

BRITISH CUSTOMS SEIZURES OF OBSCENE ARTICLES 1996

Almost alone of all the countries in Europe, The United Kingdom rigorously prohibits the importation of "obscene" material. The right to conduct spot-checks to enforce this prohibition has been specifically reserved by the United Kingdom, as an exception to the single European Market.

In practice this means that British Customs Officers "target" the type of persons they believe are likely to be bringing "porn" into the country eg single British males returning from Amsterdam. Such persons are asked to open their baggage. If any sexually explicit magazines are found they are merely confiscated. If, however, any magazines featuring persons under sixteen are found or any explicit videos, whether of adults or minors, the traveller is arrested and his home raided. There any sexual material which might be of foreign origin is seized. (HM Customs have the power to enter any premises and seize anything without a warrant).

News of such raids often leaks out to the person's employer and/or the Press. Thus teachers have been dismissed from their jobs and last year the Anglican Vicar of Wimbledon had to resign, despite not having been charged with anything. Prosecutions (as opposed to mere confiscations) only follow if any under-age material is found or adult material in commercial quantities. Similarly, if any mail order items from abroad are intercepted by HM Customs, the same procedure is followed.

Material seized is destroyed unless, within 21 days of receiving written note of confiscation, the importer gives notice of intention to challenge it in the Courts. Most people are too timid to do so. At such a hearing the burden of proof is on the importer to show that the material is not obscene, in other words, to prove a negative. The National Campaign for the Reform of the Obscene Publications Acts (telephone 01753-674932) urges people to try and do so, just as its Honorary Director, David Webb, did culminating in a hearing in the Court of Appeal in January 1996.

The real solution to this nannyist farce, however, is law reform which only Parliament can do. Thus during the forthcoming General Election campaign people must challenge Parliamentary Candidates about this ridiculous law (Section 42 Customs Consolidation Act 1876 which is still in force !) This should be done in private, if possible, at politicians' surgeries because most of them are not prepared to commit themselves in public, this being Britain-the most sexually repressed country in the Western world !

TED GOODMAN