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DRAFT STATUTORY INSTRUMENTS

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**2008 No.**

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

**PART 4**

**SEXUAL OFFENCES AGAINST A PERSON WITH A MENTAL DISORDER**

*Inducements etc. to persons with a mental disorder*

**Inducement, threat or deception to procure sexual activity with a person with a mental disorder**

- 47.**—(1) A person (A) commits an offence if—
- (a) with the agreement of another person (B) he intentionally touches that person,
  - (b) the touching is sexual,
  - (c) A obtains B's agreement by means of an inducement offered or given, a threat made or a deception practised by A for that purpose,
  - (d) B has a mental disorder, and
  - (e) A knows or could reasonably be expected to know that B has a mental disorder.
- (2) A person guilty of an offence under this Article, if the touching 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
  - (d) penetration of A's mouth with B's penis,
- is liable, on conviction on indictment, to imprisonment for life.
- (3) Unless paragraph (2) 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 14 years.

**Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception**

- 48.**—(1) A person (A) commits an offence if—
- (a) by means of an inducement offered or given, a threat made or a deception practised by him for this purpose, he intentionally causes another person (B) to engage in, or to agree to engage in, an activity,
  - (b) the activity is sexual,
  - (c) B has a mental disorder, and

- (d) A knows or could reasonably be expected to know that B has a mental disorder.
- (2) A person guilty of an offence under this Article, if the activity caused or agreed to involved—
  - (a) penetration of B’s anus or vagina,
  - (b) penetration of B’s mouth with a person’s penis,
  - (c) penetration of a person’s anus or vagina with a part of B’s body or by B with anything else, or
  - (d) penetration of a person’s mouth with B’s penis,is liable, on conviction on indictment, to imprisonment for life.
- (3) Unless paragraph (2) 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 14 years.

**Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder**

- 49.**—(1) A person (A) commits an offence if—
- (a) he intentionally engages in an activity,
  - (b) the activity is sexual,
  - (c) for the purpose of obtaining sexual gratification, he engages in it—
    - (i) when another person (B) is present or is in a place from which A can be observed, and
    - (ii) knowing or believing that B is aware, or intending that B should be aware, that he is engaging in it,
  - (d) B agrees to be present or in the place referred to in sub-paragraph (c)(i) because of an inducement offered or given, a threat made or a deception practised by A for the purpose of obtaining that agreement,
  - (e) B has a mental disorder, and
  - (f) A knows or could reasonably be expected to know that B has a mental disorder.
- (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.

**Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception**

- 50.**—(1) A person (A) commits an offence if—
- (a) for the purpose of obtaining sexual gratification, he intentionally causes another person (B) to watch a third person engaging in an activity, or to look at an image of any person engaging in an activity,
  - (b) the activity is sexual,
  - (c) B agrees to watch or look because of an inducement offered or given, a threat made or a deception practised by A for the purpose of obtaining that agreement,
  - (d) B has a mental disorder, and
  - (e) A knows or could reasonably be expected to know that B has a mental disorder.

- (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.