

# SAORSTÁT EIREANN.

## BILLE UM SCRUDOIREACHT FHOILLSEACHAN, 1928. CENSORSHIP OF PUBLICATIONS BILL, 1928.

*Mar do leasúidh i gCoiste.  
As amended in Committee.*

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# SAORSTÁT EIREANN.

BILLE UM SCRUDOIREACHT FHOILLSEACHAN, 1928.

CENSORSHIP OF PUBLICATIONS BILL, 1928.

## BILL

*entitled*

5

AN ACT TO MAKE PROVISION FOR THE PROHIBITION OF THE SALE AND DISTRIBUTION OF UNWHOLESOME LITERATURE AND FOR THAT PURPOSE TO PROVIDE FOR THE ESTABLISHMENT OF A CENSORSHIP OF BOOKS AND PERIODICAL PUBLICATIONS, AND TO RESTRICT THE PUBLICATION OF REPORTS OF CERTAIN CLASSES OF JUDICIAL PROCEEDINGS AND FOR OTHER PURPOSES INCIDENTAL TO THE MATTERS AFORESAID. 10

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:— 15

### PART I.

#### PRELIMINARY.

Short title.

1.—This Act may be cited as the Censorship of Publications Act, 1929. 20

Definitions.

2.—In this Act—

the word “Minister” means the Minister for Justice;

the expression “periodical publication” includes any newspaper, magazine, journal, or other printed publication which is published periodically or in parts or numbers; 25

the word “book” includes every printed publication which is not a periodical publication and, save where the context otherwise requires, includes every edition of such book;

the word “indecent” shall be construed as including calculated to excite sexual passion or to suggest or incite to sexual immorality or in any other way to corrupt or deprave. 30

### PART II.

#### CENSORSHIP OF PUBLICATIONS.

Establishment of Censorship of Publications Board.

3.—(1) There shall be established a board to be called and known as the Censorship of Publications Board (in this Act referred to as the Board) consisting of nine members appointed under this section. 35

(2) The Minister shall, as soon as may be after the passing of this Act and from time to time thereafter as occasion requires, appoint nine fit and proper persons to be the members of the Board. 40

(3) Such member of the Board as the Minister shall from time to time nominate for the purpose shall be the Chairman of the Board.

(4) Subject to the provisions of this section in relation to persons appointed to fill casual vacancies, every member of the Board shall, unless he sooner dies, resigns or is removed, hold his office as such member for the term of three years reckoned, in the case of the first members, from the date of his appointment, and in the 45



case of every subsequent member, from the expiration of the term of office of his predecessor.

(5) A member of the Board appointed to fill a casual vacancy in the Board shall, unless he sooner dies, resigns or is removed, hold office for the residue of the term for which the member whose death, resignation, or removal occasioned the vacancy would have held office if he had not died, resigned or been removed.

(6) A member of the Board may at any time resign his office as such member by letter addressed to the Minister.

(7) The Minister may remove from membership of the Board any member of the Board who is absent (otherwise than on account of illness) from four consecutive meetings of the Board or who becomes unfit in the opinion of the Minister to be a member of the Board.

(8) Every member of the Board shall on the cesser of his membership by effluxion of time be eligible for re-appointment.

4.—The Minister may appoint such and so many fit and proper persons to be officers and servants of the Board as, subject to the consent of the Minister for Finance, he may consider necessary for the purposes of this Act, and the officers and servants so appointed shall hold office upon such terms and shall be remunerated at such rates and in such manner as the Minister for Finance shall sanction.

Officers and servants.

5.—(1) The first meeting of the Board shall be held at such time as the Minister shall appoint, and subsequent meetings of the Board shall be held at such times as the Board shall appoint either generally or in respect of any particular meeting.

Meetings and procedure of the Board.

(2) At every meeting of the Board the Chairman of the Board, if present, shall be the chairman of the meeting, or, if the Chairman of the Board is absent, such member of the Board as the members of the Board then present shall choose shall be the chairman of the meeting.

(3) The Board may act notwithstanding a vacancy in their membership.

6.—(1) Whenever a complaint is duly made under this Act to the Minister to the effect that a book or a particular edition of a book is indecent or obscene or tends to inculcate principles contrary to public morality or is otherwise of such character that the sale or distribution thereof is or tends to be injurious or detrimental to or subversive of public morality, the Minister may refer such complaint to the Board.

