

ภาคผนวก ซ

กฎหมายของประเทศไทย

Sexual Offences (Amendment) Act 1992

Chapter 34

Section 1 Anonymity of victims of certain offences

(1) Where an allegation has been made that an offence to which this Act applies has been committed against a person, neither the name nor address, and no still or moving picture, of that person shall during that person's lifetime—

(a) be published in England and Wales in a written publication available to the public; or

(b) be included in a relevant programme for reception in England and Wales,

if it is likely to lead members of the public to identify that person as the person against whom the offence is alleged to have been committed.

(2) Where a person is accused of an offence to which this Act applies, no matter likely to lead members of the public to identify a person as the person against whom the offence is alleged to have been committed ("the complainant") shall during the complainant's lifetime—

(a) be published in England and Wales in a written publication available to the public; or

(b) be included in a relevant programme for reception in England and Wales.

(3) Subsections (1) and (2) are subject to any direction given under section 3.

(4) Nothing in this section prohibits the publication or inclusion in a relevant programme of matter consisting only of a report of criminal proceedings other than proceedings at, or intended to lead to, or on an appeal arising out of, a trial at which the accused is charged with the offence.

Section 2 Offences to which this Act applies

(1) This Act applies to the following offences—

- (a) any offence under any of the provisions of the [1956 c. 69.] Sexual Offences Act 1956 mentioned in subsection (2);
- (b) any offence under section 128 of the [1959 c. 72.] Mental Health Act 1959 (intercourse with mentally handicapped person by hospital staff etc.);
- (c) any offence under section 1 of the [1960 c. 33.] Indecency with Children Act 1960 (indecent conduct towards young child);
- (d) any offence under section 54 of the [1977 c. 45.] Criminal Law Act 1977 (incitement by man of his grand-daughter, daughter or sister under the age of 16 to commit incest with him);
- (e) any attempt to commit any of the offences mentioned in paragraphs (a) to (d).

(2) The provisions of the Act of 1956 are—

- (a) section 2 (procurement of a woman by threats);
- (b) section 3 (procurement of a woman by false pretences);
- (c) section 4 (administering drugs to obtain intercourse with a woman);
- (d) section 5 (intercourse with a girl under the age of 13);

- (e) section 6 (intercourse with a girl between the ages of 13 and 16);
- (f) section 7 (intercourse with a mentally handicapped person);
- (g) section 9 (procurement of a mentally handicapped person);
- (h) section 10 (incest by a man);
- (i) section 11 (incest by a woman);
- (j) section 12 (buggery);
- (k) section 14 (indecent assault on a woman);
- (l) section 15 (indecent assault on a man);
- (m) section 16 (assault with intent to commit buggery).

Section 5 Offences

(1) If any matter is published or included in a relevant programme in contravention of section 1, the following persons shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale—

- (a) in the case of publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
- (b) in the case of publication in any other form, the person publishing the matter; and
- (c) in the case of matter included in a relevant programme—
 - (i) any body corporate engaged in providing the service in which the programme is included; and
 - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper.

(2) Where a person is charged with an offence under this section in respect of the publication of any matter or the inclusion of any matter in a relevant programme, it shall be a defence, subject to subsection (3), to prove that the publication or programme in which the matter appeared was one in respect of which the person against whom the offence mentioned in section 1 is alleged to have been committed had given written consent to the appearance of matter of that description.

(3) Written consent is not a defence if it is proved that any person interfered unreasonably with the peace or comfort of the person giving the consent, with intent to obtain it.

(4) Proceedings for an offence under this section shall not be instituted except by or with the consent of the Attorney General.

(5) Where a person is charged with an offence under this section it shall be a defence to prove that at the time of the alleged offence he was not aware, and neither suspected nor had reason to suspect, that the publication or programme in question was of, or (as the case may be) included, the matter in question.

(6) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a) a director, manager, secretary or other similar officer of the body corporate, or

(b) a person purporting to act in any such capacity,

he as well as the body corporate shall be guilty of the offence and liable to be proceeded against and punished accordingly.

(7) In relation to a body corporate whose affairs are managed by its members “director”, in subsection (6), means a member of the body corporate.