



Isle of Man

Ellan Vannin

AT 2 of 1907

**THE OBSCENE PUBLICATIONS AND
INDECENT ADVERTISEMENTS ACT 1907**



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**Isle of Man***Ellan Vannin*

THE OBSCENE PUBLICATIONS AND INDECENT ADVERTISEMENTS ACT 1907

Received Royal Assent: 6 July 1907
Promulgated: 11 October 1907
Commenced: 11 October 1907

AN ACT to make provision for the suppression of Obscene Publications and Indecent Advertisements.

GENERAL NOTES

1. The maximum fines in this Act are as increased by the *Criminal Law Act 1981* Sch 7 and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.
2. References to the Treasurer of this Isle are to be construed in accordance with the *Treasury Act 1985* s 7.

1 Short title

This Act may be cited for all purposes as “The Obscene Publications and Indecent Advertisements Act, 1907”.

2 Penalty for printing, selling etc., indecent or obscene publications

Whoever —

- (a) prints, manufactures, keeps, or causes to be printed, manufactured, or kept, for the purposes of sale, distribution, exhibition for purposes of gain, lending upon hire, or being otherwise published;
- (b) knowingly permits to be printed, manufactured, or kept upon premises of which he is the occupier; or
- (c) sells, distributes, exhibits, or publishes, or offers to sell, distribute, exhibit, or publish,

any indecent or obscene book, paper, writing, print, picture, drawing, photograph, image, figure, or other representation, shall be guilty of a misdemeanour, and shall be liable —

- (a) on conviction on information, to imprisonment for a term not exceeding two years or to a fine, or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £1,000, or to both.¹

2A Classified video recordings

A person shall not be guilty of an offence under section 2 in respect of a video recording containing a video work in respect of which a classification certificate (within the meaning given by section 24(1) of the *Video Recordings Act 1995*) has been issued.²

PART I – OBSCENE PUBLICATIONS

3 Search and seizure etc

It shall be lawful for any high-bailiff, or for any two justices of the peace, upon complaint made before him or them, upon oath, that the complainant has reason to believe, and does believe, that any obscene books, papers, writings, prints, pictures, drawings, photographs, images, figures or other representations are being printed, manufactured, or kept in any factory, workshop, house, shop, room, or other place within the limits of the jurisdiction of any such high-bailiff or justices, for the purpose of sale or distribution, exhibition for purposes of gain, lending upon hire, or being otherwise published for purposes of gain, which complainant shall also state upon oath that one or more articles of the like character have been printed, manufactured, sold, distributed, exhibited, lent, or otherwise published as aforesaid, at or in connection with such place, so as to satisfy such high-bailiff or justices that the belief of the said complainant is well founded; and upon such high-bailiff or justices being also satisfied that any of such articles so printed, manufactured or kept for any of the purposes aforesaid are of such a character and description that the sale or publication of them would be an offence punishable by law and proper to be prosecuted as such, to give authority, by special warrant, to any constable or police-officer into such factory, workshop, house, shop, room, or other place, with such assistance as may be necessary, to enter in the day time, and, if necessary, to use force, by breaking open doors or otherwise, and to search for and seize all such books, papers, writings, prints, pictures, drawings, photographs, images, figures, or other representations as aforesaid found in such factory, workshop, house, shop, room, or other place, and to carry all the articles so seized before the high-bailiff or justices issuing the said warrant, or some other high-bailiff or justices exercising the same jurisdiction.

And such high-bailiff or justices shall thereupon issue a summons calling upon the occupier of the house or other place which may have been so entered by virtue of the said warrant to appear within seven days before such high-bailiff

or any two justices, at a time and place to be named in such summons, to show cause why the articles so seized should not be destroyed; and if such occupier, or some other person claiming to be the owner of the said articles, shall not appear at the time and place named in such summons as aforesaid, or shall appear, and such high-bailiff or justices shall be satisfied that such articles, or any of them, are of the character stated in the warrant, and that such, or any of them, have been kept for any of the purposes aforesaid, it shall be lawful for the said high-bailiff or justices, and he or they are hereby required, to order the articles so seized, except such of them as he or they may consider necessary to be preserved as evidence in some further proceeding, to be destroyed at the expiration of time hereinafter allowed for lodging an appeal, unless notice of appeal, as hereinafter mentioned, be given, and such articles shall be in the meantime impounded; and if such high-bailiff or justices shall be satisfied that the articles seized are not of the character stated in the warrant, he or they shall forthwith direct them to be restored to the occupier of the house or other place in which they were seized.

