

**LAWS OF THE REPUBLIC OF VANUATU
CONSOLIDATED EDITION 2006**

Commencement: 1 October 1973

**CHAPTER 73
OBSCENITY**

JR 37 of 1973



ARRANGEMENT OF SECTIONS

1. Prohibition of manufacture, possession, importation, etc., of obscene material
2. Penalties double for offences involving persons under 18
3. Prohibition of obscene language, advertisements, etc., in public
4. Penalties doubled for repeated offences
5. Forfeiture and destruction of obscene materials
6. Search warrants
7. Warrants to open mail

OBSCENITY

To prohibit the production, importation and dissemination of articles contrary to public decency.

1. Prohibition of manufacture, possession, importation, etc., of obscene material

Any person who –

- (a) manufactures or keeps in his possession with a view to sale, distribution, hiring, affixing or displaying;
- (b) knowingly imports or causes to be imported, exports or causes to be exported, transports or causes to be transported, carries or causes to be carried for a like purpose;
- (c) displays, exposes or subjects to public view; or
- (d) either himself or by his agent sells or leases, even though not publicly; or
- (e) in any manner, directly or indirectly, offers even though gratuitously or privately;
or
- (f) distributes or delivers for distribution in any manner,

any obscene printed matter, writing, drawing, sign, engraving, painting, photograph (including the negative thereof), phonograph record, tape or cassette, emblem or any other object or representation, shall commit an offence punishable upon conviction by a fine not exceeding VT 100,000 or imprisonment for a period not exceeding 1 year or by both such fine and imprisonment.

2. Penalties double for offences involving persons under 18

Any person who is convicted of an offence against section 1 involving the supply or display of obscene material to a person under 18 years of age, shall be liable to penalties double those prescribed in section 1.

3. Prohibition of obscene language, advertisements, etc., in public

Any person who –

(a) in public sings, shouts or makes speeches in obscene language; or

(b) publicly draws attention to any event to be held for an immoral purpose or publishes any advertisement or letter for such purpose however it is worded,

shall commit an offence punishable on conviction in the same manner as an offence against section 1.

4. Penalties doubled for repeated offences

Any person convicted of any offence under the provisions of section 1 or section 3 who, within 5 years following such conviction, commits any further offence against this Act shall be liable to penalties double those prescribed in section 1.

5. Forfeiture and destruction of obscene materials

Upon the conviction of any person of an offence against section 1, any writing, drawing, sign, engraving, printing, photograph, phonograph record, tape or cassette, emblem or other object or representation the subject of the charge shall be ordered by the court to be forfeited and destroyed.

6. Search warrants

(1) A magistrate may issue to any police officer a warrant to enter and search any premises, vessel or vehicle in which he has reason to believe that material of the nature specified in section 1 is being held for any of the purposes set out in paragraphs (a) to (f) of that section and any person who wilfully prevents or obstructs the entry of any such officer into such premises, vessel or vehicle or the searching thereof shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000.

(2) Acting in pursuance of such warrant a police officer may seize any writing, print, drawing or engraving which by reason of its obscene character, is likely to endanger public morals and posters of the like nature may be seized, torn down, defaced or covered.

7. Warrants to open mail

Where the Commissioner of Police or the Director of Posts has reason to suspect that any obscene material of the nature specified in section 1 is being transmitted through the postal system of Vanuatu he may upon the issue to him of a warrant so to do by the magistrate, open such items of mail as may be specified in the said warrant and may seize any material which is of an obscene nature. If the owner of such material cannot be ascertained or if he does not consent to the destruction of such material, the Commissioner of Police or the Director of

OBSCENITY [CAP. 73]

Posts may apply to the court for an order that the said material be destroyed.