EXPLANATORY NOTES

JUSTICE (SEXUAL OFFENCES AND TRAFFICKING VICTIMS) ACT (NORTHERN IRELAND) 2022

INTRODUCTION

BACKGROUND AND POLICY OBJECTIVES

OVERVIEW

PART 1: SEXUAL OFFENCES

Chapter 1: Criminal Conduct

Voyeurism

Sending an unwanted sexual image (Cyber-flashing)

Sexual grooming

Abuse of Position of Trust

Private Sexual Images

Miscellaneous amendments as to sexual offences

Chapter 2: Anonymity and Privacy

PART 2: TRAFFICKING AND EXPLOITATION

PART 3: CHAPTER 1: PREVENTION ORDERS

Chapter 2: Causing or Risking Serious Harm

COMMENTARY ON SECTIONS

PART 1: SEXUAL OFFENCES

Chapter 1: Criminal Conduct

- Section 1: Voyeurism: additional offences
- Section 2: Sending etc.an unwanted sexual image (Cyber-flashing)
- Section 3: Consequential amendments
- Section 4: Sexual grooming: pretending to be a child
- Section 5: Abuse of position of trust: relevant positions
- Section 6: Private sexual images: threatening to disclose
- Section 7: Miscellaneous amendments as to sexual offences

Chapter 2: Anonymity and privacy

Anonymity of victims

- Section 8: Extended anonymity of victims
- Section 9: Disapplication of anonymity of victim after death
- Section 10: Increase in penalty for breach of anonymity
- Section 11: Special rules for providers of information society services

Anonymity of suspects

- Section 12: Restriction on reports as to suspects of sexual offences
- Section 13: Meaning of sexual offence insection 12
- Section 14: Power to dis-apply reporting restriction
- Section 15: Magistrates' courts rules
- Section 16: Offence relating to reporting
- Section 17: Interpretation of sections 12 to 16
- Section 18: Consequential amendment

Exclusion from proceedings

Section 19: Serious sexual offences: exclusion of public from court

Section 20: Guidance about Part 1

PART 2: TRAFFICKING AND EXPLOITATION

Section 21: Support for victims of trafficking etc.

Section 22: Defence for slavery and trafficking victims

Section 23: Reports on slavery and trafficking offences

Section 24: Protective measures for victims of slavery or trafficking

PART 3: CHAPTER 1: PREVENTION ORDERS

Section 25: Qualifying offences for Sexual Offences Prevention Orders (SOPO)

Section 26: Time limit for making Violent Offences Prevention Orders (VOPO)

Chapter 2: Causing or risking serious harm

Section 27: Consent to harm for sexual gratification is no defence

Section 28: Offence of non-fatal strangulation or asphyxiation

PART 4: FINAL PROVISIONS

Section 29: Ancillary regulations

Section 30: Commencement

Section 31: Short title

SCHEDULES

Schedule 1: Consequential amendments: voyeurism (additional offences) and sending etc an unwanted sexual image.

Schedule 2: Miscellaneous amendments as to sexual offences

PART 1: AMENDMENT OF REFERENCES TO CERTAIN FORMS OF CHILD SEXUAL ABUSE

PART 2: AMENDMENTS RELATING TO THE OFFENCE OF ENGAGING IN SEXUAL COMMUNICATION WITH A CHILD

PART 3: AMENDMENT RELATING TO THE OFFENCE OF PAYING FOR THE SEXUAL SERVICES OF A PERSON

These notes refer to the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c.19)

Schedule 3: Offence of breach of anonymity: providers of information society services

Schedule 4: Offence of non-fatal strangulation or asphyxiation: Consequential Amendments

HANSARD REPORTS