Indecent Displays (Control) Act 1981

1981 CHAPTER 42

1 Indecent displays.

(1) If any indecent matter is publicly displayed the person making the display and any person causing or permitting the display to be made shall be guilty of an offence.

(2) Any matter which is displayed in or so as to be visible from any public place shall, for the purposes of this section, be deemed to be publicly displayed.

(3) In subsection (2) above, "public place", in relation to the display of any matter, means any place to which the public have or are permitted to have access (whether on payment or otherwise) while that matter is displayed except—

(a) a place to which the public are permitted to have access only on payment which is or includes payment for that display; or

(b) a shop or any part of a shop to which the public can only gain access by passing beyond an adequate warning notice;

but the exclusions contained in paragraphs (a) and (b) above shall only apply where persons under the age of 18 years are not permitted to enter while the display in question is continuing.

(4) Nothing in this section applies in relation to any matter—

[[F1](a) included by any person in a television broadcasting service or other television programme service (within the meaning of Part I of the Broadcasting Act 1990);**]**

(b) included in the display of an art gallery or museum and visible only from within the gallery or museum; or

(c) displayed by or with the authority of, and visible only from within a building occupied by, the Crown or any local authority; or

[[F2](d) included in a performance of a play (within the meaning of paragraph 14(1) of Schedule 1 to the Licensing Act 2003) in England and Wales or of a play (within the meaning of the Theatres Act 1968) in Scotland;**]**

[[F3](e) **[**[F4]included in an exhibition of a film, within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003, in England and Wales, or a film exhibition, as defined in the Cinemas Act 1985, in Scotland**]**—

(i) given in a place which as regards that exhibition is required to be licensed under section 1 of that Act or by virtue only of section 5, 7 or 8 of that Act is not required to be so licensed; or

(ii) which is an exhibition to which section 6 of that Act applies given by an exempted organisation as defined in subsection (6) of that section.**]**

(5) In this section "matter" includes anything capable of being displayed, except that it does not include an actual human body or any part thereof; and in determining for the purpose of this section whether any displayed matter is indecent—

(a) there shall be disregarded any part of that matter which is not exposed to view; and

(b) account may be taken of the effect of juxtaposing one thing with another.

(6) A warning notice shall not be adequate for the purposes of this section unless it complies with the following requirements—

(a) The warning notice must contain the following words, and no others—

"WARNING Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age."

(b) The word "WARNING" must appear as a heading.

(c) No pictures or other matter shall appear on the notice.

(d) The notice must be so situated that no one could reasonably gain access to the shop or part of the shop in question without being aware of the notice and it must be easily legible by any person gaining such access.

Textual Amendments

F1 S. 1(4)(*a*) substituted by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 30**

F2 S. 1(4)(d) substituted (24.11.2005) by Licensing Act 2003 (c. 17), s. 201(2), **Sch. 6 para. 80(a)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

F3 S. 1(4)(*e*) substituted by Cinemas Act 1985 (c. 13, SIF 45A), s. 24(1), **Sch. 2 para. 13**

F4 Words in s. 1(4)(e) substituted (24.11.2005) by Licensing Act 2003 (c. 17), s. 201(2), **Sch. 6 para. 80(b)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

Modifications etc. (not altering text)

C1 S. 1(1) amended (S.) by Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), **s. 51(5)**

Changes to legislation:
There are currently no known outstanding effects for the Indecent Displays (Control) Act 1981, Section 1.