



Policing and Crime Act 2009

2009 CHAPTER 26

PART 2

SEXUAL OFFENCES AND SEX ESTABLISHMENTS

Indecent photographs of children

26 Penalty for contravening notice relating to encrypted information

- (1) Section 53 of the Regulation of Investigatory Powers Act 2000 (c. 23) (failure to comply with notice relating to encrypted information) is amended as follows.
- (2) In subsection (5A)(a) after “case” insert “ “or a child indecency case” ”.
- (3) After subsection (5B) insert—
 - “(6) In subsection (5A) “a child indecency case” means a case in which the grounds specified in the notice to which the offence relates as the grounds for imposing a disclosure requirement were or included a belief that the imposition of the requirement was necessary for the purpose of preventing or detecting an offence under any of the provisions listed in subsection (7).
- (7) Those provisions are—
 - (a) section 1 of the Protection of Children Act 1978 (showing or taking etc an indecent photograph of a child: England and Wales);
 - (b) Article 3 of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)) (corresponding offence for Northern Ireland);
 - (c) section 52 or 52A of the Civic Government (Scotland) Act 1982 (showing or taking etc or possessing an indecent photograph of a child: Scotland);
 - (d) section 160 of the Criminal Justice Act 1988 (possessing an indecent photograph of a child: England and Wales);

Changes to legislation: *There are currently no known outstanding effects for the Policing and Crime Act 2009, Cross Heading: Indecent photographs of children. (See end of Document for details)*

- (e) Article 15 of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17)) (corresponding offence for Northern Ireland).”
- (4) The amendments made by this section apply in relation to cases in which the section 49 notice was given after the commencement of this section.

Commencement Information

II S. 26 in force at 25.1.2010 by S.I. 2009/3096, art. 3(e)

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There are currently no known outstanding effects for the Policing and Crime Act 2009, Cross
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