

SEXUAL OFFENCES (NORTHERN IRELAND) ORDER 2008

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

EXPLANATORY MEMORANDUM

7.

POLICY BACKGROUND

The Provisions

Part 5 – Prostitution

Article 58: Interpretation of this Part

7.122. This Article defines terms used Articles 59 to 61. *Paragraph (2)* applies the Article 41(2) definition of “prostitute” or “prostitution” to the offences. *Paragraphs (3) and (4) define “payment” and “gain”* as any financial advantage, including the discharge of a debt or obligation to pay, or the provision of goods or services (including sexual services) for free, or at a discount. The reference to “sexual services” would, for example, cover someone who controls the activities of a number of women in prostitution, where the gain or payment he derives from them is their engaging in sexual intercourse with him. *Paragraph (4)* also covers the goodwill of any person likely to bring such a financial advantage. For example, this would cover A inciting B to work as a prostitute for C, where A expects this will lead to C providing him (A) with cheap drugs at a later date. *Paragraph (5)* provides that conduct is persistent if it takes place on two or more occasions in any period of three months. *Paragraph (6)* defines “motor vehicle” and *paragraph (7)* defines “street” for the purposes of the offence as any bridge, road, lane, footway, subway, square, court, alley or passage whether thoroughfare or not, which is open to the public.