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STATUTORY INSTRUMENTS

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**2008 No. 1769 (N.I. 2)**

**NORTHERN IRELAND**

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

*Made - - - - 9th July 2008  
Coming into operation in accordance with Article  
1(2) and (3)*

**THE SEXUAL OFFENCES (NORTHERN IRELAND) ORDER 2008**

PART 1

INTRODUCTORY

1. Title and commencement
2. Interpretation
3. "Consent"
4. "Sexual"

PART 2

NON-CONSENSUAL SEXUAL OFFENCES

*Rape*

5. Rape

*Assault*

6. Assault by penetration
7. Sexual assault

*Causing sexual activity without consent*

8. Causing a person to engage in sexual activity without consent
9. Evidential presumptions about consent
10. Conclusive presumptions about consent
11. Articles 9 and 10: relevant acts

PART 3

SEXUAL OFFENCES AGAINST CHILDREN

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### *Rape and other offences against children under 13*

12. Rape of a child under 13

#### *Assault*

13. Assault of a child under 13 by penetration
14. Sexual assault of a child under 13
15. Causing or inciting a child under 13 to engage in sexual activity

### *Sexual offences against children under 16*

16. Sexual activity with a child
17. Causing or inciting a child to engage in sexual activity
18. Engaging in sexual activity in the presence of a child
19. Causing a child to watch a sexual act
20. Sexual offences against children committed by children or young persons
21. Arranging or facilitating commission of a sex offence against a child
22. Meeting a child following sexual grooming etc.
- 22A Sexual communication with a child
- 22B Communicating with a person with a view to grooming a particular child
- 22C Communicating with a group with a view to grooming a particular child
- 22D Communicating with a person with a view to grooming any child
- 22E Communicating with a group with a view to grooming any child
- 22F Communication with a view to grooming: interpretation
- 22G Communication with a view to grooming: sentencing

### *Offences against children under 18: abuse of position of trust*

23. Abuse of position of trust: sexual activity with a child
24. Abuse of position of trust: causing or inciting a child to engage in sexual activity
25. Abuse of position of trust: sexual activity in the presence of a child
26. Abuse of position of trust: causing a child to watch a sexual act
27. Abuse of position of trust: acts done in England and Wales or Scotland
28. Positions of trust
29. Positions of trust: interpretation
- 29A Positions of trust: further categories
30. Articles 23 to 26: exception for spouses and civil partners
31. Articles 23 to 26: sexual relationships which pre-date position of trust

### *Familial sex offences against children under 18*

32. Sexual activity with a child family member
33. Inciting a child family member to engage in sexual activity
34. Family relationships
35. Articles 32 and 33: exception for spouses and civil partners
36. Articles 32 and 33: sexual relationships which pre-date family relationships

### *Abuse of children under 18: payment for sexual services and involvement in indecent images*

37. Paying for sexual services of a child
38. Causing or inciting abuse: payment for sexual services and involvement in indecent images
39. Controlling a child: payment for sexual services and involvement in indecent images

40. Arranging or facilitating abuse: payment for sexual services and involvement in indecent images
41. Articles 38 to 40: interpretation

*Indecent photographs of children under 18*

42. Indecent photographs of persons aged 16 or 17

PART 4

SEXUAL OFFENCES AGAINST A PERSON WITH A MENTAL DISORDER

*Offences against persons with a mental disorder impeding choice*

43. Sexual activity with a person with a mental disorder impeding choice
44. Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity
45. Engaging in sexual activity in the presence of a person with a mental disorder impeding choice
46. Causing a person, with a mental disorder impeding choice, to watch a sexual act

*Inducements etc. to persons with a mental disorder*

47. Inducement, threat or deception to procure sexual activity with a person with a mental disorder
48. Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception
49. Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder
50. Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception

*Care workers for persons with a mental disorder*

51. Care workers: sexual activity with a person with a mental disorder
52. Care workers: causing or inciting sexual activity
53. Care workers: sexual activity in the presence of a person with a mental disorder
54. Care workers: causing a person with a mental disorder to watch a sexual act
55. Care workers: interpretation
56. Articles 51 to 54: exception for spouses and civil partners
57. Articles 51 to 54: sexual relationships which pre-date care relationships

