



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 5

CRIMINAL LAW

Pornography etc.

65 Defences: general

- (1) Where a person is charged with an offence under section 63, it is a defence for the person to prove any of the matters mentioned in subsection (2).
- (2) The matters are—
 - (a) that the person had a legitimate reason for being in possession of the image concerned;
 - (b) that the person had not seen the image concerned and did not know, nor had any cause to suspect, it to be an extreme pornographic image;
 - (c) that the person—
 - (i) was sent the image concerned without any prior request having been made by or on behalf of the person, and
 - (ii) did not keep it for an unreasonable time.
- (3) In this section “extreme pornographic image” and “image” have the same meanings as in section 63.