
DRAFT STATUTORY INSTRUMENTS

2008 No.

The Sexual Offences (Northern Ireland) Order 2008

PART 3

SEXUAL OFFENCES AGAINST CHILDREN

Familial sex offences against children under 18

Family relationships

- 34.**—(1) The relation of one person (A) to another (B) is within this Article if—
- (a) it is within any of paragraphs (2) to (4), or
 - (b) it would be within one of those paragraphs but for Article 40 of the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#) (status conferred by adoption).
- (2) The relation of A to B is within this paragraph if—
- (a) one of them is the other’s parent, grandparent, brother, sister, half-brother, half-sister, aunt or uncle, or
 - (b) A is or has been B’s foster parent.
- (3) The relation of A to B is within this paragraph if A and B live or have lived in the same household, or A is or has been regularly involved in caring for, training, supervising or being in sole charge of B, and—
- (a) one of them is or has been the other’s step-parent,
 - (b) A and B are cousins,
 - (c) one of them is or has been the other’s stepbrother or stepsister, or
 - (d) the parent or present or former foster parent of one of them is or has been the other’s foster parent.
- (4) The relation of A to B is within this paragraph if—
- (a) A and B live in the same household, and
 - (b) A is regularly involved in caring for, training, supervising or being in sole charge of B.
- (5) For the purposes of this Article—
- (a) “aunt” means the sister or half-sister of a person’s parent, and “uncle” has a corresponding meaning;
 - (b) “cousin” means the child of an aunt or uncle;
 - (c) a person is a child’s foster parent if—
 - (i) he is a person with whom the child has been placed under Article 27(2)(a) or 75(1)(a) of the 1995 Order (fostering), or
 - (ii) he fosters the child privately, within the meaning given by Article 106(1) of the 1995 Order;

- (d) a person is another's partner (whether they are of different sexes or the same sex) if they live together as partners in an enduring family relationship;
- (e) "step-parent" includes a parent's partner and "stepbrother" and "stepsister" include the child of a parent's partner.