

~~GENCENSORED~~

NATIONAL CAMPAIGN FOR THE REFORM
OF THE OBSCENE PUBLICATIONS ACTS

N C R O P A

FIGHTING SEXUAL CENSORSHIP

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NO/DAW/DP

1st June 1993

The Rt. Hon. Sir John Cope, M.P.,
Paymaster General,
H.M. Treasury,
Parliament Street,
London,
SW1P 3AG.

RECORDED DELIVERY

John Minister,

Thank you for the letter I received from Mr. T.C. Longley of the Customs Directorate, Division 3, Branch D, Southend-on-Sea, on your behalf and in reply to my letters of 5th April and 10th May.

I am, of course, well aware of the constituent elements of U.K. customs and excise legislation and the prohibitions on the importation of certain articles imposed thereby. It is absurd of Mr. Longley to state that "the intention (of this legislation) is to prohibit the importation of any material whose publication is prohibited in this country by Section 2 of the Obscene Publications Act 1959 or Section 1 of the Protection of Children Act 1978" when neither of these Acts were in being when the archaic, fuddy-duddy 1876 Customs Consolidation Act was passed into law 117 years ago, Section 42 of which has disgracefully somehow survived repeal, even though well beyond its 'sell-by' date.

This may be the yardstick Mr. Longley claims is applied by H.M. Customs officers, but I assure you this is not so. Neither, of course, could it possibly be so, because each and every individual customs officer can only apply a largely subjective test (as indeed we all can) in deciding whether or not an article would tend to "deprave and corrupt" - the test specified in Section 2 of the 1959 Obscene Publications Act to which Mr. Longley refers.

Furthermore the customs officer nowadays has other considerations to apply - or, at least, which he (or she) should apply. He must also consider whether the judgement he is making in determining whether or not an article is prohibited from being imported into

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the U.K. (albeit ridiculous and impossible) contravenes any of the provisions of the 1957 E.E.C. Treaty and also the Convention for the Protection of Human Rights and Fundamental Freedoms 1950.

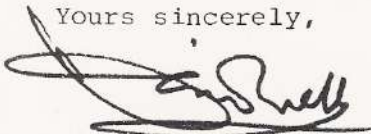
Mr. Longley is also wrong in claiming that "nothing in the Community Treaties or the Single European Act requires the United Kingdom to abandon its import prohibition on material of this kind." Although there have been one or two judgements or rulings of the European Court relevant to this matter so far, none of them has yet been specifically concerned with individual rights at interstate border-crossings within the European Community. Moreover no relevant case on this issue has ever been brought before the European Court of Human Rights, the judgements of which are also binding on the U.K.

I welcome Mr. Longley's acceptance of the 'terminology' malpractices which exist in H.M. Customs and Excise service. I do not accept, however, that action is only taken "against material falling within the scope of the prohibitions, irrespective of the terminology used." My post-bag and telephone undoubtedly bears witness otherwise. In any case the travelling public should not be open to such arbitrariness, imprecisions and intimidations perpetrated by customs officers, an increasing number of whom it is becoming ever more apparent, are operating (especially in inland search and seizure operations) almost out-of-control and with growing abuse of their powers.

I hope, too, I do not need to alert you to the high-profile 'P.R.' propaganda currently being disseminated by H.M. Customs and Excise in a persuasive attempt to convince the public at large - but most of all the Government - that any reduction in customs and excise resources, including, of course, manpower, would be disastrous with the removal (or supposed removal) of E.C. interstate barriers. This is, of course, nonsense, but will not deter Customs & Excise from using every possible device to whip up a climate of potential fear and alarm. I do hope you and the Government are not being fooled by it.

I regret that you yourself have not addressed the political points I made in my letter about fundamental human rights, freedom of expression and the Conservative Party. I appreciate such questions are often an embarrassment to members of the political party which proclaims 'freedom of the individual' as the cornerstone of its whole philosophy, but believe they deserve to be answered all the more for that. I hope you will agree with me and will thus reply accordingly - and to the other points I have made in this considered reply.

Yours sincerely,



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