



# Criminal Justice and Courts Act 2015

## 2015 CHAPTER 2

### PART 1

#### CRIMINAL JUSTICE

##### *Offences involving intent to cause distress etc*

### **33 Disclosing private sexual photographs and films with intent to cause distress**

- (1) It is an offence for a person to disclose a private sexual photograph or film if the disclosure is made—
  - (a) without the consent of an individual who appears in the photograph or film, and
  - (b) with the intention of causing that individual distress.
- (2) But it is not an offence under this section for the person to disclose the photograph or film to the individual mentioned in subsection (1)(a) and (b).
- (3) It is a defence for a person charged with an offence under this section to prove that he or she reasonably believed that the disclosure was necessary for the purposes of preventing, detecting or investigating crime.
- (4) It is a defence for a person charged with an offence under this section to show that—
  - (a) the disclosure was made in the course of, or with a view to, the publication of journalistic material, and
  - (b) he or she reasonably believed that, in the particular circumstances, the publication of the journalistic material was, or would be, in the public interest.
- (5) It is a defence for a person charged with an offence under this section to show that—
  - (a) he or she reasonably believed that the photograph or film had previously been disclosed for reward, whether by the individual mentioned in subsection (1) (a) and (b) or another person, and

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*Status: Point in time view as at 13/04/2015. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Section 33. (See end of Document for details)*

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- (b) he or she had no reason to believe that the previous disclosure for reward was made without the consent of the individual mentioned in subsection (1)(a) and (b).
- (6) A person is taken to have shown the matters mentioned in subsection (4) or (5) if—
- (a) sufficient evidence of the matters is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (7) For the purposes of subsections (1) to (5)—
- (a) “consent” to a disclosure includes general consent covering the disclosure, as well as consent to the particular disclosure, and
  - (b) “publication” of journalistic material means disclosure to the public at large or to a section of the public.
- (8) A person charged with an offence under this section is not to be taken to have disclosed a photograph or film with the intention of causing distress merely because that was a natural and probable consequence of the disclosure.
- (9) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both), and
  - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine (or both).
- (10) Schedule 8 makes special provision in connection with the operation of this section in relation to persons providing information society services.
- (11) In relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the reference in subsection (9)(b) to 12 months is to be read as a reference to 6 months.
- (12) In relation to an offence committed before section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in subsection (9)(b) to a fine is to be read as a reference to a fine not exceeding the statutory maximum.

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#### **Commencement Information**

**II** S. 33 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 27

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Section 33.