



Sexual Offences (Amendment) Act 1992

1992 CHAPTER 34

[^{F1}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.
- (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.

Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Amendment) Act 1992, Section 3A. (See end of Document for details)

- (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
 - (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.]

Textual Amendments

F1 Ss. 3A, 3B inserted (N.I.) (28.9.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), ss. 9(3), 30(2); S.R. 2023/142, art. 3

Changes to legislation:

There are currently no known outstanding effects for the Sexual Offences (Amendment) Act 1992, Section 3A.