

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 The Enactments mentioned in Schedule 2 to this Bill are hereby repealed.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ENACTMENTS REPEALED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.