

NATIONAL CAMPAIGN FOR THE REFORM OF THE OBSCENE PUBLICATIONS ACTS

FREEDOM OF EXPRESSION BILL

(PRELIMINARY DRAFT)

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 The Enactments mentioned in Schedule 2 to this Bill are hereby repealed.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

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SCHEDULE 1

AMENDMENTS

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 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.

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..... Schedule 1 - continuation

Cinemas Act 1985

1. In subsection (2) of Section 1 of that Act, after the word "determine", there shall be added "other than regarding the contents of films chosen".
2. In subsection (3) of Section 3 of that Act, after the word "police", there shall be added the words "other than regarding the contents of films shown".

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ENACTMENTS REPEALED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 11 (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
1984 c.39	Video Recordings Act 1984	Sections 9 and 10.
1984 c.46	Cable and Broadcasting Act	Section 25
1996.	Police + Criminal Evidence Act.	Part VI

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, Czech Republic, Denmark, France, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, Switzerland, United States of America and ~~West Germany~~ <sup>Germany</sup> <sup>Hungary</sup> <sup>Russia</sup>.

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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

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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

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