
DRAFT STATUTORY INSTRUMENTS

2008 No. (N.I.)

NORTHERN IRELAND

The Sexual Offences (Northern Ireland) Order 2008

*Made - - - - 2008
Coming into operation in accordance with Article
1(2) and (3)*

THE SEXUAL OFFENCES (NORTHERN IRELAND) ORDER 2008

PART 1

INTRODUCTORY

1. Title and commencement
2. Interpretation
3. "Consent"
4. "Sexual"

PART 2

NON-CONSENSUAL SEXUAL OFFENCES

Rape

5. Rape

Assault

6. Assault by penetration
7. Sexual assault

Causing sexual activity without consent

8. Causing a person to engage in sexual activity without consent
9. Evidential presumptions about consent
10. Conclusive presumptions about consent
11. Articles 9 and : relevant acts

PART 3

SEXUAL OFFENCES AGAINST CHILDREN

Rape and other offences against children under 13

12. Rape of a child under 13

Assault

13. Assault of a child under 13 by penetration
14. Sexual assault of a child under 13
15. Causing or inciting a child under 13 to engage in sexual activity

Sexual offences against children under 16

16. Sexual activity with a child
17. Causing or inciting a child to engage in sexual activity
18. Engaging in sexual activity in the presence of a child
19. Causing a child to watch a sexual act
20. Sexual offences against children committed by children or young persons
21. Arranging or facilitating commission of a sex offence against a child
22. Meeting a child following sexual grooming etc.

Offences against children under 18: abuse of position of trust

23. Abuse of position of trust: sexual activity with a child
24. Abuse of position of trust: causing or inciting a child to engage in sexual activity
25. Abuse of position of trust: sexual activity in the presence of a child
26. Abuse of position of trust: causing a child to watch a sexual act
27. Abuse of position of trust: acts done in England and Wales or Scotland
28. Positions of trust
29. Positions of trust: interpretation
30. Articles 23 to : exception for spouses and civil partners
31. Articles 23 to 26: sexual relationships which pre-date position of trust

Familial sex offences against children under 18

32. Sexual activity with a child family member
33. Inciting a child family member to engage in sexual activity
34. Family relationships
35. Articles 32 and 33: exception for spouses and civil partners
36. Articles 32 and 33: sexual relationships which pre-date family relationships

Abuse of children under 18 through prostitution and pornography

37. Paying for sexual services of a child
38. Causing or inciting child prostitution or pornography
39. Controlling a child prostitute or a child involved in pornography
40. Arranging or facilitating child prostitution or pornography
41. Articles 38 to : interpretation

Indecent photographs of children under 18

42. Indecent photographs of persons aged 16 or 17

PART 4

SEXUAL OFFENCES AGAINST A PERSON WITH A MENTAL DISORDER

Offences against persons with a mental disorder impeding choice

43. Sexual activity with a person with a mental disorder impeding choice
44. Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity
45. Engaging in sexual activity in the presence of a person with a mental disorder impeding choice
46. Causing a person, with a mental disorder impeding choice, to watch a sexual act

Inducements etc. to persons with a mental disorder

47. Inducement, threat or deception to procure sexual activity with a person with a mental disorder
48. Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception
49. Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder
50. Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception

Care workers for persons with a mental disorder

51. Care workers: sexual activity with a person with a mental disorder
52. Care workers: causing or inciting sexual activity
53. Care workers: sexual activity in the presence of a person with a mental disorder
54. Care workers: causing a person with a mental disorder to watch a sexual act
55. Care workers: interpretation
56. Articles 51 to : exception for spouses and civil partners
57. Articles 51 to : sexual relationships which pre-date care relationships

PART 5

PROSTITUTION

58. Interpretation of this Part
59. Loitering or soliciting for purposes of prostitution
60. Kerb-crawling
61. Persistent soliciting

Exploitation of prostitution

62. Causing or inciting prostitution for gain
63. Controlling prostitution for gain
64. Keeping a brothel used for prostitution

PART 6

MISCELLANEOUS SEXUAL OFFENCES

Preparatory offences

65. Administering a substance with intent
66. Committing an offence with intent to commit a sexual offence
67. Trespass with intent to commit a sexual offence

Sex with an adult relative

- 68. Sex with an adult relative: penetration
- 69. Sex with an adult relative: consenting to penetration

Other offences

- 70. Exposure
- 71. Voyeurism
- 72. Voyeurism: interpretation
- 73. Intercourse with an animal
- 74. Sexual penetration of a corpse
- 75. Sexual activity in a public lavatory

PART 7

SUPPLEMENTARY AND GENERAL

- 76. Offences outside the United Kingdom
 - 77. Exceptions to aiding, abetting and counselling
 - 78. Amendments of the Sexual Offences Act 2003
 - 79. Amendment of the Criminal Law Act (Northern Ireland) 1967
 - 80. Orders
 - 81. Minor and consequential amendments
 - 82. Supplementary, consequential, transitional and transitory provision
 - 83. Repeals
- Signature

SCHEDULES

SCHEDULE 1 — Minor and consequential amendments

Belfast Improvement Act 1845 (c. cxlii)

- 1. (1) Section 167 of the Belfast Improvement Act 1845 is...

