



Sexual Offences Act 2003

2003 CHAPTER 42

PART 1 **E+W+N.I.**

SEXUAL OFFENCES

Other offences

66 Exposure **E+W**

[^{F1}(1) A person commits an offence if—

- (a) he intentionally exposes his genitals, and
- (b) he intends that someone will see them and be caused alarm or distress.

(2) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.]

Textual Amendments

F1 Ss. 66-72 repealed (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1, 78(e), [Sch. 3](#); (with Sch. 2 para. 1) [S.R. 2008/510](#), [art. 2](#)

[^{F2}66A Sending etc photograph or film of genitals **E+W**

(1) A person (A) who intentionally sends or gives a photograph or film of any person's genitals to another person (B) commits an offence if—

- (a) A intends that B will see the genitals and be caused alarm, distress or humiliation, or

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- (b) A sends or gives such a photograph or film for the purpose of obtaining sexual gratification and is reckless as to whether B will be caused alarm, distress or humiliation.
- (2) References to sending or giving such a photograph or film to another person include, in particular—
- (a) sending it to another person by any means, electronically or otherwise,
 - (b) showing it to another person, and
 - (c) placing it for a particular person to find.
- (3) “Photograph” includes the negative as well as the positive version.
- (4) “Film” means a moving image.
- (5) References to a photograph or film also include—
- (a) an image, whether made or altered by computer graphics or in any other way, which appears to be a photograph or film,
 - (b) a copy of a photograph, film or image within paragraph (a), and
 - (c) data stored by any means which is capable of conversion into a photograph, film or image within paragraph (a).
- (6) A person who commits an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years.]

Textual Amendments

F2 S. 66A inserted (E.W.) (31.1.2024) by Online Safety Act 2023 (c. 50), ss. 187, 240(1); S.I. 2024/31, reg. 2

[^{F3}66B Sharing or threatening to share intimate photograph or film **E+W**

- (1) A person (A) commits an offence if—
- (a) A intentionally shares a photograph or film which shows, or appears to show, another person (B) in an intimate state,
 - (b) B does not consent to the sharing of the photograph or film, and
 - (c) A does not reasonably believe that B consents.
- (2) A person (A) commits an offence if—
- (a) A intentionally shares a photograph or film which shows, or appears to show, another person (B) in an intimate state,
 - (b) A does so with the intention of causing B alarm, distress or humiliation, and
 - (c) B does not consent to the sharing of the photograph or film.
- (3) A person (A) commits an offence if—
- (a) A intentionally shares a photograph or film which shows, or appears to show, another person (B) in an intimate state,
 - (b) A does so for the purpose of A or another person obtaining sexual gratification,

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- (c) B does not consent to the sharing of the photograph or film, and
 - (d) A does not reasonably believe that B consents.
- (4) A person (A) commits an offence if—
- (a) A threatens to share a photograph or film which shows, or appears to show, another person (B) in an intimate state, and
 - (b) A does so—
 - (i) with the intention that B or another person who knows B will fear that the threat will be carried out, or
 - (ii) being reckless as to whether B or another person who knows B will fear that the threat will be carried out.
- (5) Subsections (1) to (4) are subject to section 66C (exemptions).
- (6) For the purposes of subsections (1) to (3) and section 66C(3)(b)—
- (a) “consent” to the sharing of a photograph or film includes general consent covering the particular act of sharing as well as specific consent to the particular act of sharing, and
 - (b) whether a belief is reasonable is to be determined having regard to all the circumstances including any steps A has taken to ascertain whether B consents.
- (7) Where a person is charged with an offence under subsection (4), it is not necessary for the prosecution to prove—
- (a) that the photograph or film mentioned in the threat exists, or
 - (b) if it does exist, that it is in fact a photograph or film which shows or appears to show a person in an intimate state.
- (8) It is a defence for a person charged with an offence under subsection (1) to prove that the person had a reasonable excuse for sharing the photograph or film.
- (9) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).
- (10) A person who commits an offence under subsection (2), (3) or (4) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.
- (11) In subsection (9) “the maximum term for summary offences” means—
- (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, six months;
 - (b) if the offence is committed after that time, 51 weeks.
- (12) If on the trial of a person charged with an offence under subsection (2) or (3) a magistrates’ court or jury finds the person not guilty of the offence charged, the magistrates’ court or jury may find the person guilty of an offence under subsection (1).
- (13) The Crown Court has the same powers and duties in relation to a person who is by virtue of subsection (12) convicted before it of an offence under subsection (1) as a magistrates’ court would have on convicting the person of the offence.

