



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 5

CRIMINAL LAW

Pornography etc.

63 Possession of extreme pornographic images

- (1) It is an offence for a person to be in possession of an extreme pornographic image.
- (2) An “extreme pornographic image” is an image which is both—
 - (a) pornographic, and
 - (b) an extreme image.
- (3) An image is “pornographic” if it is of such a nature that it must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal.
- (4) Where (as found in the person’s possession) an image forms part of a series of images, the question whether the image is of such a nature as is mentioned in subsection (3) is to be determined by reference to—
 - (a) the image itself, and
 - (b) (if the series of images is such as to be capable of providing a context for the image) the context in which it occurs in the series of images.
- (5) So, for example, where—
 - (a) an image forms an integral part of a narrative constituted by a series of images, and
 - (b) having regard to those images as a whole, they are not of such a nature that they must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal,

Status: This is the original version (as it was originally enacted).

the image may, by virtue of being part of that narrative, be found not to be pornographic, even though it might have been found to be pornographic if taken by itself.

- (6) An “extreme image” is an image which—
- (a) falls within subsection (7), and
 - (b) is grossly offensive, disgusting or otherwise of an obscene character.
- (7) An image falls within this subsection if it portrays, in an explicit and realistic way, any of the following—
- (a) an act which threatens a person’s life,
 - (b) an act which results, or is likely to result, in serious injury to a person’s anus, breasts or genitals,
 - (c) an act which involves sexual interference with a human corpse, or
 - (d) a person performing an act of intercourse or oral sex with an animal (whether dead or alive),
- and a reasonable person looking at the image would think that any such person or animal was real.
- (8) In this section “image” means—
- (a) a moving or still image (produced by any means); or
 - (b) data (stored by any means) which is capable of conversion into an image within paragraph (a).
- (9) In this section references to a part of the body include references to a part surgically constructed (in particular through gender reassignment surgery).
- (10) Proceedings for an offence under this section may not be instituted—
- (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions; or
 - (b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.