



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 2

### CRIMINAL LAW

#### *Sexual offences*

#### **41 Indecent images of children**

(1) In the 1982 Act—

(a) in section 52 (indecent photographs etc. of children)—

(i) in subsection (2C)(b), for “a pseudo-photograph” substitute “ an indecent pseudo-photograph ”, and

(ii) after subsection (8) add—

“(9) In this section, references to a photograph also include a tracing or other image, whether made by electronic or other means (of whatever nature), which is not itself a photograph or pseudo-photograph but which is derived from the whole or part of a photograph or pseudo-photograph (or a combination of either or both).

(10) And subsection (2B) applies in relation to such an image as it applies in relation to a pseudo-photograph.”, and

(b) in section 52A (possession of indecent photographs of children), in subsection (4), for “and (8)” substitute “ and (8) to (10) ”.

(2) In Schedule 1 to the 1995 Act (offences against children under the age of 17 years to which special provisions apply), in paragraph 2B, after “photograph” insert “ or pseudo-photograph ”.

(3) In Schedule 3 to the Sexual Offences Act 2003 (c.42) (list of sexual offences for the purposes of Part 2)—

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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 41. (See end of Document for details)

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- (a) in paragraph 44, for the words from “the” where it third occurs to the end substitute—
  - “(a) the prohibited goods included indecent photographs or pseudo-photographs of persons under 16 and the offender—
    - (i) was 18 or over, or
    - (ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or
  - (b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph.”, and
- (b) in paragraph 97(b), for “and (8)” substitute “ and (8) to (10) ”.

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**Commencement Information**

**II** [S. 41](#) in force at 13.12.2010 by [S.S.I. 2010/413](#), [art. 2](#), [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 41.