



Protection of Children Act 1978

1978 CHAPTER 37

4 Entry, search and seizure.

- (1) The following applies where a justice of the peace is satisfied by information on oath, laid by or on behalf of the Director of Public Prosecutions or by a constable, that there is reasonable ground for suspecting that, in any premises ^{F1}..., there [^{F2}is an indecent photograph [^{F3}or pseudo-photograph] of a child].
- (2) The justice may issue a warrant under his hand authorising any constable to enter (if need be by force) and search the premises ^{F4}... , and to seize and remove any articles which he believes (with reasonable cause) to be or include indecent photographs [^{F5}or pseudo-photographs] of children . . . ^{F6}.

^{F7}(3)

[^{F8}(4) In this section “ premises ” has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 23 of that Act).]

Textual Amendments

- F1** Words in s. 4(1) omitted (1.4.2005) by virtue of Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 199(2), 10; S.I. 2005/910, art. 3(y)
- F2** Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 15 para. 61(1)**
- F3** Words in s. 4(1) inserted (3.2.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 37(3)(a)**; S.I. 1995/127, art. 2(1), **Sch.1** Appendix B
- F4** Words in s. 4(2) repealed (3.2.1995) by 1994 c. 33, s. 168(1)(3), Sch. 9 para. 23(a), **Sch.11**; S.I. 1995/127, art. 2(1), **Sch.1** Appendix C
- F5** Words in s. 4(2) inserted (3.2.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 37(3)**; S.I. 1995/127, art. 2(1), **Sch.1** Appendix B
- F6** Words repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, Sch. 15 para. 61(2), **Sch. 16**
- F7** S. 4(3) omitted (1.4.2008) by virtue of Police and Justice Act 2006 (c. 48), ss. 39(2)(a), 53(1), **Sch. 15 Pt. 4**; S.I. 2008/790, art. 2(c)
- F8** S. 4(4) substituted (1.4.2008) by Police and Justice Act 2006 (c. 48), **ss. 39(2)(b)**, 53(1); S.I. 2008/790, art. 2(c)

Changes to legislation: There are currently no known outstanding effects for the Protection of Children Act 1978, Section 4. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 4 applied (6.4.2010) by Coroners and Justice Act 2009 (c. 25), **ss. 67(1)(a)**, 182(5) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 1
- C2** S. 4 applied (3.5.2015) by Serious Crime Act 2015 (c. 9), **ss. 69(5)(a)**, 88(1); S.I. 2015/820, reg. 2(m)
- C3** S. 4(2): power of seizure extended (*prosp.*) by 2001 c. 16, ss. 50, 52-55, 68, 138(2), **Sch. 1 Pt. 1 para. 21**
S. 4(2) modified (*prosp.*) by 2001 c. 16, ss. 55, 68, 138(2), **Sch. 1 Pt. 3 para. 98** (with s. 57(3))
- C4** S. 4(2) powers of seizure extended (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), ss. 50, 138(2), **Sch. 1 para. 21** (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)
- C5** S. 4(2) modified (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), ss. 55, 138(2), **Sch. 1 para. 98** (with ss. 57(3), 68); S.I. 2003/708, art. 2(a)
- C6** S. 4(3) applied (*prosp.*) by 2001 c. 16, ss. 70, 138(2), **Sch. 2 Pt. 1 para. 10(2)(b)**
- C7** S. 4(3)(5) applied (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), s. 138(2), **Sch. 2 para. 10(2)(b)**; S.I. 2003/708, art. 2(k); S.I. 2003/708, art. 2(k)

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