

## SCHEDULES

### SCHEDULE 1

#### SEXUAL OFFENCES TO WHICH PART I APPLIES

##### *Offences in Northern Ireland*

- 3 (1) This Part of this Act applies to the following sexual offences under the law of Northern Ireland, namely—
- (a) an offence of rape;
  - (b) offences under—
    - (i) section 52 of the Offences against the Person Act 1861 (indecent assault upon a female person);
    - (ii) section 61 of that Act (buggery); and
    - (iii) section 62 of that Act (assault with intent to commit buggery or indecent assault upon a male person);
  - (c) offences under—
    - (i) section 4 of the Criminal Law Amendment Act 1885 of unlawful carnal knowledge of a girl under 14; and
    - (ii) section 5 of that Act of unlawful carnal knowledge of a girl under 17;
  - (d) an offence under section 11 of that Act (committing, or being party to the commission of, or procuring or attempting to procure the commission of, any act of gross indecency with another male);
  - (e) an offence under section 1 of the Punishment of Incest Act 1908 (incest by males);
  - (f) offences under—
    - (i) section 21 of the Children and Young Persons Act (Northern Ireland) 1968 (causing or encouraging seduction or prostitution of a girl under 17); and
    - (ii) section 22 of that Act (indecent conduct towards a child);
  - (g) an offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 (indecent photographs of children);
  - (h) an offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (prohibitions and restrictions);
  - (i) an offence under Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (inciting girl under 16 to have incestuous sexual intercourse); and
  - (j) an offence under Article 15 of the Criminal Justice (Evidence, etc.) (Northern Ireland) Order 1988 (possession of indecent photographs of children).
- (2) In sub-paragraph (1) above—
- (a) paragraphs (b)(ii), (c)(ii) and (d) do not apply where the offender was under 20;

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*Status: This is the original version (as it was originally enacted).*

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- (b) subject to sub-paragraph (3) below, paragraphs (b), (d) and (e) do not apply where the victim of or, as the case may be, the other party to the offence was 18 or over; and
  - (c) paragraph (h) does not apply where the prohibited goods did not include indecent photographs of persons who were under the age of 16.
- (3) Sub-paragraph (2)(b) above does not prevent the application of sub-paragraph (1)(b) (i), or sub-paragraph (b)(iii) above so far as relating to indecent assault on a male person, in any case where, in respect of the offence or finding, the offender—
- (a) is or has been sentenced to imprisonment for a term of 30 months or more; or
  - (b) is or has been admitted to a hospital subject to a restriction order.
- (4) For the purposes of sub-paragraph (2)(c) above—
- (a) Article 2(2) and (3)(b) of the Protection of Children (Northern Ireland) Order 1978 (interpretation) shall apply as it applies for the purposes of that Act; and
  - (b) a person shall be taken to have been under the age of 16 at any time if it appears from the evidence as a whole that he was under that age at that time.