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STATUTORY INSTRUMENTS

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**1988 No. 1847**

The Criminal Justice (Evidence,  
Etc.) (Northern Ireland) Order 1988

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

**Summary offence of possession of indecent photograph of child**

**15.**—(1) It is an offence for a person to have any indecent photograph of a child (meaning in this Article a person under the age of 16) in his possession.

(2) Where a person is charged with an offence under paragraph (1), it shall be a defence for him to prove—

- (a) that he had a legitimate reason for having the photograph in his possession; or
- (b) that he had not himself seen the photograph and did not know, nor had any cause to suspect, it to be indecent; or
- (c) that the photograph was sent to him without any prior request made by him or on his behalf and that he did not keep it for an unreasonable time.

(3) A person shall be liable on summary conviction of an offence under paragraph (1) to a fine not exceeding level 5 on the standard scale.

(4) 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.

(5) Articles 2(2) and (3), 7(1) and 8 of the Protection of Children (Northern Ireland) Order 1978<sup>(1)</sup> shall have effect as if any reference in them to that Order included a reference to this Article.

(6) Possession before this Article comes into operation is not an offence.