



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART IV

#### OFFENCES, POWERS OF CONSTABLES, ETC.

##### *Offences of annoying, offensive, obstructive or dangerous behaviour*

#### **[<sup>F1</sup>51B Extreme pornography: excluded images**

- (1) An offence is not committed under section 51A if the image is an excluded image.
- (2) An “excluded image” is an image which is all or part of a classified work.
- (3) An image is not an excluded image where—
  - (a) it has been extracted from a classified work, and
  - (b) it must be reasonably be assumed to have been extracted (whether with or without other images) from the work solely or principally for the purpose of sexual arousal.
- (4) In determining whether (as found in the person's possession) the image was extracted from the work for the purpose mentioned in subsection (3)(b), reference may be had to—
  - (a) how the image was stored,
  - (b) how the image is or was described (whether the description is part of the image itself or otherwise),
  - (c) any sounds accompanying the image,
  - (d) where the image forms an integral part of a narrative constituted by a series of images—
    - (i) any sounds accompanying the series of images,
    - (ii) the context provided by that narrative.
- (5) In this section—

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**Changes to legislation:** Civic Government (Scotland) Act 1982, Section 51B is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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“classified work” means a video work in respect of which a classification certificate has been issued by a designated authority,

“classification certificate” and “video work” have the same meanings as in the Video Recordings Act 1984 (c.39),

“designated authority” means an authority which has been designated by the Secretary of State under section 4 of that Act,

“extract” includes an extract of a single image,

“image” is to be construed in accordance with section 51A.]

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#### **Textual Amendments**

- F1** Ss. 51A-51C inserted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. **42(2)**, 206(1); S.S.I. 2011/178, art. 2, sch. (with sch.)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)