STATUTORY INSTRUMENTS

1988 No. 1847

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

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

[F1 Marriage and other relationships

15A.—(1) This Article applies where, in proceedings for an offence under Article 15(1) relating to an indecent photograph **[**F2 or pseudo-photograph**]** of a child, the defendant proves that the photograph **[**F2 or pseudo-photograph**]** was of the child aged 16 or over, and that at the time of the offence charged the child and he—

(a) were married or civil partners of each other, or

(b) lived together as partners in an enduring family relationship.

(2) This Article also applies where, in proceedings for an offence under Article 15(1) relating to an indecent photograph **[**F2 or pseudo-photograph**]** of a child, the defendant proves that the photograph **[**F2 or pseudo-photograph**]** was of the child aged 16 or over, and that at the time when he obtained it the child and he—

(a) were married or civil partners of each other, or

(b) lived together as partners in an enduring family relationship.

(3) This Article applies whether the photograph **[**F2 or pseudo-photograph**]** showed the child alone or with the defendant, but not if it showed any other person.

(4) If sufficient evidence is adduced to raise an issue as to whether the child consented to the photograph **[**F2 or pseudo-photograph**]** being in the defendant's possession, or as to whether the defendant reasonably believed that the child so consented, the defendant is not guilty of the offence unless it is proved that the child did not so consent and that the defendant did not reasonably believe that the child so consented.**]**

F1 Art. 15A inserted (2.2.2009) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(3), **42(8)**; S.R. 2008/510, **art. 2**

F2 Words in art. 15A inserted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), **ss. 69(3)**, 182(5) (with s. 180); S.I. 2010/816, **art. 2**, Sch. para. 2

Changes to legislation:
Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988, Section 15A is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

– Instrument am (prosp) by 1994 c. 33 s. 84(11)