
DRAFT STATUTORY INSTRUMENTS

2008 No.

The Sexual Offences (Northern Ireland) Order 2008

PART 5

PROSTITUTION

Interpretation of this Part

58.—(1) The following provisions apply for the purposes of this Part.

(2) “Prostitute” means a person (A) who, on at least one occasion and whether or not compelled to do so, offers or provides sexual services to another person in return for payment or a promise of payment to A or a third person; and “prostitution” is to be interpreted accordingly.

(3) In paragraph (2), “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.

(4) “Gain” means—

- (a) 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; or
- (b) the goodwill of any person which is or appears likely, in time, to bring financial advantage.

(5) Conduct is persistent if it takes place on two or more occasions in any period of three months.

(6) “Motor vehicle” has the same meaning as in the [Road Traffic \(Northern Ireland\) Order 1995 \(NI 18\)](#).

(7) For the purposes of Articles 59 to 61—

- (a) “street” includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public; and
- (b) the doorways and entrances of premises abutting on a street (as defined in subparagraph (a)), and any ground adjoining and open to a street, shall be treated as forming part of the street.

Loitering or soliciting for purposes of prostitution

59.—(1) A person commits an offence if he persistently loiters or solicits in a street or other public place for the purpose of offering services as a prostitute.

(2) A person guilty of an offence under this Article shall be liable on summary conviction—

- (a) to a fine not exceeding level 2 on the standard scale, or
- (b) for an offence committed after a previous conviction, to a fine not exceeding level 3 on that scale.

Kerb-crawling

60.—(1) A person (A) commits an offence if he solicits another person (or different persons) for the purpose of prostitution—

- (a) from a motor vehicle while it is in a street or other public place; or
- (b) in a street or other public place while in the immediate vicinity of a motor vehicle that he has just got out of or off,

persistently or in such manner or in such circumstances as to be likely to cause annoyance to the person (or any of the persons) solicited, or nuisance to other persons in the neighbourhood.

(2) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Any reference in this Article to A soliciting another person for the purposes of prostitution is a reference to A soliciting that other person to provide services as a prostitute to A.

Persistent soliciting

61.—(1) A person (A) commits an offence if in a street or other public place he persistently solicits another person (or different persons) for the purpose of prostitution.

(2) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Any reference in this Article to A soliciting another person for the purposes of prostitution is a reference to A soliciting that other person to provide services as a prostitute to A.

Exploitation of prostitution

Causing or inciting prostitution for gain

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

- (a) he intentionally causes or incites another person to become a prostitute in any part of the world, and
- (b) he does so for or in the expectation of gain for himself or a third person.

(2) A person guilty of an offence under this Article is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years.

Controlling prostitution for gain

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

- (a) he intentionally controls any of the activities of another person relating to that person's prostitution in any part of the world, and
- (b) he does so for or in the expectation of gain for himself or a third person.

(2) A person guilty of an offence under this Article is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years.

Keeping a brothel used for prostitution

64.—(1) A person commits an offence if he keeps, manages, or acts or assists in the management of, a brothel to which people resort for practices involving prostitution (whether or not also for other practices).

(2) A person who commits an offence under this Article shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 7 years.

(3) A conviction under this Article shall be taken into account under section 3 of the Criminal Law Amendment Act (Northern Ireland) 1923 (c. 8), in the same way as a conviction under section 13 of the Criminal Law Amendment Act 1885 (c. 69).