

## SCHEDULES

### SCHEDULE 1

Article 81

#### Minor and consequential amendments

#### *Belfast Improvement Act 1845 (c. cxlii)*

1.—(1) Section 167 of the Belfast Improvement Act 1845 is amended as follows.

(2) Omit the words “Every person who shall wilfully and indecently expose his person.”.

(3) Omit the words “Every common prostitute or nightwalker loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of any inhabitant or passenger.”.

#### *Town Police Clauses Act 1847 (c. 89)*

2.—(1) Section 28 of the Town Police Clauses Act 1847 is amended as follows.

(2) Omit the words “Every common prostitute loitering and importuning passengers for the purpose of prostitution.”.

(3) Omit the words “Every person who wilfully and indecently exposes his person.”.

#### *Towns Improvement (Ireland) Act 1854 (c. 103)*

3.—(1) Section 72 of the Towns Improvement (Ireland) Act 1854 is amended as follows.

(2) Omit the words from “and any constable” to “(that is to say)”.

(3) Omit the words “Every common prostitute or nightwalker loitering and importuning passengers for the purpose of prostitution, or being otherwise offensive, shall be liable to a fine not exceeding level three on the standard scale”.

(4) Omit the words “Every person who wilfully and indecently exposes his person, or who commits any act contrary to public decency, shall be liable to a fine not exceeding level three on the standard scale.”.

#### *Offences Against the Person Act 1861 (c. 100)*

4. In the Offences Against the Person Act 1861, omit—

- (a) section 48 (rape);
- (b) section 52 (indecent assault on a female);
- (c) section 53 (fraudulent abduction of a girl with intent to carnally know her, etc.);
- (d) section 54 (forcible abduction of a woman with intent to carnally know her, etc.);
- (e) section 55 (abduction of a girl under sixteen).

#### *Criminal Law Amendment Act 1885 (c. 69)*

5. In the Criminal Law Amendment Act 1885 omit—

- (a) section 2 (procurement of a woman or girl under 21 to have a carnal connection with another, to become a prostitute etc.);

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- (b) section 3 (procurement of a woman or girl under 21 by drugs or threats to have a carnal connection with another);
- (c) section 4 (carnal knowledge of a girl under 14 years of age);
- (d) section 5 (carnal knowledge of a girl under 17 years of age);
- (e) section 6 (permitting a girl under 17 to be on premises for the purpose of unlawful carnal knowledge);
- (f) section 7 (abduction of a girl under 18 with intent to have carnal knowledge);
- (g) section 8 (unlawful detention of a woman or girl against her will with intent to have carnal knowledge, or in a brothel);
- (h) section 13(1) (keeping, managing, acting or assisting in the management of a brothel).

*Punishment of Incest Act 1908 (c. 45)*

6. In the Punishment of Incest Act 1908 omit—

- (a) section 1 (incest by males);
- (b) section 2 (incest by females).

*Criminal Law Amendment Act (Northern Ireland) 1923 (c. 8)*

7.—(1) The Criminal Law Amendment Act (Northern Ireland) 1923 is amended as follows.

(2) Omit section 2.

*Criminal Law and Prevention of Crime  
(Amendment) Act (Northern Ireland) 1930 (c. 3)*

8.—(1) The Criminal Law and Prevention of Crime (Amendment) Act (Northern Ireland) 1930 is amended as follows.

(2) Omit section 1.

*Age of Marriage Act (Northern Ireland) 1951 (c. 25)*

9. In the Age of Marriage Act (Northern Ireland) 1951, omit section 1(2).

*Visiting Forces Act 1952 (c. 67)*

10.—(1) The Visiting Forces Act 1952 is amended as follows.

(2) In paragraph 1 of the Schedule (offences referred to in section 3 of that Act)—

- (a) omit sub-paragraph (za) (offences of rape and buggery under the law of Northern Ireland);
- (b) omit sub-paragraph (b)(iv);
- (c) in sub-paragraph (b), after paragraph (xiii) insert—  
“(xiv) the Sexual Offences (Northern Ireland) Order 2008.”

