



# Police and Justice Act 2006

## 2006 CHAPTER 48

### PART 5

#### MISCELLANEOUS

##### *Forfeiture of indecent photographs of children*

#### **39 Forfeiture of indecent photographs of children: England and Wales**

- (1) The Protection of Children Act 1978 (c. 37) is amended as follows.
- (2) In section 4 (entry, search and seizure)—
  - (a) subsection (3) is omitted;
  - (b) for subsection (4) there is substituted—

“(4) In this section “premises” has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 23 of that Act).”
- (3) For section 5 (forfeiture) there is substituted—

##### **“5 Forfeiture**

The Schedule to this Act makes provision about the forfeiture of indecent photographs and pseudo-photographs.”

- (4) At the end of the Act there is inserted the Schedule set out in Schedule 11 to this Act.
- (5) The amendment made by paragraph (b) of subsection (2) has effect only in relation to warrants issued under section 4 of the Protection of Children Act 1978 after the commencement of that paragraph.
- (6) The amendments made by subsections (2)(a), (3) and (4) and Schedule 11 have effect whether the property in question was lawfully seized before or after the coming into force of those provisions.

This is subject to subsection (7).

- (7) Those amendments do not have effect in a case where the property has been brought before a justice of the peace under section 4(3) of the Protection of Children Act 1978 before the coming into force of those provisions.

#### **40 Forfeiture of indecent photographs of children: Northern Ireland**

- (1) The Protection of Children (Northern Ireland) Order 1978 ([S.I. 1978/1047 \(N.I. 17\)](#)) is amended as follows.

- (2) In Article 4 (entry, search and seizure), for paragraph (2) there is substituted—

“(2) In this Article “premises” has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 ([S.I. 1989/1341 \(N.I. 12\)](#)) (see Article 25 of that Order).”

- (3) For Articles 5 and 6 (forfeiture) there is substituted—

##### **“5 Forfeiture**

The Schedule to this Order makes provision about the forfeiture of indecent photographs and pseudo-photographs.”

- (4) At the end of the Order there is inserted the Schedule set out in Schedule 12.
- (5) The amendment made by subsection (2) has effect only in relation to warrants granted under Article 4(1) of the Protection of Children (Northern Ireland) Order 1978 after the commencement of that subsection.
- (6) The amendments made by subsections (3) and (4) and Schedule 12 have effect whether the property in question was lawfully seized before or after the coming into force of those provisions.

This is subject to subsection (7).

- (7) Those amendments do not have effect in a case where the property has been brought before a resident magistrate under Article 5(1) of the Protection of Children (Northern Ireland) Order 1978 ([S.I. 1978/1047 \(N.I. 17\)](#)) before the coming into force of those provisions.