



2022 CHAPTER 19

PART 1

Sexual offences

CHAPTER 1

Criminal conduct

Abuse of position of trust: relevant positions

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

(2) In Article 2 (interpretation), after paragraph (4) insert—

“(4A) “The Department” means the Department of Justice.”.

(3) In Article 28 (positions of trust), in paragraph (1)(b), for “an order made by the Secretary of State” substitute “regulations made by the Department”.

(4) After Article 29 insert—

“Positions of trust: further categories

29A.—(1) For the purposes of Articles 23 to 26, a person (A) is in a position of trust in relation to another person (B) if—

(a) A coaches, teaches, trains, supervises or instructs B, on a regular basis, in a sport or a religion, and

(b) A knows that A coaches, teaches, trains, supervises or instructs B, on a regular basis, in that sport or religion.

(2) In paragraph (1)—

“sport” includes—

- (a) any game in which physical skill is the predominant factor,
 - (b) any form of physical recreation which is also engaged in for purposes of competition or display,
- “religion” includes—
- (a) a religion which involves belief in more than one god,
 - (b) a religion which does not involve belief in a god.

(3) Paragraph (1) does not apply where A is in a position of trust in relation to B by virtue of circumstances within Article 28.

(4) The Department may by regulations amend paragraphs (1) and (2) so as to add or remove an activity in which a person may be coached, taught, trained, supervised or instructed.”.

(5) In Article 80—

- (a) the heading becomes “Orders and regulations”,
- (b) after paragraph (3) insert—

“(4) Regulations under Article 28(1)(b) or 29A(4) may not be made unless a draft of them has been laid before and approved by a resolution of the Assembly.

(5) Regulations under this Order may include any incidental, supplementary, consequential, transitory, transitional or saving provision which the Department considers necessary or expedient.”.

(6) The Department of Justice must annually review Article 29A(1) and (2) of the Sexual Offences (Northern Ireland) Order 2008 so as to inform the Department on whether the power in Article 29A(4) of that Order should be exercised.