*Attempted Rape, etc., Act (Northern Ireland) 1960 (c. 3)*

11. In the Attempted Rape, etc., Act (Northern Ireland) 1960, omit section 2 (assault with intent to commit rape).

*Children and Young Persons Act (Northern Ireland) 1968 (c. 34)*

12.—(1) The Children and Young Persons Act (Northern Ireland) 1968 is amended as follows.

(2) Omit section 21 (causing seduction of girl under 17).

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- (3) Omit section 22 (indecent conduct towards a child).
- (4) In Schedule 1 (offences against children and young persons with respect to which special provisions of that Act apply)—
- (a) in the entry for the Offences Against the Person Act 1861—
    - (i) omit the words “or 55”, and
    - (ii) for “42, 43 or 55” substitute “ 42 or 43 ”;
  - (b) omit the entry for the Punishment of Incest Act 1908;
  - (c) in the entry for the Children and Young Persons Act (Northern Ireland) 1968 itself, omit the words “21, 22”;
  - (d) omit the entry for the Mental Health (Northern Ireland) Order 1986;
  - (e) in the entry relating to attempts to commit an offence against a child or young person, omit the words “the Punishment of Incest Act 1908 or Article 122 or 123 of the Mental Health (Northern Ireland) Order 1986”;
  - (f) omit the entry for the Criminal Justice (Northern Ireland) Order 1980;
  - (g) omit the entry for the Criminal Justice (Northern Ireland) Order 2003;
  - (h) in the entry for the Sexual Offences Act 2003, for “15 to 19, 47 to 59, 66 and 67” substitute “ 57 to 59 ”; and
  - (i) at the end insert—

“Any offence against a child or young person under the Sexual Offences (Northern Ireland) Order 2008 or any attempt to commit such an offence”.

*Theft Act (Northern Ireland) 1969 (c. 16)*

**13.**—(1) The Theft Act (Northern Ireland) 1969 is amended as follows.

(2) In section 9(2) omit the words “or raping any person therein”.

*Criminal Justice (Northern Ireland) Order 1980 (NI 6)*

**14.** In the Criminal Justice (Northern Ireland) Order 1980, omit Article 9 (inciting girl under sixteen to have incestuous intercourse).

*Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)*

**15.** In Schedule 2 to the Magistrates' Courts (Northern Ireland) Order 1981 (indictable offences which may be dealt with summarily upon consent of the accused)—

- (a) omit paragraph 5(a)(vii) (offence under section 52 of the Offences Against the Person Act 1861);
- (b) omit paragraph 10 (offences under the Criminal Law Amendment Act 1885);
- (c) omit paragraph 23 (offence under Article 21 of the Criminal Justice (Northern Ireland) Order 2003).

*Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (NI 13)*

**16.**—(1) The Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 is amended as follows.

(2) Omit Article 5(3).

*Mental Health (Northern Ireland) Order 1986 (NI 4)*

**17.** In the Mental Health (Northern Ireland) Order 1986, omit—

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- (a) Article 122 (protection of woman suffering from severe mental handicap), and
- (b) Article 123 (protection of patients).

*Criminal Justice (Northern Ireland) Order 1986 (NI 15)*

**18.** In the Criminal Justice (Northern Ireland) Order 1986, omit paragraph 7 of Schedule 1.

*Adoption (Northern Ireland) Order 1987 (NI 22)*

**19.** In Article 47(1) of the Adoption (Northern Ireland) Order 1987 (status conferred by adoption not to apply for the purposes of certain enactments) for “sections 1 to 3 of the Punishment of Incest Act 1908” substitute “ Articles 68 and 69 of the Sexual Offences (Northern Ireland) Order 2008 (sex with an adult relative); but nothing in this paragraph is to be read as preventing the application of Article 40 for the purposes of Article 68(3)(a) or (b) or 69(3)(a) or (b) of that Order ”.

*Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)*

**20.**—(1) Schedule 2 to the Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as follows.

- (2) Omit the entry relating to the Belfast Improvement Act 1845 (c. cxlii).
- (3) Omit the entry relating to the Towns Improvement (Ireland) Act 1854 (c. 103).
- (4) Omit Notes 1 and 2.

