

Voyeurism (Offences) (No. 2) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Ministry of Justice, are published separately as Bill 235-EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary David Gauke has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Voyeurism (Offences) (No. 2) Bill are compatible with the Convention rights.

Voyeurism (Offences) (No. 2) Bill

CONTENTS

- 1 Voyeurism: additional offences
- 2 Extent, commencement and short title

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B I L L

TO

Make certain acts of voyeurism an offence, and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Voyeurism: additional offences

- (1) The Sexual Offences Act 2003 is amended as set out in subsections (2) to (4).
(2) After section 67 (voyeurism) insert—

“67A Voyeurism: additional offences

- (1) A person (A) commits an offence if— 5
(a) A operates equipment beneath the clothing of another person (B),
(b) A does so with the intention of enabling A or another person (C), for a purpose mentioned in subsection (3), to observe— 10
(i) B’s genitals or buttocks (whether exposed or covered with underwear), or
(ii) the underwear covering B’s genitals or buttocks, in circumstances where the genitals, buttocks or underwear would not otherwise be visible, and
(c) A does so— 15
(i) without B’s consent, and
(ii) without reasonably believing that B consents.
- (2) A person (A) commits an offence if—
(a) A records an image beneath the clothing of another person (B),
(b) the image is of— 20
(i) B’s genitals or buttocks (whether exposed or covered with underwear), or
(ii) the underwear covering B’s genitals or buttocks, in circumstances where the genitals, buttocks or underwear would not otherwise be visible, 25

- (c) A does so with the intention that A or another person (C) will look at the image for a purpose mentioned in subsection (3), and
- (d) A does so –
- (i) without B’s consent, and
 - (ii) without reasonably believing that B consents. 5
- (3) The purposes referred to in subsections (1) and (2) are –
- (a) obtaining sexual gratification (whether for A or C);
 - (b) humiliating, alarming or distressing B.
- (4) A person guilty of an offence under this section is liable –
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both; 10
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.
- (5) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (increase in maximum term that may be imposed on summary conviction of offence triable either way), the reference in subsection (4)(a) to 12 months is to be read as a reference to 6 months.” 15
- (3) In section 68 (voyeurism: interpretation), after subsection (1) insert –
- “(1A) For the purposes of sections 67 and 67A, operating equipment includes enabling or securing its activation by another person without that person’s knowledge.” 20
- (4) In Schedule 3 (sexual offences for purposes of notification requirements), after paragraph 34 insert –
- “34A(1) An offence under section 67A of this Act (voyeurism: additional offences), if –
- (a) the offence was committed for the purpose mentioned in section 67A(3)(a) (sexual gratification), and
 - (b) the relevant condition is met.
- (2) Where the offender was under 18, the relevant condition is that the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months. 30
- (3) In any other case, the relevant condition is that –
- (a) the victim was under 18, or
 - (b) the offender, in respect of the offence or finding, is or has been – 35
 - (i) sentenced to a term of imprisonment,
 - (ii) detained in a hospital, or
 - (iii) made the subject of a community sentence of at least 12 months.” 40
- (5) In Schedule 1 to the Children and Young Persons Act 1933 (offences against children and young persons with respect to which special provisions of Act apply), for “and 67 of the Sexual Offences Act 2003” substitute “, 67 and 67A of the Sexual Offences Act 2003”.

- (6) In paragraph 10 of Schedule 34A to the Criminal Justice Act 2003 (child sex offences for the purposes of section 327A), for “or 67” substitute “, 67 or 67A”.
- (7) In paragraph 33 of Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 33 (offences under Sexual Offences Act 2003), after the entry for section 67 insert—
“section 67A (voyeurism: additional offences)”.

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2 Extent, commencement and short title

- (1) This Act extends to England and Wales only.
- (2) This Act comes into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) This Act may be cited as the Voyeurism (Offences) Act 2018.

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To make certain acts of voyeurism an offence, and for connected purposes.

*Presented by Secretary David Gauke
supported by
The Prime Minister,
Secretary Penny Mordaunt,
Secretary Matt Hancock,
The Attorney General,
Andrea Leadsom,
Rory Stewart, Lucy Frazer and Edward Argar.*

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