Prohibition orders in respect of books.

(2) The Board shall consider every complaint referred to them by the Minister under this section and for the purpose of such consideration shall examine the book or the particular edition of a book which is the subject of such complaint and on completion of such consideration the Board shall make to the Minister their report on such complaint.

(3) Whenever the Board under this section makes in reference to a complaint a report, assented to and signed by at least seven members of the Board, stating that in the opinion of the Board the book or the particular edition of a book which is the subject of such complaint is in its general tendency indecent and should be prohibited or obscene or that in the opinion of the Board such book or edition tends to inculcate principles contrary to public morality or that such book or edition is in the opinion of the Board otherwise of such character that the sale or distribution thereof is or tends to be injurious or detrimental to or subversive of public morality, the Minister may by order (in this Act referred to as a prohibition order) prohibit the sale and distribution in Saorstát Eireann of such book or of such edition of a book.



(4) A prohibition order made under this section in relation to a book shall, unless it is expressly limited to one or more particular editions of such book, apply to every edition of such book whether published before or after the date of such order save such (if any) editions thereof as may be excluded by an amending order from the application of such prohibition order. 5

Prohibition orders in respect of periodical publications.

7.—(1) Whenever a complaint is duly made under this Act by a recognised association to the Minister to the effect that the several issues of a periodical publication recently theretofore published have usually or frequently been indecent or obscene or have generally tended to inculcate principles contrary to public morality or have usually or frequently or generally been otherwise of such character that the sale or distribution thereof is or tends to be injurious or detrimental to or subversive of public morality or have devoted an unduly large proportion of space to the publication of sensational matter relating to crime, the Minister may refer such complaint to the Board. 10 15

(2) The Board shall consider every complaint referred to them by the Minister under this section and for the purpose of such consideration shall examine the issues theretofore recently published of the periodical publication which is the subject of such complaint and on the completion of such consideration the Board shall make to the Minister their report on such complaint. 20

(3) Whenever the Board under this section makes in reference to a complaint a report, assented to and signed by at least four members of the Board, stating that in the opinion of the Board the issues recently theretofore published of the periodical publication which is the subject of such complaint have usually or frequently been indecent and should be prohibited or obscene or that in the opinion of the Board such issues have generally tended to inculcate principles contrary to public morality or that in the opinion of the Board such issues have usually or frequently or generally been otherwise of such character that the sale or distribution thereof is or tends to be injurious to or detrimental to or subversive of public morality or have devoted an unduly large proportion of space to the publication of sensational matter relating to crime, the Minister may by order (in this Act referred to as a prohibition order) prohibit the sale and the distribution in Saorstát Eireann of any issue of such periodical publication published after the day on which such order comes into operation: Provided that such prohibition order made for the first time against a periodical publication shall have force for a period of three months only. 25 30 35 40

Revocation and amendment of prohibition orders.

8.—(1) The Minister may at any time after consultation with the Board by order revoke any prohibition order theretofore made by him under this Act. 45

(2) Where a prohibition order has been made by the Minister under this Act in relation to a book, the Minister may at any time, after consultation with the Board, by order amend such prohibition order by excluding from the application thereof any particular edition of such book whether published before or after the date of such prohibition order. 50

Publication of prohibition orders.

9.—Every prohibition order and every order made by the Minister under this Act revoking or amending any such prohibition order shall be published in the *Iris Oifigiúil* as soon as may be after it is made and shall come into operation and have effect as on and from the day on which it is so published. 55

Offences in relation to prohibited publications.

10.—(1) It shall not be lawful for any person, otherwise than under and in accordance with a permit in writing granted to him under this section— 60

(a) to import into Saorstát Eireann for sale or distribution, or

(b) to sell, or expose, offer or keep for sale, or

(c) to distribute or offer or keep for distribution, any book or any particular edition of a book or any issue of a 65



periodical publication the sale and distribution of which in Saorstát Eireann is for the time being prohibited by a prohibition order.

(2) Every person who acts in contravention of the foregoing sub-section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment with or without hard labour, for any term not exceeding six months or to both such fine and such imprisonment and, in any case, to forfeiture of the book, edition, or issue in respect of which such offence was committed.

