

[^{F1}SCHEDULE

Forfeiture of indecent photographs of children

F1 Sch. inserted (1.4.2008) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 40(4), 53(1)(a), [Sch. 12](#) (with s. 40(6)(7)); S.I. 2008/790, [art. 3\(a\)](#)

Modifications etc. (not altering text)

C1 Sch. applied (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 67(2)(b), 182(5) (with s. 180, Sch. 22 para. 12(2)); S.I. 2010/816, [art. 2](#), Sch. para. 1

C1 Sch. applied (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), ss. 69(6)(b), 88(1); S.I. 2015/820, reg. 2(m)

Application of Schedule

- 1.—(1) This Schedule applies where—
- (a) property which has been lawfully seized in Northern Ireland is in the custody of a constable,
 - (b) ignoring this Schedule, there is no legitimate reason for the constable to retain custody of the property,
 - (c) the constable is satisfied that there are reasonable grounds for believing that the property is or is likely to be forfeitable property, and
 - (d) ignoring this Schedule, the constable is not aware of any person who has a legitimate reason for possessing the property or any readily separable part of it.
- (2) The following property is “forfeitable property”—
- (a) any indecent photograph or pseudo-photograph of a child;
 - (b) any property which it is not reasonably practicable to separate from any property within paragraph (a).
- (3) For the purposes of this paragraph—
- (a) a part of any property is a “readily separable part” of the property if, in all the circumstances, it is reasonably practicable for it to be separated from the remainder of that property, and
 - (b) it is reasonably practicable for a part of any property to be separated from the remainder if it is reasonably practicable to separate it without prejudicing the remainder of the property or another part of it.
- (4) The circumstances mentioned in sub-paragraph (3)(a) include the time and costs involved in separating the property.]

Changes to legislation:

There are currently no known outstanding effects for the Protection of Children (Northern Ireland) Order 1978, Paragraph 1.