
STATUTORY INSTRUMENTS

1994 No. 2795

The Criminal Justice (Northern Ireland) Order 1994

PART III

SEXUAL OFFENCES

Special rules for cases of incest or buggery

22.—(1) In this Article—

“section 1 offence” means an offence under section 1 of the Punishment of Incest Act 1908(1) (incest by males) or an attempt to commit that offence;

“section 2 offence” means an offence under section 2 of that Act (incest by females of or over 16) or an attempt to commit that offence;

“section 61 offence” means an offence under section 61 of the Offences against the Person Act 1861(2) (buggery) or an attempt to commit that offence.

(2) Article 19 does not apply to a woman against whom a section 1 offence is alleged to have been committed if she is accused of having committed a section 2 offence against the man who is alleged to have committed the section 1 offence against her.

(3) Article 19 does not apply to a man against whom a section 2 offence is alleged to have been committed if he is accused of having committed a section 1 offence against the woman who is alleged to have committed the section 2 offence against him.

(4) Article 19 does not apply to a person against whom a section 61 offence is alleged to have been committed if that person is accused of having committed a section 61 offence against the person who is alleged to have committed the section 61 offence against him.

(5) Paragraph (2) does not affect the operation of Articles 19 to 23 in relation to anything done at any time before the woman is accused.

(6) Paragraph (3) does not affect the operation of Articles 19 to 23 in relation to anything done at any time before the man is accused.

(7) Paragraph (4) does not affect the operation of Articles 19 to 23 in relation to anything done at any time before the person mentioned first in that paragraph is accused.