
STATUTORY INSTRUMENTS

1978 No. 1047

Protection of Children (Northern Ireland) Order 1978

Indecent photographs of children

- 3.—(1) [^{F1}Subject to Articles 3A and 3B] any person who—
- (a) takes, or permits to be taken^[F2] or^[F3] makes]], any indecent photograph^[F2] or pseudo#photograph] of a child; or
 - (b) distributes or shows such indecent photographs^[F2] or pseudo#photographs]; or
 - (c) has in his possession such indecent photographs^[F2] or pseudo#photographs], with a view to their being distributed or shown by himself or others; or
 - (d) publishes or causes to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows such indecent photographs^[F2] or pseudo#photographs] or intends to do so,

shall be guilty of an offence.

(2) Proceedings for an offence under paragraph (1) shall not be instituted except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(3) Where a person is charged with an offence under paragraph (1)(*b*) or (*c*), it shall be a defence for him to prove—

- (a) that he had a legitimate reason for distributing or showing the photographs^[F2] or pseudo#photographs] or (as the case may be) having them in his possession; or
- (b) that he had not himself seen the photographs^[F2] or pseudo#photographs] and did not know, nor had any cause to suspect, that the photographs^[F2] or pseudo#photographs] were indecent.

(4) A person guilty of an offence under paragraph (1) shall be liable—

- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding^[F4] ten] years or to both;
- (b) on summary conviction to a fine not exceeding^[F5] level 5 on the standard scale] or to imprisonment for a term not exceeding six months or to both.

F1 Words in art. 3(1) inserted (2.2.2009) by [Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), [42\(4\)](#); S.R. 2008/510, [art. 2](#)

F2 1994 c. 33

F3 2003 NI 13

F4 2000 c. 43

F5 1984 NI 3

Changes to legislation:

There are currently no known outstanding effects for the Protection of Children (Northern Ireland) Order 1978, Section 3.