



# Obscene Publications Act 1959

1959 CHAPTER 66 7 and 8 Eliz 2

## 4 Defence of public good.

(1) [<sup>F1</sup>Subject to subsection (1A) of this section] 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.

[<sup>F2</sup>(1A) Subsection (1) of this section shall not apply where the article in question is a moving picture film or soundtrack, but—

- (a) a person shall not be convicted of an offence against section 2 of this Act in relation to any such film or soundtrack, and
- (b) an order for forfeiture of any such film or soundtrack shall not be made under section 3 of this Act,

if it is proved that publication of the film or soundtrack is justified as being for the public good on the ground that it is in the interests of drama, opera, ballet or any other art, or of literature or learning.]

(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.

[<sup>F3</sup>(3) In this section “moving picture soundtrack” means any sound record designed for playing with a moving picture film, whether incorporated with the film or not.]

### Textual Amendments

- F1 Words inserted by [Criminal Law Act 1977 \(c. 45\), s. 53\(6\)](#)
- F2 S. 4(1A) inserted by [Criminal Law Act 1977 \(c. 45\), s. 53\(6\)](#)
- F3 S. 4(3) added by [Criminal Law Act 1977 \(c. 45\), s. 53\(7\)](#)

### Modifications etc. (not altering text)

- C1 S. 4(1) excluded by [Broadcasting Act 1990 \(c. 42, SIF 96\), s. 162\(2\), Sch. 15 para. 5\(2\)](#)
- C2 S. 4(2) applied by [Broadcasting Act 1990 \(c. 42, SIF 96\), s. 162\(2\), Sch. 15 para. 5\(3\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Obscene Publications Act 1959, Section 4.