
STATUTORY INSTRUMENTS

2008 No. 1769

The Sexual Offences (Northern Ireland) Order 2008

PART 6 N.I.

MISCELLANEOUS SEXUAL OFFENCES

Preparatory offences

Administering a substance with intent N.I.

65.—(1) A person commits an offence if he intentionally administers a substance to, or causes a substance to be taken by, another person (B)—

- (a) knowing that B does not consent, and
- (b) with the intention of stupefying or overpowering B, so as to enable any person to engage in a sexual activity that involves B.

(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 10 years.

Committing an offence with intent to commit a sexual offence N.I.

66.—(1) A person commits an offence under this Article if he commits any offence with the intention of committing a relevant sexual offence.

(2) In this Article “relevant sexual offence” means any offence under—

- (a) this Order,^{F1}...

^{F1}(b)

including an offence of aiding, abetting, counselling or procuring such an offence.

(3) A person guilty of an offence under this Article—

- (a) where the offence is committed by kidnapping or false imprisonment, or
- (b) where—
 - (i) the offence is committed by assault, and
 - (ii) the intended relevant sexual offence is an offence under Article 5 or 6,

is liable on conviction on indictment, to imprisonment for life.

(4) Unless paragraph (3) 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 10 years.

Textual Amendments

- F1** Art. 66(2)(b) and preceding word repealed (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), **Sch. 5**

Trespass with intent to commit a sexual offence **N.I.**

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

- (a) he is a trespasser on any premises,
- (b) he intends to commit a relevant sexual offence on the premises, and
- (c) he knows that, or is reckless as to whether, he is a trespasser.

(2) In this Article—

“premises” includes a structure or part of a structure;

“relevant sexual offence” has the same meaning as in Article 66;

“structure” includes a tent, vehicle or vessel or other temporary or movable structure.

(3) A person guilty of an offence under this Article is liable on conviction on indictment, where the intended relevant sexual offence is an offence under Article 5 or 6, to imprisonment for a term not exceeding 14 years.

(4) Unless paragraph (3) 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 10 years.

Sex with an adult relative

Sex with an adult relative: penetration **N.I.**

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 **N.I.**

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.

Other offences

Exposure **N.I.**

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

- (a) he intentionally exposes his genitals, and
 - (b) he intends that someone will see them and be caused alarm or distress.
- (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 2 years.

Voyeurism N.I.

- 71.**—(1) A person commits an offence if—
- (a) for the purpose of obtaining sexual gratification, he observes another person doing a private act, and
 - (b) he knows that the other person does not consent to being observed for his sexual gratification.
- (2) A person commits an offence if—
- (a) he operates equipment with the intention of enabling another person to observe, for the purpose of obtaining sexual gratification, a third person (B) doing a private act, and
 - (b) he knows that B does not consent to his operating equipment with that intention.
- (3) A person commits an offence if—
- (a) he records another person (B) doing a private act, and
 - (b) he does so with the intention that he or a third person will, for the purpose of obtaining sexual gratification, look at an image of B doing the act, and
 - (c) he knows that B does not consent to his recording the act with that intention.
- (4) A person commits an offence if he installs equipment, or constructs or adapts a structure or part of a structure, with the intention of enabling himself or another person to commit an offence under paragraph (1).
- (5) 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.

[^{F2}Voyeurism: additional offences (genitals and buttocks)] N.I.

- 71A.**—(1) A person (A) commits an offence if—
- (a) A operates equipment beneath the clothing of another person (B),
 - (b) A does so with the intention of enabling A or another person (C) to observe—
 - (i) B’s genitals or buttocks (whether exposed or covered with underwear), or
 - (ii) the underwear covering B’s genitals or buttocks,
 in circumstances where the genitals, buttocks or underwear would not otherwise be visible, and
 - (c) either condition 1 or condition 2 is met.
- (2) Condition 1 is that—
- (a) A operates the equipment with the intention of enabling the observation for the purpose of—

