies (S.)

Marginal Citations

- M1** [1968 c. 67](#).

5 Interpretation.

(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“Hospital” includes a clinic, dispensary or other institution for the reception of the sick whether as in-patients or as out-patients;

“The Minister” means the Minister of Health;

F11

(2) In this Act references to persons suffering from cancer shall be construed as including references to persons suspected to be so suffering.

Annotations:

Amendments (Textual)

- F11** definition repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. VIII**

6

F12

Annotations:

Amendments (Textual)

- F12** [Ss. 6, 8\(2\)\(3\)](#) repealed by [National Health Service Act 1946 \(c. 81\)](#), **Sch. 10 Pt. II**

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7 Application to Scotland.

The following provisions shall have effect for the purpose of the application of this Act to Scotland:—

- (a)^{F13}
- (b) for any reference to the Minister of Health, . . .^{F14}, there shall be substituted a reference to [^{F15}the Secretary of State];
- (c)^{F16}
- (f) subsection (7) of section four shall not apply.

Annotations:

Amendments (Textual)

- F13** S. 7(a) repealed by [National Health Service \(Scotland\) Act 1947 \(c. 27\)](#), **Sch. 11 Pt. II**
- F14** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. VIII**
- F15** Words substituted by virtue of [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), **s. 1(6)(b)**
- F16** S. 7(c)—(e) repealed by [National Health Service \(Scotland\) Act 1947 \(c. 27\)](#), **Sch. 11 Pt. II**

Modifications etc. (not altering text)

- C3** Reference to Minister of Health to be construed as reference to Secretary of State: [S.I. 1968/1699](#), **arts. 2, 5(4)(a)**

8 Short title, citation and extent.

- (1) This Act may be cited as the Cancer Act 1939.
- (2)^{F17}
- (4) This Act shall not extend to Northern Ireland.

Annotations:

Amendments (Textual)

- F17** **Ss. 6, 8(2)(3)** repealed by [National Health Service Act 1946 \(c. 81\)](#), **Sch. 10 Pt. II**

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Changes and effects yet to be applied to :

- s. 4(2) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)