
STATUTORY INSTRUMENTS

2008 No. 1769

The Sexual Offences (Northern Ireland) Order 2008

PART 3

SEXUAL OFFENCES AGAINST CHILDREN

Sexual offences against children under 16

Sexual activity with a child

- 16.**—(1) A person aged 18 or over (A) commits an offence if—
- (a) he intentionally touches another person (B),
 - (b) the touching is sexual, and
 - (c) either—
 - (i) B is under 16 and A does not reasonably believe that B is 16 or over, or
 - (ii) B is under 13.
- (2) A person guilty of an offence under this Article, if the touching involved—
- (a) penetration of B's anus or vagina with a part of A's body or anything else,
 - (b) penetration of B's mouth with A's penis,
 - (c) penetration of A's anus or vagina with a part of B's body, or
 - (d) penetration of A's mouth with B's penis,

is liable, on conviction on indictment, to imprisonment for a term not exceeding 14 years.

- (3) Unless paragraph (2) applies, 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 14 years.

Causing or inciting a child to engage in sexual activity

- 17.**—(1) A person aged 18 or over (A) commits an offence if—
- (a) he intentionally causes or incites another person (B) to engage in an activity,
 - (b) the activity is sexual, and
 - (c) either—
 - (i) B is under 16 and A does not reasonably believe that B is 16 or over, or
 - (ii) B is under 13.
- (2) A person guilty of an offence under this Article, if the activity caused or incited involved—
- (a) penetration of B's anus or vagina,

- (b) penetration of B's mouth with a person's penis,
- (c) penetration of a person's anus or vagina with a part of B's body or by B with anything else, or
- (d) penetration of a person's mouth with B's penis,

is liable, on conviction on indictment, to imprisonment for a term not exceeding 14 years.

- (3) Unless paragraph (2) applies, 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 14 years.

Engaging in sexual activity in the presence of a child

- 18.—(1) A person aged 18 or over (A) commits an offence if—
 - (a) he intentionally engages in an activity,
 - (b) the activity is sexual,
 - (c) for the purpose of obtaining sexual gratification, he engages in it—
 - (i) when another person (B) is present or is in a place from which A can be observed, and
 - (ii) knowing or believing that B is aware, or intending that B should be aware, that he is engaging in it, and
 - (d) either—
 - (i) B is under 16 and A does not reasonably believe that B is 16 or over, or
 - (ii) B is under 13.
- (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 10 years.

Causing a child to watch a sexual act

- 19.—(1) A person aged 18 or over (A) commits an offence if—
 - (a) for the purpose of obtaining sexual gratification, he intentionally causes another person (B) to watch a third person engaging in an activity, or to look at an image of any person engaging in an activity,
 - (b) the activity is sexual, and
 - (c) either—
 - (i) B is under 16 and A does not reasonably believe that B is 16 or over, or
 - (ii) B is under 13.
- (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 10 years.

Sexual offences against children committed by children or young persons

20.—(1) A person under 18 commits an offence if he does anything which would be an offence under any of Articles 16 to 19 if he were aged 18.

- (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 5 years.

Arranging or facilitating commission of a sex offence against a child

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

- (a) he intentionally arranges or facilitates something that he intends to do, intends another person to do, or believes that another person will do, in any part of the world, and
- (b) doing it will involve the commission of an offence under any of Articles 16 to 20.

(2) A person does not commit an offence under this Article if—

- (a) he arranges or facilitates something that he believes another person will do, but that he does not intend to do or intend another to do, and
- (b) any offence within paragraph (1)(b) would be an offence against a child for whose protection he acts.

(3) For the purposes of paragraph (2), a person acts for the protection of a child if he acts for the purpose of—

- (a) protecting the child from sexually transmitted infection,
- (b) protecting the physical safety of the child,
- (c) preventing the child from becoming pregnant, or
- (d) promoting the child's emotional well-being by the giving of advice,

and not for the purpose of obtaining sexual gratification or for the purpose of causing or encouraging the activity constituting the offence within paragraph (1)(b) or the child's participation in it.

(4) 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 14 years.

Meeting a child following sexual grooming etc.

22.—(1) A person aged 18 or over (A) commits an offence if—

- (a) A has met or communicated with another person (B) [^{F1}on one or more occasions], and subsequently—
 - (i) A intentionally meets B, or
 - (ii) A travels with the intention of meeting B in any part of the world or arranges to meet B in any part of the world, or
 - (iii) B travels with the intention of meeting A in any part of the world,
- (b) A intends to do anything to or in respect of B, during or after the meeting mentioned in sub-paragraph (a)(i) to (iii) and in any part of the world, which if done will involve the commission by A of a relevant offence,
- (c) B is under 16, and

- (d) A does not reasonably believe that B is 16 or over.
- (2) In paragraph (1)—
- (a) the reference to A having met or communicated with B is a reference to A having met B in any part of the world or having communicated with B by any means from, to or in any part of the world;
- (b) “relevant offence” means—
- (i) an offence under this Order, or
- [^{F2}(ii) an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation), or]
- (iii) anything done outside Northern Ireland which is not an offence under paragraph (i) or (ii) but would be an offence within paragraph (i) or (ii) if done in Northern Ireland.
- (3) 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 10 years.