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Textual Amendments

F3 Ss. 66B-66D inserted (E.W.) (31.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), ss. 188, 240(1); S.I. 2024/31, reg. 2

66C Sharing or threatening to share intimate photograph or film: exemptions **E+W**

- (1) A person (A) who shares a photograph or film which shows, or appears to show, another person (B) in an intimate state does not commit an offence under section 66B(1), (2) or (3) if—
 - (a) the photograph or film was taken in a place to which the public or a section of the public had or were permitted to have access (whether on payment or otherwise),
 - (b) B had no reasonable expectation of privacy from the photograph or film being taken, and
 - (c) B was, or A reasonably believes that B was, in the intimate state voluntarily.
- (2) For the purposes of subsection (1)(b), whether a person had a reasonable expectation of privacy from a photograph or film being taken is to be determined by reference to the circumstances that the person sharing the photograph or film reasonably believes to have existed at the time the photograph or film was taken.
- (3) A person (A) who shares a photograph or film which shows, or appears to show, another person (B) in an intimate state does not commit an offence under section 66B(1), (2) or (3) if—
 - (a) the photograph or film had, or A reasonably believes that the photograph or film had, been previously publicly shared, and
 - (b) B had, or A reasonably believes that B had, consented to the previous sharing.
- (4) A person (A) who shares a photograph or film which shows, or appears to show, another person (B) in an intimate state does not commit an offence under section 66B(1) if—
 - (a) B is a person under 16,
 - (b) B lacks, or A reasonably believes that B lacks, capacity to consent to the sharing of the photograph or film, and
 - (c) the photograph or film is shared—
 - (i) with a healthcare professional acting in that capacity, or
 - (ii) otherwise in connection with the care or treatment of B by a healthcare professional.
- (5) A person who shares a photograph or film which shows, or appears to show, a child in an intimate state does not commit an offence under section 66B(1) if the photograph or film is of a kind ordinarily shared between family and friends.
- (6) A person who threatens to share a photograph or film which shows, or appears to show, another person in an intimate state does not commit an offence under section 66B(4) if, by reason of this section, the person would not commit an offence under section 66B(1), (2) or (3) by sharing the photograph or film in the circumstances conveyed by the threat.

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Textual Amendments

F3 Ss. 66B-66D inserted (E.W.) (31.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), ss. 188, 240(1); S.I. 2024/31, reg. 2

66D **Sharing or threatening to share intimate photograph or film: interpretation** **E** **+W**

- (1) This section applies for the purposes of sections 66B and 66C.
- (2) A person “shares” something if the person, by any means, gives or shows it to another person or makes it available to another person.
- (3) But a provider of an internet service by means of which a photograph or film is shared is not to be regarded as a person who shares it.
- (4) “Photograph” and “film” have the same meaning as in section 66A (see subsections (3) to (5) of that section).
- (5) Except where a photograph or film falls within subsection (8), a photograph or film shows, or appears to show, another person in an intimate state if it shows or appears to show—
 - (a) the person participating or engaging in an act which a reasonable person would consider to be a sexual act,
 - (b) the person doing a thing which a reasonable person would consider to be sexual,
 - (c) all or part of the person’s exposed genitals, buttocks or breasts,
 - (d) the person in an act of urination or defecation, or
 - (e) the person carrying out an act of personal care associated with the person’s urination, defecation or genital or anal discharge.
- (6) For the purposes of subsection (5)(c) the reference to all or part of a person’s “exposed” genitals, buttocks or breasts includes—
 - (a) a reference to all or part of the person’s genitals, buttocks or breasts visible through wet or otherwise transparent clothing,
 - (b) the case where all or part of the person’s genitals, buttocks or breasts would be exposed but for the fact that they are covered only with underwear, and
 - (c) the case where all or part of the person’s genitals, buttocks or breasts would be exposed but for the fact that they are obscured, provided that the area obscured is similar to or smaller than an area that would typically be covered by underwear worn to cover a person’s genitals, buttocks or breasts (as the case may be).
- (7) In subsection (6)(c) “obscured” means obscured by any means, other than by clothing that a person is wearing, including, in particular, by an object, by part of a person’s body or by digital alteration.
- (8) A photograph or film falls within this subsection if (so far as it shows or appears to show a person in an intimate state) it shows or appears to show something, other than breastfeeding, that is of a kind ordinarily seen in public.
- (9) For the purposes of subsection (8) “breastfeeding” includes the rearranging of clothing in the course of preparing to breastfeed or having just finished breastfeeding.]

