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STATUTORY INSTRUMENTS

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**2008 No. 1769**

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

**PART 6**

**MISCELLANEOUS SEXUAL OFFENCES**

*Sex with an adult relative*

**Sex with an adult relative: penetration**

- 68.**—(1) A person aged 16 or over (A), subject to paragraph (4), commits an offence if—
- (a) he intentionally penetrates another person's vagina or anus with a part of his body or anything else, or penetrates another person's mouth with his penis,
  - (b) the penetration is sexual,
  - (c) the other person (B) is aged 18 or over,
  - (d) A is related to B in a way mentioned in paragraph (2), and
  - (e) A knows or could reasonably be expected to know that he is related to B in that way.
- (2) The ways that A may be related to B are as parent, grandparent, child, grandchild, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.
- (3) In paragraph (2)—
- (a) “parent” includes an adoptive parent;
  - (b) “child” includes an adopted child within the meaning of Part 5 of the Adoption (Northern Ireland) Order 1987 (NI 22);
  - (c) “uncle” means the brother of a person's parent, and “aunt” has a corresponding meaning;
  - (d) “nephew” means the child of a person's brother or sister, and “niece” has a corresponding meaning.
- (4) Where paragraph (1) applies in a case where A is related to B as B's child by virtue of paragraph (3)(b), A does not commit an offence under this Article unless A is 18 or over.
- (5) Where in proceedings for an offence under this Article it is proved that the defendant was related to the other person in any of those ways, it is to be taken that the defendant knew or could reasonably be expected to know that he was related in that way unless sufficient evidence is adduced to raise an issue as to whether he knew or could reasonably have been expected to know that he was.
- (6) 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 2 years.

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

- 69.—(1) A person aged 16 or over (A), subject to paragraph (4), commits an offence if—
- (a) another person (B) penetrates A's vagina or anus with a part of B's body or anything else, or penetrates A's mouth with B's penis,
  - (b) A consents to the penetration,
  - (c) the penetration is sexual,
  - (d) B is aged 18 or over,
  - (e) A is related to B in a way mentioned in paragraph (2), and
  - (f) A knows or could reasonably be expected to know that he is related to B in that way.
- (2) The ways that A may be related to B are as parent, grandparent, child, grandchild, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.
- (3) In paragraph (2)—
- (a) “parent” includes an adoptive parent;
  - (b) “child” includes an adopted child within the meaning of Part 5 of the Adoption (Northern Ireland) Order 1987 (NI 22);
  - (c) “uncle” means the brother of a person's parent, and “aunt” has a corresponding meaning;
  - (d) “nephew” means the child of a person's brother or sister, and “niece” has a corresponding meaning.
- (4) Where paragraph (1) applies in a case where A is related to B as B's child by virtue of paragraph (3)(b), A does not commit an offence under this Article unless A is 18 or over.
- (5) Where in proceedings for an offence under this Article it is proved that the defendant was related to the other person in any of those ways, it is to be taken that the defendant knew or could reasonably be expected to know that he was related in that way unless sufficient evidence is adduced to raise an issue as to whether he knew or could reasonably have been expected to know that he was.
- (6) 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 2 years.

**Changes to legislation:**

There are currently no known outstanding effects for the The Sexual Offences (Northern Ireland) Order 2008, Cross Heading: Sex with an adult relative.