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DRAFT STATUTORY INSTRUMENTS

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**2008 No.**

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

**PART 3**

**SEXUAL OFFENCES AGAINST CHILDREN**

*Abuse of children under 18 through prostitution and pornography*

**Paying for sexual services of a child**

**37.**—(1) A person (A) commits an offence if—

- (a) he intentionally obtains for himself the sexual services of another person (B).
- (b) before obtaining those services, he has made or promised payment for those services to B or a third person, or knows that another person has made or promised such a payment, and
- (c) either—
  - (i) B is under 18, and A does not reasonably believe that B is 18 or over, or
  - (ii) B is under 13.

(2) In this Article, “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.

(3) A person guilty of an offence under this Article against a person under 13, where paragraph (6) applies, is liable on conviction on indictment to imprisonment for life.

(4) Unless paragraph (3) applies, a person guilty of an offence under this Article against a person under 16 is liable—

- (a) where paragraph (6) applies, on conviction on indictment, to imprisonment for a term not exceeding 14 years;
- (b) in any other case—
  - (i) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
  - (ii) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

(5) Unless paragraph (3) or (4) 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 7 years.

(6) This paragraph applies where the offence involved—

- (a) penetration of B’s anus or vagina with a part of A’s body or anything else,
- (b) penetration of B’s mouth with A’s penis,
- (c) penetration of A’s anus or vagina with a part of B’s body or by B with anything else, or

- (d) penetration of A's mouth with B's penis.

### **Causing or inciting child prostitution or pornography**

**38.**—(1) A person (A) commits an offence if—

- (a) he intentionally causes or incites another person (B) to become a prostitute, or to be involved in pornography, in any part of the world, and
- (b) either—
  - (i) B is under 18, and A does not reasonably believe that B is 18 or over, or
  - (ii) B is under 13.

(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 14 years.

### **Controlling a child prostitute or a child involved in pornography**

**39.**—(1) A person (A) commits an offence if—

- (a) he intentionally controls any of the activities of another person (B) relating to B's prostitution or involvement in pornography in any part of the world, and
- (b) either—
  - (i) B is under 18, and A does not reasonably believe that B is 18 or over, or
  - (ii) B is under 13.

(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 14 years.

### **Arranging or facilitating child prostitution or pornography**

**40.**—(1) A person (A) commits an offence if—

- (a) he intentionally arranges or facilitates the prostitution or involvement in pornography in any part of the world of another person (B), and
- (b) either—
  - (i) B is under 18, and A does not reasonably believe that B is 18 or over, or
  - (ii) B is under 13.

(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 14 years.

### **Articles 38 to : interpretation**

**41.**—(1) For the purposes of Articles to 40, a person is involved in pornography if an indecent image of that person is recorded; and similar expressions, and “pornography”, are to be interpreted accordingly.

(2) In those Articles “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) In paragraph (2), “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.