*Treatment of Offenders (Northern Ireland) Order 1989 (NI 15)*

**21.** In the Treatment of Offenders (Northern Ireland) Order 1989, omit Article 12(1) to (3).

*Sexual Offences (Amendment) Act 1992 (c. 34)*

**22.**—(1) The Sexual Offences (Amendment) Act 1992 is amended as follows.

- (2) In section 2(3) (offences against the law of Northern Ireland to which the Act applies)—
  - (a) after paragraph (ha) insert—
    - “(hb) any offence under—
      - (i) any provision of Part 2, 3 or 4, or
      - (ii) Article 65, 66, 67, 70, 71, or 74,of the Sexual Offences (Northern Ireland) Order 2008;”;
  - (b) in paragraph (i) for “(ha)” substitute “ (hb) ”.

*Health and Personal Social Services (Northern Ireland) Order 1994 (NI 2)*

**23.** In Schedule 1 to the Health and Personal Social Services (Northern Ireland) Order 1994 (amendments)—

- (a) in the entry relating to Articles 121(1) and 123(1)(a)(ii) of the Mental Health (Northern Ireland) Order 1986, omit the words “and 123(1)(a)(ii)”, and
- (b) omit the entry relating to Article 123(1)(b)(ii) of that Order.

*Sexual Offences (Conspiracy and Incitement) Act 1996 (c. 29)*

**24.**—(1) Paragraph 2 of the Schedule to the Sexual Offences (Conspiracy and Incitement) Act 1996 is amended as follows.

- (2) In sub-paragraph (1)—
  - (a) omit paragraphs (a) to (c), and

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(b) for paragraph (d) substitute—

“(d) an offence under any of Articles 5 to 19, 21 and 22 to 33 of the Sexual Offences (Northern Ireland) Order 2008.”

(3) In sub-paragraph (2) for “In sub-paragraph (1), paragraphs (a), (b) and (c)(ii) do” substitute “Sub-paragraph (1)(d) does”.

*Industrial Tribunals (Northern Ireland) Order 1996 (NI 18)*

**25.** In Article 13(5)(b) of the Industrial Tribunals (Northern Ireland) Order 1996, in the definition of “sexual offence”, after paragraph (vii) insert—

“(viii) any provision of Part 2, 3 or 4 of the Sexual Offences (Northern Ireland) Order 2008, or Article 65, 66, 67, 70, 71 or 74 of that Order;”

*Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9)*

**26.** In paragraph 1 of Schedule 1 to the Criminal Justice (Children) (Northern Ireland) Order 1998 (definition of “sexual offence”)—

(a) omit the words “the common law offence of rape or”;

(b) omit sub-paragraphs (a) to (g) and (i) to (m); and

(c) at the end insert—

“(n) any provision of the Sexual Offences (Northern Ireland) Order 2008.”

*Criminal Evidence (Northern Ireland) Order 1999 (NI 8)*

**27.—**(1) The Criminal Evidence (Northern Ireland) Order 1999 is amended as follows.

(2) In Article 3(1) (meaning of “sexual offence”)—

(a) omit sub-paragraphs (a) to (gg);

(b) in sub-paragraph (ga) omit “15 to 21, 47 to 53,” and “66, 67, and 70 to 72”; and

(c) after sub-paragraph (ga) insert—

“(h) any offence under any provision of the Sexual Offences (Northern Ireland) Order 2008.”

(3) In Article 23(3)(cc) omit “15 to 21, 47 to 53,” and “66 to 72”.

*Criminal Justice and Court Services Act 2000 (c. 43)*

**28.** In the Criminal Justice and Court Services Act 2000, omit section 40 (which amended sections 22 and 180 of the Children and Young Persons Act (Northern Ireland) 1968).

*Proceeds of Crime Act 2002 (c. 29)*

**29.—**(1) Paragraph 8 of Schedule 5 to the Proceeds of Crime Act 2002 (lifestyle offences: Northern Ireland) is amended as follows.

(2) In sub-paragraph (1), omit paragraphs (a) to (c).

