

Credit Regulation (Child Pornography) Bill

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TO

Impose penalties on credit and debit card providers for the facilitation of the downloading of child pornography from the internet; 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 Offence of facilitation

- (1) Where it is established that a payment mechanism has been used, whether over an electronic communications network or not, for the purpose of obtaining indecent photographs or pseudo-photographs of children any and all entities responsible for facilitating the transfer of funds to the supplier of the indecent photographs or pseudo-photographs shall be guilty of an offence. 5
- (2) In this section—
“electronic communications network” has the meaning given by section 32 of the Communications Act 2003;
“child”, “photographs” and “pseudo-photographs” have the meaning given in section 7 of the Protection of Children Act 1978; 10
“indecent photograph of children” has the meaning given in section 1 of the Protection of Children Act 1978;
“payment mechanism” means credit cards and debit cards.
- (3) For the purpose of determining whether or not an offence has been committed under subsection (1), providers of credit cards and debit cards must ensure that records are kept of the age, identity and address of all holders of credit and debit cards, including pre-paid cards. 15
- (4) The Secretary of State must make provision by regulations made by statutory instrument for the determination of supervisory authorities, the duties of supervisory authorities, power to require information from, and attendance of, relevant and connected persons, powers of entry and inspection, powers of relevant officers and offences by bodies corporate, related to the offence of facilitation created by subsection (1). 20

(5) Regulations made under subsection (4) may include such supplementary, transitional and transitory provision as the Secretary of State considers appropriate.

(6) Regulations made under subsection (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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2 Penalties

(1) A company or organisation which commits an offence under section 1 shall be liable to an unlimited fine.

(2) An individual who commits an offence under section 1 shall be liable –

(a) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine or to both;

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(b) on summary conviction, to imprisonment for a term not exceeding the relevant maximum or to a fine not exceeding the statutory maximum or to both.

3 Financial provisions

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There shall be paid out of money provided by Parliament –

(a) *any expenditure incurred under or by virtue of the Act by the Secretary of State, and*

(b) *any increase attributable to the Act in the sums payable under any other Act out of money so provided.*

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4 Short title, commencement and extent

(1) This Act may be cited as the Credit Regulation (Child Pornography) Act 2011.

(2) This Act is to come into force on such day as the Secretary of State may by order made by statutory instrument appoint.

(3) This Act extends to England and Wales, Scotland and Northern Ireland.

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To impose penalties on credit and debit card providers for the facilitation of the downloading of child pornography from the internet; and for connected purposes.

*Ordered to be brought in by Geraint Davies,
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Jessica Morden, Greg Mulholland,
Luciana Berger, Mr Peter Bone, Nia Griffith,
Mr Ian Davidson, Rosie Cooper,
Lindsay Roy and Mr Adam Holloway.*

*Ordered, by The House of Commons,
to be Printed, 21 July 2010.*

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