

~~GENCENSORED~~

NATIONAL CAMPAIGN FOR THE REFORM OF THE OBSCENE PUBLICATIONS ACTS

N C R O P A

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The N.C.R.O.P.A. is affiliated to the National Council for Civil Liberties

NO/DAW/DP

15th January, 1986.

The Rt. Hon. Douglas Hurd, C.B.E., M.P.,
Secretary of State for the Home Department,
Home Office,
50, Queen Anne's Gate,
London, SW1H 9AT.

Dear Mr. Hurd,

The National Campaign for the Reform of the Obscene Publications Acts sends you belated congratulations on your appointment, last September, as Secretary of State for the Home Department and wishes you a happy and successful tenure of that high and important office.

It was magnanimous of you to praise your predecessor, Mr. Leon Brittan, and say that he "has been an outstanding Home Secretary". The NCROPA, however, certainly does not share that view. On the contrary, it believes that Mr. Brittan's two years at the Home Office helm were an unmitigated disaster. Any Home Secretary flying the political colours of a party which claims as the cornerstone of its philosophy "the freedom of the individual", as does the Conservative Party, but who then presides over the blatant erosion of that freedom, is, we believe, anything but "outstanding". Any Government which introduces State Censorship — and State Pre-Censorship even more so — invites, and deserves, not merely contempt, but out-and-out condemnation. With the introduction of the monstrous Video Recordings Act, albeit camouflaged in the phoney guise of a private member's Bill, Leon Brittan lauded and overlorded the passage into law of this detestably authoritarian measure, which most unfortunately came into force almost simultaneously with your new appointment, and which introduces for the first time since the demise of theatre censorship in 1968, State Pre-Censorship of that sinister kind so rife in the totalitarian regimes of the Eastern Bloc countries and which this Government so eagerly and so vehemently condemns.

As you may know, the NCROPA is an anti-censorship organisation dedicated to fighting for an adult's inalienable right to choose for him or herself what he or she sees, reads and hears. That is nothing more and nothing less than that 'freedom of the individual' which the Conservative Party claims to champion. The NCROPA very much hopes, therefore, that you will denounce the hypocrisy of many of your party and Parliamentary colleagues who have quite clearly lost sight of that noble and fundamental Tory principle, and will introduce far-reaching, reforming legislation to bring this country into line with virtually all others of the 'free' Western World who are, mercifully, free from the cancer of censorship, a cancer which is, alas, spreading in this increasingly

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repressed country at so alarming a pace.

As an initial step in this direction we call upon you to reject outright Mr. Winston Churchill's private member's Bill to amend and extend the 1959 Obscene Publications Act and to withhold all Government backing for such a retrograde measure. Although his Bill has not yet been published (in itself, an extraordinary situation and way of proceeding, we would have thought), his press release of 4th December 1985 clearly indicates the ominous implications of the Bill which plans to extend the provisions of the Obscene Publications Acts to television and sound broadcasting, already more than sufficiently monitored and controlled by the various Broadcasting Acts, to prevent newsagents from selling innocuous sex-magazines and to "introduce an additional and more tightly drawn test of obscenity".

Far from extending the O.P. Acts, the only sensible, logical and libertarian course of action is, as the 1979 Home Office Committee on Obscenity and Film Censorship (the Williams Committee) unanimously recommended, for the lifting completely of most censorship restrictions, and for those very limited ones deemed necessary to retain, the introduction of one, new comprehensive Statute.

The NCROPA has drawn up its own version of what form such a piece of legislation should take. It suggests as a suitable title the Freedom of Expression Act. A preliminary draft of such a Bill is enclosed herewith for your information and, we hope, genuine consideration. It is not some wacky, extremist's charter as our fanatical opponents from the 'Puritan Brigade' would have you and your colleagues believe. It is a very rational, tolerant measure that would simply allow the citizens of this country that same freedom of choice enjoyed by the many millions of citizens of that vast group of other 'free' Western World countries to which we, at present, fraudulently claim to belong.

The NCROPA very much hopes that you will agree to receive a representative delegation to hear our views and to discuss, at first hand, the issues raised in this letter and the issue of censorship in general in this country today, and which so many people are becoming increasingly worried about.

Yours sincerely,

David Webb,
Honorary Director,
National Campaign for the Reform of the Obscene Publications Acts

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15/1/86

NATIONAL CAMPAIGN FOR THE REFORM OF THE OBSCENE PUBLICATIONS ACTS

PRELIMINARY DRAFT

FREEDOM OF EXPRESSION BILL

A Bill to make provision for freedom of expression for adults regarding sexual and religious matters.

