

STATUTORY INSTRUMENTS

1988 No. 1847

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

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

Corruption

14. ^{F1}

F1 Art. 14 repealed (1.7.2011) by Bribery Act 2010 (c. 23), ss. 17(3), 19(1), Sch. 2 (with ss. 16, 19(5)); S.I. 2011/1418, art. 2

[^{F2}Possession of indecent photograph of child]

15.—(1) [^{F3}Subject to Article 15A] it is an offence for a person to have any indecent photograph[^{F4} or pseudo#photograph] of a child^{F4}. . . 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[^{F5} or pseudo#photograph] in his possession; or
- (b) that he had not himself seen the photograph[^{F5} or pseudo#photograph] and did not know, nor had any cause to suspect, it to be indecent; or
- (c) that the photograph[^{F5} or pseudo#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.

[^{F6}(2A) A person shall be liable on conviction on indictment of an offence under paragraph (1) to imprisonment for a term not exceeding five years or a fine, or both.]

(3) A person shall be liable on summary conviction of an offence under paragraph (1) to [^{F7}imprisonment for a term not exceeding 6 months or] a fine not exceeding level 5 on the standard scale[^{F7}, or both].

(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) [^{F8}, (2A)] and (3), 7(1) and 8 of the Protection of Children (Northern Ireland) Order 1978^{F9} 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.

F2 2000 c.43

Changes to legislation: *Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988, PART IV is up to date with all changes known to be in force on or before 28 March 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. (See end of Document for details) View outstanding changes*

- F3** Words in art. 15(1) inserted (2.2.2009) by [Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), [42\(7\)](#); S.R. 2008/510, [art. 2](#)
- F4** 1994 c.33
- F5** 1994 c.33
- F6** 2000 c.43
- F7** 1994 c.33
- F8** Words in art. 15(5) inserted (8.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 148(1), 153(2)(c), [Sch. 26 para. 25](#)
- F9** 1978 NI 17

[^{F10}Marriage and other relationships

15A.—(1) This Article applies where, in proceedings for an offence under Article 15(1) relating to an indecent photograph [^{F11}or pseudo-photograph] of a child, the defendant proves that the photograph [^{F11}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 [^{F11}or pseudo-photograph] of a child, the defendant proves that the photograph [^{F11}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 [^{F11}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 [^{F11}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.]

- F10** 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](#)
- F11** 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

Article 16—Amendments and repeals

Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument am (prosp) by [1994 c. 33 s. 84\(11\)](#)