



Protection of Children Act 1978

1978 CHAPTER 37

1 Indecent photographs of children

- (1) It is an offence for a person—
 - (a) to take, or permit to be taken, any indecent photograph of a child (meaning in this Act a person under the age of 16); or
 - (b) to distribute or show such indecent photographs ; or
 - (c) to have in his possession such indecent photographs, with a view to their being distributed or shown by himself or others ; or
 - (d) to publish or cause to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows such indecent photographs, or intends to do so.
- (2) For purposes of this Act, a person is to be regarded as distributing an indecent photograph if he parts with possession of it to, or exposes or offers it for acquisition by, another person.
- (3) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the Director of Public Prosecutions.
- (4) Where a person is charged with an offence under subsection (1)(b) or (c), it shall be a defence for him to prove—
 - (a) that he had a legitimate reason for distributing or showing the photographs or (as the case may be) having them in his possession ; or
 - (b) that he had not himself seen the photographs and did not know, nor had any cause to suspect, them to be indecent.
- (5) References in the Children and Young Persons Act 1933 (except in sections 15 and 99) to the offences mentioned in Schedule 1 to that Act shall include an offence under subsection (1)(a) above.
- (6) Offences under this Act shall be included—
 - (a) in the list of extradition crimes contained in Schedule 1 to the Extradition Act 1870 ; and

Status: This is the original version (as it was originally enacted).

- (b) among the descriptions of offences set out in Schedule 1 to the Fugitive Offenders Act 1967 ;
and sections 17 and 22 of the 1870 Act and sections 16 and 17 of the 1967 Act (application to Channel Islands, Isle of Man and United Kingdom dependencies) extend to this subsection.
- (7) In paragraph 1 of the Schedule to the Visiting Forces Act 1952 (offences against the person in the case of which a member of a visiting force is in certain circumstances not liable to be tried by a United Kingdom court), after sub-paragraph (6)(viii) (inserted by the Sexual Offences Act 1956) there shall be added—
“(ix) section 1(1)(a) of the Protection of Children Act 1978”.