



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 5

#### CRIMINAL LAW

##### *Pornography etc.*

#### **67 Penalties etc. for possession of extreme pornographic images**

- (1) This section has effect where a person is guilty of an offence under section 63.
- (2) [<sup>F1</sup>If the offence relates to an image that portrays any relevant act (with or without other acts)], the offender is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding the relevant period or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 3 years or a fine or both.
- (3) If the offence relates to an image that does not portray any [<sup>F2</sup>relevant act], the offender is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding the relevant period or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.
- (4) In subsection (2)(a) or (3)(a) “the relevant period” means—
  - (a) in relation to England and Wales, [<sup>F3</sup>the general limit in a magistrates’ court];
  - (b) in relation to Northern Ireland, 6 months.

[<sup>F4</sup>(5) In this section “relevant act” means—

*Status: Point in time view as at 07/02/2023.*

*Changes to legislation: Criminal Justice and Immigration Act 2008, Section 67 is up to date with all changes known to be in force on or before 28 May 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)*

- (a) in relation to England and Wales, an act within section 63(7)(a) or (b) or (7A) (a) or (b);
- (b) in relation to Northern Ireland, an act within section 63(7)(a) or (b) [F5 or (7A) (a) or (b)].]

#### Textual Amendments

- F1** Words in s. 67(2) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 37(4)(a)**, 95(1); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 31](#) (with [Sch. 2 para. 1](#))
- F2** Words in s. 67(3) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 37(4)(b)**, 95(1); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 31](#) (with [Sch. 2 para. 1](#))
- F3** Words in s. 67(4)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table
- F4** S. 67(5) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 37(4)(c)**, 95(1); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 31](#) (with [Sch. 2 para. 1](#))
- F5** Words in s. 67(5)(b) added (N.I.) (13.5.2016) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), **ss. 50(4)**, 61(1)

#### Commencement Information

- I1** S. 67 in force at 26.1.2009 by [S.I. 2008/2993](#), **art. 2(2)(e)**

**Status:**

Point in time view as at 07/02/2023.

**Changes to legislation:**

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