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DRAFT STATUTORY INSTRUMENTS

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**2008 No.**

**The Sexual Offences (Northern Ireland  
Consequential Amendments) Order 2008**

**PART 3**

**AMENDMENTS OF OTHER ACTS**

**Amendment of the Criminal Justice and Public Order Act 1994**

**16.**—(1) The Criminal Justice and Public Order Act 1994<sup>(1)</sup> is amended as follows.

(2) In section 25(2)(d) omit “or Northern Ireland”.

(3) In section 25(d)—

(a) after paragraph (m) insert—

“(ma) an offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008 (rape);

(mb) an offence under Article 6 of that Order (assault by penetration);

(mc) an offence under Article 8 of that Order (causing a person to engage in sexual activity without consent) where the activity caused involved penetration within paragraph (4)(a) to (d) of that Article;

(md) an offence under Article 12 of that Order (rape of a child under 13);

(me) an offence under Article 13 of that Order (assault of a child under 13 by penetration);

(mf) an offence under Article 15 of that Order (causing or inciting a child under 13 to engage in sexual activity) where an activity involving penetration within paragraph (2)(a) to (d) of that Article was caused;

(mg) an offence under Article 43 of that Order (sexual activity with a person with a mental disorder impeding choice) where the touching involved penetration within paragraph (3)(a) to (d) of that Article;

(mh) an offence under Article 44 of that Order (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity) where an activity involving penetration within paragraph (3)(a) to (d) of that Article was caused;”;

and

(b) in paragraph (n) for “(m)” substitute “(mh)”.

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<sup>(1)</sup> 1994 c. 33. Section 25 was amended by paragraph 32 of Schedule 6 to the Sexual Offences Act 2003 (c. 42).

### **Amendment of the Criminal Justice Act 2003**

17. In Part 3 of Schedule 15A to the Criminal Justice Act 2003(2) (offences under the law of Northern Ireland) after paragraph 49 insert—

“49A. An offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008 (rape).

49B. An offence under Article 6 of that Order (assault by penetration).

49C. An offence under Article 8 of that Order (causing a person to engage in sexual activity without consent) if the offender was liable on conviction on indictment to imprisonment for life.

49D. An offence under Article 12 of that Order (rape of a child under 13).

49E. An offence under Article 13 of that Order (assault of a child under 13 by penetration).

49F. An offence under Article 15 of that Order (causing or inciting a child under 13 to engage in sexual activity) if the offender was liable on conviction on indictment to imprisonment for life.

49G. An offence under Article 37 of that Order (paying for sexual services of a child) if the offender was liable on conviction on indictment to imprisonment for life.

49H. An offence under Article 43 of that Order (sexual activity with a person with a mental disorder impeding choice) if the offender was liable on conviction on indictment to imprisonment for life.

49I. An offence under Article 44 of that Order (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity) if the offender was liable on conviction on indictment to imprisonment for life.

49J. An offence under Article 47 of that Order (inducement, threat or deception to procure sexual activity with a person with a mental disorder) if the offender was liable on conviction on indictment to imprisonment for life.

49K. An offence under Article 48 of that Order (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception) if the offender was liable on conviction on indictment to imprisonment for life.

49L. An offence under Article 66 of that Order (committing an offence with intent to commit a sexual offence) if the offender was liable on conviction on indictment to imprisonment for life.”

### **Transitional provision: the Criminal Justice Act 2003**

18.—(1) The amendment made by this Article has effect only until the repeal of Schedule 17 to the Criminal Justice Act 2003(3) comes fully into force.

(2) In Schedule 17 to the Criminal Justice Act 2003 (Northern Ireland offences specified for the purposes of section 229(4) of that Act, which relates to detention in cases of significant risk of serious harm to members of the public), in Part 2 (sexual offences) at the end insert—

“111. An offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008 (rape).

112. An offence under Article 6 of that Order (assault by penetration).

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(2) 2003 c. 44. Schedule 15A was inserted by the Criminal Justice and Immigration Act 2008 (c. ).

