

Status: Point in time view as at 15/10/2013.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Sexual Offences is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 5

QUALIFYING OFFENCES FOR PURPOSES OF PART 10

PART 2

LIST OF OFFENCES FOR NORTHERN IRELAND

Sexual Offences

Rape

35 Rape.

[^{F1}35A An offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008.]

Textual Amendments

F1 Sch. 5 Pt. 2 para. 35A inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, [Sch. 1 para. 31\(2\)](#); S.R. 2008/510, [art. 2](#)

Attempted rape

36 An offence under section 2 of the Attempted Rape, etc., Act (Northern Ireland) 1960.

[^{F2}36A An offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit an offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008.]

Textual Amendments

F2 Sch. 5 Pt. 2 para. 36A inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, [Sch. 1 para. 31\(3\)](#); S.R. 2008/510, [art. 2](#)

Intercourse with a girl under fourteen

37 An offence under section 4 of the Criminal Law Amendment Act 1885 (c. 69) of unlawfully and carnally knowing a girl under fourteen.

Incest by a man with a girl under fourteen

38 An offence under section 1(1) of the Punishment of Incest Act 1908 (c. 45) alleged to have been committed with a girl under fourteen.

[^{F3}Assault by penetration

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Textual Amendments

F3 Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

38A An offence under Article 6 of the Sexual Offences (Northern Ireland) Order 2008.

Textual Amendments

F3 Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Causing a person to engage in sexual activity without consent

38B An offence under Article 8 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that the activity caused involved penetration within paragraph (4) (a) to (d) of that Article.

Textual Amendments

F3 Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Rape of a child under thirteen

38C An offence under Article 12 of the Sexual Offences (Northern Ireland) Order 2008.

Textual Amendments

F3 Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Attempted rape of a child under thirteen

38D An offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit an offence under Article 12 of the Sexual Offences (Northern Ireland) Order 2008.

Textual Amendments

F3 Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Assault of child under thirteen by penetration

38E An offence under Article 13 of the Sexual Offences (Northern Ireland) Order 2008.

Textual Amendments

F3 Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Causing a child under thirteen to engage in sexual activity by penetration

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- 38F An offence under Article 15 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that an activity involving penetration within paragraph (2)(a) to (d) of that Article was caused.

Textual Amendments

- F3** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Sexual activity with a person with a mental disorder impeding choice

- 38G An offence under Article 43 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that the touching involved penetration within paragraph (3)(a) to (d) of that Article.

Textual Amendments

- F3** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

Causing a person with a mental disorder impeding choice to engage in sexual activity

- 38H An offence under Article 44 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that an activity involving penetration within paragraph (3)(a) to (d) of that Article was caused.]

Textual Amendments

- F3** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

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