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Textual Amendments

F3 Ss. 66B-66D inserted (E.W.) (31.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), ss. 188, 240(1); S.I. 2024/31, reg. 2

67 Voyeurism **E+W**

[^{F4}(1) A person commits an offence if—

- (a) for the purpose of obtaining sexual gratification, he observes another person doing a private act, and
- (b) he knows that the other person does not consent to being observed for his sexual gratification.

(2) A person commits an offence if—

- (a) he operates equipment with the intention of enabling another person to observe, for the purpose of obtaining sexual gratification, a third person (B) doing a private act, and
- (b) he knows that B does not consent to his operating equipment with that intention.

(3) A person commits an offence if—

- (a) he records another person (B) doing a private act,
- (b) he does so with the intention that he or a third person will, for the purpose of obtaining sexual gratification, look at an image of B doing the act, and
- (c) he knows that B does not consent to his recording the act with that intention.

(4) A person commits an offence if he installs equipment, or constructs or adapts a structure or part of a structure, with the intention of enabling himself or another person to commit an offence under subsection (1).

(5) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.]

Textual Amendments

F4 Ss. 66-72 repealed (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1, 78(e), [Sch. 3](#); (with Sch. 2 para. 1) [S.R. 2008/510](#), [art. 2](#)

[^{F5}67A Voyeurism: additional offences **E+W**

(1) A person (A) commits an offence if—

- (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—
 - (i) B's genitals or buttocks (whether exposed or covered with underwear), or

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- (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—
 - (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—
 - (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,
 - (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.
- [A person (A) commits an offence if—
 - ^{F6}(2A) (a) A operates equipment,
 - (b) A does so with the intention of enabling A or another person (C), for a purpose mentioned in subsection (3), to observe another (B) while B is breast-feeding a child, and
 - (c) A does so—
 - (i) without B's consent, and
 - (ii) without reasonably believing that B consents.
- (2B) A person (A) commits an offence if—
 - (a) A records an image of another (B) while B is breast-feeding a child,
 - (b) 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
 - (c) A does so—
 - (i) without B's consent, and
 - (ii) without reasonably believing that B consents.]
- (3) The purposes referred to in subsections (1) [^{F7}to (2B)] are—
 - (a) obtaining sexual gratification (whether for A or C);
 - (b) humiliating, alarming or distressing B.
- [In this section a reference to B breast-feeding a child includes B re-arranging B's ^{F8}(3A) clothing—
 - (a) in the course of preparing to breast-feed the child, or
 - (b) having just finished breast-feeding the child.
- (3B) It is irrelevant for the purposes of subsections (2A) and (2B)—
 - (a) whether or not B is in a public place while B is breast-feeding the child,
 - (b) whether or not B's breasts are exposed while B is breast-feeding the child, and

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- (c) what part of B’s body—
- (i) is, or is intended by A to be, visible in the recorded image, or
 - (ii) is intended by A to be observed.]
- (4) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding [^{F9}the general limit in a magistrates’ court], or to a fine, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.
- (5) In relation to an offence committed before [^{F10}2 May 2022], the reference in subsection (4)(a) to [^{F11}the general limit in a magistrates’ court] is to be read as a reference to 6 months.]

Textual Amendments

- F5** S. 67A inserted (12.4.2019) by [Voyeurism \(Offences\) Act 2019 \(c. 2\)](#), **ss. 1(2)**, 2(2)
- F6** S. 67A(2A)(2B) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 48(2)**, 208(1); S.I. 2022/520, **reg. 5(e)**
- F7** Words in s. 67A(3) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 48(3)**, 208(1); S.I. 2022/520, **reg. 5(e)**
- F8** S. 67A(3A)(3B) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 48(4)**, 208(1); S.I. 2022/520, **reg. 5(e)**
- F9** Words in s. 67A(4)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), **regs. 1(2)**, 2(1), **Sch. Pt. 1**
- F10** Words in s. 67A(5) 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**
- F11** Words in s. 67A(5) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), **regs. 1(2)**, 2(1), **Sch. Pt. 1**

68 Voyeurism: interpretation **E+W**

- [^{F12}(1) For the purposes of section 67, a person is doing a private act if the person is in a place which, in the circumstances, would reasonably be expected to provide privacy, and—
- (a) the person’s genitals, buttocks or breasts are exposed or covered only with underwear,
 - (b) the person is using a lavatory, or
 - (c) the person is doing a sexual act that is not of a kind ordinarily done in public.

