

## **Serious Crime Act 2015**

### **Fact sheet: Offence of possession of paedophile manuals**

#### **Background**

1. The Government has been made aware of a potential gap in the law which allows the possession of written material that contains practical advice on how to commit a sexual offence against a child, commonly referred to as “paedophile manuals”.
2. The material highlighted by the Child Exploitation and Online Protection Centre (CEOP) Command of the National Crime Agency is deeply disturbing. It is highly detailed and “instructive” in content. Amongst its in-depth content it gives advice on how to entrap or “groom” a child, where to find a child, how to offend and escape capture. Some of the material also includes pseudo-scientific advice endorsing paedophilia as relatively harmless and an “experience” to be enjoyed by the victims.
3. The Prime Minister announced in April 2014 that he intended to act against the possession of these manuals.

#### **Current law**

4. Under the Protection of Children Act 1978, there is a strict prohibition on the production, circulation and possession with a view to distribution of any indecent photograph, or pseudo-photograph of a child under 18. The simple possession of an indecent photograph, or pseudo-photograph, of a child is also an offence under section 160 of the Criminal Justice Act 1988. These offences carry a ten and five year maximum prison sentence respectively but they do not cover written material.
5. Alongside this, section 62 of the Coroners and Justice Act 2009 created a new criminal offence to make illegal the possession of “prohibited images of children” (which also covers non-photographic visual depictions of child sexual abuse, including ‘Hentai’ cartoons and computer-generated images of child abuse) with a three year maximum prison sentence.
6. We believe the current criminal law, under the Obscene Publications Act 1959 would already cover the publication, online or offline, and possession for gain of the sort of material that has been brought to our attention.
7. In some circumstances the law on encouraging and assisting the commission of offences would cover the use of this sort of material to encourage or assist other offenders to commit a sexual offence.

However, the simple possession of such material is not covered by the existing criminal law.

### **Creation of a new offence**

8. Our laws to protect children are rightly robust and respected internationally. However, it is important to ensure that we remain responsive to changes and developments. We have been made aware of the existence of this material, which we believe has been designed to facilitate sexual offending against children.
9. To ensure the possession of such material is captured by the criminal law, section 69 of the Act creates a new offence which criminalises the possession of advice or guidance about abusing children sexually.
10. There is a defence of legitimate reason for the possession of the material, which could include, for example, the police and the prosecuting authorities, those dealing with complaints from the public about content in the mobile and internet industries such as the Internet Watch Foundation, and those creating security software to block such material.
11. In addition there is a defence that the person had not seen the material and did not know or have cause to suspect its nature, and another that the person had received the material unsolicited and did not keep it for an unreasonable time.
12. The offence extends to England and Wales and Northern Ireland and is subject to a three year maximum prison sentence.

**Ministry of Justice**  
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