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STATUTORY INSTRUMENTS

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**2008 No. 1769**

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

**PART 1**

**INTRODUCTORY**

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c.33) applies to this Order as it applies to an Act of the Assembly.

(2) The following provisions of this Article apply for the purposes of this Order.

(3) “Statutory provision” must be construed in accordance with section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

(4) “The 1995 Order” means the Children (Northern Ireland) Order 1995 (NI 2).

[<sup>F1</sup>(4A) “The Department” means the Department of Justice.]

(5) Penetration is a continuing act from entry to withdrawal.

(6) References to a part of the body include references to a part surgically constructed (in particular, through gender reassignment surgery).

(7) “Image” means a moving or still image and includes an image produced by any means and, where the context permits, a three-dimensional image.

(8) References to an image of a person include references to an image of an imaginary person.

(9) “Mental disorder” has the meaning given by Article 3 of the Mental Health (Northern Ireland) Order 1986 (NI 4).

(10) References to observation (however expressed) are to observation whether direct or by looking at an image.

(11) Touching includes touching—

- (a) with any part of the body,
- (b) with anything else,
- (c) through anything,

and in particular includes touching amounting to penetration.

(12) “Vagina” includes vulva.

(13) In relation to an animal, references to the vagina or anus include references to any similar part.

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**Textual Amendments**

**F1** [Art. 2\(4A\)](#) inserted (27.11.2023) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\)](#), [ss. 5\(2\)](#), [30\(2\)](#); [S.R. 2023/188](#), [art. 3\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Sexual Offences (Northern Ireland) Order 2008, Section 2.