



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 2

CRIMINAL OFFENCES

CHAPTER 2

IMAGES OF CHILDREN

Prohibited images

65 Meaning of “image” and “child”

- (1) The following apply for the purposes of sections 62 to 64.
- (2) “Image” includes—
 - (a) a moving or still image (produced by any means), or
 - (b) data (stored by any means) which is capable of conversion into an image within paragraph (a).
- (3) “Image” does not include an indecent photograph, or indecent pseudo-photograph, of a child.
- (4) In subsection (3) “indecent photograph” and “indecent pseudo-photograph” are to be construed—
 - (a) in relation to England and Wales, in accordance with the Protection of Children Act 1978 (c. 37), and
 - (b) in relation to Northern Ireland, in accordance with the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)).
- (5) “Child”, subject to subsection (6), means a person under the age of 18.
- (6) Where an image shows a person the image is to be treated as an image of a child if—

Status: Point in time view as at 25/05/2024.

Changes to legislation: Coroners and Justice Act 2009, Section 65 is up to date with all changes known to be in force on or before 03 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)

- (a) the impression conveyed by the image is that the person shown is a child, or
 - (b) the predominant impression conveyed is that the person shown is a child despite the fact that some of the physical characteristics shown are not those of a child.
- (7) References to an image of a person include references to an image of an imaginary person.
- (8) References to an image of a child include references to an image of an imaginary child.

Commencement Information

II S. 65 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 1

Status:

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