

**NORTH AYRSHIRE COUNCIL RESPONSE:  
CONSULTATION BY SCOTTISH EXECUTIVE  
POSSESSION OF NON PHOTOGRAPHIC VISUAL DEPICTIONS OF CHILD SEXUAL  
ABUSE**

North Ayrshire Council welcomes the above consultation document, which seeks views on options to make illegal the possession of the images described above. NAC is of the view that the images described serve to legitimise and reinforce highly inappropriate views about children, as outlined in this consultation document.

**Why Act?**

NAC agrees that the proposal to make it illegal to possess the material described in this consultation document is justified even in the absence of research into the effects of these images on offenders and the general public.

The Scottish Executive should progress (in tandem with this proposed action) to commission some research to assist with future work in this area.

NAC agree that 'option two' to create new free standing offences of possession of any non-photographic visual depiction / representation of child sexual abuse would be the most effective way forward. The reason for this is as described in the consultation document that 'collectors of material of this kind almost always also have indecent photographs of children' and would allow these images to be taken out of circulation. Also NAC agrees with the arguments put forward about possible confusion and too severe penalties to broaden the definitions in POCA 1978.

**Defences**

NAC agrees with the proposed defences and believe that they adequately cover instances that need to be excluded from criminalisation. This system however would require resources to allow the monitoring and investigation of those who 'accidentally stumble' across material or have it sent without their knowledge or consent. NAC also agrees anyone caught in possession of any such material would have to prove and justify this as outlined in the document.

**Material**

NAC agrees that the new offence should cover the sort of material described in the consultation document.

**Content**

NAC agree that the thresholds suggested are workable and will capture images at the right level of seriousness. It is highly appropriate that any material that is pornographic involving children should be covered by this new offence. The only exempt material should be as described within the consultation document.

**Penalties**

NAC agree (on the basis that most of these images are generally found alongside indecent photographs) that the suggested penalties are satisfactory.