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STATUTORY INSTRUMENTS

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**1994 No. 2795**

**The Criminal Justice (Northern Ireland) Order 1994**

**PART III**

**SEXUAL OFFENCES**

**Anonymity in rape, etc., cases**

**18.**—(1) The Sexual Offences (Northern Ireland) Order 1978<sup>(1)</sup> shall be amended as follows.

(2) In Article 2(2) (interpretation), in the definition of a “rape offence” for “and incitement to rape” there shall be substituted “, incitement to rape, conspiracy to rape, assault with intent to rape and burglary with intent to rape”.

(3) In Article 6 (anonymity of complainants in rape, etc., cases)—

(a) for paragraph (1) there shall be substituted—

“(1) Except as authorised by a direction given under this Article—

(a) after an allegation that a woman has been the victim of a rape offence has been made by the woman or by any other person, neither the woman’s name nor her address nor a still or moving picture of her shall during her lifetime—

(i) be published in Northern Ireland in a written publication available to the public; or

(ii) be included in a relevant programme for reception in Northern Ireland, if that is likely to lead members of the public to identify her as an alleged victim of such an offence; and

(b) after a person is accused of a rape offence, no matter likely to lead members of the public to identify a woman as the complainant in relation to that accusation shall during her lifetime—

(i) be published in Northern Ireland in a written publication available to the public; or

(ii) be included in a relevant programme for reception in Northern Ireland;

but nothing in this paragraph prohibits the publication or inclusion in a relevant programme of matter consisting only of a report of criminal proceedings other than proceedings at, or intended to lead to, or on an appeal arising out of, a trial at which the accused is charged with the offence.

(1A) In paragraph (1) “picture” includes a likeness however produced.”;

(b) in paragraph (3)—

(i) the words “at which a person is charged with a rape offence” and “relating to the complainant” shall cease to have effect;

- (ii) for “an acquittal of a defendant at” there shall be substituted “the outcome of”;
- (c) after paragraph (5) there shall be inserted—
  - “(5A) Where a person is charged with an offence under paragraph (5) in respect of the publication of any matter or the inclusion of any matter in a relevant programme, it shall be a defence, subject to paragraph (5B), to prove that the publication or programme in which the matter appeared was one in respect of which the woman had given written consent to the appearance of matter of that description.
  - (5B) Written consent is not a defence if it is proved that any person interfered unreasonably with the woman’s peace or comfort with intent to obtain the consent.”.
- (4) Article 8 (anonymity of defendants in rape, etc., cases) shall cease to have effect.