
DRAFT STATUTORY INSTRUMENTS

2008 No.

The Sexual Offences (Northern Ireland) Order 2008

PART 3

SEXUAL OFFENCES AGAINST CHILDREN

Offences against children under 18: abuse of position of trust

Positions of trust: interpretation

29.—(1) The following provisions apply for the purposes of Article .

(2) Subject to paragraph (3), a person looks after persons under 18 if he is regularly involved in caring for, training, supervising or being in sole charge of such persons.

(3) A person (A) looks after another person (B) on an individual basis if—

- (a) A is regularly involved in caring for, training or supervising B, and
- (b) in the course of his involvement, A regularly has unsupervised contact with B (whether face to face or by any other means).

(4) A person receives education at an educational institution if—

- (a) he is registered or otherwise enrolled as a pupil or student at the institution, or
- (b) he receives education at the institution under arrangements with another educational institution at which he is so registered or otherwise enrolled.

(5) In Article —

“authority” has the meaning given by Article 2(2) of the 1995 Order;

“care order” has the same meaning as in the 1995 Order;

“children’s home” has the meaning that would be given by Article 9 of the [Health and Personal Social Services \(Quality, Improvement and Regulation\) \(Northern Ireland\) Order 2003 \(NI 9\)](#) (“the 2003 Order”) if in paragraph (4) of that Article sub-paragraphs (d), (f) and (g) were omitted;

“education supervision order” has the meaning given by Article 49(1) of the 1995 Order;

“hospital” means a hospital within the meaning given by Article 2(2) of the [Health and Personal Social Services \(Northern Ireland\) Order 1972 \(NI 14\)](#), or any other establishment which is a hospital within the meaning given by Article 2(2) of the 2003 Order;

“independent clinic” has the meaning given by Article 2(2) of the 2003 Order;

“private hospital” has the meaning given by Article 90(2) of the [Mental Health \(Northern Ireland\) Order 1986 \(NI 4\)](#);

“residential care home” means an establishment which is a residential care home for the purposes of the 2003 Order;

“residential family centre” has the meaning given by section 22 of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3);

“supervision order” has the meaning given by Article 49(1) of the 1995 Order;

“voluntary home” has the meaning given by Article 74(1) of the 1995 Order.