

Procedures in relation to the import or export of childlike dolls

This document should be read in conjunction with section 2 of the Child Trafficking and Pornography Act 1998.

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1 Introduction

This manual contains instructions on the actions to be taken if an officer encounters the importation or exportation of childlike dolls that come within the definition of 'child pornography' contained in section 2 of the Child Trafficking and Pornography Act 1998.

The online availability of silicone dolls that are childlike in appearance, weight and anatomy has been identified in recent years.

The definition of 'child pornography' contained in section 2 of the Child Trafficking and Pornography Act 1998 includes 'any visual representation that shows, for a sexual purpose, the genital or anal region of a child or of a person depicted as being a child'. Any childlike dolls that fall within this definition are subject to prohibition under the 1998 Act.

2 Procedure to follow when a childlike doll is encountered

If an item suspected of being a childlike doll and within the definition of 'child pornography' is encountered, then the item may be detained under section 33(4) of the Customs Act 2015 for such period of time as may be required to determine whether the item is required as evidence in any criminal proceedings other than the Customs Acts. When detaining such dolls, a Notice of Detention (available at [Appendix 1](#)) should be issued, if possible.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]

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Appendix 1

NOTICE OF DETENTION
Customs Act 2015, Section 33

Address of Revenue Office

Name:

Address:

Notice is hereby given that certain goods, to wit,

1. (Detailed description of goods including quantity) were detained by me pursuant to section 33(4) of the Customs Act 2015 as I have reasonable grounds to suspect that they may be required as evidence in criminal proceedings under an enactment other than the Customs Acts.

Dated: _____

Signed: _____ Officer of Customs

Information regarding detained goods

Section 33(1) of the Customs Act 2015 (“the Act”) states that where an officer of customs has reasonable grounds to suspect that any goods-

(a) are being or have been imported, or

(b) are being, or are intended to be, exported,

either without payment of any duty of customs payable on them or in contravention of any prohibition or restriction on their importation or exportation, the goods may be detained by the officer until such examination, enquiries or investigations as may be deemed necessary by him or her, or by another officer, have been made for the purpose of determining to the satisfaction of either such officer whether or not the goods were imported, or were being, or were intended to be, exported.

Section 33(2) of the Act states that where any goods are detained by an officer under section 33(1) all conveyances and other things made use of in their importation or exportation, as the case may be, may also be detained by the officer.

Section 33(3) of the Act states that where a determination referred to in section 33(1), has been made in respect of any goods, or upon the expiry of 30 days from the date on which those goods were detained, whichever is the earlier, the goods, together with any conveyances, or things detained with them under section 33(2) shall either be seized as liable to forfeiture under the Customs Acts, or released, as appropriate. If detained goods are subsequently seized, a Notice of Seizure will be issued, in accordance with section 18 (1) of the Customs Act 2015.

Section 33(4) of the Act states that where an officer of customs has reasonable grounds to suspect that any goods being imported or exported are goods that may be required as evidence in any criminal proceedings under any enactment other than the Customs Acts, the officer may detain such goods for such period of time as may be required to determine if they are so required as evidence and may place such goods in the custody of An Garda Síochána or another authority as appropriate for the purpose of such proceedings.

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