

Changes to legislation: There are currently no known outstanding effects for the Protection of Children Act 1978, Cross Heading: Interpretation. (See end of Document for details)

[^{F1}SCHEDULE

FORFEITURE OF INDECENT PHOTOGRAPHS OF CHILDREN

Textual Amendments

- F1** Sch. inserted (1.4.2008) by Police and Justice Act 2006 (c. 48), ss. 39(45), 53(1), **Sch. 11**; S.I. 2008/790, art. 2(c)

Modifications etc. (not altering text)

- C1** Sch. applied (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 67(1)(b), 182(5) (with s. 180, Sch. 22 para. 12(2)); S.I. 2010/816, art. 2, Sch. para. 1
- C1** Sch. applied (3.5.2015) by Serious Crime Act 2015 (c. 9), ss. 69(5)(b), 88(1); S.I. 2015/820, reg. 2(m)

Interpretation

- 21 (1) In this Schedule—
- “the court” is to be construed in accordance with paragraph 12;
 - “forfeitable property” is to be construed in accordance with paragraph 1(2);
 - “premises” has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 23 of that Act); and
 - “the relevant officer” is to be construed in accordance with paragraph 3.
- (2) For the purposes of this Schedule the circumstances in which a person (“P”) has a legitimate reason for possessing an indecent photograph of a child (“C”) include where—
- (a) the photograph was of C aged 16 or over,
 - (b) one or both of the following sub-paragraphs apply—
 - (i) P and C are married, are civil partners of each other or are living together as partners in an enduring family relationship,
 - (ii) P and C were married, were civil partners of each other or were so living together at the time P obtained the photograph,
 - (c) the photograph shows C alone or with P, but does not show any other person,
 - (d) C has consented to the photograph being in P's possession (and that consent has not been withdrawn), and
 - (e) P owns, or is authorised (directly or indirectly) by the owner, to possess the photograph.]

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