



2022 CHAPTER 19

PART 1

Sexual offences

CHAPTER 1

Criminal conduct

Private sexual images: threatening to disclose

6.—(1) The Justice Act (Northern Ireland) 2016 is amended as follows.

(2) In section 51 (disclosing private sexual photographs and films with intent to cause distress)—

(a) for subsection (1) substitute—

“(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.”

(b) in subsection (2)—

(i) after “disclose” insert “, or threaten to disclose,”

(ii) for “the individual mentioned in subsection (1)(a) and (b)” substitute “the relevant individual”,

(c) in subsection (4), after “disclosure” insert “, or threat to disclose,”

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(d) in subsection (5), in each place, for “the individual mentioned in subsection (1)(a) and (b)” substitute “the relevant individual”,

(e) after subsection (7) insert—

“(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.”,

(f) for subsection (8) substitute—

“(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.”.

(3) In section 53 (meaning of “private” and “sexual”), in subsection (5), for “the person mentioned in section 51(1)(a) and (b)” substitute “the relevant individual (within the meaning of section 51)”.

(4) In Schedule 4 (private sexual photographs etc: providers of information society services)—

(a) in paragraph 3(1), after “sub-paragraph (2)” insert “, (2A)”,

(b) in paragraph 3(2), after “if” insert “, in the case of information which consists of or includes a private sexual photograph or film,”,

(c) after paragraph 3(2) insert—

“(2A) This sub-paragraph is satisfied if, in the case of information which consists of or includes a threat to disclose a private sexual photograph or film, the service provider had no actual knowledge when the information was provided—

(a) that it consisted of or included a threat to disclose a private sexual photograph or film in which another individual appears,

(b) that the threat was made with the intention of causing distress to that individual, or

(c) that the disclosure would be made without the consent of that individual.”,

(d) in paragraph 4(2), for “section 51” substitute “section 52”,

(e) for paragraph 4(3) substitute—

“(3) “Information society service” means any service normally provided—

(a) for remuneration,

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- (b) at a distance (namely, the service is provided without the parties being simultaneously present),
- (c) by electronic means (namely, the service is—
 - (i) sent initially and received at its destination by means of electronic equipment for the processing (including digital compression) and storage of data, and
 - (ii) entirely transmitted, conveyed and received by wire, radio, optical means or other electromagnetic means), and
- (d) at the individual request of a recipient of services (namely, the service is provided through the transmission of data on individual request).”.

Commencement Information

- I1** S. 6 not in operation at Royal Assent, see [s. 30\(2\)](#)
- I2** S. 6 in operation at 27.11.2023 by [S.R. 2023/188](#), [art. 3\(a\)](#)

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