



Criminal Justice Act 1988

1988 CHAPTER 33

PART XI

MISCELLANEOUS

Possession of indecent photograph of child

160 Summary offence of possession of indecent photograph of child.

- (1) It is an offence for a person to have any indecent photograph [^{F1}or pseudo-photograph] of a child ^{F2} . . . in his possession.
- (2) Where a person is charged with an offence under subsection (1) above, it shall be a defence for him to prove—
 - (a) that he had a legitimate reason for having the photograph [^{F3}or pseudo-photograph] in his possession; or
 - (b) that he had not himself seen the photograph [^{F3}or pseudo-photograph] and did not know, nor had any cause to suspect, it to be indecent; or
 - (c) that the photograph [^{F3}or pseudo-photograph] was sent to him without any prior request made by him or on his behalf and that he did not keep it for an unreasonable time.
- (3) A person shall be liable on summary conviction of an offence under this section to [^{F4}imprisonment for a term not exceeding six months or] a fine not exceeding level 5 on the standard scale [^{F4}, or both].
- (4) Sections 1(3), 2(3), 3 and 7 of the ^{M1}Protection of Children Act 1978 shall have effect as if any reference in them to that Act included a reference to this section.
- ^{F5}(5)

Textual Amendments

F1 Words in s. 160(1) inserted (3.2.1995) by 1994 c. 33, s. 84(4)(a); S.I. 1995/127, art. 2(1), Sch. 1

Status: Point in time view as at 04/09/1995. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 1988, Section 160 is up to date with all changes known to be in force on or before 21 July 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)

- F2** Words in s. 160(1) omitted (3.2.1995) by virtue of 1994 c. 33, s. 84(4)(a); S.I. 1995/127, art. 2(1), **Sch. 1** (and expressed to be repealed (4.9.1995) by 1994 c. 33, s. 168(3), **Sch.11**; S.I. 1995/1957, **art.6**)
- F3** Words in s. 160(2)(a)-(c) inserted (3.2.1995) by 1994 c. 33, s. 84(4)(b); S.I. 1995/127, art. 2(1), **Sch. 1**
- F4** Words in s. 160(3) inserted (3.2.1995) by 1994 c. 33, s. 86(1); S.I. 1995/127, art. 2(1), **Sch. 1**
- F5** S. 160(5) repealed (4.9.1995) by 1994 c. 33, s. 168(3), **Sch.11**; S.I. 1995/1957, **art.6**
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Marginal Citations

- M1** 1978 c. 37.

Status:

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