Town Police Clauses Act 1847 (c. 89)

- 2. (1) Section 28 of the Town Police Clauses Act 1847...

Towns Improvement (Ireland) Act 1854 (c. 103)

- 3. (1) Section 72 of the Towns Improvement (Ireland) Act 1854...

Offences Against the Person Act 1861 (c. 100)

- 4. In the Offences Against the Person Act 1861, omit—

Criminal Law Amendment Act 1885 (c. 69)

- 5. In the Criminal Law Amendment Act 1885 omit—

Punishment of Incest Act 1908 (c. 45)

- 6. In the Punishment of Incest Act 1908 omit—

Criminal Law Amendment Act (Northern Ireland) 1923 (c. 8)

7. (1) The Criminal Law Amendment Act (Northern Ireland) 1923 is...

Criminal Law and Prevention of Crime (Amendment) Act (Northern Ireland) 1930 (c. 3)

8. (1) The Criminal Law and Prevention of Crime (Amendment) Act...

Age of Marriage Act (Northern Ireland) 1951 (c. 25)

9. In the Age of Marriage Act (Northern Ireland) 1951, omit...

Visiting Forces Act 1952 (c. 67)

10. (1) The Visiting Forces Act 1952 is amended as follows....

Attempted Rape, etc., Act (Northern Ireland) 1960 (c. 3)

11. In the Attempted Rape, etc., Act (Northern Ireland) 1960, omit...

Children and Young Persons Act (Northern Ireland) 1968 (c. 34)

12. (1) The Children and Young Persons Act (Northern Ireland) 1968...

Theft Act (Northern Ireland) 1969 (c. 16)

13. (1) The Theft Act (Northern Ireland) 1969 is amended as...

Criminal Justice (Northern Ireland) Order 1980 (NI 6)

14. In the Criminal Justice (Northern Ireland) Order 1980, omit Article...

Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)

15. In Schedule 2 to the Magistrates' Courts (Northern Ireland) Order...

Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (NI 13)

16. (1) The Criminal Attempts and Conspiracy (Northern Ireland) Order 1983...

Mental Health (Northern Ireland) Order 1986 (NI 4)

17. In the Mental Health (Northern Ireland) Order 1986, omit—

Criminal Justice (Northern Ireland) Order 1986 (NI 15)

18. In the Criminal Justice (Northern Ireland) Order 1986, omit paragraph...

Adoption (Northern Ireland) Order 1987 (NI 22)

19. In Article 47(1) of the Adoption (Northern Ireland) Order 1987...

Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

20. (1) Schedule 2 to the Police and Criminal Evidence (Northern...

Treatment of Offenders (Northern Ireland) Order 1989 (NI 15)

21. In the Treatment of Offenders (Northern Ireland) Order 1989, omit...

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Sexual Offences (Northern Ireland) Order 2008 No. 1769*

Sexual Offences (Amendment) Act 1992 (c. 34)

22. (1) The Sexual Offences (Amendment) Act 1992 is amended as...

Health and Personal Social Services (Northern Ireland) Order 1994 (NI 2)

23. In Schedule 1 to the Health and Personal Social Services...

Sexual Offences (Conspiracy and Incitement) Act 1996 (c. 29)

24. (1) Paragraph 2 of the Schedule to the Sexual Offences...

Industrial Tribunals (Northern Ireland) Order 1996 (NI 18)

25. In Article 13(5)(b) of the Industrial Tribunals (Northern Ireland) Order...

Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9)

26. In paragraph 1 of Schedule 1 to the Criminal Justice...

Criminal Evidence (Northern Ireland) Order 1999 (NI 8)

27. (1) The Criminal Evidence (Northern Ireland) Order 1999 is amended...

Criminal Justice and Court Services Act 2000 (c. 43)

28. In the Criminal Justice and Court Services Act 2000, omit...

Proceeds of Crime Act 2002 (c. 29)

29. (1) Paragraph 8 of Schedule 5 to the Proceeds of...

Criminal Justice Act 2003 (c. 44)

30. The Criminal Justice Act 2003 is amended as follows.

31. (1) Part 2 of Schedule 5 (qualifying offences for the...

Criminal Justice (Northern Ireland) Order 2003 (NI 13)

32. In the Criminal Justice (Northern Ireland) Order 2003—

Criminal Justice (Northern Ireland) Order 2004 (NI 9)

33. (1) Schedule 4 to the Criminal Justice (Northern Ireland) Order...

Firearms (Northern Ireland) Order 2004 (NI 3)

34. (1) Schedule 4 to the Firearms (Northern Ireland) Order 2004...

Criminal Justice (Northern Ireland) Order 2008 (NI)

35. (1) The Criminal Justice (Northern Ireland) Order 2008 is amended...

SCHEDULE 2 — Transitional and Transitory Provisions

Continuity of sexual offences law

1. (1) This paragraph applies where, in any proceedings—

Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (NI 4)

2. (1) Until Article 60 of, and Schedule 8 to, the...

SCHEDULE 3 — Repeals

Explanatory Note