



# Policing and Crime Act 2009

## 2009 CHAPTER 26

### PART 2

#### SEXUAL OFFENCES AND SEX ESTABLISHMENTS

##### *Indecent photographs of children*

#### **26 Penalty for contravening notice relating to encrypted information**

- (1) Section 53 of the Regulation of Investigatory Powers Act 2000 (c. 23) (failure to comply with notice relating to encrypted information) is amended as follows.
- (2) In subsection (5A)(a) after “case” insert “ “or a child indecency case” ”.
- (3) After subsection (5B) insert—
  - “(6) In subsection (5A) “a child indecency case” means a case in which the grounds specified in the notice to which the offence relates as the grounds for imposing a disclosure requirement were or included a belief that the imposition of the requirement was necessary for the purpose of preventing or detecting an offence under any of the provisions listed in subsection (7).
  - (7) Those provisions are—
    - (a) section 1 of the Protection of Children Act 1978 (showing or taking etc an indecent photograph of a child: England and Wales);
    - (b) Article 3 of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)) (corresponding offence for Northern Ireland);
    - (c) section 52 or 52A of the Civic Government (Scotland) Act 1982 (showing or taking etc or possessing an indecent photograph of a child: Scotland);
    - (d) section 160 of the Criminal Justice Act 1988 (possessing an indecent photograph of a child: England and Wales);

---

*Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 26. (See end of Document for details)*

---

- (e) Article 15 of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17)) (corresponding offence for Northern Ireland).”
- (4) The amendments made by this section apply in relation to cases in which the section 49 notice was given after the commencement of this section.

---

**Commencement Information**

**II** [S. 26](#) in force at 25.1.2010 by [S.I. 2009/3096](#), [art. 3\(e\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 26.