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**Crimes (Amendment) Ordinance 2026 (No 8 of 2026).**

# FALKLAND ISLANDS

COLIN MARTIN-REYNOLDS C.M.G.,
*Governor.*

**Crimes (Amendment) Ordinance 2026**

**(ORDINANCE No. 8 OF 2026)**

ARRANGEMENT OF PROVISIONS

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3. Amendment of Crimes Ordinance 2014
4. Section 283A amended (interpretation for sections 283A to 288)
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# FALKLAND ISLANDS

COLIN MARTIN-REYNOLDS C.M.G.,
*Governor.*

## Crimes (Amendment) Ordinance 2026

*(assented to: 13 October 2026)*
*(commencement: on publication)*
*(published: 16 October 2026)*

AN ORDINANCE

To amend the Crimes Ordinance 2014 by criminalising the creation of deep fake intimate images.

ENACTED by the Legislature of the Falkland Islands, as follows —

**1. Title**
This Ordinance is the Crimes (Amendment) Ordinance 2026.

**2. Commencement**
This Ordinance comes into force on publication in the *Gazette*.

**3. Amendment of Crimes Ordinance 2014**
This Ordinance amends the Crimes Ordinance 2014.

**4. Section 283A amended (interpretation for sections 283A to 288)**
In section 283A —

(a) in subsection (1) —

(i) replace the definition of "**consent**" with —

""**consent**" to an act includes general consent covering the particular act as well as specific consent to that particular act;";

(ii) in the definition of "**photograph or film**" —

(A) at the end of paragraph (a), insert "and"

(B) delete "and" at the end of paragraph (b); and

(C) delete paragraph (c).

(b) after subsection (1), insert —

"(1A) A reference to "**an image**", "**photograph**" or "**film**" includes data stored by any means which is capable of conversion into an image, photograph or film.".

*UK Sexual Offences Act 2003 s. 66G*

**5. New sections 285D and 285E inserted in Part 10 (sexual offences)**

After section 285C, insert —

"**285D. Creating purported intimate image of adult**

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

(a) A intentionally creates a purported intimate image of another person ("**B**");

(b) B does not consent to the creation of the purported intimate image; and

(c) A does not reasonably believe that B consents.

Penalty: Imprisonment for 2 years or a fine, or both.

(2) "**Purported intimate image**" of a person means an image which —

(a) appears to be, or to include, a photograph or film of the person (but is not, or is not only, a photograph or film of the person);

(b) appears to be of an adult; and

(c) appears to show the person in an intimate state.

(3) For the purposes of subsection (1)(c), whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps taken to ascertain whether B consents.

(4) An image of a person is an image which appears to be of an adult if —

(a) the impression conveyed by the image is that the person shown is aged 18 or over; or

(b) the predominant impression conveyed by the image is that the person shown is aged 18 or over (even if some of the physical characteristics shown are those of a person under 18).

(5) References in this section to **creating a purported intimate image of a person** do not include doing so by modifying a photograph or film of the person where what is created by the modification is an image which —

(a) appears to show the person; but

(b) does not appear to show —

(i) something within section 283B(1)(a) to (e) (read with subsection (3) of that section) which is not shown in the photograph or film; or

(ii) a person who is not shown in the photograph or film.

(6) It is a defence for a person charged with an offence under this section to prove that the person had a reasonable excuse for creating the purported intimate image.

*UK Sexual Offences Act 2003 s. 66E*

**285E. Requesting the creation of purported intimate image of adult**

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

(a) A intentionally requests the creation of a purported intimate image of another person ("**B**") (either in general or specific terms);

(b) B does not consent to A requesting the creation of the purported intimate image; and

(c) A does not reasonably believe that B consents.

Penalty: Imprisonment for 2 years or a fine, or both.

(2) A person ("**A**") commits an offence if —

(a) A intentionally requests that, if a purported intimate image of another person ("**B**") is created, it includes or excludes something in particular (whether relating to B's appearance, the intimate state in which B is shown or anything else);

(b) B does not consent to A requesting the inclusion or exclusion of that thing; and

(c) A does not reasonably believe that B consents.

Penalty: Imprisonment for 2 years or a fine, or both.

(3) For the purposes of subsections (1)(c) and (2)(c), whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps taken to ascertain whether B consents.

(4) References in this section to making a request (however expressed) include doing an act which could reasonably be taken to be a request (such as, for example, indicating agreement in response to an offer or complying with conditions of an offer).

(5) References in this section to making a request (however expressed) are references to —

(a) making a request directed to a particular person or persons; or

(b) making a request so that it is available to one or more persons (or people generally), without directing it to a particular person or persons.

(6) References in this section to consent to a person requesting something are —

(a) in a case described in subsection (5)(a), references to consent to a request being made that is directed to the particular person or persons; and

(b) in a case described in subsection (5)(b), references to consent to a request being made so that it is available to the person or persons (or people generally), as appropriate.

(7) An offence under this section is committed —

(a) regardless of whether the purported intimate image is created;

(b) regardless of whether the purported intimate image, or the particular thing to be included in or excluded from such an image, is also requested by another person; and

(c) regardless of where in the world the person or persons mentioned in subsection (5)(a) and (b) is or are located.

(8) It is a defence for a person charged with an offence under this section to prove that the person had a reasonable excuse for making the request.

(9) In this section, references to a purported intimate image and to creating such an image have the same meaning as in section 285D.

*UK Sexual Offences Act 2003 s. 66F"*.

**6. Schedule 3 amended (sexual offences for purposes of Part 11)**

In Schedule 3, under heading "Offences under Part 10 of this Ordinance", after paragraph 23A, insert —

"23B. An offence under section 285D or 285E if the offender, in respect of the offence or finding, is or has been —

(a) sentenced to imprisonment;

(b) detained in a hospital; or

(c) made the subject of a community sentence of at least 12 months.".

Passed by the Legislature of the Falkland Islands on 24 September 2026.

CHERIE YVONNE CLIFFORD,
*Clerk of the Legislative Assembly.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Assembly and is found by me to be a true and correctly printed copy of the said Bill.

CHERIE YVONNE CLIFFORD,
*Clerk of the Legislative Assembly.*

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