

Status: Point in time view as at 27/11/2023.

Changes to legislation: Justice Act (Northern Ireland) 2015, Section 90 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



2015 CHAPTER 9

PART 9

MISCELLANEOUS

Sexual offences against children

Sexual communication with a child

90.—(1) In the Sexual Offences (Northern Ireland) Order 2008 after Article 22 insert—

“Sexual communication with a child

22A.—(1) A person aged 18 or over (A) commits an offence if—

- (a) for the purpose of obtaining sexual gratification, A intentionally communicates with another person (B),
- (b) the communication is sexual or is intended to encourage B to make (whether to A or to another) a communication that is sexual, and
- (c) B is under 16 and A does not reasonably believe that B is 16 or over.

(2) For the purposes of this Article, a communication is sexual if—

- (a) any part of it relates to sexual activity, or
- (b) a reasonable person would, in all the circumstances but regardless of any person's purpose, consider any part of the communication to be sexual;

and in sub-paragraph (a) “sexual activity” means an activity that a reasonable person would, in all the circumstances but regardless of any person's purpose, consider to be sexual.

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- (3) 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 2 years.”.

(2) In Article 4 of that Order (meaning of “sexual”) after “except” insert “Article 22A (sexual communication with a child) or ”.

^{F1}(3)

^{F2}(4)

(5) In the Criminal Justice (Northern Ireland) Order 2008 in Part 2 of Schedule 2 (specified sexual offences) in paragraph 14A after the entry relating to Article 22 of the Sexual Offences (Northern Ireland) Order 2008 insert— “Article 22A (sexual communication with a child), ”.

Textual Amendments

- F1** S. 90(3) omitted (27.11.2023) by virtue of [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\), s. 30\(2\), Sch. 2 para. 9](#); S.R. 2023/188, art. 3(b)
- F2** S. 90(4) omitted (27.11.2023) by virtue of [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\), s. 30\(2\), Sch. 2 para. 9](#); S.R. 2023/188, art. 3(b)

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