(3) For sub-paragraph (1A) substitute—

“(1A) An offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008—

(a) Article 21 (arranging or facilitating commission of a sex offence against a child);

(b) Article 38 (causing or inciting child prostitution or pornography);

(c) Article 39 (controlling a child prostitute or a child involved in pornography);

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- (d) Article 40 (arranging or facilitating child prostitution or pornography);
  - (e) Article 62 (causing or inciting prostitution for gain);
  - (f) Article 63 (controlling prostitution for gain).”
- (4) Omit sub-paragraph (6).

*Criminal Justice Act 2003 (c. 44)*

**30.** The Criminal Justice Act 2003 is amended as follows.

**31.**—(1) Part 2 of Schedule 5 (qualifying offences for the purposes of Part 10: list of offences for Northern Ireland) is amended as follows.

(2) After paragraph 35 insert—

“**35A.** An offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008.”

(3) After paragraph 36 insert—

“**36A.** An offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit an offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008.”

(4) After paragraph 38 insert—

*“Assault by penetration*

**38A.** An offence under Article 6 of the Sexual Offences (Northern Ireland) Order 2008.

*Causing a person to engage in sexual activity without consent*

**38B.** An offence under Article 8 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that the activity caused involved penetration within paragraph (4)(a) to (d) of that Article.

*Rape of a child under thirteen*

**38C.** An offence under Article 12 of the Sexual Offences (Northern Ireland) Order 2008.

*Attempted rape of a child under thirteen*

**38D.** An offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit an offence under Article 12 of the Sexual Offences (Northern Ireland) Order 2008.

*Assault of child under thirteen by penetration*

**38E.** An offence under Article 13 of the Sexual Offences (Northern Ireland) Order 2008.

*Causing a child under thirteen to engage in sexual activity by penetration*

**38F.** An offence under Article 15 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that an activity involving penetration within paragraph (2)(a) to (d) of that Article was caused.

*Sexual activity with a person with a mental disorder impeding choice*

**38G.** An offence under Article 43 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that the touching involved penetration within paragraph (3)(a) to (d) of that Article.

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### *Causing a person with a mental disorder impeding choice to engage in sexual activity*

**38H.** An offence under Article 44 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that an activity involving penetration within paragraph (3)(a) to (d) of that Article was caused.”

#### *Criminal Justice (Northern Ireland) Order 2003 (NI 13)*

- 32.** In the Criminal Justice (Northern Ireland) Order 2003—
- (a) omit Article 18 (rape);
  - (b) omit Article 19 (buggery);
  - (c) omit Article 20 (assault with intent to commit buggery);
  - (d) omit Article 21 (indecent assault on a male);
  - (e) omit Article 22 (which amends the Children and Young Persons Act (Northern Ireland) 1968;
  - (f) in Schedule 1 (amendments), omit paragraphs 4, 6(c), 7, 9 and 22.

#### *Criminal Justice (Northern Ireland) Order 2004 (NI 9)*

**33.—**(1) Schedule 4 to the Criminal Justice (Northern Ireland) Order 2004 (qualifying offences for the purposes of the prosecution's right of appeal in evidentiary rulings) is amended as follows.

(2) After paragraph 7 insert—

“**7A.** An offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008 (rape).”

(3) After paragraph 10 insert—

“**10A.** An offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008—

Article 6 (assault by penetration);

Article 12 (rape of a child under 13);

Article 13 (assault of a child under 13 by penetration).”

#### *Firearms (Northern Ireland) Order 2004 (NI 3)*

**34.—**(1) Schedule 4 to the Firearms (Northern Ireland) Order 2004 is amended as follows.

(2) For paragraph 1 substitute—

“**1.** Any offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008—

Article 5 (rape);

Article 6 (assault by penetration);

Article 12 (rape of a child under 13);

Article 13 (assault of a child under 13 by penetration).”

(3) In paragraph 2 omit the entry relating to sections 53 to 55 of the Offences Against the Person Act 1861.

