



2022 CHAPTER 19

PART 1

Sexual offences

CHAPTER 2

Anonymity and privacy

Anonymity of victims

Disapplication of anonymity of victim after death

9.—(1) The Sexual Offences (Amendment) Act 1992 is amended as follows.

(2) In section 1(3)(b) (anonymity of victims of certain offences), at the end insert “and

“(c) has effect subject to any order made under section 3A.”.

(3) After section 3 insert—

“3A Disapplication of section 1 after victim’s death

(1) Subsection (2) applies where matters relating to a person (“A”) are prohibited from publication by virtue of section 1(1) or (2).

(2) An interested party may after A’s death apply to a magistrates’ court for an order—

(a) disapplying, or

(b) modifying the application of,

section 1(1) or (2) in relation to A.

Changes to legislation: There are currently no known outstanding effects for the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022, Section 9. (See end of Document for details)

(3) For the avoidance of doubt, the modifications that may be made under subsection (2)(b) include increasing or decreasing the period mentioned in section 1(1)(b) or (2)(b) (the period during which publication is prohibited).

(4) In this section, “interested party” means—

- (a) a person who was a family member of A at the time of A’s death;
- (b) a personal representative of A;
- (c) a person interested in publishing matters relating to A which are prohibited from publication by virtue of section 1(1) or (2).

(5) On an application under subsection (2), the court must make an order under that subsection if the court is satisfied that it would be—

- (a) in the interests of justice, or
- (b) otherwise in the public interest,

to make such an order.

(6) An order made under subsection (2) may be varied or revoked by order of a magistrates’ court on the application of an interested party where the court is satisfied that it would be—

- (a) in the interests of justice, or
- (b) otherwise in the public interest,

to make such a variation or revocation.

(7) An order made under this section does not affect the operation of section 1 at any time before the order was made.

(8) In this section, “a family member of A” means—

- (a) a person who at the time of A’s death was—
 - (i) married to A;
 - (ii) in a civil partnership with A;
 - (iii) living with A as if a spouse;
- (b) a relative of A.

(9) For the purposes of this section—

- (a) “relative” means parent, child, grandparent, great-grandparent, grandchild, great-grandchild, brother, sister, uncle, great-uncle, aunt, great-aunt, nephew, great-nephew, niece or great-niece;
- (b) a relationship of the half-blood or by affinity is to be treated as a relationship of the whole blood;
- (c) the stepchild of a person is to be treated as that person’s child.

(10) In this section, “a person interested in publishing matters” means a person who—

- (a) wishes the matters to be included in a publication, and

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(b) in relation to the publication, is a person mentioned in section 5(1) (persons by whom an offence relating to publishing may be committed).

(11) In subsections (1) and (4)(c), a reference to matters being prohibited from publication includes matters being partially prohibited from publication following the making of an order under this section modifying the application of section 1(1) or (2) in relation to A.

3B Rules of Court

(1) Rules of Court may make such provision relating to orders under section 3A as appears to the authority making them to be necessary or expedient for the purposes of that section.

(2) Rules of Court may, in particular, make provision—

- (a) for notice of applications to be given to such persons as may be prescribed by the rules;
- (b) for applications to be heard in private;
- (c) as to the matters to be taken into consideration by a court in determining whether it is in the interests of justice, or the public interest, to make, vary or revoke an order under section 3A.

(3) Nothing in subsections (1) and (2) is to be taken to affect the generality of any enactment conferring power to make Rules of Court; and no particular provision of those subsections prejudices any general provision of them.”.

Commencement Information

- I1** S. 9 not in operation at Royal Assent, see [s. 30\(2\)](#)
- I2** S. 9 in operation at 28.9.2023 by [S.R. 2023/142](#), [art. 3](#)

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