

Jersey Law 31/1999

**PROTECTION OF CHILDREN (AMENDMENT No. 2) (JERSEY)
LAW 1999**

A LAW to amend further the Protection of Children (Jersey) Law 1994; sanctioned by Order of Her Majesty in Council of the

12th day of OCTOBER 1999

(Registered on the 5th day of November 1999)

STATES OF JERSEY

The 25th day of May 1999

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

ARTICLE 1

In paragraph (3) of Article 5 of the Protection of Children (Jersey) Law 1994,¹ as amended (hereinafter referred to as “the principal Law”), for the definition of “the Magistrate” there shall be substituted the following definition –

“ ‘the Magistrate’ has the meaning assigned by Article 1 of the Magistrate’s Court (Miscellaneous Provisions) (Jersey) Law 1949;”.

ARTICLE 2

In Article 6 of the principal Law –

¹ Volume 1994–1995, page 79.

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- (a) for paragraph (8) there shall be substituted the following paragraphs –

“(8) Where a person is convicted under paragraph (1) of Article 2 of an offence, the court by which he is convicted shall order that any indecent photographs or pseudo-photographs of children in the possession of the prosecution for or in connection with the prosecution of the offence shall be forfeited.

(8A) Where a person –

- (a) charged with an offence under sub-paragraph (b) of paragraph (1) of Article 2, proves in accordance with sub-paragraph (b) of paragraph (3) of Article 2 that the photographs or pseudo-photographs were sent to him without prior request made by him or on his behalf and that he had not kept them for an unreasonable time; or
- (b) charged with an offence under sub-paragraph (b), (c), or (d) of paragraph (1) of Article 2, proves in accordance with sub-paragraph (b) of paragraph (4) of Article 2 that he had not seen the photographs or pseudo-photographs and did not know, nor had any cause to suspect, them to be indecent,

and the person is accordingly acquitted of the charge, the court by which he is acquitted may nevertheless order that any indecent photographs or pseudo-photographs of children in the possession of the prosecution for, or in connection with, the prosecution shall be forfeited.”;

- (b) for paragraph (11) there shall be substituted the following paragraph –

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“(11) In this Article, except in paragraphs (8) and (8A), ‘the court’ means the Magistrate’s Court.”.

ARTICLE 3

This Law may be cited as the Protection of Children (Amendment No. 2) (Jersey) Law 1999.

G.H.C. COPPOCK

Greffier of the States.