



# Criminal Justice and Courts Act 2015

## 2015 CHAPTER 2

### PART 1

#### CRIMINAL JUSTICE

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

### **33 Disclosing [<sup>F1</sup>, or threatening to disclose,] private sexual photographs and films with intent to cause distress**

[<sup>F2</sup>(1) A person commits an offence if—

- (a) the person discloses, or threatens to disclose, a private sexual photograph or film in which another individual (“the relevant individual”) appears,
- (b) by so doing, the person intends to cause distress to that individual, and
- (c) the disclosure is, or would be, made without the consent of that individual.]

(2) But it is not an offence under this section for the person to disclose [<sup>F3</sup>, or threaten to disclose,] the photograph or film to [<sup>F4</sup>the relevant individual].

[<sup>F5</sup>(2A) Where a person is charged with an offence under this section of threatening to disclose a private sexual photograph or film, it is not necessary for the prosecution to prove—

- (a) that the photograph or film referred to in the threat exists, or
- (b) if it does exist, that it is in fact a private sexual photograph or film.]

(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 [<sup>F6</sup>, or threat to disclose,] 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.

*Status: Point in time view as at 28/04/2022. This version of this provision has been superseded.*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)*

- (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 [<sup>F7</sup>the relevant individual] or another person, and
  - (b) he or she had no reason to believe that the previous disclosure for reward was made without the consent of [<sup>F8</sup>the relevant individual].
- (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.
- [<sup>F9</sup>(8) A person charged with an offence under this section is not to be taken to have intended to cause distress by disclosing, or threatening to disclose, a photograph or film merely because that was a natural and probable consequence of the disclosure or threat.]
- (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 [<sup>F10</sup>2 May 2022], 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.

#### Textual Amendments

- F1** Words in s. 33 heading inserted (29.6.2021) by [Domestic Abuse Act 2021 \(c. 17\), ss. 69\(2\), 90\(2\)](#)
- F2** [S. 33\(1\)](#) substituted (29.6.2021) by [Domestic Abuse Act 2021 \(c. 17\), ss. 69\(3\), 90\(2\)](#)
- F3** Words in s. 33(2) inserted (29.6.2021) by [Domestic Abuse Act 2021 \(c. 17\), ss. 69\(4\)\(a\), 90\(2\)](#)
- F4** Words in s. 33(2) substituted (29.6.2021) by [Domestic Abuse Act 2021 \(c. 17\), ss. 69\(4\)\(b\), 90\(2\)](#)
- F5** [S. 33\(2A\)](#) inserted (29.6.2021) by [Domestic Abuse Act 2021 \(c. 17\), ss. 69\(5\), 90\(2\)](#)
- F6** Words in s. 33(4)(a) inserted (29.6.2021) by [Domestic Abuse Act 2021 \(c. 17\), ss. 69\(6\), 90\(2\)](#)
- F7** Words in s. 33(5)(a) substituted (29.6.2021) by [Domestic Abuse Act 2021 \(c. 17\), ss. 69\(7\)\(a\), 90\(2\)](#)
- F8** Words in s. 33(5)(b) substituted (29.6.2021) by [Domestic Abuse Act 2021 \(c. 17\), ss. 69\(7\)\(b\), 90\(2\)](#)
- F9** [S. 33\(8\)](#) substituted (29.6.2021) by [Domestic Abuse Act 2021 \(c. 17\), ss. 69\(8\), 90\(2\)](#)
- F10** Words in s. 33(11) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\), regs. 1\(2\), 5\(1\), Sch. Pt. 1](#)

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*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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**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.