



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 456 of 30th November, 1976.
LEGISLATION

ORDINANCE 9 OF 1976.

AN ORDINANCE

RELATING TO THE RESTRICTION OF OBSCENE MATTER
AND PROVIDING FOR THE PROTECTION OF LITERATURE.

R. D. AUSTEN-SMITH

29th November, 1976.

ADMINISTRATOR

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

1. This Ordinance may be cited as the Obscene Publications Ordinance, 1976. Short title.

2.—(1) For the purposes of this Ordinance 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. Interpretation.

(2) In this Ordinance “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 Ordinance a person publishes an article who—

- (a) prints, 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 ; or

- (c) does or omits to do any act for the purpose of enabling or aiding any act described in paragraphs (a) and (b) of this sub-section to be done :

Provided that paragraph (b) of this sub-section shall not apply to anything done in the course of a cinematograph exhibition (within the meaning of the Cinematograph Films Ordinance), or to anything done in the course of television or sound broadcasting.

Cap. 43 (Laws of Cyprus), Ordinances 6 of 1963 and 14 of 1971.

Prohibition of publication of obscene matter.

3.—(1) Subject as hereinafter provided, any person who, whether for gain or not, publishes an obscene article shall be guilty of an offence.

(2) A person shall not be convicted of an offence contrary to this section if he proves that he had not examined the article in respect of which he is charged and had no reasonable cause to suspect that it was such that his publication or importation of it would make him liable to be convicted of an offence against this section.

(3) In any proceedings against a person under this section the question whether an article is obscene shall be determined without regard to any publication by another person unless it could reasonably have been expected that the publication by the other person would follow from publication by the person charged.

Prohibition of importation or attempted importation of obscene matter.

4. Any person who imports or attempts to import an obscene article shall be guilty of an offence.

Penalties.

5. Any person who commits an offence contrary to section 3 or 4 of this Ordinance shall be liable on conviction to a fine not exceeding three hundred pounds or to imprisonment not exceeding two years or to both such fine or imprisonment.

Period of limitation in relation to prosecutions.

6. A prosecution for an offence contrary to this Ordinance shall not be commenced more than two years after the commission of the offence.

Defence of public good.

7.—(1) A person shall not be convicted of an offence contrary to this Ordinance, if it is proved that publication or importation of the article in question is justified as being for the public good on the ground that it is in the interests of science, literature, art or learning, or of other subjects of general concern.

(2) It is hereby declared that the opinion of experts as to the literary, artistic, scientific or other merits of an article may be admitted in any proceedings under this Ordinance either to establish or to negate the said ground.

Repeal Ordinance 16 of 1963.

8. The Obscene Publications Ordinance, 1963 is hereby repealed without prejudice to anything done or left undone thereunder.

P. G. ADAMS

Chief Officer.

29th November, 1976.

(173/3)