- (i) obtaining sexual gratification (whether for A or C), or
 - (ii) humiliating, alarming or distressing B, and
- (b) A does so—
 - (i) without B’s consent, and
 - (ii) without reasonably believing that B consents.
- (3) Condition 2 is that—
 - (a) A operates the equipment with the intention of enabling the observation—
 - (i) without B’s consent, and
 - (ii) without reasonably believing that B consents,
 - (b) in so operating the equipment, A is reckless as to whether B is humiliated, alarmed or distressed, and
 - (c) B is humiliated, alarmed or distressed.
- (4) A person (A) commits an offence if—
 - (a) A records an image beneath the clothing of another person (B),
 - (b) the image is of—
 - (i) B’s genitals or buttocks (whether exposed or covered with underwear), or
 - (ii) the underwear covering B’s genitals or buttocks,in circumstances where the genitals, buttocks or underwear would not otherwise be visible, and
 - (c) either condition 3 or condition 4 is met.
- (5) Condition 3 is that—
 - (a) A records the image with the intention that A or another person (C) will look at it for the purpose of—
 - (i) obtaining sexual gratification (whether for A or C), or
 - (ii) humiliating, alarming or distressing B, and
 - (b) A does so—
 - (i) without B’s consent, and
 - (ii) without reasonably believing that B consents.
- (6) Condition 4 is that—
 - (a) A records the image with the intention that A or another person will look at it,
 - (b) A does so—
 - (i) without B’s consent, and
 - (ii) without reasonably believing that B consents,
 - (c) in so recording the image, A is reckless as to whether B is humiliated, alarmed or distressed, and
 - (d) B is humiliated, alarmed or distressed.
- (7) Paragraph (8) applies where—
 - (a) B consents to the operation of equipment, or the recording of an image, for a particular purpose, and
 - (b) A operates the equipment, or records the image, for a different or additional purpose.

- (8) Where this paragraph applies, then for the purposes of paragraph (3)(a) or paragraph (6)(b) (as the case may be)—
- (a) B is to be taken as having not consented to the operation of the equipment or the recording of the image, and
 - (b) A is to be taken as having had a reasonable belief as to B's consent only if A had a reasonable belief that B consented to the operation of the equipment, or the recording of the image, for the other purpose.
- (9) 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.

Textual Amendments

F2 Arts. 71A, 71B inserted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), ss. 1(2), 30(2); S.R. 2023/188, art. 3(a)

Voyeurism: additional offences (breasts) **N.I.**

- 71B.**—(1) A person (A) commits an offence if—
- (a) A operates equipment beneath or above the clothing of another person (B),
 - (b) A does so with the intention of enabling A or another person (C) to observe—
 - (i) B's breasts (whether exposed or covered with underwear), or
 - (ii) the underwear covering B's breasts,
 in circumstances where the breasts or underwear would not otherwise be visible, and
 - (c) either condition 1 or condition 2 is met.
- (2) Condition 1 is that—
- (a) A operates the equipment with the intention of enabling the observation for the purpose of—
 - (i) obtaining sexual gratification (whether for A or C), or
 - (ii) humiliating, alarming or distressing B, and
 - (b) A does so—
 - (i) without B's consent, and
 - (ii) without reasonably believing that B consents.
- (3) Condition 2 is that—
- (a) A operates the equipment with the intention of enabling the observation—
 - (i) without B's consent, and
 - (ii) without reasonably believing that B consents,
 - (b) in so operating the equipment, A is reckless as to whether B is humiliated, alarmed or distressed, and
 - (c) B is humiliated, alarmed or distressed.
- (4) A person (A) commits an offence if—
- (a) A records an image beneath or above the clothing of another person (B),

- (b) the image is of—
 - (i) B’s breasts (whether exposed or covered with underwear), or
 - (ii) the underwear covering B’s breasts,in circumstances where the breasts or underwear would not otherwise be visible, and
 - (c) either condition 3 or condition 4 is met.
- (5) Condition 3 is that—
- (a) A records the image with the intention that A or another person (C) will look at it for the purpose of—
 - (i) obtaining sexual gratification (whether for A or C), or
 - (ii) humiliating, alarming or distressing B, and
 - (b) A does so—
 - (i) without B’s consent, and
 - (ii) without reasonably believing that B consents.
- (6) Condition 4 is that—
- (a) A records the image with the intention that A or another person will look at it,
 - (b) A does so—
 - (i) without B’s consent, and
 - (ii) without reasonably believing that B consents,
 - (c) in so recording the image, A is reckless as to whether B is humiliated, alarmed or distressed, and
 - (d) B is humiliated, alarmed or distressed.
- (7) Paragraph (8) applies where—
- (a) B consents to the operation of equipment, or the recording of an image, for a particular purpose, and
 - (b) A operates the equipment, or records the image, for a different or additional purpose.
- (8) Where this paragraph applies, then for the purposes of paragraph (3)(a) or paragraph (6)(b) (as the case may be)—
- (a) B is to be taken as having not consented to the operation of the equipment or the recording of the image, and
 - (b) A is to be taken as having had a reasonable belief as to B’s consent only if A had a reasonable belief that B consented to the operation of the equipment, or the recording of the image, for the other purpose.
- (9) 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.]

