
STATUTORY INSTRUMENTS

2008 No. 1769

The Sexual Offences (Northern Ireland) Order 2008

PART 3

SEXUAL OFFENCES AGAINST CHILDREN

[^{F1}Abuse of children under 18: payment for sexual services and involvement in indecent images]

Textual Amendments

F1 Art. 37 cross-heading substituted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), s. 30(2), **Sch. 2 para. 2**; S.R. 2023/188, art. 3(b)

Paying for sexual services of a child

37.—(1) A person (A) commits an offence if—

- (a) he intentionally obtains for himself the sexual services of another person (B).
- (b) before obtaining those services, he has made or promised payment for those services to B or a third person, or knows that another person has made or promised such a payment, and
- (c) either—
 - (i) B is under 18, and A does not reasonably believe that B is 18 or over, or
 - (ii) B is under 13.

(2) In this Article, “payment” means any financial advantage, including the discharge of an obligation to pay or the provision of goods or services (including sexual services) gratuitously or at a discount.

(3) A person guilty of an offence under this Article against a person under 13, where paragraph (6) applies, is liable on conviction on indictment to imprisonment for life.

(4) Unless paragraph (3) applies, a person guilty of an offence under this Article against a person under 16 is liable—

- (a) where paragraph (6) applies, on conviction on indictment, to imprisonment for a term not exceeding 14 years;
- (b) in any other case—
 - (i) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (ii) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

(5) Unless paragraph (3) or (4) applies, 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 7 years.
- (6) This paragraph applies where the offence involved—
 - (a) penetration of B's anus or vagina with a part of A's body or anything else,
 - (b) penetration of B's mouth with A's penis,
 - (c) penetration of A's anus or vagina with a part of B's body or by B with anything else, or
 - (d) penetration of A's mouth with B's penis.

[^{F2}Causing or inciting abuse: payment for sexual services and involvement in indecent images]

- 38.**—[^{F3}(1) A person (A) commits an offence if—
- (a) A intentionally causes or incites another person (B) to offer or provide sexual services to a third person in return for payment, and
 - (b) either—
 - (i) B is under 18, and A does not reasonably believe that B is 18 or over, or
 - (ii) B is under 13.
- (1A) A person (A) commits an offence if—
- (a) A intentionally causes or incites another person (B) to be involved in the recording or streaming or other transmission of an indecent image of B, and
 - (b) either—
 - (i) B is under 18, and A does not reasonably believe that B is 18 or over, or
 - (ii) B is under 13.]
- (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 14 years.

Textual Amendments

- F2** Art. 38 heading substituted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), s. 30(2), **Sch. 2 para. 3(3)**; S.R. 2023/188, art. 3(b)
- F3** Art. 38(1)(1A) substituted for art. 38(1) (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), s. 30(2), **Sch. 2 para. 3(2)**; S.R. 2023/188, art. 3(b)

[^{F4}Controlling a child: payment for sexual services and involvement in indecent images]

- 39.**—[^{F5}(1) A person (A) commits an offence if—
- (a) A intentionally controls any of the activities of another person (B) relating to the offering or provision by B of sexual services to a third person in return for payment, and
 - (b) either—
 - (i) B is under 18, and A does not reasonably believe that B is 18 or over, or
 - (ii) B is under 13.
- (1A) A person (A) commits an offence if—

- (a) A intentionally controls any of the activities of another person (B) relating to B's involvement in the recording or streaming or other transmission of an indecent image of B, and
- (b) either—
 - (i) B is under 18, and A does not reasonably believe that B is 18 or over, or
 - (ii) B is under 13.]
- (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 14 years.

Textual Amendments

- F4** Art. 39 heading substituted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), s. 30(2), **Sch. 2 para. 4(3)**; S.R. 2023/188, art. 3(b)
- F5** Art. 39(1)(1A) substituted for art. 39(1) (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), s. 30(2), **Sch. 2 para. 4(2)**; S.R. 2023/188, art. 3(b)

[^{F6}Arranging or facilitating abuse: payment for sexual services and involvement in indecent images]

- 40.**—[^{F7}(1) A person (A) commits an offence if—
- (a) A intentionally arranges or facilitates the offering or provision by another person (B) of sexual services to a third person in return for payment, and
 - (b) either—
 - (i) B is under 18, and A does not reasonably believe that B is 18 or over, or
 - (ii) B is under 13.
- (1A) A person (A) commits an offence if—
- (a) A intentionally arranges or facilitates the involvement by another person (B) in the recording or streaming or other transmission of an indecent image of B, and
 - (b) either—
 - (i) B is under 18, and A does not reasonably believe that B is 18 or over, or
 - (ii) B is under 13.]
- (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 14 years.

Textual Amendments

- F6** Art. 40 heading substituted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), s. 30(2), **Sch. 2 para. 5(3)**; S.R. 2023/188, art. 3(b)
- F7** Art. 40(1)(1A) substituted for art. 40(1) (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), s. 30(2), **Sch. 2 para. 5(2)**; S.R. 2023/188, art. 3(b)

Articles 38 to 40: interpretation

[^{F8}41.—(1) This Article applies for the purposes of Articles 38 to 40.

(2) References to—

- (a) offering or providing sexual services, or
- (b) the recording or streaming or other transmission of an image,

are to doing so in any part of the world.

(3) In Articles 38(1), 39(1) and 40(1)—

- (a) references to B offering or providing sexual services are to doing so on at least one occasion, and
- (b) it does not matter whether B is compelled to offer or provide the services.

(4) References to “payment”—

- (a) include promises of payment, and
- (b) are to payment to B or another person.

(5) “Payment” means any financial advantage, including the discharge of an obligation to pay or the provision of goods or services (including sexual services) gratuitously or at a discount.]

Textual Amendments

F8 Art. 41 substituted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), s. 30(2), **Sch. 2 para. 6**; S.R. 2023/188, art. 3(b)

Changes to legislation:

There are currently no known outstanding effects for the The Sexual Offences (Northern Ireland) Order 2008, Cross Heading: Abuse of children under 18: payment for sexual services and involvement in indecent images.