(3) The Minister may if he thinks fit for reasons which appear to him sufficient grant to any person a permit in writing to sell and keep for sale or to distribute and keep for distribution and (where appropriate) to import into Saorstát Eireann any specified book or any specified edition of a book or all or any particular issues of a specified periodical publication the sale and distribution of which in Saorstát Eireann is for the time being prohibited by a prohibition order, and the Minister may grant any such permit subject to such (if any) conditions and limitations as he may think fit to impose and shall specify in such permit.

11.—(1) The Minister shall prepare and keep a register to be called and known as "The Register of Prohibited Publications" (in this section referred to as the register) in such form as shall be prescribed by the Minister by regulations made under this Act.

Register of prohibited publications.

(2) Whenever a prohibition order is made there shall forthwith be entered in the register—

(a) if such order relates to a book, the name of such book, the edition or editions of such book to which such order applies, the names of the author and the publisher of such book if and as stated in such book, the date of such order and the date of the publication thereof in the *Iris Oifigiúil*, and

(b) if such order relates to a periodical publication, the name of such publication, the names of the proprietor and the publisher of such publication if and as stated in such publication, the date of such order and the date of the publication thereof in the *Iris Oifigiúil*.

(3) Whenever a prohibition order is revoked by the Minister under this Act the entry in the register of the book or periodical publication to which such order relates shall be erased and whenever a prohibition order is amended by the Minister under this Act the particulars of such amending order and of the amendment effected thereby shall be entered in the register opposite the entry of such book or periodical publication.

(4) The register shall be open to inspection free of charge by any person at such place in the City of Dublin and at such hours as shall be prescribed by the Minister by regulations made under this Act and a copy of any entry in the register certified by an officer of the Minister to be a true copy shall be furnished by the Minister to any person on payment of such charge as shall be fixed from time to time by the Minister with the consent of the Minister for Finance.

(5) A document purporting to be a copy of an entry in the register and to be certified by an officer of the Minister to be a true copy shall, without proof of the signature of such officer or of the fact that he is such officer, be accepted in all courts of justice as evidence until the contrary is proved of the terms of such entry and that the same was contained in the register at the date on which such certificate purports to have been given.

(6) The fact that a book or a periodical publication is at any particular time entered in the register shall be conclusive evidence that a prohibition order has been made in regard thereto and that such order is then still in force and the terms of such entry



in the register shall be conclusive evidence of the editions of such book or issues of such periodical publication to which such order applies.

Search warrant  
in respect of  
prohibited  
books, etc.

12.—(1) Where a Justice of the District Court is satisfied on the information on oath of an officer of the *Gárda Síochána* not below the rank of chief superintendent that there is reasonable ground for suspecting that in any specified building, land, premises or other place there are kept for sale or distribution any books, or periodical publications the sale and distribution of which in *Saorstát Éireann* are then prohibited by a prohibition order, such Justice may issue to such officer such search warrant as is mentioned in the section.

(2) A search warrant issued by a Justice of the District Court under this section shall be expressed and shall operate to authorise a named officer of the *Gárda Síochána* not below the rank of superintendent, accompanied by such other members of the *Gárda Síochána* as such officer shall think proper, at any time within forty-eight hours after the issue of the search warrant, and if needs be by force, to enter and search the specified building, land, premises, or other place aforesaid (which place shall be also specified in the warrant) for books, or periodical publications the sale and distribution of which in *Saorstát Éireann* is then prohibited by a prohibition order and to seize and remove all such books and periodical publications found on such search.

Customs and  
postal  
restrictions.

13.—(1) Where a prohibition order has been made in relation to a book or a particular edition of a book or a periodical publication, then so long as such order is in operation the importation (otherwise than under and in accordance with a permit in writing granted under this Act) of any edition of such book or issue of such periodical publication (as the case may be) to which such order for the time being applies shall be added to and included in the table of prohibitions and restrictions inwards contained in section 42 of the Customs Consolidation Act, 1876 and that section shall have effect accordingly.

(2) The purposes for which Post Office regulations may be made under section 16 of the Post Office Act, 1908 shall include preventing the sending or delivery by post (otherwise than under and in accordance with a permit in writing granted under this Act) of any edition of a book or any issue or a periodical publication to which a prohibition order for the time being applies.

