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## STATUTORY INSTRUMENTS

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# 1988 No. 1847

## Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTARY

##### Corruption

14.—(1) The following paragraph shall be substituted for paragraph ( a ) of section 2 of the Public Bodies Corrupt Practices Act 1889<sup>F1</sup> (penalty for corruption in office)—

“(a) be liable—

- (i) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; and
- (ii) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both; and” .

(2) In subsection (1) of section 1 of the Prevention of Corruption Act 1906<sup>F2</sup> (punishment of corrupt transactions with agents) for the words from “shall be liable” to the end of the subsection there shall be substituted the words “shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; and
- (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both.” .

(3) Nothing in this Article shall affect the punishment for an offence committed before this Article comes into operation.

**F1** 1889 c. 69

**F2** 1906 c. 34

##### [<sup>F3</sup>Possession of indecent photograph of child]

15.—(1) It is an offence for a person to have any indecent photograph<sup>F4</sup> or pseudo#photograph] of a child<sup>F4</sup> . . . in his possession.

(2) Where a person is charged with an offence under paragraph (1), it shall be a defence for him to prove—

- (a) that he had a legitimate reason for having the photograph<sup>F5</sup> or pseudo#photograph] in his possession; or
- (b) that he had not himself seen the photograph<sup>F5</sup> or pseudo#photograph] and did not know, nor had any cause to suspect, it to be indecent; or

*Status: Point in time view as at 01/01/2006. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988, PART IV is up to date with all changes known to be in force on or before 22 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)*

(c) that the photograph<sup>F5</sup> 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.

[<sup>F6</sup>(2A) A person shall be liable on conviction on indictment of an offence under paragraph (1) to imprisonment for a term not exceeding five years or a fine, or both.]

(3) A person shall be liable on summary conviction of an offence under paragraph (1) to<sup>F7</sup> imprisonment for a term not exceeding 6 months or] a fine not exceeding level 5 on the standard scale<sup>F7</sup>, or both].

(4) Proceedings for an offence under paragraph (1) shall not be instituted except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(5) Articles 2(2) and (3), 7(1) and 8 of the Protection of Children (Northern Ireland) Order 1978<sup>F8</sup> shall have effect as if any reference in them to that Order included a reference to this Article.

(6) Possession before this Article comes into operation is not an offence.

<b>F3</b>	2000 c.43
<b>F4</b>	1994 c.33
<b>F5</b>	1994 c.33
<b>F6</b>	2000 c.43
<b>F7</b>	1994 c.33
<b>F8</b>	1978 NI 17

VALID FROM 02/02/2009

### Marriage and other relationships

[<sup>F9</sup>**15A.**—(1) This Article applies where, in proceedings for an offence under Article 15(1) relating to an indecent photograph of a child, the defendant proves that the photograph was of the child aged 16 or over, and that at the time of the offence charged the child and he—

- (a) were married or civil partners of each other, or
- (b) lived together as partners in an enduring family relationship.

(2) This Article also applies where, in proceedings for an offence under Article 15(1) relating to an indecent photograph of a child, the defendant proves that the photograph was of the child aged 16 or over, and that at the time when he obtained it the child and he—

- (a) were married or civil partners of each other, or
- (b) lived together as partners in an enduring family relationship.

(3) This Article applies whether the photograph showed the child alone or with the defendant, but not if it showed any other person.

(4) If sufficient evidence is adduced to raise an issue as to whether the child consented to the photograph being in the defendant's possession, or as to whether the defendant reasonably believed that the child so consented, the defendant is not guilty of the offence unless it is proved that the child did not so consent and that the defendant did not reasonably believe that the child so consented.]

<b>F9</b>	Art. 15A inserted (2.2.2009) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(3), <b>42(8)</b> ; S.R. 2008/510, <b>art. 2</b>
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