

Status: Point in time view as at 27/11/2023.

Changes to legislation: There are currently no known outstanding effects for the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2 **N.I.**

Section 7.

Miscellaneous amendments as to sexual offences

PART 1 **N.I.**

Amendments of references to certain forms of child sexual abuse

1. The Sexual Offences (Northern Ireland) Order 2008 is amended as follows.

Commencement Information

- I1** Sch. 2 para. 1 not in operation at Royal Assent, see [s. 30\(2\)](#)
I2 [Sch. 2 para. 1](#) in operation at 27.11.2023 by [S.R. 2023/188](#), [art. 3\(b\)](#)

2. For the italic heading preceding Article 37 substitute “*Abuse of children under 18: payment for sexual services and involvement in indecent images*”.

Commencement Information

- I3** Sch. 2 para. 2 not in operation at Royal Assent, see [s. 30\(2\)](#)
I4 [Sch. 2 para. 2](#) in operation at 27.11.2023 by [S.R. 2023/188](#), [art. 3\(b\)](#)

- 3.—(1) Article 38 is amended as follows.

- (2) For paragraph (1) substitute—

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

(a) A intentionally causes or incites another person (B) to offer or provide sexual services to a third person in return for payment, and

(b) either—

(i) B is under 18, and A does not reasonably believe that B is 18 or over, or

(ii) B is under 13.

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

(a) A intentionally causes or incites another person (B) to be involved in the recording or streaming or other transmission of an indecent image of B, and

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(b) either—

(i) B is under 18, and A does not reasonably believe that B is 18 or over, or

(ii) B is under 13.”

(3) For the title substitute “Causing or inciting abuse: payment for sexual services and involvement in indecent images”.

Commencement Information

I5 Sch. 2 para. 3 not in operation at Royal Assent, see **s. 30(2)**

I6 Sch. 2 para. 3 in operation at 27.11.2023 by S.R. 2023/188, **art. 3(b)**

4.—(1) Article 39 is amended as follows.

(2) For paragraph (1) substitute—

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

(a) A intentionally controls any of the activities of another person (B) relating to the offering or provision by B of sexual services to a third person in return for payment, and

(b) either—

(i) B is under 18, and A does not reasonably believe that B is 18 or over, or

(ii) B is under 13.

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

(a) A intentionally controls any of the activities of another person (B) relating to B’s involvement in the recording or streaming or other transmission of an indecent image of B, and

(b) either—

(i) B is under 18, and A does not reasonably believe that B is 18 or over, or

(ii) B is under 13.”

(3) For the title substitute “Controlling a child: payment for sexual services and involvement in indecent images”.

Commencement Information

I7 Sch. 2 para. 4 not in operation at Royal Assent, see **s. 30(2)**

I8 Sch. 2 para. 4 in operation at 27.11.2023 by S.R. 2023/188, **art. 3(b)**

5.—(1) Article 40 is amended as follows.

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(2) For paragraph (1) substitute—

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

(a) A intentionally arranges or facilitates the offering or provision by another person (B) of sexual services to a third person in return for payment, and

(b) either—

(i) B is under 18, and A does not reasonably believe that B is 18 or over, or

(ii) B is under 13.

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

(a) A intentionally arranges or facilitates the involvement by another person (B) in the recording or streaming or other transmission of an indecent image of B, and

(b) either—

(i) B is under 18, and A does not reasonably believe that B is 18 or over, or

(ii) B is under 13.”.

(3) For the title substitute “Arranging or facilitating abuse: payment for sexual services and involvement in indecent images”.

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I9 Sch. 2 para. 5 not in operation at Royal Assent, see [s. 30\(2\)](#)

I10 Sch. 2 para. 5 in operation at 27.11.2023 by [S.R. 2023/188](#), [art. 3\(b\)](#)

6. For Article 41 substitute—

“**41.**—(1) This Article applies for the purposes of Articles 38 to 40.

(2) References to—

(a) offering or providing sexual services, or

(b) the recording or streaming or other transmission of an image,

are to doing so in any part of the world.

(3) In Articles 38(1), 39(1) and 40(1)—

(a) references to B offering or providing sexual services are to doing so on at least one occasion, and

(b) it does not matter whether B is compelled to offer or provide the services.

(4) References to “payment”—

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- (a) include promises of payment, and
- (b) are to payment to B or another person.

(5) “Payment” means any financial advantage, including the discharge of an obligation to pay or the provision of goods or services (including sexual services) gratuitously or at a discount.”.

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- I11 Sch. 2 para. 6 not in operation at Royal Assent, see [s. 30\(2\)](#)
- I12 Sch. 2 para. 6 in operation at 27.11.2023 by [S.R. 2023/188](#), [art. 3\(b\)](#)

PART 2 **N.I.**

Amendments relating to the offence of engaging in sexual communication with a child

7. In Article 76(10)(a) of the Sexual Offences (Northern Ireland) Order 2008 (offences outside the United Kingdom), omit “except Article 22A”.

Commencement Information

- I13 Sch. 2 para. 7 not in operation at Royal Assent, see [s. 30\(2\)](#)
- I14 Sch. 2 para. 7 in operation at 27.11.2023 by [S.R. 2023/188](#), [art. 3\(b\)](#)

8. In Schedule 3 to the Sexual Offences Act 2003 (sexual offences for purposes of notification requirements)—

- (a) omit paragraph 92HA;
- (b) after paragraph 92I insert—

“**92IA.** An offence under Article 22A of that Order (sexual communication with a child).”.

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- I15 Sch. 2 para. 8 not in operation at Royal Assent, see [s. 30\(2\)](#)
- I16 Sch. 2 para. 8 in operation at 27.11.2023 by [S.R. 2023/188](#), [art. 3\(b\)](#)

9. In section 90 of the Justice Act (Northern Ireland) 2015, omit subsections (3) and (4).

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- I17 Sch. 2 para. 9 not in operation at Royal Assent, see [s. 30\(2\)](#)

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118 Sch. 2 para. 9 in operation at 27.11.2023 by S.R. 2023/188, art. 3(b)

PART 3 **N.I.**

Amendment relating to the offence of paying for the sexual services of a person

10. In Article 64A of the Sexual Offences (Northern Ireland) Order 2008 (offence of paying for sexual services of a person), for paragraph (4) substitute—

“(4) No offence is committed under this Article unless the sexual services that are provided or are to be provided by B to A fall within paragraph (4A) or (4B).

(4A) Sexual services fall within this paragraph if they involve—

- (a) B being physically in A’s presence,
- (b) B touching A or A touching B, and
- (c) the touching being sexual.

(4B) Sexual services fall within this paragraph if they involve—

- (a) B being physically in A’s presence, and
- (b) B touching B in a sexual manner for the sexual gratification of A.”.

Commencement Information

119 Sch. 2 para. 10 not in operation at Royal Assent, see s. 30(2)

120 Sch. 2 para. 10 in operation at 27.11.2023 by S.R. 2023/188, art. 3(b)

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