



Broadcasting Act 1990

1990 CHAPTER 42

PART VII **U.K.**

PROHIBITION ON INCLUSION OF OBSCENE AND OTHER MATERIAL IN PROGRAMME SERVICES

Obscenity

162 **Obscenity in programme services: England and Wales.** **E+W**

- (1) In section 1 of the ^{M1}Obscene Publications Act 1959 (test of obscenity)—
- (a) the proviso to subsection (3) (exemption for television and sound broadcasting) shall cease to have effect; and
 - (b) the following subsections shall be added after that subsection—
- “(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.”
- (2) Schedule 15 to this Act shall have effect for the purpose of supplementing subsection (1) above.

Marginal Citations

M1 1959 c. 66.

Changes to legislation: Broadcasting Act 1990, Cross Heading: Obscenity is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

163 Obscenity in programme services: Scotland. **S**

- (1) Section 51 of the ^{M2}Civic Government (Scotland) Act 1982 (offences of displaying, publishing, etc. of obscene material) shall be amended in accordance with the following provisions of this section.
- (2) After subsection (2) there shall be inserted the following subsection—
 - “(2A) Subject to subsection (4) below, any person who—
 - (a) is responsible for the inclusion of any obscene material in a programme included in a programme service; or
 - (b) with a view to its eventual inclusion in a programme so included, makes, prints, has or keeps any obscene material,
 shall be guilty of an offence under this section.”
- (3) In subsection (6), paragraph (a) shall cease to have effect.
- (4) In subsection (8)—
 - (a) in the definition of “material”, the words from “and” onwards shall be omitted;
 - (b) after the definition of “prescribed sum” there shall be inserted—

““programme” and “programme service” have the same meaning as in the Broadcasting Act 1990;” and
 - (c) the word “showing,” shall be omitted.

Marginal Citations

M2 1982 c. 45.

Changes to legislation:

Broadcasting Act 1990, Cross Heading: Obscenity is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18A applied (with modifications) by 2003 c. 21, Sch. 9 para. 8(7) (as substituted) by [2024 c. 15 s. 19\(6\)](#)
- s. 18A inserted by [2024 c. 15 s. 19\(3\)](#)
- s. 23A inserted by [2024 c. 15 s. 29\(2\)](#)
- s. 56A inserted by [2024 c. 15 s. 33\(3\)](#)
- s. 58(1)-(1C) substituted for s. 58(1)(1A) by [2024 c. 15 s. 35\(2\)](#)
- s. 61A(4A) inserted by [2024 c. 15 Sch. 4 para. 6\(4\)](#)
- s. 97B(5) inserted by [2024 c. 15 s. 41\(3\)](#)
- s. 104AA(4ZA)-(4ZC) inserted by [2024 c. 15 s. 42\(3\)\(b\)](#)
- s. 193(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 3A(2)(b) (as inserted) by [S.I. 2019/1245 reg. 20](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 2 Pt. 2 para. 2(1A)(d) omitted by [2024 c. 15 Sch. 2 para. 5\(a\)](#)
- Sch. 2 Pt. 2 para. 3(1)(a) word substituted by [2024 c. 15 Sch. 4 para. 15](#)
- Sch. 2 Pt. 2 para. 2(1B) words omitted by [2024 c. 15 Sch. 2 para. 5\(b\)](#)
- Sch. 3 para. 13(1A) inserted by [2024 c. 15 s. 29\(3\)](#)
- Sch. 6 para. 12(5)(6) inserted by [2024 c. 15 s. 34\(3\)](#)
- Sch. 6 para. 12(2A)-(2F) substituted for Sch. 6 para. 12(2)(3) by [2024 c. 15 s. 34\(2\)](#)
- Sch. 6A inserted by [2024 c. 15 s. 33\(4\)](#)
- Sch. 7 Pt. 1 para. 1(5) inserted by [2024 c. 15 s. 19\(5\)](#)