

LAWS OF TRINIDAD AND TOBAGO

CHILDREN AND YOUNG PERSONS
(HARMFUL PUBLICATIONS) ACT

CHAPTER 11:18

Act
44 of 1955
Amended by
136/1976

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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**CHILDREN AND YOUNG PERSONS
(HARMFUL PUBLICATIONS) ACT**

ARRANGEMENT OF SECTIONS

SECTION

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CHAPTER 11:18

CHILDREN AND YOUNG PERSONS
(HARMFUL PUBLICATIONS) ACT

44 of 1955. **An Act to prevent the dissemination of certain pictorial publications harmful to children and young persons.**

Commencement. [15TH DECEMBER 1955]

Short title. **1.** This Act may be cited as the Children and Young Persons (Harmful Publications) Act.

Interpretation. **2.** In this Act—
“child” and “young person” have the meanings assigned to them by section 2 of the Children Act;
“photographic film” includes photographic plate;
“plate” (except where it occurs in the expression “photographic plate”) includes block, mould, matrix and stencil.

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Works to which this Act applies.

3. This Act applies to any book, magazine or other like work which is of a kind likely to fall into the hands of children or young persons and consists wholly or mainly of stories told in pictures (with or without the addition of written matter), being stories portraying—

- (a) the commission of crimes; or
- (b) acts of violence or cruelty; or
- (c) incidents of a repulsive or horrible nature,

in such a way that the work as a whole would tend to corrupt a child or young person into whose hands it might fall.

Penalty for printing, publishing, selling, etc., works to which this Act applies. [136/1976].

4. (1) A person who prints, publishes, sells or lets on hire a work to which this Act applies, or has any such work in his possession for the purpose of selling it or letting it on hire, is liable on summary conviction to a fine of two thousand dollars and to imprisonment for four months.

(2) In any proceedings taken under subsection (1) against a person in respect of selling or letting on hire a work or of having it in his possession for the purpose of selling it or letting it on hire, it is a defence for him to prove that he did not examine the contents of the work and had no reasonable cause to suspect that it was one to which this Act applies.

(3) A prosecution for an offence under this section shall not be instituted except by, or with the consent of, the Director of Public Prosecutions.

5. (1) Where, upon a complaint being made before a Magistrate or Justice that a person has, or is suspected of having, committed an offence under section 4 with respect to a work (hereinafter in this subsection referred to as “the relevant work”), the Magistrate or Justice may issue a summons directed to that person requiring him to answer to the complaint or may issue a warrant to arrest that person.

Power to search for, and dispose of works to which this Act applies and articles for printing them.

(2) That Magistrate or any other Magistrate or Justice, if satisfied by proof on oath that there is reasonable ground for suspecting that the person has in his possession or under his control—

- (a) any copies of the relevant work or any other work to which this Act applies; or
- (b) any plate prepared for the purpose of printing copies of the relevant work or any other work to which this Act applies or any photographic film prepared for that purpose,

may grant a search warrant authorising any constable named in the warrant to enter (if necessary by force) any premises specified in the warrant and any vehicle or stall used by the person for the purposes of trade or business and to search the premises, vehicle or stall and seize any of the following things which the constable finds therein or thereon, that is to say—

- (i) any copies of the relevant work and any copies of any other work which the constable has reasonable cause to believe to be one to which this Act applies; and

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- (ii) any plate which the constable has reasonable cause to believe to have been prepared for the purpose of printing copies of any such work as is mentioned in paragraph (1) of this subsection and any photographic film which he has reasonable cause to believe to have been prepared for that purpose.

(2) The Court by or before which a person is convicted of an offence under section 4 with respect to a work may order any copies of that work and any plate prepared for the purpose of printing copies of that work or photographic film prepared for that purpose, being copies which have, or a plate or film which has, been found in his possession or under his control, to be forfeited.

(3) An order made under subsection (2) shall not take effect until the expiration of the time within which an appeal in the matter of the proceedings in which the order was made may be commenced or, where an appeal is duly lodged, until the appeal is finally decided or abandoned.

Prohibition of importation of works to which this Act applies and articles for printing them.

6. The importation into Trinidad and Tobago of—

- (a) any work to which this Act applies; and
- (b) any plate prepared for the purpose of printing copies of any such work and any photographic film prepared for that purpose,

is hereby prohibited.
