



Protection of Children Act 1978

1978 CHAPTER 37

7 Interpretation.

- (1) The following subsections apply for the interpretation of this Act.
- (2) References to an indecent photograph include an indecent film, a copy of an indecent photograph or film, and an indecent photograph comprised in a film.
- (3) Photographs (including those comprised in a film) shall, if they show children and are indecent, be treated for all purposes of this Act as indecent photographs of children [^{F1}and so as respects pseudo-photographs].

[^{F2}(4) References to a photograph include—

- (a) the negative as well as the positive version; and
- (b) data stored on a computer disc or by other electronic means which is capable of conversion into a photograph.]

[^{F3}(4A) References to a photograph also include—

- (a) a tracing or other image, whether made by electronic or other means (of whatever nature)—
 - (i) which is not itself a photograph or pseudo-photograph, but
 - (ii) which is derived from the whole or part of a photograph or pseudo-photograph (or a combination of either or both); and
- (b) data stored on a computer disc or by other electronic means which is capable of conversion into an image within paragraph (a);

and subsection (8) applies in relation to such an image as it applies in relation to a pseudo-photograph.]

- (5) “Film” includes any form of video-recording.

[^{F4}(6) “Child”, subject to subsection (8), means a person under the age of [^{F5}18].

- (7) “ Pseudo-photograph ” means an image, whether made by computer-graphics or otherwise howsoever, which appears to be a photograph.

Changes to legislation: Protection of Children Act 1978, Section 7 is up to date with all changes known to be in force on or before 06 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (8) If the impression conveyed by a pseudo-photograph is that the person shown is a child, the pseudo-photograph shall be treated for all purposes of this Act as showing a child and so shall a pseudo-photograph where the predominant impression conveyed is that the person shown is a child notwithstanding that some of the physical characteristics shown are those of an adult.
- (9) References to an indecent pseudo-photograph include—
- (a) a copy of an indecent pseudo-photograph; and
 - (b) data stored on a computer disc or by other electronic means which is capable of conversion into [^{F6}an indecent pseudo-photograph].]

Textual Amendments

- F1** Words in s. 7(3) inserted (3.2.1995) by 1994 c. 33, s. 84(3)(a); S.I. 1995/127, art. 2(1), **Sch 1**
- F2** S. 7(4) substituted (3.2.1995) by 1994 c. 33, s. 84(3)(b); S.I. 1995/127, art. 2(1), **Sch 1**
- F3** S. 7(4A) inserted (8.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 69(3), 153(2)(b) (with Sch. 27 para. 24(1))
- F4** S. 7(6)-(9) inserted (3.2.1995) by 1994 c. 33, s. 84(3)(c); S.I. 1995/127, art. 2(1), **Sch 1**
- F5** Word in s. 7(6) substituted (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 45(2), 141; S.I. 2004/874, art. 2
- F6** Words in s. 7(9)(b) substituted (8.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 69(4), 153(2)(b)

Modifications etc. (not altering text)

- C1** Ss. 1(3), 2(3), 3, 7 amended by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 160(4), **Sch. 8 para. 16**
- C2** S. 7 applied (1.5.2004 for E.W.N.I., 1.5.2004 for S.) by Sexual Offences Act 2003 (c. 42), s. 141, **Sch. 3 para. 97(b)**; S.S.I. 2004/138, art. 2; S.I. 2004/874, art. 2; S.S.I. 2004/138, art. 2; S.I. 2004/874, art. 2
- C3** S. 7(4)(7) applied (*prosp.*) by 1997 c. 39, ss. 2(1), 11(2) (with ss. 1(4), 11(3))

Changes to legislation:

Protection of Children Act 1978, Section 7 is up to date with all changes known to be in force on or before 06 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- s. 7(4) applied by [1997 c. 39 s. 2\(1\)](#)
- s. 7(7) applied by [1997 c. 39 s. 2\(1\)](#)