

Changes to legislation: There are currently no known outstanding effects for the Protection of Children Act 1978, Cross Heading: Application of Schedule. (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)

Application of Schedule

- 1 (1) This Schedule applies where—
- (a) property which has been lawfully seized in England and Wales is in the custody of a constable,
 - (b) ignoring this Schedule, there is no legitimate reason for the constable to retain custody of the property,
 - (c) the constable is satisfied that there are reasonable grounds for believing that the property is or is likely to be forfeitable property, and
 - (d) ignoring this Schedule, the constable is not aware of any person who has a legitimate reason for possessing the property or any readily separable part of it.
- (2) The following property is “forfeitable property”—
- (a) any indecent photograph or pseudo-photograph of a child;
 - (b) any property which it is not reasonably practicable to separate from any property within paragraph (a).
- (3) For the purposes of this paragraph—
- (a) a part of any property is a “readily separable part” of the property if, in all the circumstances, it is reasonably practicable for it to be separated from the remainder of that property, and
 - (b) it is reasonably practicable for a part of any property to be separated from the remainder if it is reasonably practicable to separate it without prejudicing the remainder of the property or another part of it.
- (4) The circumstances mentioned in sub-paragraph (3)(a) include the time and costs involved in separating the property.]

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