#### *Criminal Justice (Northern Ireland) Order 2008 (NI 1)*

**35.—**(1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.

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(2) In Schedule 1 (serious offences) after paragraph 31 insert—

*“The Sexual Offences (Northern Ireland) Order 2008 (NI 2)*

**31A.** An offence under—

- Article 5 (rape),
- Article 6 (assault by penetration),
- Article 7 (sexual assault),
- Article 8 (causing a person to engage in sexual activity without consent),
- Article 12 (rape of a child under 13),
- Article 13 (assault of a child under 13 by penetration),
- Article 14 (sexual assault of a child under 13),
- Article 15 (causing or inciting a child under 13 to engage in sexual activity),
- Article 16 (sexual activity with a child),
- Article 17 (causing or inciting a child to engage in sexual activity),
- Article 18 (engaging in sexual activity in the presence of a child),
- Article 19 (causing a child to watch a sexual act),
- Article 21 (arranging or facilitating commission of a sexual offence against a child),
- Article 22 (meeting a child following sexual grooming etc.),
- Article 32 (sexual activity with a child family member) where paragraph (4) of that Article applies,
- Article 33 (inciting a child family member to engage in sexual activity) where paragraph (4) of that Article applies,
- Article 37 (paying for sexual services of a child) where paragraph (3) or (4) of that Article applies,
- Article 38 (causing or inciting child prostitution or pornography),
- Article 39 (controlling a child prostitute or a child involved in pornography),
- Article 40 (arranging or facilitating child prostitution or pornography),
- Article 43 (sexual activity with a person with a mental disorder impeding choice),
- Article 44 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity),
- Article 45 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice),
- Article 46 (causing a person, with a mental disorder impeding choice, to watch a sexual act),
- Article 47 (inducement, threat or deception to procure sexual activity with a person with a mental disorder),
- Article 48 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception),
- Article 49 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder),
- Article 50 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception),
- Article 51 (care workers: sexual activity with a person with a mental disorder),
- Article 52 (care workers: causing or inciting sexual activity),



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Article 62 (causing or inciting prostitution for gain),  
Article 63 (controlling prostitution for gain),  
Article 65 (administering a substance with intent),  
Article 66 (committing an offence with intent to commit a sexual offence),  
Article 67 (trespass with intent to commit a sexual offence).”

(3) In Part 2 of Schedule 2 (specified sexual offences) after paragraph 14 insert—

“*The Sexual Offences (Northern Ireland) Order 2008 (NI 2)*

**14A.** An offence under—

Article 5 (rape),  
Article 6 (assault by penetration),  
Article 7 (sexual assault),  
Article 8 (causing a person to engage in sexual activity without consent),  
Article 12 (rape of a child under 13),  
Article 13 (assault of a child under 13 by penetration),  
Article 14 (sexual assault of a child under 13),  
Article 15 (causing or inciting a child under 13 to engage in sexual activity),  
Article 16 (sexual activity with a child),  
Article 17 (causing or inciting a child to engage in sexual activity),  
Article 18 (engaging in sexual activity in the presence of a child),  
Article 19 (causing a child to watch a sexual act),  
Article 20 (sexual offences against children committed by children or young persons),  
Article 21 (arranging or facilitating commission of a sexual offence against a child),  
Article 22 (meeting a child following sexual grooming etc.),  
Article 23 (abuse of position of trust: sexual activity with a child),  
Article 24 (abuse of position of trust: causing or inciting a child to engage in sexual activity),  
Article 25 (abuse of position of trust: sexual activity in the presence of a child),  
Article 26 (abuse of position of trust: causing a child to watch a sexual act),  
Article 32 (sexual activity with a child family member),  
Article 33 (inciting a child family member to engage in sexual activity),  
Article 37 (paying for sexual services of a child),  
Article 38 (causing or inciting child prostitution or pornography),  
Article 39 (controlling a child prostitute or a child involved in pornography),  
Article 40 (arranging or facilitating child prostitution or pornography),  
Article 43 (sexual activity with a person with a mental disorder impeding choice),  
Article 44 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity),  
Article 45 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice),  
Article 46 (causing a person, with a mental disorder impeding choice, to watch a sexual act),