Textual Amendments

F2 Arts. 71A, 71B inserted (27.11.2023) by *Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), ss. 1(2), 30(2); S.R. 2023/188, art. 3(a)*

Voyeurism: interpretation **N.I.**

72.—(1) For the purposes of Article 71 a person is doing a private act if the person is in a place which, in the circumstances, would reasonably be expected to provide privacy, and—

- (a) the person's genitals, buttocks or breasts are exposed or covered only with underwear,
- (b) the person is using a lavatory, or
- (c) the person is doing a sexual act that is not of a kind ordinarily done in public.

[^{F3}(1A) For the purposes of Articles 71, 71A and 71B operating equipment includes (in the case of equipment that is capable of activation) enabling or securing its activation by another person without that person's knowledge.]

(2) In Article 71, “structure” includes a tent, vehicle or vessel or other temporary or movable structure.

Textual Amendments

F3 Art. 72(1A) inserted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), ss. 1(3), 30(2); S.R. 2023/188, art. 3(a)

[^{F4}Sending etc an unwanted sexual image **N.I.**

72A.—(1) A person (A) commits an offence if—

- (a) A intentionally sends or gives to another person (B) a sexual image,
- (b) A does so—
 - (i) without B's consent, and
 - (ii) without reasonably believing that B consents, and
- (c) either condition 1 or condition 2 is met.

(2) Condition 1 is that A intends that B will look at the image and that doing so will cause humiliation, alarm or distress to B.

(3) Condition 2 is that—

- (a) A's purpose in sending or giving the image is to obtain sexual gratification, and
- (b) A is reckless as to whether B is humiliated, alarmed or distressed.

(4) For the purposes of this Article, a sexual image is a photograph or film of—

- (a) any person engaging in a sexual activity, or
- (b) any person's genitals.

(5) In paragraph (4)—

“photograph” includes the negative as well as the positive version;
“film” means a moving image.

(6) References to a photograph or film also include—

- (a) an image, whether made by computer graphics or in any other way, which appears to be a photograph or film,
- (b) a copy of a photograph, film or image within sub-paragraph (a), and
- (c) data stored by any means which is capable of conversion into a photograph, film or image within sub-paragraph (a).

(7) References to sending or giving such a photograph or film to another person include, in particular—

- (a) sending it to another person by any means, electronically or otherwise,
- (b) showing it to another person, and
- (c) placing it for a particular person to find.

(8) 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.]

Textual Amendments

F4 Art. 72A inserted (27.11.2023) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\), ss. 2, 30\(2\)](#); S.R. 2023/188, art. 3(a)

Intercourse with an animal **N.I.**

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

- (a) he intentionally performs an act of penetration with his penis,
- (b) what is penetrated is the vagina or anus of a living animal, and
- (c) he knows that, or is reckless as to whether, that is what is penetrated.

(2) A person (A) commits an offence if—

- (a) he intentionally causes, or allows, A's vagina or anus to be penetrated,
- (b) the penetration is by the penis of a living animal, and
- (c) A knows that, or is reckless as to whether, that is what A is being penetrated by.

(3) 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.

Sexual penetration of a corpse **N.I.**

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

- (a) he intentionally performs an act of penetration with [^{F5}a part of his body or anything else],
- (b) what is penetrated is a part of the body of a dead person, and
- (c) he knows that, or is reckless as to whether, that is what is penetrated, and
- (d) the penetration is sexual.

(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 2 years.

Textual Amendments

- F5** Words in art. 74(1)(a) substituted (5.7.2011) by Justice Act (Northern Ireland) 2011 (c. 24), ss. 110(1), 111(2)(c), **Sch. 7 para. 15(1)** (with s. 106(4))

Sexual activity in a public lavatory **N.I.**

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

- (a) he is in a lavatory to which the public or a section of the public has or is permitted to have access, whether on payment or otherwise,
- (b) he intentionally engages in an activity, and
- (c) the activity is sexual.

(2) For the purposes of this Article, an activity is sexual if a reasonable person would, in all the circumstances but regardless of any person's purpose, consider it to be sexual.

(3) A person guilty of an offence under this Article is liable on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both.

Changes to legislation:

There are currently no known outstanding effects for the The Sexual Offences (Northern Ireland) Order 2008, PART 6.