

SCHEDULES

SCHEDULE 1

Section 3.

Consequential amendments: voyeurism and unwanted sexual images

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

1. In Article 53A(2) (questioning and treatment of persons by police: meaning of “qualifying offence”), in sub-paragraph (s), for “to 71” substitute “to 71B, 72A”.

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

2. In section 2(3) (offences under law of Northern Ireland to which the Act applies), in paragraph (hb)(ii), after “71,” insert “71A, 71B, 72A”.

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

3. In Article 13(4) (power to provide for restriction of publicity in certain cases), in paragraph (b)(viii) of the definition of “sexual offence”, after “71” insert “, 71A, 71B, 72A”.

Sexual Offences Act 2003 (c. 42)

4. In Schedule 3 (sexual offences for purposes of notification requirements), after paragraph 92V insert—

(1) An offence under Article 71A or 71B of that Order (voyeurism: additional offences) if—

- (a) the offence was committed for the purpose mentioned in Articles 71A(2)(a)(i) and (5)(a)(i) and 71B(2)(a)(i) and (5)(a)(i) (sexual gratification), and
- (b) the relevant condition is met.

(2) Where the offender was under 18, the relevant condition is that the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

(3) In any other case, the relevant condition is that—

- (a) the victim was under 18, or
- (b) the offender, in respect of the offence or finding, is or has been—

- (i) sentenced to a term of imprisonment,
- (ii) detained in a hospital, or
- (iii) made the subject of a community sentence of at least 12 months.

(1) An offence under Article 72A of that Order (sending etc an unwanted sexual image) if—

- (a) the offence was committed for the purpose mentioned in Article 72A(3)
 - (a) (sexual gratification), and
 - (b) the relevant condition is met.

(2) Where the offender was under 18, the relevant condition is that the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

(3) In any other case, the relevant condition is that—

- (a) the victim was under 18, or
- (b) the offender, in respect of the offence or finding, is or has been—
 - (i) sentenced to a term of imprisonment,
 - (ii) detained in a hospital, or
 - (iii) made the subject of a community sentence of at least 12 months.”.

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

5. In Part 2 of Schedule 2 (specified sexual offences), in paragraph 14A, for the words from “Article 71 (exposure),” to the end of the paragraph substitute—

- “Article 70 (exposure),
- Article 71 (voyeurism),
- Article 71A (voyeurism: additional offences (genitals and buttocks)),
- Article 71B (voyeurism: additional offences (breasts)),
- Article 72A (sending etc an unwanted sexual image),
- Article 73 (intercourse with an animal),
- Article 74 (sexual penetration of a corpse).”.