PART 5

PROSTITUTION AND PAYING FOR SEXUAL SERVICES OF A PERSON

58. Interpretation of this Part
59. Loitering or soliciting for purposes of prostitution
60. Soliciting
61. Persistent soliciting

*Exploitation of prostitution*

62. Causing or inciting prostitution for gain
63. Controlling prostitution for gain

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- 64. Keeping a brothel used for prostitution
- 64A Paying for sexual services of a person

#### PART 6

### MISCELLANEOUS SEXUAL OFFENCES

#### *Preparatory offences*

- 65. Administering a substance with intent
- 66. Committing an offence with intent to commit a sexual offence
- 67. Trespass with intent to commit a sexual offence

#### *Sex with an adult relative*

- 68. Sex with an adult relative: penetration
- 69. Sex with an adult relative: consenting to penetration

#### *Other offences*

- 70. Exposure
- 71. Voyeurism
- 71A Voyeurism: additional offences (genitals and buttocks)
- 71B Voyeurism: additional offences (breasts)
- 72. Voyeurism: interpretation
- 72A Sending etc an unwanted sexual image
- 73. Intercourse with an animal
- 74. Sexual penetration of a corpse
- 75. Sexual activity in a public lavatory

#### PART 7

### SUPPLEMENTARY AND GENERAL

- 76. Offences outside the United Kingdom
- 77. Exceptions to aiding, abetting and counselling
- 78. Amendments of the Sexual Offences Act 2003
- 79. Amendment of the Criminal Law Act (Northern Ireland) 1967
- 80. Orders and regulations
- 81. Minor and consequential amendments
- 82. Supplementary, consequential, transitional and transitory provision
- 83. Repeals
- Signature

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#### SCHEDULES

##### SCHEDULE 1 — Minor and consequential amendments

- *Belfast Improvement Act 1845 (c. cxlii)*
- 1. (1) Section 167 of the Belfast Improvement Act 1845 is...
  - *Town Police Clauses Act 1847 (c. 89)*
- 2. (1) Section 28 of the Town Police Clauses Act 1847...
  - *Towns Improvement (Ireland) Act 1854 (c. 103)*
- 3. (1) Section 72 of the Towns Improvement (Ireland) Act 1854...
  - *Offences Against the Person Act 1861 (c. 100)*
- 4. In the Offences Against the Person Act 1861, omit—

