



2015 CHAPTER 2

PART 2

OTHER EXPLOITATION OFFENCES

Paying for sexual services of a person

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15.—(1) The Sexual Offences (Northern Ireland) Order 2008 is amended as follows.

(2) In the heading to Part 5, after “PROSTITUTION” insert “AND PAYING FOR SEXUAL SERVICES OF A PERSON”.

(3) In Article 58 (interpretation of this Part) at the end of paragraph (3) insert “other than in Article 64A”.

(4) Article 59 (loitering or soliciting for purposes of prostitution) is repealed.

(5) For Article 64A (paying for sexual services of a prostitute subjected to force etc.) substitute—

“Paying for sexual services of a person

64A.—(1) A person (A) commits an offence if A obtains sexual services from a person (B) in exchange for payment—

- (a) if the payment is made or promised by A; or
- (b) if the payment is made or promised by a third party and A knows or believes that the payment is made or promised by a third party.

(2) A person guilty of an offence under this Article is liable—

- (a) on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both;
- (b) on conviction on indictment to imprisonment for a term not exceeding one year or a fine, or both.

(3) In paragraph (1), “payment” means any financial advantage to B, or any person other than B, including the discharge of an obligation to pay or the provision of goods or services (other than sexual services) gratuitously or at a discount.

(4) No offence is committed under this Article unless the sexual services that are provided or are to be provided by B to A involve—

- (a) B being physically in A’s presence,
- (b) B touching A or A touching B, and
- (c) the touching being sexual; or
- (d) B touching B in a sexual manner for the sexual gratification of A, B being physically in A’s presence.

(5) B does not commit an offence by doing anything which (apart from this paragraph) would amount to—

- (a) aiding, abetting, counselling or procuring the commission of an offence under this Article by A;
- (b) conspiring with A to commit an offence under this Article; or
- (c) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting offences) in relation to the commission of an offence under this Article by A.”.

(6) The Department must before the coming into operation of subsection (5) raise public awareness of the change in the law to be effected by that subsection.

(7) The Department must, at the end of the period of 3 years beginning with the coming into operation of subsection (5), review the operation of Article 64A of the Sexual Offences (Northern Ireland) Order 2008 and lay before the Assembly a report on that review; that report must in particular include—

- (a) information as to the number of arrests and convictions during that period in respect of offences under Article 64A;
- (b) the Department’s assessment of the impact of Article 64A on the safety and well-being of persons providing for payment sexual services of the kind to which that Article applies;
- (c) information as to the number of arrests and convictions in the period covered by the report in respect of—
 - (i) offences under section 2 committed with a view to exploitation that consists of or includes behaviour within section 3(3) (sexual exploitation);

- (ii) offences under section 4 committed with the intention of committing an offence mentioned in sub-paragraph (i); and
- (d) the Department's assessment of the extent to which Article 64A has operated to reduce human trafficking for the purposes of sexual exploitation.