



## 2016 CHAPTER 21

### **PART 3**

#### Miscellaneous

##### *Pornographic or other sexual images*

#### **Meaning of “private” and “sexual”**

**53.—**(1) The following apply for the purposes of section 51.

(2) A photograph or film is “private” if it shows something that is not of a kind ordinarily seen in public.

(3) A photograph or film is “sexual” if—

- (a) it shows all or part of an individual's exposed genitals or pubic area,
- (b) it shows something that a reasonable person would consider to be sexual because of its nature, or
- (c) its content, taken as a whole, is such that a reasonable person would consider it to be sexual.

(4) Subsection (5) applies in the case of—

- (a) a photograph or film that consists of or includes a photographed or filmed image that has been altered in any way,
- (b) a photograph or film that combines two or more photographed or filmed images, and
- (c) a photograph or film that combines a photographed or filmed image with something else.

(5) The photograph or film is not private and sexual if—

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*Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 53. (See end of Document for details)*

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- (a) it does not consist of or include a photographed or filmed image that is itself private and sexual,
- (b) it is only private or sexual by virtue of the alteration or combination mentioned in subsection (4), or
- (c) it is only by virtue of the alteration or combination mentioned in subsection (4) that [<sup>F1</sup>the relevant individual (within the meaning of section 51)] is shown as part of, or with, whatever makes the photograph or film private and sexual.

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**Textual Amendments**

- F1** Words in s. 53(5) substituted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), ss. 6(3), 30(2); S.R. 2023/188, art. 3(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 53.