

MEMORANDUM FOR CABINET BY THE MINISTER OF INDUSTRIAL
DEVELOPMENT AND TOURISM

Customs Prohibition of importation of Contraceptives

The Post Office Act (Cap. 85) make it illegal to transmit by post "any indecent or obscene print, picture, photograph, lithograph, engraving, book, card or any other indecent, obscene, seditious or impious article, or any postal article having thereon or on the cover thereof, any words, marks or designs of an indecent, obscene, seditious scurrilous, threatening or grossly offensive character or any proposal, circular, ticket relating to lotteries other than lotteries set upon or permitted by the Government of Malta".

2. It was ruled by the Attorney General in 1947 that books divulging the means or explaining the ways of contraception were "indecent" for the purposes of sections 28 and 30 of the Post Office Act and it followed in his opinion that contraceptives themselves were "indecent and obscene articles".

3. The position regarding the Customs Ordinance is regulated by Government Notice No. 70 of 1954 which prohibits the importation "of any indecent, obscene or impious print, picture, photograph, lithograph, engraving, book, card, newspaper, or other article or of any seditious printed matter and of any article having thereon or on the cover thereof any words, mark or design of an indecent, obscene, impious or seditious character".

4. It has been considered by the Attorney General that the words "or other article" in the first part of Government Notice No. 70 has to be construed to mean an article "ejusdem generis" with literature, with which this Government Notice is principally concerned and that it does not empower the Customs department to withhold release of contraceptives.

5. Thus there is the anomaly that contraceptives are stopped when sent in small quantities through the post (i.e. in envelopes or small parcels) but they are allowed to be imported when sent in large quantities through the Customs Department.

6. In order to remove this anomaly, the Attorney General's Office has prepared the attached draft Legal Notice, which, if approved, will enable the Customs Department to withhold the release of contraceptives.

7. Hon. Ministers are invited to agree that the Governor be advised to make the regulations contained in the Draft Legal Notice.

3rd November, 1962.

vp

L.N. of 1962

CUSTOMS ORDINANCE (C.O. 60)
INDECENT ARTICLES (PROHIBITION OF IMPORTATION)
(AMENDMENT) REGULATIONS, 1962.

Date of commencement:

IN exercise of the powers conferred by section 76 of the Customs Ordinance, the Governor has made the following regulations:-

1. These regulations may be cited as the Indecent Articles (Prohibition of Importation) (Amendment) Regulations, 1962.

2. Regulation 2 of the Indecent Articles (Prohibition of Importation) Regulations, 1954 is amended by the deletion of the words "or other article" and the substitution of the words "or other article or thing whatsoever".

Citation.

Amends regulation 2 of the Indecent Articles (Prohibition of Importation) Regulations, 1954.

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4. It has been considered by the Attorney General that the words "or other article" in the first part of Government Notice No. 70 has to be construed to mean an article "ejusdem generis" with literature, with which this Government Notice is principally concerned and that it does not empower the Customs department to withhold release of contraceptives.

5. Thus there is the anomaly that contraceptives are stopped when sent in small quantities through the post (i.e. in envelopes or small parcels) but they are allowed to be imported when sent in large quantities through the Customs Department.

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3rd November, 1962.

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CUSTOMS ORDINANCE (CAP. 60)
INDECENT ARTICLES (PROHIBITION OF IMPORTATION)
(AMENDMENT) REGULATIONS, 1962.

Date of commencement:

IN exercise of the powers conferred by section 76 of the Customs Ordinance, the Governor has made the following regulations:-

Citation.

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Amends regulation 2 of the Indecent Articles (Prohibition of Importation) Regulations, 1954.

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