

Allowing
child to be
used for
child
pornography.

4.—(1) Without prejudice to [section 3](#), any person who, having the custody, charge or care of a child, allows the child to be used for the production of child pornography shall be guilty of an offence and shall be liable on conviction on indictment to a fine not exceeding £25,000 or to imprisonment for a term not exceeding 14 years or both.

(2) For the purposes of this section—

- (a) any person who is the parent or guardian of a child or who is liable to maintain a child shall be presumed to have the custody of the child and, as between parents, one parent shall not be deemed to have ceased to have the custody of the child by reason only that he or she has deserted, or does not reside with, the other parent and child,
- (b) any person to whose charge a child is committed by any person who has the custody of the child shall be presumed to have charge of the child, and
- (c) any person exercising authority over or having actual control of a child shall be presumed to have care of the child.