VERŻJONI ELETTRONIKA

L.N. 281 of 2016

CRIMINAL CODE
(CAP. 9)

Extreme Pornographic Images Regulations, 2016

IN EXERCISE of the powers conferred by article 208D of the Criminal Code, the Minister for Justice, Culture and Local Government has made the following regulations:

Title.

1. The title of these regulations is the Extreme Pornographic Images Regulations, 2016.

Basic requirements for extreme pornographic image.

2. For the purposes of these regulations, an extreme pornographic image is an image which is the following:

(a) pornographic; and

(b) extreme

Pornographic image.

3. (1) Without prejudice to the provisions of regulation 7, an image is pornographic if it is of such a nature that it must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal.

(2) Where, as found in the person's possession, an image forms part of a series of images, the question of whether the image is pornographic is to be determined by reference to:

(a) the image itself, and

(b) where the series of images is such as to be capable of providing a context for the image, its context within the series of images,

and reference may also be had to any sounds accompanying the image or the series of images.

(3) Saving the provisions of sub-regulation (2), where:

(a) an image forms an integral part of a narrative constituted by a series of images, and

(b) having regard to those images as a whole, they are not of such a nature that they must reasonably be assumed to have been made solely or principally for the purpose of sexual

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arousal,

the image may, by virtue of being part of that narrative, be found not to be pornographic, even if it may have been found to be pornographic where taken by itself.

Extreme pornographic image.

4. An image is extreme if it portrays, in an explicit and realistic way, any of the following:-

(a) an act which takes or threatens a person's life;

(b) an act which results, or is likely to result, in a person's severe injury;

(c) rape or other non-consensual penetrative sexual activity;

(d) sexual activity involving, directly or indirectly, a human corpse;

(e) an act which involves sexual activity between a person and an animal or the carcass of an animal.

Proof.

5. In determining whether, as found in the person's possession, an image depicts an act mentioned in regulation 4, reference may be had to:

(a) how the image is or was described, whether the description is part of the image itself or otherwise;

(b) any sounds accompanying the image;

(c) where the image forms an integral part of a narrative constituted by a series of images:

(i) any sounds accompanying the series of images;

(ii) the context provided by that narrative.

Definition of image.

6. For the purposes of these regulations an image means:

(a) a moving or still image, made by any means; or

(b) data, stored by any means, which is capable of conversion into such an image.

Excluded images.

7. (1) An image is excluded from these regulations if:

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S.L. 542.01.

(a) it forms part of a classified film within the meaning of the Cinema and Stage Age-Classification Regulations;

(b) it forms part of any other material, whether physical or electronic, that serves the public good on the grounds that it is in the interests of science, literature, art or learning or other objects of general concern.

(2) An image is not excluded from these regulations if it has been extracted from a classified work or any other material within the meaning of sub-regulation (1) and it must reasonably be assumed to have been extracted, whether with or without other images, from the work or material solely or principally produced for the purpose of sexual arousal.

Interpretation.

8. Nothing in these regulations shall be interpreted as authorising the display of any of the following:

(a) an act of rape or other non-consensual penetrative activity;

(b) an act of necrophilia or bestiality;

(c) a sexual act or image involving a minor.

Revokes S.L. 9.05.

9. The Pornography and Obscenity Regulations are hereby being revoked.

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