[^{F13}(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.]

- (2) In section 67, “structure” includes a tent, vehicle or vessel or other temporary or movable structure.]

Textual Amendments

- F12** Ss. 66-72 repealed (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), **arts. 1**, 78(e), **Sch. 3**; (with Sch. 2 para. 1) S.R. 2008/510, **art. 2**

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F13 S. 68(1A) inserted (12.4.2019) by [Voyeurism \(Offences\) Act 2019 \(c. 2\)](#), **ss. 1(3), 2(2)**

69 Intercourse with an animal **E+W**

- [^{F14}(1) A person commits an offence if—
- (a) he intentionally performs an act of penetration with his penis,
 - (b) what is penetrated is the vagina or anus of a living animal, and
 - (c) he knows that, or is reckless as to whether, that is what is penetrated.
- (2) A person (A) commits an offence if—
- (a) A intentionally causes, or allows, A’s vagina or anus to be penetrated,
 - (b) the penetration is by the penis of a living animal, and
 - (c) A knows that, or is reckless as to whether, that is what A is being penetrated by.
- (3) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.]

Textual Amendments

F14 Ss. 66-72 repealed (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1, 78(e), **Sch. 3**; (with Sch. 2 para. 1) [S.R. 2008/510](#), **art. 2**

70 Sexual penetration of a corpse **E+W**

- [^{F15}(1) A person commits an offence if—
- (a) he intentionally performs an act of penetration with a part of his body or anything else,
 - (b) what is penetrated is a part of the body of a dead person,
 - (c) he knows that, or is reckless as to whether, that is what is penetrated, and
 - (d) the penetration is sexual.
- (2) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.]

Textual Amendments

F15 Ss. 66-72 repealed (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1, 78(e), **Sch. 3**; (with Sch. 2 para. 1) [S.R. 2008/510](#), **art. 2**

71 Sexual activity in a public lavatory **E+W**

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[^{F16}(1) A person commits an offence if—

- (a) he is in a lavatory to which the public or a section of the public has or is permitted to have access, whether on payment or otherwise,
 - (b) he intentionally engages in an activity, and,
 - (c) the activity is sexual.
- (2) For the purposes of this section, an activity is sexual if a reasonable person would, in all the circumstances but regardless of any person's purpose, consider it to be sexual.
- (3) A person guilty of an offence under this section is liable on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both.]

Textual Amendments

F16 Ss. 66-72 repealed (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1, 78(e), [Sch. 3](#); (with Sch. 2 para. 1) [S.R. 2008/510](#), [art. 2](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 60B(5)(i) substituted for s. 60B(5)(i)(ii) by [2015 c. 9 \(N.I.\) Sch. 1 para. 123\(1\)Sch. 9 Pt. 1](#) (This amendment not applied to legislation.gov.uk. S. 60B already repealed (N.I.) (14.1.2015) by [2015 c. 2 \(N.I.\)](#), s. 28(2), Sch. 5; and omitted (E.W.) (31.7.2015) by virtue of [2015 c. 30](#), Sch. 5 para. 5(2); S.I. 2015/1476, reg. 2(j))
- s. 103C(4B) inserted by [2022 c. 32 s. 178\(7\)\(b\)](#)
- s. 103E(5C)(5D) inserted by [2022 c. 32 s. 178\(8\)](#)
- s. 103F(3B) inserted by [2022 c. 32 s. 178\(9\)\(a\)](#)
- s. 103FA103FB inserted by [2022 c. 32 s. 178\(10\)](#)
- s. 108(9) inserted by [2011 c. 18 s. 17\(2\)](#)
- s. 122A(8A) inserted by [2022 c. 32 s. 178\(11\)\(a\)](#)
- s. 122A(9B) inserted by [2022 c. 32 s. 178\(11\)\(b\)](#)
- s. 122D(4C)(4D) inserted by [2022 c. 32 s. 178\(12\)](#)
- s. 122E(3B) inserted by [2022 c. 32 s. 178\(13\)\(a\)](#)
- s. 122EA122EB inserted by [2022 c. 32 s. 178\(14\)](#)
- s. 136ZA(3) inserted by [2022 c. 32 s. 178\(15\)](#)