



Serious Crime Act 2015

2015 CHAPTER 9

PART 5

PROTECTION OF CHILDREN AND OTHERS

Protection of children

69 Possession of paedophile manual

- (1) It is an offence to be in possession of any item that contains advice or guidance about abusing children sexually.
- (2) It is a defence for a person (D) charged with an offence under this section—
 - (a) to prove that D had a legitimate reason for being in possession of the item;
 - (b) to prove that—
 - (i) D had not read, viewed or (as appropriate) listened to the item, and
 - (ii) D did not know, and had no reason to suspect, that it contained advice or guidance about abusing children sexually; or
 - (c) to prove that—
 - (i) the item was sent to D without any request made by D or on D's behalf, and
 - (ii) D did not keep it for an unreasonable time.
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
 - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
 - (c) on conviction on indictment, to imprisonment for a term not exceeding 3 years or to a fine, or to both.
- (4) Proceedings for an offence under this section may be brought—

Status: This is the original version (as it was originally enacted).

- (a) in England and Wales, only by or with the consent of the Director of Public Prosecutions;
 - (b) in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (5) In England and Wales, the following provisions of the Protection of Children Act 1978 apply in relation to prohibited items as they apply in relation to indecent photographs of children (within the meaning of that Act)—
- (a) section 4 (entry, search and seizure);
 - (b) the Schedule (forfeiture of photographs).
- (6) In Northern Ireland, the following provisions of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)) apply in relation to prohibited items as they apply in relation to indecent photographs of children (within the meaning of that Order)—
- (a) Article 4 (entry, search and seizure);
 - (b) the Schedule (forfeiture of photographs).
- (7) Schedule 3 makes special provision in connection with the operation of subsection (1) in relation to persons providing information society services within the meaning of that Schedule.
- (8) In this section—
- “abusing children sexually” means doing anything that constitutes—
 - (a) an offence under Part 1 of the Sexual Offences Act 2003, or under Part 2, 3 or 4 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), against a person under 16, or
 - (b) an offence under section 1 of the Protection of Children Act 1978, or under Article 3 of the Protection of Children (Northern Ireland) Order 1978, involving indecent photographs (but not pseudo-photographs), or doing anything outside England and Wales or Northern Ireland that would constitute such an offence if done in England and Wales or Northern Ireland;
 - “item” includes anything in which information of any description is recorded;
 - “prohibited item” means an item within subsection (1).