### PART III.

#### REPORTS OF JUDICIAL PROCEEDINGS.

Restrictions on  
publication of  
reports of  
judicial  
proceedings.

14.—(1) It shall not be lawful to print or publish or cause or procure to be printed or published in relation to any judicial proceedings—

- (a) any indecent matter the publication of which would be calculated to injure public morals, or
- (b) any indecent medical, surgical or physiological details the publication of which would be calculated to injure public morals.

(2) It shall not be lawful to print or publish or cause or procure to be printed or published any report, statement, commentary or other matter of or in relation to any judicial proceedings for divorce, nullity of marriage, judicial separation, or restitution of conjugal rights save and except all or any of the following particulars of such proceedings, so far as the same can be printed and published without contravening any other subsection of this section, that is to say:—

- (a) the names, addresses, and occupations of the parties and witnesses,
- (b) the court in which and the Judge before whom the pro-



ceedings were tried and the names of the solicitors and counsel professionally engaged in the proceedings,

- 5 (c) a concise statement of the charges, defences, and counter-charges in support of which evidence was given,
- (d) particulars of any point of law raised and discussed in the proceedings and the decision of the court thereon,
- 10 (e) the summing-up of the Judge and the findings of the jury or the decision of the court and the observations of the Judge when pronouncing his decision.
- (3) Nothing in this section shall apply to—
- (a) the printing of any pleading, transcript of evidence, or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or
- 15 (b) to the printing and publishing of any order, notice, or report in pursuance of the directions of the court, or
- 20 (c) to the printing or publishing of any matter in any separate volume or part of any bona fide series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law, or in any publication of a technical character bona fide intended for circulation among
- 25 members of the legal profession or medical professions.

15.—(1) If any person being the proprietor, editor or publisher of any book or periodical publication or being a master printer engaged in the printing of such book or publication prints or publishes or causes, procures or permits to be printed or published therein in contravention of any of the provisions of this Part of this Act any matter, details, or particulars in relation to any judicial proceedings such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five hundred pounds or at the discretion of the court to imprisonment with or without hard labour for any term not exceeding six months or to both such fine and such imprisonment.

Offences in relation to the publication of reports of judicial proceedings.

(2) Every prosecution for an offence under this section shall be brought at the suit and in the name of the Attorney-General.

#### PART IV.

##### MISCELLANEOUS AND GENERAL.

16.—(1) It shall not be lawful for any person, otherwise than under and in accordance with a permit in writing granted to him under this section—

Prohibition of publications advocating contraceptives.

- (a) to print or publish or cause or procure to be printed or published, or
- (b) to sell or expose, offer, or keep for sale, or
- (c) to distribute, offer or keep for distribution,
- 50 any book or periodical publication which advocates or which might reasonably be supposed to advocate the unnatural prevention of conception or the procurement of abortion or miscarriage or any method, treatment, or appliance to be used for the purpose of such prevention or such procurement.

55 (2) Every person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds, or, at the discretion of the court, to imprisonment for any



term not exceeding six months or to both such fine and such imprisonment.

(3) The Minister may if he thinks fit for reasons which appear to him sufficient grant to any person a permit in writing to do all or any of the following things, that is to say, to print, publish, sell, keep for sale, distribute, or keep for distribution any book or periodical publication the printing, publishing, selling, or distributing of which without such permit would be a contravention of this section and the Minister may grant any such permit subject to such (if any) conditions and limitations as he may think fit to impose and shall specify in such permit.

Amendment of  
the Indecent  
Advertisements  
Act, 1889.

17.—(1) The reference contained in section 3 of the Indecent Advertisements Act, 1889, to printed matter which is of an indecent or obscene character shall be deemed to include advertisements which relate or refer or may be reasonably supposed to relate or refer to any disease affecting the generative organs of either sex, or to any complaint or infirmity arising from or relating to sexual intercourse, or to the prevention or removal of irregularities in menstruation, or to drugs, medicines, appliances, treatment, or methods for procuring abortion or miscarriage or preventing conception.

(2) Any person summarily convicted of an offence under section 3 of the Indecent Advertisements Act, 1889 shall, in lieu of the punishments mentioned in that section, be liable to a fine not exceeding ten pounds or, at the discretion of the court, to imprisonment for any term not exceeding three months.

