

A
B I L L

TO

Amend section 62 of the Coroners and Justice Act 2009 to apply additionally to the possession of prohibited written material about children; to make consequential amendments to the Act; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Possession of prohibited written material about children

(1) Section 62 of the Coroners and Justice Act 2009 (offence of possession of prohibited images of children) is amended as follows.

(2) In subsection (1), after “prohibited image of a child” insert “or prohibited written material about a child”. 5

(3) After subsection (2) insert—

“(2A) Prohibited written material about a child is written material which—

(a) is pornographic,

(b) falls within subsection (6), and

(c) is grossly offensive, disgusting or otherwise of an obscene character.” 10

(4) In subsection (3), after “image” insert “or written material”.

(5) After subsection (5) insert—

“(5A) Where (as found in the person’s possession) written material forms part of a series of written material, the question whether the written material is of such a nature as is mentioned in subsection (2A) is to be determined by reference to— 15

(a) the written material itself, and

(b) (if the series of written material is such as to be capable of providing a context for the written material) the context in which it occurs in the series of written material. 20

(5B) So, for example, where—

-
- (a) written material forms an integral part of a narrative constituted by a series of written material, and
- (b) having regard to those written materials as a whole, they are not of such a nature that they must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal, 5
- the written material may, by virtue of being part of that narrative, be found not to be pornographic, even though it might have been found to be pornographic if taken by itself.”
- (6) In subsection (6), insert “or written material” after the word “image” each time it appears. 10

2 Short title, commencement and extent

- (1) This Act may be cited as the Coroners and Justice (Amendment) Act 2012.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act extends to England and Wales, and Northern Ireland. 15

Coroners and Justice (Amendment) Bill

A

B I L L

To amend section 62 of the Coroners and Justice Act 2009 to apply additionally to the possession of prohibited written material about children; to make consequential amendments to the Act; and for connected purposes.

*Ordered to be brought in by Sir Paul Beresford
and Paul Goggins.*

*Ordered, by The House of Commons,
to be Printed, 12 September 2012.*

© Parliamentary copyright House of Commons 2012

*This publication may be reproduced under the terms of the Open Parliament Licence, which is published at
www.parliament.uk/site-information/copyright.*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx

Bill 68

(xxxxxx)

55/2

xxxbarxxx