PART II – INDECENT ADVERTISEMENTS

4 **Summary proceedings against persons affixing, etc, indecent or obscene pictures, or printed or written matter**

Whoever affixes to or inscribes on any house, building, wall, hoarding, gate, fence, pillar, post, board, tree, or any other thing whatsoever, so as to be visible to a person being in or passing along any public place, street, highway, or footpath, and whoever affixes to or inscribes on any public urinal, or delivers or attempts to deliver, or exhibits, to any inhabitant, or to any person being in or passing along any public place, street, highway, or footpath, or throws in or upon or delivers at any house or the curtilage thereof, or exhibits to public view in the window or other part of any house, shop, or other premises, any picture or printed or written matter or other exhibition which is of an indecent or obscene character, shall be guilty of a misdemeanour, and shall be liable —

- (a) on conviction on information, to imprisonment for a term not exceeding two years or to a fine, or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £1,000, or to both.³

5 **[Repealed]**⁴

6 **Certain advertisements declared indecent**

Any advertisement relating to syphilis, gonorrhoea, nervous debility, or other complaint or infirmity arising from or relating to sexual intercourse, shall be deemed to be printed or written matter of an indecent nature within the

meaning of section 4 of this Act, if such advertisement is affixed to or inscribed on any house, building, wall, hoarding, gate, fence, pillar, post, board, tree or other thing whatsoever, so as to be visible to a person being in or passing along any public place, street, highway, or footpath, or is affixed to or inscribed on any public urinal, or is delivered or attempted to be delivered to any person being in or passing along any public place, street, highway or footpath but so that this section shall not apply to advertisements affixed or inscribed as aforesaid by reason of their relating to any venereal disease, if they are so affixed or inscribed for the Department of Health and Social Care or for a person publishing them with the consent of that Department.⁵

7 **[Repealed]**⁶

PART III – PROCEDURE

8 **Prosecutions, how instituted, and recovery of penalties**

Any prosecution for a fine or forfeiture under this Act may be at the suit of a chief-constable or any inspector or sergeant of police, and may be prosecuted for, enforced, and recovered summarily before a high-bailiff or two justices of the peace; and every fine, when recovered, shall be paid to the Treasurer of this Isle, to be carried to the credit of the general revenue of this Island.

9 **Appeal**

Any person aggrieved by any act or determination of such high-bailiff or justices in or concerning the execution of this Act may appeal to the Staff of Government Division of the High Court of Justice in manner provided by section 14 of the *Petty Sessions Act, 1864*.

10 **Tender of amends, etc**

No plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding made or committed in the execution of this Act, or in, under, or by virtue of any authority hereby given, if tender of sufficient amends shall have been made by or on behalf of the party who shall have committed such irregularity, trespass, or other wrongful proceeding before or (with the consent of the court before which such action is pending) after such action is brought.

11 **[Repealed]**⁷

11A **Interpretation**

In this Act, “**summary conviction**” has the meaning assigned to it by section 3 of the *Interpretation Act 1976*.

“**representation**” includes any disk, tape or other medium containing information in any form (whether magnetic, digital or otherwise), by the use of which any indecent or obscene visual images (with or without sound) may be produced.⁸

12 and 13 [Repealed]⁹

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ S 2 amended by Criminal Law Act 1981 Sch 7 and by Police Powers and Procedures Act 1998 Sch 5.

² S 2A inserted by Video Recordings Act 1995 s 25.

³ S 4 amended by Criminal Law Act 1981 Sch 7.

⁴ S 5 repealed by Criminal Law Act 1981 Sch 8.

⁵ S 6 amended by Medicines Act 1976 Sch 4, by Health and Social Security Act 1986 s 2, by SD155/10 Sch 4 and by SD2014/08.

⁶ S 7 repealed by Police Powers and Procedures Act 1998 Sch 5.

⁷ S 11 repealed by Criminal Law Act 1981 Sch 8.

⁸ S 11A inserted by Criminal Law Act 1981 Sch 7. Definition of “representation” added by Video Recordings Act 1995 s 25.

⁹ Ss 12 and 13 repealed by Statute Law Revision Act 1983 Sch 2.