

*These notes refer to the Human Trafficking and Exploitation
(Criminal Justice and Support for Victims) Act (Northern Ireland)
2015 (c.2) which received Royal Assent on 13 January 2015*

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 15: Paying for sexual services of a person

Section 15 creates a new offence of paying for sexual services of a person, whilst ensuring that the person who is selling sex is not guilty of aiding and abetting, counselling or procuring this offence, conspiring to commit the offence, or encouraging or assisting the commission of the offence. It amends various Articles of the Sexual Offences (Northern Ireland) Order 2008 and creates duties to raise public awareness and to report to the Assembly on the operation of the offence.

Subsection (2) amends the title of Part 5 of the 2008 Order.

Subsection (3) amends Article 58 so that the definition of payments does not apply to Article 64A.

Subsection (4) repeals the offence of loitering or soliciting for prostitution under Article 59.

Subsection (5) introduces a new Article 64A, so that:

- paragraph (1) makes it an offence to obtain sexual services from a person in exchange for payment (either made or promised), whether payment is made directly or through a third party, as long as the person obtaining the services knows or believes they have been paid for;
- paragraph (2) sets out the penalties for the offence;
- paragraph (3) defines payment;
- paragraph (4) provides that an offence can only occur when the two parties are physically present with each other and sexual touching occurs, or, when the person providing the sexual services touches himself or herself in a sexual manner for the sexual gratification of the purchaser and the two parties are physically present with each other;

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- paragraph (5) ensures that the person who is selling sex is not guilty of aiding and abetting, counselling or procuring this offence, conspiring to commit the offence, or encouraging or assisting the commission of the offence;

Subsection (6) requires the Department of Justice to raise public awareness of the change to the law in subsection (5) before it comes into operation;

Subsection (7) requires the Department of Justice to collect data to review the operation of the offence and assess its impact on the safety and well-being of persons selling sexual services, and on the extent to which it has reduced human trafficking for sexual exploitation. It also requires the Department to collect data to review the operation of the offences at sections 2 and 4.