

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY M.B. ANDREWS OF ST. HELIER NORTH
QUESTION SUBMITTED ON TUESDAY 30th MAY 2023
ANSWER TO BE TABLED ON TUESDAY 6th JUNE 2023**

Question

“In relation to the offence of making indecent images of children, will the Minister advise –

- (a) the number of individuals prosecuted since 2018;
- (b) the number of persons convicted since 2018; and
- (c) whether she is considering reappraising the length of sentence defined in the [Protection of Children \(Jersey\) Law 1994](#); and, if not, why not?”

Answer

(a) and (b):

	No. of individuals prosecuted (Court or warned for PHE)	No. of individuals convicted
2018	7	5
2019	7	7
2020	6	3
2021	10	8
2022	9	3
2023	1	0
Total	40	26

(c):

The offence of making indecent images of children in England and Wales is dealt with under section 1(1)(a) of the Protection of Children Act 1978. Section 6(2) of the 1978 Act states that a person convicted on indictment of any offence under the Act shall be liable to imprisonment for a term of not more than ten years, or to an unlimited fine or to both.

In Scotland, the offence is dealt with in the Civic Government (Scotland) Act 1982. Section 52(1)(a) provides for the offence and section 52(3) provides that the offence is penalised on conviction on indictment, by imprisonment for a period not exceeding 10 years or to an unlimited fine or to both.

The offence of ‘making’ indecent images of children in Jersey is penalised by imprisonment for a term of 10 years and to an unlimited fine, this is in line with the maximum penalty in England, Wales and Scotland.

In Jersey, the offence of ‘possessing’ indecent images of children is penalised by imprisonment for a term of 5 years and to an unlimited fine. However, the overwhelming proportion of cases of this nature deal with internet images, and in Jersey the offence of ‘making’ an indecent image includes the act of downloading it from the internet, thereby ‘making’ a copy of the image on a computer. This would also apply to further copies being made to storage devices.

A previous review comparing sentences handed down by Jersey Courts against the sentencing guidelines for England and Wales, indicates that higher-end 'image' offences are treated with more seriousness in Jersey Courts, attracting longer sentences on average and almost inevitably resulting in immediate custody.

As Jersey has functionally the same maximum penalty as UK jurisdictions in relation to offences concerning indecent images of children, and in light of the independent and robust sentencing approach of Jersey Courts, I am not currently considering reappraising the length of sentence defined in the [Protection of Children \(Jersey\) Law 1994](#).