An Act to make further provision for the treatment of cancer, to authorise the Minister of Health to lend money to the National Radium Trust, to prohibit certain advertisements relating to cancer, and for purposes connected with the matters aforesaid.

[29th March 1939]

1, 2. ........................................... F1

Textual Amendments
F1 Ss. 1, 2 repealed by National Health Service Act 1946 (c. 81), Sch. 10 Pt. II and National Health Service (Scotland) Act 1947 (c. 27), Sch. 11 Pt. II

3 ........................................... F2

Textual Amendments
F2 S. 3 repealed by National Health Service (Amendment) Act 1949 (c. 93), s. 29(3)

4 Prohibition of certain advertisements.

(1) No person shall take any part in the publication of any advertisement—
   (a) containing an offer to treat any person for cancer, or to prescribe any remedy therefor, or to give any advice in connection with the treatment thereof; or
   F3(b) .............................................

(2) If any person contravenes any of the provisions of the foregoing subsection, he shall be liable on summary conviction, in the case of a first conviction, to a fine not exceeding [\[^{[4}\text{level 3 on the standard scale}\] ], and, in the case of a subsequent conviction, to a
fine not exceeding [\(F_4\) level 3 on the standard scale] or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment.

\[F_3\] (3) .............................................................

(4) In any proceedings for a contravention of subsection (1) of this section, it shall be a defence for the person charged to prove—

(a) that the advertisement to which the proceedings relate was published only so far as was reasonably necessary to bring it to the notice of persons of the following classes or of one or some of them, that is to say,—

(i) members of either House of Parliament or of a local authority or of a governing body of a voluntary hospital;

(ii) .........................................................

(iii) registered medical practitioners;

(iv) registered nurses;

(v) registered pharmacists and [\(F_7\) persons lawfully conducting a retail pharmacy business in accordance with section 69 of the \(M_1\) Medicines Act 1968];

(vi) persons undergoing training with a view to becoming registered medical practitioners, registered nurses or registered pharmacists;

\[F_8\] (vii) .........................................................

(b) that the said advertisement was published only in a publication of a technical character intended for circulation mainly amongst persons of the classes mentioned in the last preceding paragraph or one of some of those classes; or

(c) that the said advertisement was published in such circumstances that he did not know and had no reason to believe that he was taking part in the publication thereof.

(5) Nothing in this section shall apply in respect of any advertisement published by a local authority or by the governing body of a voluntary hospital or by any person acting with the sanction of the Minister.

\[F_9\] (6) .............................................................

\[F_10\] (7) Each of the following may institute proceedings under this section—

(a) a county council in England;

(b) a non-metropolitan district council for an area in England for which there is no county council;

(c) a London borough council;

(d) the Common Council of the City of London; or

(e) a county council or county borough council in Wales.]

(8) In this section the expression “advertisement” includes any notice, circular, label, wrapper or other document, and any announcement made orally or by any means of producing or transmitting sounds.

Textual Amendments

\[F_3\] S. 4(1)(b) repealed by Medicines Act 1968 (c. 67), Sch. 6

\[F_4\] Words in s. 4(2) substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48), ss. 35, 37, 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), ss. 289E-289G

\[F_5\] S. 4(3) repealed by Medicines Act 1968 (c. 67), Sch. 6
5 Interpretation.

(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:

“Hospital” includes a clinic, dispensary or other institution for the reception of the sick whether as in-patients or as out-patients;

“The Minister” means the Minister of Health;

(2) In this Act references to persons suffering from cancer shall be construed as including references to persons suspected to be so suffering.

6

7 Application to Scotland.

The following provisions shall have effect for the purpose of the application of this Act to Scotland:

(a) ...........................................

(b) for any reference to the Minister of Health, ..., there shall be substituted a reference to the Secretary of State;

(c) ...........................................

(f) subsection (7) of section four shall not apply.

Marginal Citations

F12 S. 6, 8(2)(3) repealed by National Health Service Act 1946 (c. 81), Sch. 10 Pt. II

F13 S. 7(a) repealed by National Health Service (Scotland) Act 1947 (c. 27), Sch. 11 Pt. II

F14 Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. VIII

F15 Words substituted by virtue of Reorganisation of Offices (Scotland) Act 1939 (c. 20), s. I(6)(b)
8  Short title, citation and extent.
   (1) This Act may be cited as the Cancer Act 1939.
   (2) ................................................................. F17
   (4) This Act shall not extend to Northern Ireland.

Textual Amendments
F17  Ss. 6, 8(2)(3) repealed by National Health Service Act 1946 (c. 81), Sch. 10 Pt. II
Changes to legislation:
Cancer Act 1939 is up to date with all changes known to be in force on or before 12 July 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to:
– s. 4(2) words repealed by 2003 c. 44 Sch. 37 Pt. 9