



Obscene Publications Act 1964

1964 CHAPTER 74

1 Obscene articles intended for publication for gain.

- (1) In section 2(1) of the Obscene Publications Act 1959 (under which it is an offence punishable on summary conviction or an indictment to publish an obscene article, whether for gain or not) after the words “any person who, whether for gain or not, publishes an obscene article” there shall be inserted the words “or who has an obscene article for publication for gain (whether gain to himself or another)”.
- (2) For the purpose of any proceedings for an offence against the said section 2 a person shall be deemed to have an article for publication for gain if with a view to such publication he has the article in his ownership, possession or control.
- (3) In proceedings brought against a person under the said section 2 for having an obscene article for publication for gain the following provisions shall apply in place of subsections (5) and (6) of that section, that is to say,—
 - (a) he shall not be convicted of that offence if he proves that he had not examined the article and had no reasonable cause to suspect that it was such that his having it would make him liable to be convicted of an offence against that section; and
 - (b) the question whether the article is obscene shall be determined by reference to such publication for gain of the article as in the circumstances it may reasonably be inferred he had in contemplation and to any further publication that could reasonably be expected to follow from it, but not to any other publication.
- (4) Where articles are seized under section 3 of the ^{M1}Obscene Publications Act 1959 (which provides for the seizure and forfeiture of obscene articles kept for publication for gain), and a person is convicted under section 2 of that Act of having them for publication for gain, the court on his conviction shall order the forfeiture of those articles:

Provided that an order made by virtue of this subsection (including an order so made on appeal) shall not take effect until the expiration of the ordinary time within which an appeal in the matter of the proceedings in which the order was made may be

Changes to legislation: There are currently no known outstanding effects for the Obscene Publications Act 1964, Section 1. (See end of Document for details)

instituted or, where such an appeal is duly instituted, until the appeal is finally decided or abandoned; and for this purpose—

- (a) an application for a case to be stated or for leave to appeal shall be treated as the institution of an appeal; and
 - (b) where a decision on appeal is subject to a further appeal, the appeal shall not be deemed to be finally decided until the expiration of the ordinary time within which a further appeal may be instituted or, where a further appeal is duly instituted, until the further appeal is finally decided or abandoned.
- (5) References in section 3 of the ^{M2}Obscene Publications Act 1959 and this section to publication for gain shall apply to any publication with a view to gain, whether the gain is to accrue by way of consideration for the publication or in any other way.

Modifications etc. (not altering text)

- C1** The text of s. 1(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C2** “The said section 2” means s. 2 of the [Obscene Publications Act 1959 \(c. 66\)](#)

Marginal Citations

- M1** 1959 c. 66.
- M2** 1959 c. 66.

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