

**2023 No. 188 (C. 11)**

**JUSTICE**

**The Justice (Sexual Offences and Trafficking Victims) (2022 Act) (Commencement No.3) Order (Northern Ireland) 2023**

*Made* - - - -

*14th November 2023*

The Department of Justice makes the following order in exercise of the power conferred by section 30(2) and (3) of the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (a)

**Citation and Interpretation**

1. This Order may be cited as the Justice (Sexual Offences and Trafficking Victims) (2022 Act) (Commencement No.3) Order (Northern Ireland) 2023.

2. In this Order “the Act” means the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022.

**Appointed Day**

3. The following provisions of the Act come into operation on 27<sup>th</sup> November 2023 –

- (a) Chapter 1 of Part 1; and
- (b) Schedules 1 to 3.

**Transitional Provision**

4. Schedule 3 shall have effect in relation to any offence committed under section 16 of the Act on or after 28<sup>th</sup> September 2023.

Sealed with the Official Seal of the Department of Justice 14<sup>th</sup> November 2023



*Richard Pengelly CB*  
A senior officer of the Department of Justice

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings Chapter 1 of Part 1 of the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 into operation on 27<sup>th</sup> November 2023.

Chapter 1 of Part 1 –

Creates new offences of voyeurism to capture the particular behaviour of observing or recording beneath, or beneath or above, a person’s clothing, with a maximum penalty of two years imprisonment on indictment;

creates a new offence of sending an unwanted sexual image, with a maximum penalty of two years’ imprisonment on indictment;

creates new offences where an adult pretends to be a child and makes a communication with a view to sexually grooming a child under 16, with a maximum penalty of two years’ imprisonment on indictment;

amends current abuse of position of trust legislation (contained in Part 3 of the Sexual Offences (Northern Ireland) 2008), by extending the scope of its offences at Article 23 to 26 to include the non-statutory settings of sport and religion;

amends current private sexual images provision (contained in section 51 of the Sexual Offences (Northern Ireland) Order 2016) by including the behaviour of threatening to disclose private sexual photographs and films with intent to cause distress;

amends the Sexual Offences (Northern Ireland) Order 2008 to remove and replace references made to ‘child prostitution’ and ‘child pornography’;

amends the Sexual Offences (Northern Ireland) Order 2008 to widen the scope of the definition of ‘images’ to include ‘live streaming’;

amends the Sexual Offences (Northern Ireland) Order 2008 to bring Article 22A offence of sexual communication with a child within the scope of extra-territorial jurisdiction arrangements; and

makes minor amendment to the offence of paying for sexual services (Article 64A of the 2008 Order) to provide clarity on what constitutes an offence under the provision.

Schedules 1 and 3 makes minor consequential amendments in related to Chapter 1 of Part 1 of the Act.

Schedule 3 contains amendments related to section 16 of the Act. Section 16 of the Act was commenced on 28<sup>th</sup> September 2023. The inclusion of Schedule 3 in this commencement order is for the avoidance of doubt that it has been commenced along with section 16.

Note as to earlier commencement orders

The following provisions of the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 came into operation on 26<sup>th</sup> June 2023

Section 28 (offence of non-fatal strangulation or asphyxiation); and

Schedule 4, except paragraphs 1(a) and 3(b)

The following provisions of the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 came into operation on 28<sup>th</sup> September 2023

Chapter 2 (Anonymity and Privacy); and

Chapter 3 of Part 1 (Guidance on Part 1)

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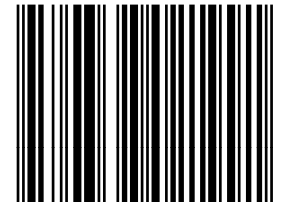
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