



Obscene Publications Act 1959

1959 CHAPTER 66 7 and 8 Eliz 2

1 Test of obscenity.

- (1) For the purposes of this Act an article shall be deemed to be obscene if its effect or (where the article comprises two or more distinct items) the effect of any one of its items is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.
- (2) In this Act “article” means any description of article containing or embodying matter to be read or looked at or both, any sound record, and any film or other record of a picture or pictures.
- (3) For the purposes of this Act a person publishes an article who—
 - (a) distributes, circulates, sells, lets on hire, gives, or lends it, or who offers it for sale or for letting on hire; or
 - (b) in the case of an article containing or embodying matter to be looked at or a record, shows, plays or projects it ^[F1], or, where the matter is data stored electronically, transmits that data.]:
... ^{F2}
- ^[F3](4) For the purposes of this Act a person also publishes an article to the extent that any matter recorded on it is included by him in a programme included in a programme service.
- (5) Where the inclusion of any matter in a programme so included would, if that matter were recorded matter, constitute the publication of an obscene article for the purposes of this Act by virtue of subsection (4) above, this Act shall have effect in relation to the inclusion of that matter in that programme as if it were recorded matter.
- (6) In this section “programme” and “programme service” have the same meaning as in the Broadcasting Act 1990.]

Changes to legislation: There are currently no known outstanding effects for the Obscene Publications Act 1959, Section 1. (See end of Document for details)

Textual Amendments

- F1** Words in s. 1(3) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para.3**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A.
- F2** S. 1(3) proviso repealed by Broadcasting Act 1990 (c. 42, SIF 96), ss. 162(1)(a), 203(3), **Sch. 21**
- F3** S. 1(4)(5)(6) added by Broadcasting Act 1990 (c. 42, SIF 96), **s. 162(1)(b)**

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