



2022 CHAPTER 19

PART 1

Sexual offences

CHAPTER 2

Anonymity and privacy

Anonymity of suspects

Offence relating to reporting

16.—(1) If any matter is included in a publication in contravention of section 12(2), the following persons are guilty of an offence—

- (a) where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
- (b) where the publication is a relevant programme—
 - (i) any body corporate or Scottish partnership engaged in providing the programme service in which the programme is included, and
 - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
- (c) in the case of any other publication, any person publishing it.

(2) Where a person is charged with an offence under this section in respect of the inclusion of any matter in a publication, it is a defence, subject to subsection (3), to prove any of the following—

- (a) that the suspect included matter of that description in a publication;

Changes to legislation: There are currently no known outstanding effects for the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022, Section 16. (See end of Document for details)

- (b) that the publication in which the matter appeared was one in respect of which the suspect had given written consent to the appearance of matter of that description;
 - (c) that at the time of the alleged offence under this section the person was not aware, and neither suspected nor had reason to suspect, that the publication included the matter in question;
 - (d) that at the time of the alleged offence under this section the person was not aware, and neither suspected nor had reason to suspect—
 - (i) that the allegation mentioned in section 12(1)(a) had been made to the police, or
 - (ii) that any step mentioned in section 12(1)(b) had been taken by the police.
- (3) Written consent is not a defence under subsection (2)(b) if it is proved that—
- (a) any person interfered unreasonably with the peace or comfort of the suspect, with intent to obtain it, or
 - (b) the suspect was under the age of 16 at the time when it was given.
- (4) If a person charged with an offence under this section relies on a defence in subsection (2)(c) or (d), and evidence is adduced that is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the contrary is proved beyond reasonable doubt.
- (5) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.
- (6) Proceedings in respect of an offence under this section may be brought only by, or with the consent of, the Director of Public Prosecutions for Northern Ireland.
- (7) Where an offence under this section is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) any director, manager, secretary or other similar officer of the body corporate, or
 - (b) a person who was purporting to act in any such capacity,
- that person (as well as the body corporate) commits the offence and is liable to be proceeded against and punished accordingly.
- (8) In relation to a body corporate whose affairs are managed by its members “director”, in subsection (7), means a member of the body corporate.
- (9) Section 20(2) of the Interpretation Act (Northern Ireland) 1954 (offences committed by a body corporate) does not apply to offences under this section.

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(10) Where an offence under this section is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, that partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(11) Schedule 3 contains special rules relating to providers of information society services.

Commencement Information

- I1** S. 16 not in operation at Royal Assent, see [s. 30\(2\)](#)
- I2** S. 16 in operation at 28.9.2023 by [S.R. 2023/142](#), [art. 3](#)

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