

*These notes refer to the Civil Partnership Act 2004 (c.33)  
which received Royal Assent on 18th November 2004*

# **CIVIL PARTNERSHIP ACT 2004**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### *Schedules*

#### *Schedule 27 - Minor and consequential amendments*

#### *Paragraph 60 - Protection of Children Act 1978 (c. 37)*

970. Section 1A of the Protection of Children Act 1978 concerns cases where a defendant, charged with an offence involving an indecent photograph of a child under section 1 of the Act, proves that at the relevant time the child was aged 16 or over and was either married to the defendant or living with the defendant as a partner in an enduring family relationship. In such cases, where the evidence raises an issue as to the child's consent, section 1A provides that the defendant is not guilty unless it is proved that the child did not so consent and the defendant did not reasonably believe that the child consented. Where the offence is one of possession with a view to the photograph being shown or distributed, section 1A provides that the defendant is not guilty unless it is proved that the showing or distributing was to a person other than the child. *Paragraph 60* amends section 1A of the Protection of Children Act 1978 to ensure that the same provisions apply if the defendant and the child were civil partners of each other, so that they are treated in the same way as spouses.