



# Protection of Children Act 1978

## 1978 CHAPTER 37

### 1 Indecent photographs of children.

- (1) [<sup>F1</sup>Subject to sections 1A and 1B,] it is an offence for a person—
  - (a) to take, or permit to be taken [<sup>F2</sup>or to make], any indecent photograph [<sup>F2</sup>or pseudo-photograph] of a child <sup>F3</sup>. . . ; or
  - (b) to distribute or show such indecent photographs [<sup>F4</sup>or pseudo-photographs]; or
  - (c) to have in his possession such indecent photographs [<sup>F4</sup>or pseudo-photographs], with a view to their being distributed or shown by himself or others; or
  - (d) to publish or cause to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows such indecent photographs [<sup>F4</sup>or pseudo-photographs], or intends to do so.
- (2) For purposes of this Act, a person is to be regarded as distributing an indecent photograph [<sup>F5</sup>or pseudo-photograph] if he parts with possession of it to, or exposes or offers it for acquisition by, another person.
- (3) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the Director of Public Prosecutions.
- (4) Where a person is charged with an offence under subsection (1)(b) or (c), it shall be a defence for him to prove—
  - (a) that he had a legitimate reason for distributing or showing the photographs [<sup>F6</sup>or pseudo-photographs] or (as the case may be) having them in his possession; or
  - (b) that he had not himself seen the photographs [<sup>F6</sup>or pseudo-photographs] and did not know, nor had any cause to suspect, them to be indecent.
- (5) References in the <sup>M1</sup>Children and Young Persons Act 1933 (except in sections 15 and 99) to the offences mentioned in Schedule 1 to that Act shall include an offence under subsection (1)(a) above.
- (6) . . . . . <sup>F7</sup>

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*Changes to legislation:* There are currently no known outstanding effects for the Protection of Children Act 1978, Section 1. (See end of Document for details)

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- (7) In paragraph 1 of the Schedule of Visiting Forces Act 1952 (offences against the person in the case of which a member of a visiting force is in certain circumstances not liable to be tried by a United Kingdom court), after sub-paragraph (b)(viii) (inserted by the Sexual Offences Act 1956) there shall be added—

“(ix) section 1(1)(a) of the Protection of Children Act 1978”.

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#### Textual Amendments

- F1** Words in s. 1(1) inserted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, **Sch. 6 para. 24**; S.I. 2004/874, art. 2
- F2** Words in s. 1(1)(a) inserted (3.2.1995) by [1994 c. 33](#), s. **84(2)(a)**; S.I. 1995/127, art. 2(1), **Sch1**
- F3** Words in s. 1(1)(a) repealed (3.2.1995) by [1994 c. 33](#), ss. 84(2)(a), 168(3), **Sch.11**; S.I. 1995/127, art. 2(1), **Sch1**
- F4** Words in s. 1(1)(b)-(d) inserted (3.2.1995) by [1994 c. 33](#), s. **84(2)(b)**; S.I. 1995/127, art. 2(1), **Sch1**
- F5** Words in s. 1(2) inserted (3.2.1995) by [1994 c. 33](#), s. **84(2)(c)**; S.I. 1995/127, art. 2(1), **Sch 1**
- F6** Words in s. 1(4)(a)(b) inserted (3.2.1995) by [1994 c. 33](#), s. **84(2)(d)**; S.I. 1995/127, art. 2(1), **Sch1**
- F7** S. 1(6) repealed by [Extradition Act 1989 \(c. 33, SIF 48\)](#), s. 37, **Sch. 2**

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#### Modifications etc. (not altering text)

- C1** Ss. 1(3), 2(3), 3, 7 amended by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 160(4), **Sch. 8 para. 16**
- C2** The text of s. 1(7) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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#### Marginal Citations

- M1** [1933 c. 12](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Protection of Children Act 1978, Section 1.