1. The Enactments mentioned in Schedule 1 to this Bill shall have effect subject to the amendments specified in that Schedule.
2. The Enactments mentioned in Schedule 2 to this Bill are hereby repealed.
3. The Common Law offences mentioned in Schedule 3 to this Bill are hereby abolished.

SCHEDULE 1

AMENDMENTS

Cinematograph Act 1909

1. In subsection (1) of Section 2 (Provisions as to Licences), after the words "licences determine" there shall be inserted the words "except regarding the content of such cinematographic exhibitions".

Telecommunications Act 1984

1. In paragraph (a) of subsection (1) of Section 4, for the words "an indecent, obscene" there shall be substituted the word "a".

Video Recordings Act 1984

1. In subsection (1) of Section 12 of that Act (Certain video recordings only to be supplied in licensed sex shops) before the words "Where a classification certificate" there shall be inserted the words "Where no classification certificate has been issued in respect of a video work or".

The word "licensed" and "for which a licence is in force under the relevant enactment" shall be deleted from the first paragraph of the subsection (including the Section heading).

2. In subsection (3) of Section 12 of that Act the words "licensed" and "such" shall be deleted.
3. In paragraph (b) of subsection (4) of Section 12 of that Act the words "for which a licence was in force under the relevant enactment" shall be deleted.
4. Subsection (5) of Section 12 of that Act shall be deleted.
5. In subsection (6) of Section 12 of that Act the word "licensed" shall be

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..... Schedule 1 (Continuation)

deleted.

6. In paragraph (b) of subsection (6) of Section 12 of that Act, the words "being sex shops for which licences are in force under the relevant enactment" shall be deleted.

SCHEDULE 2

ENACTMENTS REPEALED

<u>Chapter</u>	<u>Short Title</u>	<u>Extent of Repeal</u>
39 + 40 Vict.C.36	Customs Consolidation Act 1876	In Sect 42 the words "indecent or obscene prints, paintings, photographs, books, cards, lithographic or other engravings, or any other indecent or obscene articles"
1 + 2 Eliz.2 C.36	Post Office Act 1953	Section II (b)
7 + 8 Eliz.2 C.66	Obscene Publications Act 1959	The whole Act
1964 c.74	Obscene Publications Act 1964	The whole Act
1968 c.54	Theatres Act 1968	Sections 2 and 3
1977 c.45	Criminal Law Act 1977	Section 53
	Civic Government (Scotland) Act 1982	Schedule 2
1982 c.30	Local Government (Miscellaneous Provisions) Act 1982	Part II Sect. 2
1982 c.33	Cinematograph (Amendment) Act 1982	The whole Act
1984 c.39	Video Recordings Act 1984	Sections 9 and 10.
1984 c.46	Cable and Broadcasting Act	Section 25.

Explanatory Notes on Schedules 1 and 2

All the amendments and repeals deal with statutory restrictions on freedom of expression for adults relating to sexual material. Nearly every other country in the Western World has removed such restrictions e.g. Argentina, Australia (New South Wales, South Australia and Victoria), Austria, Brazil, Denmark, France, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, Switzerland, United States of America and West Germany.

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SCHEDULE 3

COMMON LAW OFFENCES ABOLISHED

- (1) Blasphemous Libel
- (2) Blasphemy
- (3) Conduct calculated or intended to corrupt public morals
- (4) Conspiracy to corrupt public decency
- (5) Conspiracy to outrage public decency
- (6) Keeping a disorderly house
- (7) Obscene Libel
- (8) Outraging public decency
- (9) Public exhibition of indecent activities, pictures or things

Explanatory Notes on Schedule 3

- (1) & (2) The Law Commission has recommended the abolition of the Common Law offences of Blasphemous Libel and Blasphemy (Law Commission No. 145)
- (3), (4) &
(5) Prosecutions for these offences are used to try and suppress otherwise lawful publications
- (6) Prosecutions for this offence have been used to try and suppress otherwise lawful cinema clubs. The question of prostitution is more than adequately dealt with by Statute e.g. the Sexual Offences Act 1956.
- (7), (8) &
(9) Prosecutions for these offences have been used to suppress publications.
- (3) to (9)
(inc) The Law Commission Report on Conspiracy and Criminal Law Reform 1976 (Law Com No. 76) recommended the abolition of all these offences.