



## 2016 CHAPTER 21

### PART 3

#### Miscellaneous

##### *Pornographic or other sexual images*

#### **Disclosing private sexual photographs and films with intent to cause distress**

**51.—**<sup>F1</sup>(1) A person commits an offence if—

- (a) the person discloses, or threatens to disclose, a private sexual photograph or film in which another individual (“the relevant individual”) appears,
- (b) by so doing, the person intends to cause distress to that individual, and
- (c) the disclosure is, or would be, made without the consent of that individual.]

(2) But it is not an offence under this section for the person to disclose <sup>F2</sup>, or threaten to disclose,] the photograph or film to <sup>F3</sup>the relevant individual].

(3) It is a defence for a person charged with an offence under this section to prove that he or she reasonably believed that the disclosure was necessary for the purposes of preventing, detecting or investigating crime.

(4) It is a defence for a person charged with an offence under this section to show that—

- (a) the disclosure <sup>F4</sup>, or threat to disclose,] was made in the course of, or with a view to, the publication of journalistic material, and
- (b) he or she reasonably believed that, in the particular circumstances, the publication of the journalistic material was, or would be, in the public interest.

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*Changes to legislation:* There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 51. (See end of Document for details)

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(5) It is a defence for a person charged with an offence under this section to show that—

- (a) he or she reasonably believed that the photograph or film had previously been disclosed for reward, whether by [<sup>F5</sup>the relevant individual] or another person, and
- (b) he or she had no reason to believe that the previous disclosure for reward was made without the consent of [<sup>F5</sup>the relevant individual].

(6) A person is taken to have shown the matters mentioned in subsection (4) or (5) if—

- (a) sufficient evidence of the matters is adduced to raise an issue with respect to it, and
- (b) the contrary is not proved beyond reasonable doubt.

(7) For the purposes of subsections (1) to (5)—

- (a) “consent” to a disclosure includes general consent covering the disclosure, as well as consent to the particular disclosure, and
- (b) “publication” of journalistic material means disclosure to the public at large or to a section of the public.

[<sup>F6</sup>(7A) Where a person is charged with an offence under this section of threatening to disclose a private sexual photograph or film, it is not necessary for the prosecution to prove—

- (a) that the photograph or film referred to in the threat exists, or
- (b) if it does exist, that it is in fact a private sexual photograph or film.]

[<sup>F7</sup>(8) A person charged with an offence under this section is not to be taken to have intended to cause distress by disclosing, or threatening to disclose, a photograph or film merely because that was a natural and probable consequence of the disclosure or threat.]

(9) A person guilty of an offence under this section is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both), and
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both).

(10) Schedule 4 makes special provision in connection with the operation of this section in relation to persons providing information society services.

#### Textual Amendments

- F1** S. 51(1) substituted (27.11.2023) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\), ss. 6\(2\)\(a\), 30\(2\); S.R. 2023/188, art. 3\(a\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 51. (See end of Document for details)

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- F2** Words in s. 51(2) inserted (27.11.2023) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\)](#), **ss. 6(2)(b)(i)**, 30(2); S.R. 2023/188, art. 3(a)
- F3** Words in s. 51(2) substituted (27.11.2023) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\)](#), **ss. 6(2)(b)(ii)**, 30(2); S.R. 2023/188, art. 3(a)
- F4** Words in s. 51(4) inserted (27.11.2023) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\)](#), **ss. 6(2)(c)**, 30(2); S.R. 2023/188, art. 3(a)
- F5** Words in s. 51(5) substituted (27.11.2023) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\)](#), **ss. 6(2)(d)**, 30(2); S.R. 2023/188, art. 3(a)
- F6** S. 51(7A) inserted (27.11.2023) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\)](#), **ss. 6(2)(e)**, 30(2); S.R. 2023/188, art. 3(a)
- F7** S. 51(8) substituted (27.11.2023) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\)](#), **ss. 6(2)(f)**, 30(2); S.R. 2023/188, art. 3(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 51.