

SCHEDULES

SCHEDULE 2

Miscellaneous amendments as to sexual offences

PART 1

Amendments of references to certain forms of child sexual abuse

1. The Sexual Offences (Northern Ireland) Order 2008 is amended as follows.

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Commencement Information

- I1** Sch. 2 para. 1 not in operation at Royal Assent, see [s. 30\(2\)](#)
I2 [Sch. 2 para. 1](#) in operation at 27.11.2023 by [S.R. 2023/188](#), [art. 3\(b\)](#)

2. For the italic heading preceding Article 37 substitute “*Abuse of children under 18: payment for sexual services and involvement in indecent images*”.

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Commencement Information

- I3** Sch. 2 para. 2 not in operation at Royal Assent, see [s. 30\(2\)](#)
I4 [Sch. 2 para. 2](#) in operation at 27.11.2023 by [S.R. 2023/188](#), [art. 3\(b\)](#)

- 3.—(1) Article 38 is amended as follows.

- (2) For paragraph (1) substitute—

“(1) A person (A) commits an offence if—

(a) A intentionally causes or incites another person (B) to offer or provide sexual services to a third person in return for payment, 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.

(1A) A person (A) commits an offence if—

(a) A intentionally causes or incites another person (B) to be involved in the recording or streaming or other transmission of an indecent image of B, and

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(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.”.

(3) For the title substitute “Causing or inciting abuse: payment for sexual services and involvement in indecent images”.

Commencement Information

I5 Sch. 2 para. 3 not in operation at Royal Assent, see **s. 30(2)**

I6 Sch. 2 para. 3 in operation at 27.11.2023 by S.R. 2023/188, **art. 3(b)**

4.—(1) Article 39 is amended as follows.

(2) For paragraph (1) substitute—

“(1) A person (A) commits an offence if—

(a) A intentionally controls any of the activities of another person (B) relating to the offering or provision by B of sexual services to a third person in return for payment, 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.

(1A) A person (A) commits an offence if—

(a) A intentionally controls any of the activities of another person (B) relating to B’s involvement in the recording or streaming or other transmission of an indecent image of 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.”.

(3) For the title substitute “Controlling a child: payment for sexual services and involvement in indecent images”.

Commencement Information

I7 Sch. 2 para. 4 not in operation at Royal Assent, see **s. 30(2)**

I8 Sch. 2 para. 4 in operation at 27.11.2023 by S.R. 2023/188, **art. 3(b)**

5.—(1) Article 40 is amended as follows.

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(2) For paragraph (1) substitute—

“(1) A person (A) commits an offence if—

(a) A intentionally arranges or facilitates the offering or provision by another person (B) of sexual services to a third person in return for payment, 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.

(1A) A person (A) commits an offence if—

(a) A intentionally arranges or facilitates the involvement by another person (B) in the recording or streaming or other transmission of an indecent image of 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.”.

(3) For the title substitute “Arranging or facilitating abuse: payment for sexual services and involvement in indecent images”.

Commencement Information

I9 Sch. 2 para. 5 not in operation at Royal Assent, see [s. 30\(2\)](#)

I10 Sch. 2 para. 5 in operation at 27.11.2023 by [S.R. 2023/188](#), [art. 3\(b\)](#)

6. For Article 41 substitute—

“**41.**—(1) This Article applies for the purposes of Articles 38 to 40.

(2) References to—

(a) offering or providing sexual services, or

(b) the recording or streaming or other transmission of an image,

are to doing so in any part of the world.

(3) In Articles 38(1), 39(1) and 40(1)—

(a) references to B offering or providing sexual services are to doing so on at least one occasion, and

(b) it does not matter whether B is compelled to offer or provide the services.

(4) References to “payment”—

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(a) include promises of payment, and

(b) are to payment to B or another person.

(5) “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.”.

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Commencement Information

I11 Sch. 2 para. 6 not in operation at Royal Assent, see **s. 30(2)**

I12 Sch. 2 para. 6 in operation at 27.11.2023 by S.R. 2023/188, **art. 3(b)**

Changes to legislation:

There are currently no known outstanding effects for the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022, PART 1.