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- Article 47 (inducement, threat or deception to procure sexual activity with a person with a mental disorder),
- Article 48 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception),
- Article 49 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder),
- Article 50 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception),
- Article 51 (care workers: sexual activity with a person with a mental disorder),
- Article 52 (care workers: causing or inciting sexual activity),
- Article 53 (care workers: sexual activity in the presence of a person with a mental disorder),
- Article 54 (care workers: causing a person with a mental disorder to watch a sexual act),
- Article 62 (causing or inciting prostitution for gain),
- Article 63 (controlling prostitution for gain),
- Article 65 (administering a substance with intent),
- Article 66 (committing an offence with intent to commit a sexual offence),
- Article 67 (trespass with intent to commit a sexual offence),
- Article 71 (exposure),
- Article 72 (voyeurism),
- Article 74 (intercourse with an animal),
- Article 75 (sexual penetration of a corpse).”

## SCHEDULE 2

Article 82

### Transitional and Transitory Provisions

#### *Continuity of sexual offences law*

- 1.—(1) This paragraph applies where, in any proceedings—
- (a) a person (“the defendant”) is charged in respect of the same conduct both with an offence under this Order and with an offence specified in paragraph (2) (“the pre-commencement offence”);
  - (b) the only thing preventing the defendant from being found guilty of the offence under this Order is the fact that it has not been proved beyond a reasonable doubt that the time when the conduct took place was after the coming into force of the provision of this Order providing for the offence; and
  - (c) the only thing preventing the defendant from being found guilty of the pre-commencement offence is the fact that it has not been proved beyond a reasonable doubt that that time was before the coming into force of the repeal of the statutory provision providing for the offence.
- (2) The offences referred to in paragraph (1)(a) are—
- (a) an offence under section 167 of the Belfast Improvement Act 1845 (c. cxlii) (loitering for the purposes of prostitution);

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- (b) an offence under section 28 of the Town Police Clauses Act 1847 (c.89) (indecent exposure);
  - (c) an offence under section 72 of the Towns Improvement (Ireland) Act 1854 (c. 103) (loitering for the purposes of prostitution);
  - (d) an offence under section 52, 53, 54 or 55 of the Offences Against the Person Act 1861 (c. 100) (indecent assault and abduction);
  - (e) an offence under any of the following sections of the Criminal Law Amendment Act 1885 (c. 69)—
    - (i) section 2 (procurement of a woman or girl under 21);
    - (ii) section 3 (procuring defilement of a woman);
    - (iii) section 4 (unlawful carnal knowledge of a girl under 14);
    - (iv) section 5 (unlawful carnal knowledge of a girl under 17);
    - (v) section 6 (permitting a girl under 17 to be on premises for the purpose of unlawful carnal knowledge);
    - (vi) section 7 (abduction of girl with intent to have carnal knowledge);
    - (vii) section 8 (unlawful detention with intent to have carnal knowledge);
  - (f) an offence under section 1 or 2 of the Punishment of Incest Act 1908 (c. 45);
  - (g) an offence under section 2 of the Attempted Rape, etc., Act (Northern Ireland) 1960 (c. 3) (assault with intent to commit rape);
  - (h) an offence under section 22 of the Children and Young Persons Act (Northern Ireland) 1968 (c. 34) (indecent conduct towards a child);
  - (i) an offence under section 9(1)(a) of the Theft Act (Northern Ireland) 1969 (c. 16) where the intended offence was rape;
  - (j) an offence under Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (NI 6) (inciting girl under sixteen to have incestuous intercourse);
  - (k) an offence under Article 122 or 123 of the Mental Health (Northern Ireland) Order 1986 (NI 4) (protection of woman suffering from severe mental handicap, and protection of patients);
  - (l) an offence under Article 19, 20 or 21 of the Criminal Justice (Northern Ireland) Order 2003 (NI 13) (buggery, assault with intent to commit buggery, indecent assault on a male);
  - (m) an offence under any of the following provisions of the Sexual Offences Act 2003 (c. 42)—
    - (i) section 15 (meeting a child following sexual grooming etc.);
    - (ii) sections 16 to 19 (abuse of position of trust);
    - (iii) sections 47 to 50 (abuse of children through prostitution and pornography);
    - (iv) section 66 (exposure);
    - (v) section 67 (voyeurism);
    - (vi) section 69 (intercourse with an animal);
    - (vii) section 70 (sexual penetration of a corpse);
    - (viii) section 71 (sexual activity in a public lavatory);
    - (ix) section 72 (offences outside the United Kingdom).
- (3) For the purpose of determining the guilt of the defendant it shall be conclusively presumed that the time when the conduct took place was—

