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*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Paragraph 5. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 15

#### APPLICATION OF 1959 ACT TO TELEVISION AND SOUND PROGRAMMES

##### *Defences*

- 5 (1) A person shall not be convicted of an offence under section 2 of the 1959 Act in respect of the inclusion of any matter in a relevant programme if he proves that he did not know and had no reason to suspect that the programme would include matter rendering him liable to be convicted of such an offence.
- (2) Where the publication in issue in any proceedings under that Act consists of the inclusion of any matter in a relevant programme, section 4(1) of that Act (general defence of public good) shall not apply; but—
- (a) a person shall not be convicted of an offence under section 2 of that Act, and
  - (b) an order for forfeiture shall not be made under section 3 of that Act,
- if it is proved that the inclusion of the matter in question in a relevant programme is justified as being for the public good on the ground that it is in the interests of—
- (i) drama, opera, ballet or any other art,
  - (ii) science, literature or learning, or
  - (iii) any other objects of general concern.
- (3) Section 4(2) of that Act (admissibility of opinions of experts) shall apply for the purposes of sub-paragraph (2) above as it applies for the purposes of section 4(1) and (1A) of that Act.

**Changes to legislation:**

There are currently no known outstanding effects for the Broadcasting Act 1990, Paragraph 5.