



Criminal Justice Act 1988

1988 CHAPTER 33

PART XI

MISCELLANEOUS

Reports of criminal proceedings

158 Anonymity in rape etc. cases.

- (1) The ^{M1}Sexual Offences (Amendment) Act 1976 shall be amended as follows.
- (2) The following subsections shall be substituted for subsection (1) of section 4 (anonymity of complainants in rape etc. cases)—
 - “(1) Except as authorised by a direction given in pursuance of this section—
 - (a) after an allegation that a woman has been the victim of a rape offence has been made by the woman or by any other person, neither the woman’s name nor her address nor a still or moving picture of her shall during her lifetime—
 - (i) be published in England and Wales in a written publication available to the public; or
 - (ii) be broadcast or included in a cable programme in England and Wales,if that is likely to lead members of the public to identify her as an alleged victim of such an offence; and
 - (b) after a person is accused of a rape offence, no matter likely to lead members of the public to identify a woman as the complainant in relation to that accusation shall during her lifetime—
 - (i) be published in England and Wales in a written publication available to the public; or
 - (ii) be broadcast or included in a cable programme in England and Wales;

Status: Point in time view as at 14/07/2008.

Changes to legislation: Criminal Justice Act 1988, Section 158 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

but nothing in this subsection prohibits the publication or broadcasting or inclusion in a cable programme of matter consisting only of a report of criminal proceedings other than proceedings at, or intended to lead to, or on an appeal arising out of, a trial at which the accused is charged with the offence.

(1A) In subsection (1) above “picture” includes a likeness however produced.”.

(3) The following subsections shall be inserted after subsection (5) of that section—

“(5A) Where a person is charged with an offence under subsection (5) of this section in respect of the publication or broadcast of any matter or the inclusion of any matter in a cable programme, it shall be a defence, subject to subsection (5B) below, to prove that the publication, broadcast or cable programme in which the matter appeared was one in respect of which the woman had given written consent to the appearance of matter of that description.

(5B) Written consent is not a defence if it is proved that any person interfered unreasonably with the woman’s peace or comfort with intent to obtain the consent.”.

(4) In subsection (3) of that section—

- (a) the words “before the Crown Court at which a person is charged with a rape offence” and “relating to the complainant” shall cease to have effect; and
- (b) for the words “an acquittal of a defendant at” there shall be substituted the words “the outcome of”.

(5) Section 6 (anonymity of defendants in rape etc. cases) shall cease to have effect.

(6) In section 7(2), in the definition of a “rape offence” , for the words “and incitement to rape” there shall be substituted the words, “incitement to rape, conspiracy to rape and burglary with intent to rape”.

Marginal Citations

M1 1976 c. 82.

Status:

Point in time view as at 14/07/2008.

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