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DRAFT STATUTORY INSTRUMENTS

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**2008 No.**

**The Sexual Offences (Northern Ireland) Order 2008**

**PART 4**

**SEXUAL OFFENCES AGAINST A PERSON WITH A MENTAL DISORDER**

*Care workers for persons with a mental disorder*

**Care workers: interpretation**

**55.**—(1) For the purposes of Articles to 54, a person (A) is involved in the care of another person (B) in a way that falls within this Article if any of paragraphs (2) to (4) applies.

(2) This paragraph applies if—

- (a) B is accommodated and cared for in a residential care home, residential family centre, voluntary home or children’s home, and
- (b) A has functions to perform in the home in the course of employment which have brought him or are likely to bring him into regular face to face contact with B.

(3) This paragraph applies if B is a patient for whom services are provided—

- (a) by a Health and Social Services Board established under Article 16(1) of the [Health and Personal Social Services \(Northern Ireland\) Order 1972 \(NI 14\)](#),
- (b) by a Health and Social Services trust established under Article 10(1) of the [Health and Personal Social Services \(Northern Ireland\) Order 1991 \(NI 1\)](#),
- (c) by an independent medical agency,
- (d) in an independent clinic or independent hospital, or
- (e) in a private hospital,

and A has functions to perform for the Board, Trust or agency, or in the clinic or hospital, in the course of employment which have brought him or are likely to bring him into regular face to face contact with B.

(4) This paragraph applies if A—

- (a) is, whether or not in the course of employment, a provider of care, assistance or services to B in connection with B’s mental disorder, and
- (b) as such, has had or is likely to have regular face to face contact with B.

(5) In this Article—

“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;

“employment” means any employment, whether paid or unpaid and whether under a contract for service or apprenticeship, under a contract for services, or otherwise than under a contract;

“independent clinic”, “independent hospital” and “independent medical agency” have the meanings 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 \(c. 3\)](#);

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