
Status: Point in time view as at 01/02/1991.

Changes to legislation: Broadcasting Act 1990, Cross Heading: Defences is up to date with all changes known to be in force on or before 02 September 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)

SCHEDULES

SCHEDULE 15

APPLICATION OF 1959 ACT TO TELEVISION AND SOUND PROGRAMMES

Defences

- 5 (1) A person shall not be convicted of an offence under section 2 of the 1959 Act in respect of the inclusion of any matter in a relevant programme if he proves that he did not know and had no reason to suspect that the programme would include matter rendering him liable to be convicted of such an offence.
- (2) Where the publication in issue in any proceedings under that Act consists of the inclusion of any matter in a relevant programme, section 4(1) of that Act (general defence of public good) shall not apply; but—
- (a) a person shall not be convicted of an offence under section 2 of that Act, and
 - (b) an order for forfeiture shall not be made under section 3 of that Act,
- if it is proved that the inclusion of the matter in question in a relevant programme is justified as being for the public good on the ground that it is in the interests of—
- (i) drama, opera, ballet or any other art,
 - (ii) science, literature or learning, or
 - (iii) any other objects of general concern.
- (3) Section 4(2) of that Act (admissibility of opinions of experts) shall apply for the purposes of sub-paragraph (2) above as it applies for the purposes of section 4(1) and (1A) of that Act.

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