
STATUTORY INSTRUMENTS

2008 No. 1779

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

PART 2

SEXUAL OFFENCES ACT 2003

Schedule 3 (sexual offences for the purposes of Part 2)

13. In Schedule 3, after paragraph 92 insert—

92A. An offence under Article 5 or 6 of the Sexual Offences (Northern Ireland) Order 2008 (rape, assault by penetration).

92B. An offence under Article 7 of that Order (sexual assault) if—

- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (b) in any other case—
 - (i) the victim was under 18, or
 - (ii) the offender, in respect of the offence or finding, is or has been—
 - (aa) sentenced to a term of imprisonment,
 - (bb) detained in a hospital, or
 - (cc) made the subject of a community sentence of at least 12 months.

92C. An offence under Article 8, 12 or 13 of that Order (causing sexual activity without consent, rape of a child under 13, assault of a child under 13 by penetration).

92D. An offence under Article 14 of that Order (sexual assault of a child under 13) if the offender—

- (a) was 18 or over, or
- (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

92E. An offence under any of Articles 15 to 19 of that Order (causing or inciting a child under 13 to engage in sexual activity, sexual offences against children committed by adults).

92F. An offence under Article 20 of that Order (sexual offences against children committed by children or young persons), if the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

92G. An offence under Article 21 of that Order (arranging or facilitating the commission of a sexual offence against a child) if the offender—

- (a) was 18 or over, or

- (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

92H. An offence under Article 22 of that Order (meeting a child following sexual grooming etc).

92I. An offence under any of Articles 23 to 26 of that Order (abuse of a position of trust) if the offender, in respect of the offence, is or has been—

- (a) sentenced to a term of imprisonment,
- (b) detained in a hospital, or
- (c) made the subject of a community sentence of at least 12 months.

92J. An offence under Article 32 or 33 of that Order (familial sexual offences against children) if the offender—

- (a) was 18 or over, or
- (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

92K. An offence under Article 37 (paying for sexual services of a child) if the victim or (as the case may be) other party was under 16, and the offender—

- (a) was 18 or over, or
- (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

92L. An offence under Article 38 (causing or inciting child prostitution or pornography) if the offender—

- (a) was 18 or over, or
- (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

92M. An offence under Article 39 (controlling a child prostitute or a child involved in pornography) if the offender—

- (a) was 18 or over, or
- (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

92N. An offence under Article 40 (arranging or facilitating child prostitution or pornography) if the offender—

- (a) was 18 or over, or
- (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

92O. An offence under any of Articles 43 to 50 of that Order (offences against persons with a mental disorder impeding choice, inducements etc. to persons with mental disorder).

92P. An offence under any of Articles 51 to 54 of that Order (care workers for persons with mental disorder) if—

- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (b) in any other case, the offender, in respect of the offence or finding, is or has been—
 - (i) sentenced to a term of imprisonment,
 - (ii) detained in a hospital, or

(iii) made the subject of a community sentence of at least 12 months.

92Q. An offence under Article 65 of that Order (administering a substance with intent).

92R. An offence under Article 66 or 67 of that Order (committing an offence or trespassing, with intent to commit a sexual offence) if—

- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (b) in any other case—
 - (i) the intended offence was an offence against a person under 18, or
 - (ii) the offender, in respect of the offence or finding, is or has been—
 - (aa) sentenced to a term of imprisonment,
 - (bb) detained in a hospital, or
 - (cc) made the subject of a community sentence of at least 12 months.

92S. An offence under Article 68 or 69 of that Order (sex with an adult relative) if—

- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (b) in any other case, the offender, in respect of the offence or finding, is or has been—
 - (i) sentenced to a term of imprisonment, or
 - (ii) detained in a hospital.

92T. An offence under Article 70 of that Order (exposure) if—

- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (b) in any other case—
 - (i) the victim was under 18, or
 - (ii) the offender, in respect of the offence or finding, is or has been—
 - (aa) sentenced to a term of imprisonment,
 - (bb) detained in a hospital, or
 - (cc) made the subject of a community sentence of at least 12 months.

92U. An offence under Article 71 of that Order (voyeurism) if—

- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (b) in any other case—
 - (i) the victim was under 18, or
 - (ii) the offender, in respect of the offence or finding, is or has been—
 - (aa) sentenced to a term of imprisonment,
 - (bb) detained in a hospital, or
 - (cc) made the subject of a community sentence of at least 12 months.

92V. An offence under Article 73 or 74 of that Order (intercourse with an animal, penetration of a corpse) if—

- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;

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- (b) in any other case, the offender, in respect of the offence or finding, is or has been—
 - (i) sentenced to a term of imprisonment, or
 - (ii) detained in a hospital.”