



Obscene Publications Act 1959

1959 CHAPTER 66

2 Prohibition of publication of obscene matter

- (1) Subject as hereinafter provided, any person who, whether for gain or not, publishes an obscene article shall be liable—
 - (a) on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months;
 - (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding three years or both.
- (2) Notwithstanding anything in section one hundred and four of the Magistrates' Courts Act, 1952, summary proceedings for an offence against this section may be brought at any time within twelve months from the commission of the offence; and paragraph 16 of the First Schedule to the Magistrates' Courts Act, 1952 (under which an offence at common law of publishing, exhibiting or selling obscene articles may be tried summarily) is hereby repealed.
- (3) A prosecution on indictment for an offence against this section shall not be commenced more than two years after the commission of the offence.
- (4) A person publishing an article shall not be proceeded against for an offence at common law consisting of the publication of any matter contained or embodied in the article where it is of the essence of the offence that the matter is obscene.
- (5) A person shall not be convicted of an offence against this section if he proves that he had not examined the article in respect of which he is charged and had no reasonable cause to suspect that it was such that his publication of it would make him liable to be convicted of an offence against this section.
- (6) In any proceedings against a person under this section the question whether an article is obscene shall be determined without regard to any publication by another person unless it could reasonably have been expected that the publication by the other person would follow from publication by the person charged.