

# SEXUAL OFFENCES (NORTHERN IRELAND) ORDER 2008

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

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## EXPLANATORY MEMORANDUM

7.

### POLICY BACKGROUND

#### *The Provisions*

#### **Part 6 – Miscellaneous sexual offences**

#### **Sex with an adult relative**

#### *Article 69: Sex with an adult relative: consenting to penetration*

- 7.139. [Article 68](#) makes it an offence for a person (A) aged 16 or over intentionally to penetrate sexually a relative (B) who is aged 18 or over if he knows or could reasonably have been expected to know that B is his relative. [Article 69](#) makes it an offence for a person (A) aged 16 or over to consent to being penetrated sexually by a relative (B) aged 18 or over if he knows or could reasonably have been expected to know that B is his relative. For either offence to be committed the penetration must be "sexual", as defined at [Article 4](#). This requirement ensures that penetration for some other purpose, for example where one sibling helps another to insert a pessary for medical reasons, is not caught by this offence. *Paragraph (2)* of each Article defines "relative" for the purposes of each offence. *Paragraph (3)* of each section includes adoptive relatives in each offence.
- 7.140. The effect of *paragraph (4)* of each section is that, unless A shows from the evidence that there is an arguable case as to whether or not he knew or could reasonably have been expected to know that B is his relative, it is presumed that he did know or could reasonably have been expected to know it.