



2022 CHAPTER 19

PART 1

Sexual offences

CHAPTER 1

Criminal conduct

Sending etc an unwanted sexual image

2. After Article 72 of the Sexual Offences (Northern Ireland) Order 2008 insert—

“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.”.