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- (a) if the maximum penalty for the pre-commencement offence is less than the maximum penalty for the offence under this Order, a time before the coming into force of the repeal of the statutory provision providing for the pre-commencement offence; and
- (b) in any other case, a time after the coming into force of the provision providing for the offence under this Order.

(4) In sub-paragraph (3) the reference, in relation an offence, to the maximum penalty is a reference to the maximum penalty by way of imprisonment or other detention that could be imposed on the defendant on conviction of the offence in the proceedings in question.

(5) A reference in this paragraph to an offence under this Order or to an offence specified in sub-paragraph (2) includes a reference to—

- (a) inciting the commission of that offence;
- (b) conspiracy to commit that offence; and
- (c) attempting to commit that offence;

and, in relation to an offence falling within paragraphs (a) to (c), a reference in this paragraph to the provision providing for the offence so falling has effect as a reference to the provision providing for the offence under this Order or, as the case may be, for the offence so specified.

(6) This paragraph applies to any proceedings, whenever commenced, other than proceedings in which the defendant has been convicted or acquitted of the offence under this Order or the pre-commencement offence before the commencement of this Schedule.

#### *Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (NI 4)*

2.—(1) Until Article 60 of, and Schedule 8 to, the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (NI 11) (repeals) come fully into force in relation to Schedule 1 to the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (“the 2003 Order”), Schedule 1 to the 2003 Order (meaning of “offence against a child”) shall have effect with the following modifications.

(2) For the purposes of paragraph 1, the offences mentioned in Article 22(1)(a) include any offence under any provision of Part 3 of this Order.

(3) For the purposes of paragraph 2, the offences mentioned in Article 22(1)(b) include any offence under any provision of Part 2, Part 4 or Article 65 of this Order.

(4) A person falls within paragraph 3 if he commits an offence under Article 66 or 67 of this Order where—

- (a) the intended offence was an offence under any provision of Part 3 of this Order, or
- (b) the intended offence was an offence under any provision of Part 2, Part 4 or Article 65 of this Order, and the intended victim was a child (within the meaning of the 2003 Order).

### SCHEDULE 3

Article 83

#### Repeals

Short Title	Extent of repeal
The Belfast Improvement Act 1845 (c. cxlii)	In section 167— (a) the words “Every common prostitute or nightwalker loitering or being in any thoroughfare or public place for the

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	purpose of prostitution or solicitation to the annoyance of any inhabitant or passenger.” and
	(b) the words “Every person who shall wilfully and indecently expose his person”.
The Town Police Clauses Act 1847 (c. 89)	In section 28—
	(a) the words “Every common prostitute loitering and importuning passengers for the purpose of prostitution.”, and
	(b) the words “Every person who wilfully and indecently exposes his person.”.
The Towns Improvement (Ireland) Act 1854 (c.103)	In section 72—
	(a) the words from “and any constable” to “(that is to say)”,
	(b) the words “Every common prostitute or nightwalker loitering and importuning passengers for the purpose of prostitution, or being otherwise offensive, shall be liable to a fine not exceeding level three on the standard scale.”, and
	(c) the words “Every person who wilfully and indecently exposes his person, or who commits any act contrary to public decency, shall be liable to a fine not exceeding level three on the standard scale”.
The Offences Against the Person Act 1861 (c.100)	Sections 48 and 52 to 55.
The Criminal Law Amendment Act 1885 (c. 69)	Sections 2 to 8. Section 13(1).
The Punishment of Incest Act 1908 (c.45)	Sections 1 and 2.
The Criminal Law Amendment Act (Northern Ireland) 1923 (c. 8)	Section 2.
The Criminal Law and Prevention of Crime (Amendment) Act (Northern Ireland) 1930 (c. 3)	Section 1.
The Children and Young Persons Act (Northern Ireland) 1950 (c. 5)	Section 13(2). In section 13(3), the words “the said sections five and six, in”.
The Age of Marriage Act (Northern Ireland) 1951 (c. 25)	Section 1(2).
The Visiting Forces Act 1952 (c.67)	In the Schedule, paragraph 1(za) and (b)(iv).
The Attempted Rape, etc., Act (Northern Ireland) 1960 (c.3)	Section 2.
The Children and Young Persons Act (Northern Ireland) 1968 (c.34)	Sections 21 and 22. In Schedule 1—

