



Children And Young Persons (Harmful Publications) Act 1955

1955 CHAPTER 28 3 and 4 Eliz 2

3 Power to search for, and dispose of, works to which this Act applies and articles for printing them.

- (1) Where, upon an information being laid before a justice of the peace that a person has, or is suspected of having, committed an offence under the last foregoing section with respect to a work (hereafter in this subsection referred to as “the relevant work”), the justice issues a summons directed to that person requiring him to answer to the information or issues a warrant to arrest that person, that or any other justice, if satisfied by written information substantiated on oath that there is reasonable ground for suspecting that the said person has in his possession or under his control—
- (a) any copies of the relevant work or any other work to which this Act applies; or
 - (b) any plate prepared for the purpose of printing copies of the relevant work or any other work to which this Act applies or any photographic film prepared for that purpose;

may grant a search warrant authorising any constable [^{F1}named therein] to enter (if necessary by force) any premises specified in the warrant and any vehicle or stall used by the said person for the purposes of trade or business and to search the premises, vehicle or stall and seize any of the following things which the constable finds therein or thereon, that is to say:

- (i) any copies of the relevant work and any copies of any other work which the constable has reasonable cause to believe to be one to which this Act applies; and
 - (ii) any plate which the constable has reasonable cause to believe to have been prepared for the purpose of printing copies of any such work as is mentioned in paragraph (i) of this subsection and any photographic film which he has reasonable cause to believe to have been prepared for that purpose.
- (2) The court by or before which a person is convicted of an offence under the last foregoing section with respect to a work may order any copies of that work and any plate prepared for the purpose of printing copies of that work or photographic film

Changes to legislation: There are currently no known outstanding effects for the Children And Young Persons (Harmful Publications) Act 1955, Section 3. (See end of Document for details)

prepared for that purpose, being copies which have, or a plate or film which has, been found in his possession or under his control, to be forfeited:

Provided that an order made under this subsection by a magistrate's court or, on appeal from a magistrate's court, by [^{F2}the Crown Court] 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 lodged (whether by giving notice of appeal or applying for a case to be stated for the opinion of the High Court) or, where such an appeal is duly lodged, until the appeal is finally decided or abandoned.

- (3) In the application of this section to Scotland there shall be substituted in subsection (1) for the words from the beginning of the subsection to "any other justice" the words "Where proceedings have been instituted against a person in respect of an offence under the last foregoing section with respect to a work (hereafter in this subsection referred to as "the relevant work"), the sheriff"; and for the proviso to subsection (2) there shall be substituted the following proviso:

" Provided that an order made under this subsection shall not take effect until the expiration of the time within which an appeal under [^{F3}section 442 of the Criminal Procedure (Scotland) Act 1975], may be taken in respect of the proceedings in which the order was made or, where such an appeal is taken, until the appeal is finally disposed of or abandoned. "

Textual Amendments

- F1** Words repealed (E.W.) by [Police and Criminal Evidence Act 1984](#) (c. 60, SIF 95), s. 119, **Sch. 7 Pt. I**
F2 Words substituted by virtue of [Courts Act 1971](#) (c. 23), **Sch. 8 para. 2**
F3 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975](#) (c. 21), **s. 460(7)**

Modifications etc. (not altering text)

- C1** [S. 3\(1\)](#) extended (*prosp.*) by [2001 c. 16](#), ss. 50, 52-54, 68, 138(2), **Sch. 1 Pt. I para. 4**
[S. 3\(1\)](#) modified (*prosp.*) by [2001 c. 16](#), ss. 57(3), 55, 68, **Sch. 1 Pt. III para. 87** (with s. 57(3))
C2 [S. 3\(1\)](#) modified (1.4.2003) by [Criminal Justice and Police Act 2001](#) (c. 16), ss. 55, 138(2), **Sch. 1 paras. 87** (with ss. 57(3), 68); S.I. 2003/708, art. 2(a)
C3 [S. 3\(1\)](#) powers of seizure extended (1.4.2003) by [Criminal Justice and Police Act 2001](#) (c. 16), ss. 50, 138(2), **Sch. 1 paras. 4** (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)

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