
STATUTORY INSTRUMENTS

2008 No. 1769

The Sexual Offences (Northern Ireland) Order 2008

PART 6

MISCELLANEOUS SEXUAL OFFENCES

Other offences

[^{F1}Voyeurism: additional offences (genitals and buttocks)]

71A.—(1) A person (A) commits an offence if—

- (a) A operates equipment beneath the clothing of another person (B),
- (b) A does so with the intention of enabling A or another person (C) to observe—
 - (i) B's genitals or buttocks (whether exposed or covered with underwear), or
 - (ii) the underwear covering B's genitals or buttocks,in circumstances where the genitals, buttocks or underwear would not otherwise be visible, and
- (c) either condition 1 or condition 2 is met.

(2) Condition 1 is that—

- (a) A operates the equipment with the intention of enabling the observation for the purpose of—
 - (i) obtaining sexual gratification (whether for A or C), or
 - (ii) humiliating, alarming or distressing B, and
- (b) A does so—
 - (i) without B's consent, and
 - (ii) without reasonably believing that B consents.

(3) Condition 2 is that—

- (a) A operates the equipment with the intention of enabling the observation—
 - (i) without B's consent, and
 - (ii) without reasonably believing that B consents,
- (b) in so operating the equipment, A is reckless as to whether B is humiliated, alarmed or distressed, and
- (c) B is humiliated, alarmed or distressed.

(4) A person (A) commits an offence if—

- (a) A records an image beneath the clothing of another person (B),
- (b) the image is of—

- (i) B’s genitals or buttocks (whether exposed or covered with underwear), or
 - (ii) the underwear covering B’s genitals or buttocks,
- in circumstances where the genitals, buttocks or underwear would not otherwise be visible, and
- (c) either condition 3 or condition 4 is met.
- (5) Condition 3 is that—
- (a) A records the image with the intention that A or another person (C) will look at it for the purpose of—
 - (i) obtaining sexual gratification (whether for A or C), or
 - (ii) humiliating, alarming or distressing B, and
 - (b) A does so—
 - (i) without B’s consent, and
 - (ii) without reasonably believing that B consents.
- (6) Condition 4 is that—
- (a) A records the image with the intention that A or another person will look at it,
 - (b) A does so—
 - (i) without B’s consent, and
 - (ii) without reasonably believing that B consents,
 - (c) in so recording the image, A is reckless as to whether B is humiliated, alarmed or distressed, and
 - (d) B is humiliated, alarmed or distressed.
- (7) Paragraph (8) applies where—
- (a) B consents to the operation of equipment, or the recording of an image, for a particular purpose, and
 - (b) A operates the equipment, or records the image, for a different or additional purpose.
- (8) Where this paragraph applies, then for the purposes of paragraph (3)(a) or paragraph (6)(b) (as the case may be)—
- (a) B is to be taken as having not consented to the operation of the equipment or the recording of the image, and
 - (b) A is to be taken as having had a reasonable belief as to B’s consent only if A had a reasonable belief that B consented to the operation of the equipment, or the recording of the image, for the other purpose.
- (9) 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.]

Textual Amendments

- F1** Arts. 71A, 71B inserted (27.11.2023) by *Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), ss. 1(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 71A.