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STATUTORY INSTRUMENTS

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**2008 No. 1769**

**The Sexual Offences (Northern Ireland) Order 2008**

**PART 6**

**MISCELLANEOUS SEXUAL OFFENCES**

*Other offences*

**[<sup>F1</sup>Sending etc an unwanted sexual image**

- 72A.**—(1) A person (A) commits an offence if—
- (a) A intentionally sends or gives to another person (B) a sexual image,
  - (b) A does so—
    - (i) without B’s consent, and
    - (ii) without reasonably believing that B consents, and
  - (c) either condition 1 or condition 2 is met.
- (2) Condition 1 is that A intends that B will look at the image and that doing so will cause humiliation, alarm or distress to B.
- (3) Condition 2 is that—
- (a) A’s purpose in sending or giving the image is to obtain sexual gratification, and
  - (b) A is reckless as to whether B is humiliated, alarmed or distressed.
- (4) For the purposes of this Article, a sexual image is a photograph or film of—
- (a) any person engaging in a sexual activity, or
  - (b) any person’s genitals.
- (5) In paragraph (4)—
- “photograph” includes the negative as well as the positive version;
  - “film” means a moving image.
- (6) References to a photograph or film also include—
- (a) an image, whether made by computer graphics or in any other way, which appears to be a photograph or film,
  - (b) a copy of a photograph, film or image within sub-paragraph (a), and
  - (c) data stored by any means which is capable of conversion into a photograph, film or image within sub-paragraph (a).
- (7) References to sending or giving such a photograph or film to another person include, in particular—
- (a) sending it to another person by any means, electronically or otherwise,
  - (b) showing it to another person, and

- (c) placing it for a particular person to find.
- (8) A person guilty of an offence under this Article is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.]

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**Textual Amendments**

- F1** [Art. 72A](#) inserted (27.11.2023) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\)](#), [ss. 2, 30\(2\)](#); S.R. 2023/188, art. 3(a)

**Changes to legislation:**

There are currently no known outstanding effects for the The Sexual Offences (Northern Ireland) Order 2008, Section 72A.