

## SCHEDULES

### SCHEDULE 14

#### AMENDMENTS CONSEQUENTIAL ON OFFENCES IN PART 10 OF THIS ACT

#### PART 3

#### AMENDMENTS CONSEQUENTIAL ON OFFENCES IN SECTIONS 187 AND 188

##### *Children and Young Persons Act 1933*

- 13 In Schedule 1 to the Children and Young Persons Act 1933 (offences against children and young persons with respect to which special provisions of Act apply), in the first entry relating to the Sexual Offences Act 2003, after “66” insert “, 66A, 66B”.

##### *Police and Criminal Evidence Act 1984*

- 14 In section 65A of the Police and Criminal Evidence Act 1984 (“qualifying offences” for the purposes of Part 5 of that Act), in subsection (2)(p) after “61 to” insert “66A, 66B(2) and (3),”.

##### *Sexual Offences (Amendment) Act 1992*

- 15 In section 6 of the Sexual Offences (Amendment) Act 1992 (interpretation), after subsection (2A) insert—
- “(2B) For the purposes of this Act, where it is alleged or there is an accusation that an offence under section 66B(4) of the Sexual Offences Act 2003 (threatening to share intimate photograph or film) has been committed, the person against whom the offence is alleged to have been committed is to be regarded as—
- (a) the person to whom the threat mentioned in that subsection is alleged to have been made, and
  - (b) (if different) the person shown, or who appears to be shown, in an intimate state in the photograph or film that is the subject of the threat.”

##### *Sexual Offences Act 2003*

- 16 (1) The Sexual Offences Act 2003 is amended as follows.
- (2) In section 78 (meaning of “sexual”), after “15A” insert “, 66B to 66D”.
- (3) In section 136A(3A) (specified child sex offences), in paragraph (c), after “66” insert “, 66A, 66B(2) and (3)”.
- (4) In Schedule 3 (sexual offences for purposes of Part 2), after paragraph 33 insert—

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*Status: This is the original version (as it was originally enacted).*

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- “33A An offence under section 66A of this Act (sending etc photograph or film of genitals) if—
- (a) where the offender was under 18, the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case—
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been—
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 33B An offence under section 66B(3) of this Act (sharing intimate photograph or film for purpose of obtaining sexual gratification) if—
- (a) where the offender was under 18, the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case—
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been—
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.”

*Criminal Justice Act 2003*

- 17 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In Part 2 of Schedule 15 (specified sexual offences for purposes of section 325), after paragraph 149 insert—
- “149A An offence under section 66A of that Act (sending etc photograph or film of genitals).
- 149B An offence under section 66B(2) or (3) of that Act (sharing intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification).”
- (3) In Schedule 34A (child sex offences for purposes of section 327A), in paragraph 10—
- (a) after “66” insert “, 66A, 66B(2) or (3)”, and
  - (b) after “exposure” insert “, sending etc photograph or film of genitals, sharing intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification”.

*Anti-social Behaviour, Crime and Policing Act 2014*

- 18 In section 116 of the Anti-social Behaviour, Crime and Policing Act 2014 (information about guests at hotels believed to be used for child sexual exploitation),

in subsection (8)(c), in the entry that relates to exposure and voyeurism offences in the Sexual Offences Act 2003—

- (a) after “66” insert “, 66A, 66B(2) and (3)”, and
- (b) after “exposure” insert “, sending etc photograph or film of genitals, sharing intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification”.

#### *Modern Slavery Act 2015*

- 19 In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 33 (offences under Sexual Offences Act 2003), after the entry for section 66 insert—

“section 66A (sending etc photograph or film of genitals)  
section 66B(2) (sharing intimate photograph or film with intent to cause alarm, distress or humiliation)  
section 66B(3) (sharing intimate photograph or film for purpose of obtaining sexual gratification)”.

#### *Sentencing Act 2020*

- 20 In Part 2 of Schedule 18 to the Sentencing Act 2020 (specified sexual offences for purposes of section 306), in paragraph 38 (offences under Sexual Offences Act 2003), after sub-paragraph (ax) insert—

“(axa) section 66A (sending etc photograph or film of genitals);  
(axb) section 66B(2) (sharing intimate photograph or film with intent to cause alarm, distress or humiliation);  
(axc) section 66B(3) (sharing intimate photograph or film for purpose of obtaining sexual gratification);”.

#### *Elections Act 2022*

- 21 In Schedule 9 to the Elections Act 2022 (offences for purposes of Part 5), after paragraph 47(f) insert—

“(g) section 66A (sending etc photograph or film of genitals).”