(3) Any person summarily convicted of an offence under section 4 of the Indecent Advertisements Act, 1889 shall, in lieu of the punishments mentioned in that section, be liable to a fine not exceeding twenty-five pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months.

Prohibition of  
sale of indecent  
pictures.

18.—(1) It shall not be lawful for any person to sell or offer, expose, or keep for sale any indecent picture and every person who sells or offers, exposes, or keeps for sale any indecent picture in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding fifty pounds and, in the case of a second or any subsequent offence, to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment with or without hard labour for any term not exceeding six months and, in any case, to forfeiture of every indecent picture so sold or offered, exposed, or kept for sale by him.

(2) The word "indecent" where the same occurs in section 42 of the Customs Consolidation Act, 1876 and in section 16 of the Post Office Act, 1908 shall have the same meaning and construction as it has in this Act and the said section 42 and the said section 16 shall be construed and have effect accordingly.

Search warrant  
in respect of  
indecent  
pictures.

19.—Where a Justice of the District Court is satisfied on the information on oath of an officer of the *Gárda Síochána* not below the rank of chief superintendent that there is reasonable ground for suspecting that in any specified building, land, premises or other place there are kept for sale any indecent pictures, such Justice may issue to such officer such search warrant as is mentioned in this section.

(2) A search warrant issued by a Justice of the District Court under this section shall be expressed and shall operate to authorise a named officer of the *Gárda Síochána* not below the rank of superintendent, accompanied by such other members of the *Gárda Síochána* as such officer shall think proper, at any time within forty-eight hours after the issue of the search warrant, and if needs be by force, to enter and search the specified building, land, premises, or other place aforesaid (which place shall be also specified in the warrant) for indecent pictures and to seize and remove all such pictures found on such search.

(3) The Obscene Publications Act, 1857 is hereby repealed.



20.—The Minister may by order make regulations prescribing Regulations.  
all or any of the following matters and things, that is to say:—

- (a) the manner and form in which complaints are to be made to the Minister under this Act,
- 5 (b) the procedure of the Censorship of Publications Board and the forms to be used by them for the purposes of this Act,
- (c) any matter or thing referred to in this Act as prescribed or to be prescribed by the Minister by regulations made
- 10 under this Act.

21.—All expenses incurred in carrying this Act into execution shall, to such extent as shall be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses.



# Saorstát Éireann

## BILLE UM SCRUDOIREACHT FHOILL- SEACHÁN, 1928.

### BILLE

(mar do leasúodh i gCoiste)

*dá ngairmtear*

Acht chun soerú do dhéanamh chun díol agus scaipe litríochta mí-fholáine do thoirmease agus, chuige sin, soerú do dhéanamh chun scrúdoireacht leabhar agus foillseachán tréimhsiúil do bhunú agus chun srian do chur le foillsiú tuairiscí ar shaghsanna áirithe imeachta breithiúntais agus chun crícheanna eile a bhaineas leis na nithe roimhraithe.

*An tAire Dlí agus Cirt do thug isteach.*

*Do hordúodh, ag Dáil Éireann, do chlóbhuála,  
28adh Feabhra, 1929.*

BAILE ATH CLIATH:  
FOILLSITHE AG OIFIG AN TSOLATHAIR.

Le ceannach trí MESSRS. EASON AND SON, LTD.,  
40 agus 41 Sráid Iochtarach Uí Chonaill,  
Baile Atha Cliath.

Cló bhualte ag CAHILL & Co., LTD.

[*Leath-Raol Glan.*]

Wt. 9-783. 575. 3/29. C.&Co. (8402).

# Saorstát Éireann

## CENSORSHIP OF PUBLICATIONS BILL, 1928.

### BILL

(as amended in Committee)

*entitled*

An Act to make provision for the prohibition of the sale and distribution of unwholesome literature and for that purpose to provide for the establishment of a censorship of books and periodical publications, and to restrict the publication of reports of certain classes of judicial proceedings and for other purposes incidental to the matters aforesaid.

*Introduced by the Minister for Justice.*

*Ordered, by Dáil Éireann, to be printed,  
28th February, 1929.*

DUBLIN:  
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through MESSRS. EASON & SON, LTD.,  
40 and 41 Lower O'Connell Street,  
Dublin.

Printed by CAHILL & Co., LTD.

[*Threepence Net.*]