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- *Criminal Law Amendment Act 1885* (c. 69)
5. In the *Criminal Law Amendment Act 1885* omit—
  - *Punishment of Incest Act 1908* (c. 45)
6. In the *Punishment of Incest Act 1908* omit—
  - *Criminal Law Amendment Act (Northern Ireland) 1923* (c. 8)
7. (1) The *Criminal Law Amendment Act (Northern Ireland) 1923* is...
  - *Criminal Law and Prevention of Crime (Amendment) Act (Northern Ireland) 1930* (c. 3)
8. (1) The *Criminal Law and Prevention of Crime (Amendment) Act...*
  - *Age of Marriage Act (Northern Ireland) 1951* (c. 25)
9. In the *Age of Marriage Act (Northern Ireland) 1951*, omit...
  - *Visiting Forces Act 1952* (c. 67)
10. (1) The *Visiting Forces Act 1952* is amended as follows...
  - *Attempted Rape, etc., Act (Northern Ireland) 1960* (c. 3)
11. In the *Attempted Rape, etc., Act (Northern Ireland) 1960*, omit...
  - *Children and Young Persons Act (Northern Ireland) 1968* (c. 34)
12. (1) The *Children and Young Persons Act (Northern Ireland) 1968*...
  - *Theft Act (Northern Ireland) 1969* (c. 16)
13. (1) The *Theft Act (Northern Ireland) 1969* is amended as...
  - *Criminal Justice (Northern Ireland) Order 1980* (NI 6)
14. In the *Criminal Justice (Northern Ireland) Order 1980*, omit Article...
  - *Magistrates' Courts (Northern Ireland) Order 1981* (NI 26)
15. In Schedule 2 to the *Magistrates' Courts (Northern Ireland) Order...*
  - *Criminal Attempts and Conspiracy (Northern Ireland) Order 1983* (NI 13)
16. (1) The *Criminal Attempts and Conspiracy (Northern Ireland) Order 1983*...
  - *Mental Health (Northern Ireland) Order 1986* (NI 4)
17. In the *Mental Health (Northern Ireland) Order 1986*, omit—
  - *Criminal Justice (Northern Ireland) Order 1986* (NI 15)
18. In the *Criminal Justice (Northern Ireland) Order 1986*, omit paragraph...
  - *Adoption (Northern Ireland) Order 1987* (NI 22)
19. In Article 47(1) of the *Adoption (Northern Ireland) Order 1987*...
  - *Police and Criminal Evidence (Northern Ireland) Order 1989* (NI 12)
20. (1) Schedule 2 to the *Police and Criminal Evidence (Northern...*
  - *Treatment of Offenders (Northern Ireland) Order 1989* (NI 15)
21. In the *Treatment of Offenders (Northern Ireland) Order 1989*, omit...
  - *Sexual Offences (Amendment) Act 1992* (c. 34)
22. (1) The *Sexual Offences (Amendment) Act 1992* is amended as...
  - *Health and Personal Social Services (Northern Ireland) Order 1994* (NI 2)
23. In Schedule 1 to the *Health and Personal Social Services...*
  - *Sexual Offences (Conspiracy and Incitement) Act 1996* (c. 29)
24. (1) Paragraph 2 of the Schedule to the *Sexual Offences...*
  - *Industrial Tribunals (Northern Ireland) Order 1996* (NI 18)
25. In Article 13(5)(b) of the *Industrial Tribunals (Northern Ireland) Order...*
  - *Criminal Justice (Children) (Northern Ireland) Order 1998* (NI 9)
26. In paragraph 1 of Schedule 1 to the *Criminal Justice...*
  - *Criminal Evidence (Northern Ireland) Order 1999* (NI 8)
27. (1) The *Criminal Evidence (Northern Ireland) Order 1999* is amended...
  - *Criminal Justice and Court Services Act 2000* (c. 43)
28. In the *Criminal Justice and Court Services Act 2000*, omit...
  - *Proceeds of Crime Act 2002* (c. 29)

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29. (1) Paragraph 8 of Schedule 5 to the Proceeds of...  
— *Criminal Justice Act 2003 (c. 44)*
30. The Criminal Justice Act 2003 is amended as follows.
31. (1) Part 2 of Schedule 5 (qualifying offences for the...  
— *Criminal Justice (Northern Ireland) Order 2003 (NI 13)*
32. In the Criminal Justice (Northern Ireland) Order 2003—  
— *Criminal Justice (Northern Ireland) Order 2004 (NI 9)*
33. (1) Schedule 4 to the Criminal Justice (Northern Ireland) Order...  
— *Firearms (Northern Ireland) Order 2004 (NI 3)*
34. (1) Schedule 4 to the Firearms (Northern Ireland) Order 2004...  
— *Criminal Justice (Northern Ireland) Order 2008 (NI 1)*
35. (1) The Criminal Justice (Northern Ireland) Order 2008 is amended...

SCHEDULE 2 — Transitional and Transitory Provisions

— *Continuity of sexual offences law*

1. (1) This paragraph applies where, in any proceedings—  
— *Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (NI 4)*
2. (1) Until Article 60 of, and Schedule 8 to, the...

SCHEDULE 3 — Repeals

Explanatory Note

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**Changes and effects yet to be applied to :**

- art. 34(1)(b) words inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 71](#)
- art. 36(1)(b) words inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 72](#)
- art. 68(3)(b) words substituted by [2022 c. 18 \(N.I.\) Sch. 3 para. 73](#)
- art. 69(3)(b) words substituted by [2022 c. 18 \(N.I.\) Sch. 3 para. 74](#)