(3) 2003 c. 44. Schedule 17 was repealed by the Criminal Justice and Immigration Act 2008 (c. ).

- 113. An offence under Article 7 of that Order (sexual assault).
- 114. An offence under Article 8 of that Order (causing a person to engage in sexual activity without consent).
- 115. An offence under Article 12 of that Order (rape of a child under 13).
- 116. An offence under Article 13 of that Order (assault of a child under 13 by penetration).
- 117. An offence under Article 14 of that Order (sexual assault of a child under 13).
- 118. An offence under Article 15 of that Order (causing or inciting a child under 13 to engage in sexual activity).
- 119. An offence under Article 16 of that Order (sexual activity with a child).
- 120. An offence under Article 17 of that Order (causing or inciting a child to engage in sexual activity).
- 121. An offence under Article 18 of that Order (engaging in sexual activity in the presence of a child).
- 122. An offence under Article 19 of that Order (causing a child to watch a sexual act).
- 123. An offence under Article 20 of that Order (sexual offences against children committed by children or young persons).
- 124. An offence under Article 21 of that Order (arranging or facilitating commission of a sexual offence against a child).
- 125. An offence under Article 22 of that Order (meeting child following sexual grooming etc.).
- 126. An offence under Article 23 of that Order (abuse of position of trust: sexual activity with a child).
- 127. An offence under Article 24 of that Order (abuse of position of trust: causing or inciting a child to engage in sexual activity).
- 128. An offence under Article 25 of that Order (abuse of position of trust: sexual activity in the presence of a child).
- 129. An offence under Article 26 of that Order (abuse of position of trust: causing a child to watch a sexual act).
- 130. An offence under Article 32 of that Order (sexual activity with a child family member).
- 131. An offence under Article 33 of that Order (inciting a child family member to engage in sexual activity).
- 132. An offence under Article 37 of that Order (paying for sexual services of a child).
- 133. An offence under Article 38 of that Order (causing or inciting child prostitution or pornography).
- 134. An offence under Article 39 of that Order (controlling a child prostitute or a child involved in pornography).
- 135. An offence under Article 40 of that Order (arranging or facilitating child prostitution or pornography).
- 136. An offence under Article 43 of that Order (sexual activity with a person with a mental disorder impeding choice).
- 137. An offence under Article 44 of that Order (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity).

- 138.** An offence under Article 45 of that Order (engaging in sexual activity in the presence of a person with a mental disorder impeding choice).
- 139.** An offence under Article 46 of that Order (causing a person, with a mental disorder impeding choice, to watch a sexual act).
- 140.** An offence under Article 47 of that Order (inducement, threat or deception to procure sexual activity with a person with a mental disorder).
- 141.** An offence under Article 48 of that Order (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception).
- 142.** An offence under Article 49 of that Order (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder).
- 143.** An offence under Article 50 of that Order (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception).
- 144.** An offence under Article 51 of that Order (care workers: sexual activity with a person with a mental disorder).
- 145.** An offence under Article 52 of that Order (care workers: causing or inciting sexual activity).
- 146.** An offence under Article 53 of that Order (care workers: sexual activity in the presence of a person with a mental disorder).
- 147.** An offence under Article 54 of that Order (care workers: causing a person with a mental disorder to watch a sexual act).
- 148.** An offence under Article 62 of that Order (causing or inciting prostitution for gain).
- 149.** An offence under Article 63 of that Order (controlling prostitution for gain).
- 150.** An offence under Article 64 of that Order (administering a substance with intent).
- 151.** An offence under Article 65 of that Order (committing an offence with intent to commit a sexual offence).
- 152.** An offence under Article 66 of that Order (trespass with intent to commit a sexual offence).
- 153.** An offence under Article 70 of that Order (exposure).
- 154.** An offence under Article 71 of that Order (voyeurism).
- 155.** An offence under Article 73 of that Order (intercourse with an animal).
- 156.** An offence under Article 74 of that Order (sexual penetration of a corpse).”