

SCHEDULE

Article 22

MEANING OF “OFFENCE AGAINST A CHILD”

1

[<sup>F1</sup>The offences mentioned in Article 22(1)(a) are—

- (a) an offence under section 4 of the Criminal Law Amendment Act 1885 (c.69) (defilement of girl under 14),
- (b) an offence under section 5 of that Act (defilement of girl under 17),
- (c) an offence under section 6 of that Act (permitting defilement of young girls on premises),
- (d) an offence under section 7 of that Act (abduction of girl with intent to have carnal knowledge),
- (e) an offence under section 1 of the Infanticide Act (Northern Ireland) 1939 (c. 5) (infanticide),
- (f) an offence under section 20 of the Children and Young Persons Act (Northern Ireland) 1968 (c.34) (cruelty to children),
- (g) an offence under section 21 of that Act (causing or encouraging seduction or prostitution of girl under 17),
- (h) an offence under section 22 of that Act (indecent conduct towards child),
- (i) an offence under section 23 of that Act (allowing child or young person to be in brothel),
- (j) an offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 (NI 17) (indecent photographs of children),
- (k) an offence under Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (NI 6) (inciting girl under 16 to incest),
- (l) an offence under Article 3 of the Child Abduction (Northern Ireland) Order 1985 (NI 17) (abduction of child by parent),
- (m) an offence under Article 15 of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (NI 17) (possession of indecent photograph of child),
- (n) an offence under section 3 of the Sexual Offences (Amendment) Act 2000 (c.44) (abuse of trust).

[<sup>F2</sup>(o) any offence under any of sections 15 to 21 and 47 to 50 of the Sexual Offences Act 2003.]]

**F1** Sch. repealed (12.10.2009 for specified purposes, 7.4.2010 for specified purposes, otherwise prosp.) by [Safeguarding Vulnerable Groups \(Northern Ireland\) Order 2007 \(S.I. 2007/1351 \(N.I. 11\)\)](#), arts. 1(3), 60(2), **Sch. 8** (with arts. 2(4), 53, 57(3), 61(4)); S.R. 2009/346, **art. 4** (with arts. 5, 6, 7 (as amended by S.R. 2010/145, arts. 6, 7, 8)); S.R. 2010/145, **art. 3**

**F2** 2003 c. 42

**Modifications etc. (not altering text)**

**C1** Sch. 1 para. 1 modified (temp. from 17.7.2008) by [Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(2)(c), 82(1), **Sch. 2 para. 2(2)**

2

[<sup>F3</sup>The offences mentioned in Article 22(1)(b) are—

- (a) murder,
- (b) manslaughter,

*Changes to legislation:* There are currently no known outstanding effects for the The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003. (See end of Document for details)

- (c) rape,
- (d) kidnapping,
- (e) false imprisonment,
- (f) an offence under section 18 or 20 of the Offences against the Person Act 1861 (c. 100) (wounding and causing grievous bodily harm),
- (g) an offence under section 47 of that Act (assault occasioning actual bodily harm),
- (h) an offence under section 52 of that Act (indecent assault on a female),
- (i) an offence under section 53, 54 or 55 of that Act (abduction of woman or girl),
- (j) an offence under section 61 or 62 of that Act (buggery, attempted buggery, assault with intent to commit buggery and indecent assault on a male),
- (k) an offence under section 2 or 3 of the Criminal Law Amendment Act 1885 (c.69) (procuring girl or woman),
- (l) an offence under section 8 of that Act (unlawful detention of girl or woman with intent to have carnal knowledge).
- [<sup>F4</sup>(m) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation).]]

**F3** Sch. repealed (12.10.2009 for specified purposes, 7.4.2010 for specified purposes, otherwise prosp.) by Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)), arts. 1(3), 60(2), **Sch. 8** (with arts. 2(4), 53, 57(3), 61(4)); S.R. 2009/346, **art. 4** (with arts. 5, 6, 7 (as amended by S.R. 2010/145, arts. 6, 7, 8)); S.R. 2010/145, **art. 3**

**F4** 2004 c. 19

**Modifications etc. (not altering text)**

**C2** Sch. 1 para. 2 modified (temp. from 17.7.2008) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(2)(c), 82(1), **Sch. 2 para. 2(3)**

**3**

[<sup>F5</sup>A person falls within this paragraph if—

- (a) he commits an offence under section 16 of the Offences against the Person Act 1861 (c. 100) (threats to kill) by making a threat to kill a child,
- (b) he commits an offence under section 1 of the Punishment of Incest Act 1908 (c.45) (incest by a man) by having sexual intercourse with a child,
- (c) she commits an offence under section 2 of that Act (incest by a woman) by allowing a child to have sexual intercourse with her,
- (d) he commits an offence under section 9(1)(a) of the Theft (Northern Ireland) Act 1969 (c.16) (burglary), by entering a building or part of a building with intent to rape a child,
- (e) he commits an offence under section 4(3) of the Misuse of Drugs Act 1971 (c. 38) by—
  - (i) supplying or offering to supply a Class A drug to a child,
  - (ii) being concerned in the supplying of such a drug to a child, or
  - (iii) being concerned in the making to a child of an offer to supply such a drug,
- (f) he commits an offence under Article 7 of the Homosexual Offences (Northern Ireland) Order 1982 (NI 19) (procuring others to commit homosexual acts) by—
  - (i) procuring a child to commit an act of buggery with any person, or
  - (ii) procuring any person to commit an act of buggery with a child,

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- (g) he commits an offence under Article 8 of that Order (living on earnings of male prostitution) by living wholly or in part on the earnings of prostitution of a child,
- (h) he commits an offence under Article 122 or 123 of the Mental Health (Northern Ireland) Order 1986 (NI 4) (protection of patients) in relation to a child,
- (i) he commits an offence of—
  - (i) aiding, abetting, counselling, procuring or inciting the commission of an offence against a child, or
  - (ii) conspiring or attempting to commit such an offence.]

**F5** Sch. repealed (12.10.2009 for specified purposes, 7.4.2010 for specified purposes, otherwise prosp.) by Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)), arts. 1(3), 60(2), **Sch. 8** (with arts. 2(4), 53, 57(3), 61(4)); S.R. 2009/346, **art. 4** (with arts. 5, 6, 7 (as amended by S.R. 2010/145, arts. 6, 7, 8)); S.R. 2010/145, **art. 3**

**Modifications etc. (not altering text)**

- C3** Sch. 1 para. 3 modified (temp. from 17.7.2008) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(2)(c), 82(1), **Sch. 2 para. 2(4)**
- C4** Sch. para. 3(i)(i) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1), 94(1), **Sch. 6 para. 49** (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.