

Policing and Crime Bill

Live streaming of indecent images of a child

1. Sections 48-50 of the Sexual Offences Act 2003 (“the 2003 Act”) are concerned with the sexual exploitation of children. They provide for criminal offences of causing or inciting such exploitation, controlling a child in relation to his or her sexual exploitation, and arranging or facilitating the sexual exploitation of a child.
2. For the purposes of these offences section 51 of the 2003 Act defines a child as being sexually exploited if he or she either offers or provides sexual services in return for payment, or “*if an indecent image of [the child] is recorded*”.
3. There is uncertainty, created by recent case law, about whether “streaming” of indecent images of a child amounts to a recording for the purposes of the offences.
4. The Bill amends the definition in section 51 so that it includes situations where indecent images of a child are streamed or otherwise transmitted. This will make the offences more robust in the light of technological changes and thus available for the Crown Prosecution Service to charge where appropriate.
5. There are other offences, alongside the child sexual exploitation offences at sections 48 – 50 of the 2003 Act, that deal with those who stream the sexual abuse of children. For example, successful prosecutions have often been brought under section 1 of the Protection of Children Act 1978 (broadly taking, making or distributing indecent photographs of children). This very serious offence carries a 10 year maximum prison sentence and, in most cases, automatic sex offender registration.
6. This amendment to section 51 of the 2003 Act will ensure that the law is equipped to deal with child sexual exploitation in all its forms.

Ministry of Justice
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