

~~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

14th February 1996

The Rt. Hon. Mrs. Virginia Bottomley, JP, MP,  
Secretary of State for National Heritage,  
Department of National Heritage,  
2-4 Cockspur Street,  
London,  
SW1Y 5DH.

Customer  
Reference DY 9768 7111 2GB

BY RECORDED DELIVERY

*Secretary of State,*

Re: First French Erotic TV Channel & EU Transfrontier TV

Further to my previously unanswered letters of 18th September 1995, 24th October 1995, 6th December 1995 and 9th February 1996 (the first, third and fourth all sent by the recorded delivery service), I yesterday, at last, received a reply on your behalf from a Mr. A.T. Creighton of your Media Division. His letter, dated 22nd January 1996 and post marked 23rd January 1996, has only just reached me (more than three weeks after it was posted) because it was incorrectly addressed to "6 BC Flood Street" instead of to 68C Flood Street (as you will see from the photocopy of the letter enclosed herewith). Mr. Creighton apologised in his letter for the delay in replying and hopes I will appreciate that letters "can sometimes go astray". Notwithstanding that this is not the first occasion that my correspondence with your Department has "gone astray", that one letter may "sometimes go astray" I can appreciate, but that four letters (one original and three subsequent reminders sent by recorded delivery service over a period of more than five months) can all "go astray", is really pushing my gullibility to the limit!

Even after such a mammoth struggle and marathon wait to extract a reply from you, I am bound to say that the main points I raised in my letter have barely been addressed at all, and those which have, have been tritely discounted with such sweeping assertion and inexactitude as to be nigh on insulting.

I will try to respond to Mr. Creighton's reply 'ad seriatum'.

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Paragraph 1.

Firstly, my original letter of 18th September 1995 concerned your reported intention (in "The Mail on Sunday" 27th August 1995) of stopping the reception here in the UK of the French erotic television channel called "Rendez-vous Television", and not, as Mr. Creighton states, your decision "to proscribe the Swedish satellite service TV Erotica". Indeed, you did not make such a proscription order until 14th November, so it would have been impossible for me to write to you about it two months beforehand. I did, of course, refer to "TV Erotica" (but by its original name "XXXTV") in my second reminder letter of 6th December.

Paragraph 2.

Regarding what is deemed acceptable on television, Mr. Creighton refers to respecting "the concerns and sensitivities of reasonable citizens" ... "but without unduly interfering in the rights of free speech and expression". This more than suggests that he (and you) regard people like myself and the many supporters of the National Campaign for the Reform of the Obscene Publications Acts as not "reasonable" citizens because we are honest and healthy and human enough to admit to that same natural penchant for sexually orientated TV programme material as millions of other "citizens" throughout the free-er 'free world'. We take great exception to such an implied slur.

In a "free society", matters of "taste and decency" are entirely a matter of subjective, individual preference and appraisal, but the "concerns and sensitivities" of those who do not wish to be affronted by sexually explicit TV material are, in any case, more than adequately accommodated for by the broadcasting regulatory authorities, to which Mr. Creighton refers in his third paragraph (e.g. things like the 9 pm 'watershed' rule). Furthermore the sexually explicit type of television programmes over which you and the quite unrepresentative 'British Establishment' rail so hysterically, are transmitted very late at night and virtually all require some form of pre-payment decryption key. Hardly an easy access device/facility for children or thus an infringement of the provisions of Article 22 of the EU Directive 89/552/EEC for the "Protection of Minors", to which I referred in my original letter and a copy of which Mr. Creighton kindly sent to me, as though it was the first time I had ever had sight of it.

Neither would the transmission of such TV material in the UK signify the British Government's acceptance of "a complete free for all in broadcast material", which Mr. Creighton implies, but it would mean much more of that "balance between individual freedoms" he claims you are committed to, than draconian Ministerial proscription Orders which strike no balance at all, and smack so ominously of the kind of tyrannical, authoritarian State censorships so ruthlessly imposed by former Nazi and Communist dictators.

Moreover, and as a last resort, "reasonable" citizens can always protect their "sensibilities" by exercising their freedom to operate the TV 'off' switch!

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Paragraph 3.

It is not true, as Mr. Creighton asserts, that the UK's broadcasting regulatory bodies are "independent of Government", when the Governors of the BBC and the members of the ITC and the Radio Authority are all appointed by the Government. They thus effectively operate and implement the will of their political masters, which, in any case, prescribes their specific responsibilities (like the totally inappropriate 'taste and decency' standards).

Paragraph 4.

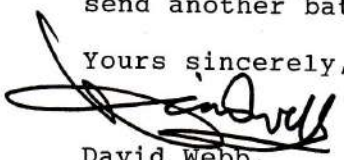
Regarding your then reported intention of proscribing the French-originating "Rendezvous Television" adult channel (remember this was way back on 18th September last year when I wrote to you), Mr. Creighton has first of all wrongly referred to another adult satellite TV channel which you have subsequently proscribed (on 14th November last) viz. "XXXTV" but now called "TV Erotica", although I accept that my protest against the banning of "Rendezvous Television" under the provisions of the Broadcasting Act 1990 is as valid for either channel.

Secondly, and most importantly, however, Mr. Creighton has completely ignored the main thrust of my protest which is that your proscriptions of such TV channels are at the very least technically unlawful until the European Court in Luxembourg has heard the case concerning Continental Television (the former "Red Hot Dutch Television" company) which was referred to it by the High Court on 23rd April 1993, and when I was present in Court. As I stated in my letter, the European Court has confirmed to me that this case is still outstanding and awaiting the fixture of a hearing date solely because of seemingly deliberate obstructive and delaying action by the British Government.

Would you please tell me, therefore, (1) why this case has still not yet been heard by the European Court almost three years after the UK High Court's referral?; and (2) why have you not waited for the outcome of this case (which would decide whether or not the UK's interpretation of European Television Law as set down in EU Directive 89/552/EEC is correct) before making further similar proscription orders effectively banning the transfrontier broadcasting of EU satellite TV channels? I certainly do not accept Mr. Creighton's bold assertion that "the action taken by the Secretary of State (yourself) against TV Erotica was lawful and within the terms of the Directive", but neither of us, nor, indeed, yourself, will know who is right until the European Court, the final arbiter on interpreting EU Law, has ruled on the "Red hot Dutch" case.

I very much hope that I shall not have to wait another twenty weeks for a reply to this letter, (which will be, in effect, of course, a full reply to my original letter of 18th September 1995), nor have need to send another batch of three reminders.

Yours sincerely,

  
David Webb,

Honorary Director, NCROPA

Enc.