



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART IV

OFFENCES, POWERS OF CONSTABLES, ETC.

Offences of annoying, offensive, obstructive or dangerous behaviour

[^{F1}52A Possession of indecent photographs of children.

- (1) It is an offence for a person to have any indecent photograph [^{F2}or pseudo-photograph of a child] in his possession.
- (2) Where a person is charged with an offence under subsection (1), it shall be a defence for him to prove—
 - (a) that he had a legitimate reason for having the photograph [^{F3}or pseudo-photograph] in his possession; or
 - (b) that he had not himself seen the photograph [^{F3}or pseudo-photograph] and did not know, nor had any cause to suspect, it to be indecent; or
 - (c) that the photograph [^{F3}or pseudo-photograph] was sent to him without any prior request made by him or on his behalf and that he did not keep it for an unreasonable time.
- (3) A person shall be liable
 - [^{F4}(a)] on summary conviction of an offence under this section to [^{F5}imprisonment for a period not exceeding 6 months or to] a fine not exceeding level 5 on the standard scale [^{F6}“or to both.”].
 - [^{F7}(b)] on conviction on indictment of such an offence to imprisonment for a period not exceeding 5 years or to a fine or to both.]
- (4) Subsections (2) [^{F8}to (2C)] [^{F9}and (8) to (10)] of section 52 of this Act shall have effect for the purposes of this section as they have for the purposes of that section.]

Changes to legislation: *Civic Government (Scotland) Act 1982, Section 52A is up to date with all changes known to be in force on or before 04 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*

Textual Amendments

- F1** S. 52A inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1, 2\)](#) s. 161(1)(2)
- F2** Words in s. 52A(1) substituted (3.2.1995) by 1994 c. 33, [s. 84\(7\)](#); S.I. 1995/127, art. 2(1), [Sch. 1](#)
- F3** words in s. 52A(2)(a)-(c) inserted (3.2.1995) by 1994 c. 33, [s. 84\(7\)\(b\)](#); S.I. 1995/127, art. 2(1), [Sch. 1](#)
- F4** Words in s. 52A(3) renumbered as s. 52A(3)(a) (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), [ss. 19\(1\)\(b\)](#), 89(2); S.S.I. 2003/288, art. 2, sch.
- F5** Words in s. 52A(3) inserted (3.2.1995) by 1994 c. 33, [s. 84\(7\)\(c\)\(i\)](#); S.I. 1995/127, art. 2(1), [Sch. 1](#)
- F6** Words in s. 52A(3) added (3.2.1995) by 1994 c. 33, [s. 84\(7\)\(c\)\(ii\)](#); S.I. 1995/127, art. 2(1), [Sch. 1](#)
- F7** S. 52A(3)(b) inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), [ss. 19\(1\)\(b\)](#), 89(2); S.S.I. 2003/288, art. 2, sch.
- F8** Words in s. 52A(4) inserted (3.2.1995) by 1994 c. 33, [s. 84\(7\)\(d\)](#); S.I. 1995/127, art. 2(1), [Sch. 1](#)
- F9** Words in s. 52A(4) substituted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 41\(1\)\(b\)](#), 206(1); S.S.I. 2010/413, art. 2, sch.

Changes to legislation:

Civic Government (Scotland) Act 1982, Section 52A is up to date with all changes known to be in force on or before 04 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.

[View outstanding changes](#)

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\(1\)\(b\)](#)