
STATUTORY INSTRUMENTS

2008 No. 1769

The Sexual Offences (Northern Ireland) Order 2008

PART 5

PROSTITUTION

Interpretation of this Part

58.—(1) The following provisions apply for the purposes of this Part.

(2) “Prostitute” means a person (A) who, on at least one occasion and whether or not compelled to do so, offers or provides sexual services to another person in return for payment or a promise of payment to A or a third person; and “prostitution” is to be interpreted accordingly.

(3) ^{F1} . . . “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.

(4) “Gain” means—

- (a) 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; or
- (b) the goodwill of any person which is or appears likely, in time, to bring financial advantage.

(5) Conduct is persistent if it takes place on two or more occasions in any period of three months.

(6) ^{F2}

(7) For the purposes of [^{F3}Article 60]—

- (a) “street” includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public; and
- (b) the doorways and entrances of premises abutting on a street (as defined in subparagraph (a)), and any ground adjoining and open to a street, shall be treated as forming part of the street.

Textual Amendments

- F1** Words in art. 58(3) repealed (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(1)(2), 116(1), [Sch. 7 para. 26\(a\)](#), [Sch. 8 Pt. 2](#); S.I. 2010/507, [art. 5\(q\)\(r\)\(v\)\(x\)](#) (subject to art. 6)
- F2** Art. 58(6) repealed (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(1)(2), 116(1), [Sch. 7 para. 26\(b\)](#), [Sch. 8 Pt. 2](#); S.I. 2010/507, [art. 5\(q\)\(r\)\(v\)\(x\)](#) (subject to art. 6)
- F3** Words in art. 58(7) substituted (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), [Sch. 4 para. 8\(2\)](#)

Loitering or soliciting for purposes of prostitution

^{F4}**59.**

Status: Point in time view as at 14/01/2015.

Changes to legislation: There are currently no known outstanding effects for the The Sexual Offences (Northern Ireland) Order 2008, PART 5. (See end of Document for details)

Textual Amendments

F4 Art. 59 repealed (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), ss. 15(4), 28(2), **Sch. 5**

[^{F5}Soliciting

60.—(1) It is an offence for a person in a street or public place to solicit another (B) for the purpose of obtaining B's sexual services as a prostitute.

(2) The reference to a person in a street or public place includes a person in a vehicle in a street or public place.

(3) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

Textual Amendments

F5 Art. 60 substituted (1.4.2010) for arts. 60, 61 by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 20**, 116(1); S.I. 2010/507, **art. 5(g)** (subject to [art. 6](#))

Exploitation of prostitution

Causing or inciting prostitution for gain

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

- (a) he intentionally causes or incites another person to become a prostitute in any part of the world, and
- (b) he does so for or in the expectation of gain for himself or a third person.

(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 7 years.

Controlling prostitution for gain

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

- (a) he intentionally controls any of the activities of another person relating to that person's prostitution in any part of the world, and
- (b) he does so for or in the expectation of gain for himself or a third person.

(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 7 years.

Keeping a brothel used for prostitution

64.—(1) A person commits an offence if he keeps, manages, or acts or assists in the management of, a brothel to which people resort for practices involving prostitution (whether or not also for other practices).

(2) A person who commits an offence under this Article shall be 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.

(3) A conviction under this Article shall be taken into account under section 3 of the Criminal Law Amendment Act (Northern Ireland) 1923 (c. 8), in the same way as a conviction under section 13 of the Criminal Law Amendment Act 1885 (c. 69).

[^{F7}Paying for sexual services of a prostitute subjected to force etc.

64A.—(1) A person (A) commits an offence if—

- (a) A makes or promises payment for the sexual services of a prostitute (B),
- (b) a third person (C) has engaged in exploitative conduct of a kind likely to induce or encourage B to provide the sexual services for which A has made or promised payment, and
- (c) C engaged in that conduct for or in the expectation of gain for C or another person (apart from A or B).

(2) The following are irrelevant—

- (a) where in the world the sexual services are to be provided and whether those services are provided,
- (b) whether A is, or ought to be, aware that C has engaged in exploitative conduct.

(3) C engages in exploitative conduct if—

- (a) C uses force, threats (whether or not relating to violence) or any other form of coercion, or
- (b) C practises any form of deception.

(4) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

Textual Amendments

F7 [Art. 64A](#) inserted (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 15](#), 116(1); S.I. 2010/507, [art. 5\(b\)](#) (subject to [art. 6](#))

Status:

Point in time view as at 14/01/2015.

Changes to legislation:

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