



Obscene Publications Act 1959

1959 CHAPTER 66 7 and 8 Eliz 2

2 Prohibition of publication of obscene matter.

- (1) Subject as hereinafter provided, any person who, whether for gain or not, publishes an obscene article [^{F1}or who has an obscene article for publication for gain (whether gain to himself or gain to another)] 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 [^{F2}five years] or both.

^{F3}(2)

- (3) A prosecution ^{F4}... for an offence against this section shall not be commenced more than two years after the commission of the offence.

[^{F5}(3A) Proceedings for an offence under this section shall not be instituted except by or with the consent of the Director of Public Prosecutions in any case where the article in question is a moving picture film of a width of not less than sixteen millimetres and the relevant publication or the only other publication which followed or could reasonably have been expected to follow from the relevant publication took place or (as the case may be) was to take place in the course of [^{F6}an exhibition of a film]; and in this subsection “the relevant publication” means—

- (a) in the case of any proceedings under this section for publishing an obscene article, the publication in respect of which the defendant would be charged if the proceedings were brought; and
- (b) in the case of any proceedings under this section for having an obscene article for publication for gain, the publication which, if the proceedings were brought, the defendant would be alleged to have had in contemplation.]

- (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.

[^{F7}(4A) Without prejudice to subsection (4) above, a person shall not be proceeded against for an offence at common law—

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- (a) in respect of [^{F8}an exhibition of a film] or anything said or done in the course of [^{F8}an exhibition of a film], where it is of the essence of the common law offence that the exhibition or, as the case may be, what was said or done was obscene, indecent, offensive, disgusting or injurious to morality; or
- (b) in respect of an agreement to give [^{F8}an exhibition of a film] or to cause anything to be said or done in the course of such an exhibition where the common law offence consists of conspiring to corrupt public morals or to do any act contrary to public morals or decency.]
- (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.
- [^{F9}(5A) A person shall not be convicted of an offence against this section of the publication of an obscene article if the person proves that—
- (a) at the time of the offence charged, the person was a member of OFCOM, employed or engaged by OFCOM, or assisting OFCOM in the exercise of any of their online safety functions (within the meaning of section 235 of the Online Safety Act 2023), and
- (b) the person published the article for the purposes of OFCOM’s exercise of any of those functions.]
- (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.
- [^{F10}(7) In this section—
- [^{F11}(a)] “exhibition of a film” has the meaning given in paragraph 15 of Schedule 1 to the Licensing Act 2003][^{F12};
- (b) “OFCOM” means the Office of Communications.]

Textual Amendments

- F1** Words inserted by [Obscene Publications Act 1964 \(c. 74\)](#), **s. 1(1)**
- F2** Words in s. 2(1)(b) substituted (26.1.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 71, 153(7)** (with [Sch. 27 para. 25](#)); S.I. 2008/2993, art. 2(2)(g)
- F3** S. 2(2) repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), **Sch. 13**
- F4** Words repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), **Sch. 13**
- F5** S. 2(3A) inserted by [Criminal Law Act 1977 \(c. 45\)](#), **s. 53(2)**
- F6** Words in s. 2(3A) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), **Sch. 6 para. 28(2)** (with [ss. 2\(3\), 15\(2\), 195](#)); S.I. 2005/3056, art. 2(2)
- F7** S. 2(4A) inserted by [Criminal Law Act 1977 \(c. 45\)](#), **s. 53(3)**
- F8** Words in s. 2(4A) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), **Sch. 6 para. 28(2)** (with [ss. 2\(3\), 15\(2\), 195](#)); S.I. 2005/3056, art. 2(2)
- F9** S. 2(5A) inserted (10.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), **ss. 213(2)**, 240(1); S.I. 2023/1420, [reg. 2\(z30\)](#)
- F10** S. 2(7) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), **Sch. 6 para. 28(3)** (with [ss. 2\(3\), 15\(2\), 195](#)); S.I. 2005/3056, art. 2(2)
- F11** Words in s. 2(7) renumbered as s. 2(7)(a) (10.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), **ss. 213(3)(a)**, 240(1); S.I. 2023/1420, [reg. 2\(z30\)](#)

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F12 S. 2(7)(b) inserted (10.1.2024) by Online Safety Act 2023 (c. 50), **ss. 213(3)(b)**, 240(1); S.I. 2023/1420, reg. 2(z30)

Modifications etc. (not altering text)

- C1** S. 2 amended by Obscene Publications Act 1964 (c. 74) , **s. 1(2)(4)**
- C2** S. 2 restricted by Cable and Broadcasting Act 1984 (c. 46, SIF 96) , s. 57(1) , **Sch. 5 para. 8(1)**
- C3** S. 2 restricted by Broadcasting Act 1990 (c. 42, SIF 96) , s. 162(2) , **Sch. 15 para. 4(1)(2)**
- C4** S. 2 amended by Broadcasting Act 1990 (c. 42, SIF 96) , s. 162(2) , **Sch. 15 para. 5(1)**
- C5** S. 2 modified by Broadcasting Act 1990 (c. 42, SIF 96) , s. 162(2) , **Sch. 15 para. 5(2)(a)**
- C6** S. 2(5)(6) modified by Obscene Publications Act 1964 (c. 74) , **s. 1(3)**

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