
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 265

**Sexual Offences (Northern Ireland) Order
2008 (Transitional Provisions) Order 2009**

Transitional provisions

- 3.** In any proceedings to which this order applies, where —
- (a) a person (“the defendant”) is charged in respect of the same conduct both with the offence of rape contrary to Article 5 of the Order and with rape contrary to the common law;
 - (b) the only thing preventing the defendant from being found guilty of the offence contrary to Article 5 of the Order is the fact that it has not been proved beyond a reasonable doubt that the time when the conduct which gave rise to the charge took place was after the coming into operation of Article 5 of the Order; and
 - (c) the only thing preventing the defendant from being found guilty of the offence of rape contrary to the common law is the fact that it has not been proved beyond a reasonable doubt that that time was before the coming into operation of the abolition of the offence of rape contrary to common law for the purpose of determining the guilt of the defendant it shall be conclusively presumed that the time when the conduct took place was after the coming into operation of Article 5 of the Order.