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**AN BILLE UM CHINSIREACHT FHOILSEACHÁN (LEASÚ),
1998
CENSORSHIP OF PUBLICATIONS (AMENDMENT) BILL,
1998**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
 2. Amendment of section 2 of Censorship of Publications Act, 1967.
 3. Short title and collective citation.
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Acts Referred to

Censorship of Publications Act, 1929	1929, No. 21
Censorship of Publications Act, 1946	1946, No. 1
Censorship of Publications Act, 1967	1967, No. 15



AN BILLE UM CHINSIREACHT FHOILSEACHÁN (LEASÚ),
1998
CENSORSHIP OF PUBLICATIONS (AMENDMENT) BILL,
1998

BILL

entitled

AN ACT TO PROVIDE FOR THE EXPIRATION OF CERTAIN
PROHIBITION ORDERS MADE UNDER THE CENSOR-
SHIP OF PUBLICATIONS ACTS, 1929 AND 1946.

10 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1. — In this Act—

Interpretation.

“the Act of 1946” means the Censorship of Publications Act, 1946;

“the Act of 1967” means the Censorship of Publications Act, 1967;

15 “prohibition order” means an order under section 6 of the Censor-
ship of Publications Act, 1929, or section 7 of the Censorship of Pub-
lications Act, 1946.

2. — The Act of 1967 is hereby amended by the substitution for
section 2 of the following section:

Amendment of
section 2 of
Censorship of
Publications Act,
1967.

20 “2.—(1) Subject to subsections (2) and (3), a prohibition
order in respect of a book shall cease to have effect on the 31st
day of December following the expiration of the period of
twelve years beginning on the date on which the order takes
effect unless it is sooner revoked by the Appeal Board under
section 8 of the Act of 1946.

25 (2) A prohibition order of the kind mentioned in subsection (1)
made more than twelve years before the date of the passing of
this Act shall expire on the seventh day after that date unless it
has previously expired or unless it is sooner revoked by the
Appeal Board under the said section 8.

30 (3) In any case where two or more prohibition orders of the
kind mentioned in subsection (1) are in force in respect of a
book (whether the book is referred to by the same title in all
the prohibition orders or otherwise), each of the orders shall
cease to have effect on the date on which, by virtue of this
35 section, the order first made ceases to have effect.”

3. — (1) This Act may be cited as the Censorship of Publications
(Amendment) Act, 1998.

Short title and
collective citation.

40 (2) The Censorship of Publications Acts, 1929 to 1967, and this
Act may be cited together as the Censorship of Publications Acts,
1929 to 1998.



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EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of the Bill is to end an anomaly in our censorship laws as a result of which books by authors of international renown in the field of literature and medicine remain on the banned list, decades after the bans were first imposed.

The Censorship of Publications Act, 1946, provided two separate grounds on which a book could be banned:

- “(a) that is indecent or obscene, or
- (b) that it advocates the unnatural prevention of conception or the procurement of abortion or miscarriage or the use of any method, treatment or appliance for the purpose of such prevention or procurement.”.

The Censorship of Publication Act, 1967, amended the law to provide that a prohibition order imposed on a book on the grounds that it was indecent or obscene would automatically lapse after twelve years unless it was renewed by the Censorship of Publications Board. However, this Act did nothing about the second category of books (i.e. those regarded as advocating the unnatural prevention of conception or the procurement of abortion or miscarriage or the use of any method, treatment or appliance for the purpose of such prevention or procurement).

The Health (Family Planning) Act, 1979, removed the unnatural prevention of conception as a ground for banning a book and the provision with regard to abortion was significantly qualified by the Regulation of Information (Services Outside the State for Termination of Pregnancies) Act, 1995. However, those books that were banned before the law changed remain banned and are still included on the Register of Prohibited Publications. A person who advertises or offers for sale any of these books is liable to a penalty of up to six months in prison.

Books still on the Register of Prohibited Publications, as a result of this anomaly, include works by authors of such standing as Upton Sinclair, H. G. Wells, Simone de Beauvoir and Marie Stopes, as well as publications such as Old Moore’s Almanac of 1952, The Good Housekeeping Brides Book of 1958 and the Pan Medical Handbook of 1965.

Section 1 is the standard interpretation section.

Section 2 amends the Censorship of Publications Act, 1967 to provide that a prohibition order made under either of the grounds specified in section 7 of the Censorship of Publications Act, 1946, will automatically lapse after 12 years, unless it is renewed by the Censorship of Publications Board.

Section 3 contains the standard provisions containing the short title and collective citation.

An Teachta Eilís Mhic Mhánais,
Meitheamh, 1998.