Textual Amendments

- F1** Words in [art. 22\(1\)\(a\)](#) substituted (25.7.2015) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), ss. 89, 106\(1\)\(b\)](#) (with [Sch. 8 para. 9](#))
- F2** [Art. 22\(2\)\(b\)\(ii\)](#) substituted (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\), s. 28\(2\), Sch. 4 para. 8\(1\)](#)

[^{F3}Sexual communication with a child

- 22A.—**(1) A person aged 18 or over (A) commits an offence if—
- (a) for the purpose of obtaining sexual gratification, A intentionally communicates with another person (B),
- (b) the communication is sexual or is intended to encourage B to make (whether to A or to another) a communication that is sexual, and
- (c) B is under 16 and A does not reasonably believe that B is 16 or over.
- (2) For the purposes of this Article, a communication is sexual if—
- (a) any part of it relates to sexual activity, or
- (b) a reasonable person would, in all the circumstances but regardless of any person's purpose, consider any part of the communication to be sexual;
- and in sub-paragraph (a) “sexual activity” means an activity that a reasonable person would, in all the circumstances but regardless of any person's purpose, consider to be sexual.
- (3) 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 2 years.]

Textual Amendments

F3 Art. 22A inserted (25.7.2015) by *Justice Act (Northern Ireland) 2015 (c. 9)*, ss. **90(1)**, 106(1)(b)

[^{F4}Communicating with a person with a view to grooming a particular child

22B.—(1) A person aged 18 or over (A) commits an offence if—

- (a) A communicates with another person (B),
 - (b) at the time of the communication, A intentionally presents himself or herself to B, to a group of persons that includes B or to the public at large as being under 18,
 - (c) A's intention in communicating with B is to establish or participate in an exchange of communications with a particular person whom A has in mind (C) with a view to subsequently committing a relevant offence against C, and
 - (d) C is under 16 and A does not reasonably believe that C is 16 or over.
- (2) B and C may be the same person.
- (3) If—
- (a) A communicates with a group of persons, and
 - (b) the group contains a person to whom A intentionally presents himself or herself as being under 18,

A is to be regarded as communicating with that person.

Textual Amendments

F4 Arts. 22B-22G inserted (27.11.2023) by *Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19)*, ss. **4(1)**, 30(2); S.R. 2023/188, art. 3(a)

Communicating with a group with a view to grooming a particular child

22C. A person aged 18 or over (A) commits an offence if—

- (a) A communicates with a group of persons,
- (b) at the time of the communication, A intentionally presents himself or herself to the group or to the public at large as being under 18,
- (c) A's intention in communicating with the group is to establish or participate in an exchange of communications with a particular person whom A has in mind (B) with a view to subsequently committing a relevant offence against B, and
- (d) B is under 16 and A does not reasonably believe that B is 16 or over.

Textual Amendments

F4 Arts. 22B-22G inserted (27.11.2023) by *Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19)*, ss. **4(1)**, 30(2); S.R. 2023/188, art. 3(a)

Communicating with a person with a view to grooming any child

22D.—(1) A person aged 18 or over (A) commits an offence if—

- (a) A communicates with another person (B),

- (b) at the time of the communication, A intentionally presents himself or herself to B, to a group of persons that includes B or to the public at large as being under 18, and
- (c) A's intention in communicating with B is to establish or participate in an exchange of communications with a person or persons aged under 16 with a view to subsequently committing a relevant offence against such a person; but without having a particular person in mind at the time of the communication.

(2) If—

- (a) A communicates with a group of persons, and
- (b) the group contains a person to whom A intentionally presents himself or herself as being under 18,

A is to be regarded as communicating with that person.

Textual Amendments

F4 Arts. 22B-22G inserted (27.11.2023) by *Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022* (c. 19), ss. 4(1), 30(2); S.R. 2023/188, art. 3(a)

Communicating with a group with a view to grooming any child

22E. A person aged 18 or over (A) commits an offence if—

- (a) A communicates with a group of persons,
- (b) at the time of the communication, A intentionally presents himself or herself to the group or to the public at large as being under 18, and
- (c) A's intention in communicating with the group is to establish or participate in an exchange of communications with a person or persons aged under 16 with a view to subsequently committing a relevant offence against such a person; but without having a particular person in mind at the time of the communication.

Textual Amendments

F4 Arts. 22B-22G inserted (27.11.2023) by *Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022* (c. 19), ss. 4(1), 30(2); S.R. 2023/188, art. 3(a)

Communication with a view to grooming: interpretation

22F. For the purposes of Articles 22B to 22E—

- (a) A presents himself or herself to a person (or persons) as being under 18 if a reasonable person would consider that, in all the circumstances, A presents himself or herself to that person (or those persons) as being under 18;
- (b) “relevant offence” means—
 - (i) an offence under this Order,
 - (ii) an offence under section 2 of the *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation), or

- (iii) anything done outside Northern Ireland which is not an offence under sub-paragraph (i) or (ii) but would be an offence within sub-paragraph (i) or (ii) if done in Northern Ireland.

Textual Amendments

- F4** Arts. 22B-22G inserted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), ss. 4(1), 30(2); S.R. 2023/188, art. 3(a)

Communication with a view to grooming: sentencing

22G. A person guilty of an offence under any of Articles 22B to 22E 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 2 years.]

Textual Amendments

- F4** Arts. 22B-22G inserted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), ss. 4(1), 30(2); S.R. 2023/188, art. 3(a)

Changes to legislation:

There are currently no known outstanding effects for the The Sexual Offences (Northern Ireland) Order 2008, Cross Heading: Sexual offences against children under 16.