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- (a) in the entry relating to the Offences Against the Person Act 1861, the words “or 55”;
  - (b) the entry relating to the Punishment of Incest Act 1908;
  - (c) in the entry relating to the Children and Young Persons Act (Northern Ireland) 1968 itself, the words “21, 22”;
  - (d) the entry relating to the Mental Health (Northern Ireland) Order 1986;
  - (e) in the entry relating to attempts to commit an offence against a child or young person, the words “the Punishment of Incest Act 1908 or Article 122 or 123 of the Mental Health (Northern Ireland) Order 1986”;
  - (f) the entry relating to the Criminal Justice (Northern Ireland) Order 1980;
  - (g) the entry relating to the Criminal Justice (Northern Ireland) Order 2003.
- The Theft Act (Northern Ireland) 1969 (c. 16) In section 9(2) the words “or raping any person therein”.
- The Criminal Justice (Northern Ireland) Order 1980 (NI 6) Article 9.
- The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) In Schedule 2, paragraphs 5(a)(vii), 10 and 23.
- The Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (NI 13) Article 5(3).
- The Mental Health (Northern Ireland) Order 1986 (NI 4) Articles 122 and 123.
- The Criminal Justice (Northern Ireland) Order 1986 (NI 15) In Schedule 1, paragraph 7.
- The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12) In Schedule 2—
- (a) the entry relating to the Belfast Improvement Act 1845,
  - (b) the entry relating to the Towns Improvement (Ireland) Act 1854, and
  - (c) Notes 1 and 2.
- The Treatment of Offenders (Northern Ireland) Order 1989 (NI 15) Article 12(1) to (3).
- The Health and Personal Social Services (Northern Ireland) Order 1994 (NI 2) In Schedule 1—
- (a) in the entry relating to Articles 121(1) and 123(1)(a)(ii) of the Mental Health (Northern Ireland) Order 1986, the words “and 123(1)(a)(ii)”, and
  - (b) the entry relating to Article 123(1)(b)(ii) of that Order.

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The Children (Northern Ireland) Order 1995 (NI 2)	In Schedule 9, paragraphs 1, 2, 3, 19 and 136.
The Sexual Offences (Conspiracy and Incitement) Act 1996 (c. 29)	In the Schedule, paragraph 2(1)(a) to (c).
The Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9)	In Schedule 1, in paragraph 1, sub-paragraphs (a) to (g) and (i) to (m), and the words “the common law offence of rape or”.
The Criminal Evidence (Northern Ireland) Order 1999 (NI 8)	In Article 3(1), sub-paragraphs (a) to (gg).
The Criminal Justice and Court Services Act 2000 (c. 43)	Section 40.
The Proceeds of Crime Act 2002 (c. 29)	In Schedule 5, paragraph 8(1)(a) to (c) and (6).
The Sexual Offences Act 2003 (c. 42)	Sections 15 to 24, 47 to 54, 66 to 72, 78 and 79.
The Criminal Justice (Northern Ireland) Order 2003 (NI 13)	Articles 18, 19, 20, 21 and 22. In Schedule 1, paragraphs 4, 6(c), 7, 9 and 22.
The Firearms (Northern Ireland) Order 2004 (NI 3)	In Schedule 4, in paragraph 2, the entry relating to sections 53 to 55 of the Offences Against the Person Act 1861.
The Violent Crime Reduction Act 2006 (c. 38)	In Schedule 4, paragraph 3.

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