

STATUTORY INSTRUMENTS

2008 No. 1769

The Sexual Offences (Northern Ireland) Order 2008

PART 5

PROSTITUTION^{F1} AND PAYING FOR SEXUAL SERVICES OF A PERSON]

Textual Amendments

- F1** Words in Pt. 5 heading inserted (1.6.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\), ss. 15\(2\), 28\(5\)](#)

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) ^{F2} . . . “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^{F3} other than in Article 64A].

(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) ^{F4}

(7) For the purposes of [^{F5}Article 60]—

- (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.

Textual Amendments

- F2** Words in art. 58(3) repealed (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 112\(1\)\(2\), 116\(1\), Sch. 7 para. 26\(a\), Sch. 8 Pt. 2; S.I. 2010/507, art. 5\(q\)\(r\)\(v\)\(x\)](#) (subject to art. 6)
- F3** Words in art. 58(3) inserted (1.6.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\), ss. 15\(3\), 28\(5\)](#)

- F4** Art. 58(6) repealed (1.4.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(1)(2), 116(1), Sch. 7 para. 26(b), **Sch. 8 Pt. 2**; S.I. 2010/507, **art. 5(q)(r)(v)(x)** (subject to art. 6)
- F5** Words in art. 58(7) 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(2)**

Loitering or soliciting for purposes of prostitution

^{F6}**59.**

Textual Amendments

- F6** Art. 59 repealed (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), ss. 15(4), 28(2), **Sch. 5**

[^{F7}Soliciting

60.—(1) It is an offence for a person in a street or public place to solicit another (B) for the purpose of obtaining B's sexual services as a prostitute.

(2) The reference to a person in a street or public place includes a person in a vehicle in a street or public place.

(3) 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.]

Textual Amendments

- F7** Art. 60 substituted (1.4.2010) for arts. 60, 61 by Policing and Crime Act 2009 (c. 26), **ss. 20**, 116(1); S.I. 2010/507, **art. 5(g)** (subject to art. 6)

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).

[^{F9}Paying for sexual services of a person

64A.—(1) A person (A) commits an offence if A obtains sexual services from a person (B) in exchange for payment—

- (a) if the payment is made or promised by A; or
- (b) if the payment is made or promised by a third party and A knows or believes that the payment is made or promised by a third party.
- (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 one year or a fine, or both.

(3) In paragraph (1), “ payment ” means any financial advantage to B, or any person other than B, including the discharge of an obligation to pay or the provision of goods or services (other than sexual services) gratuitously or at a discount.

[^{F10}(4) No offence is committed under this Article unless the sexual services that are provided or are to be provided by B to A fall within paragraph (4A) or (4B).

- (4A) Sexual services fall within this paragraph if they involve—
 - (a) B being physically in A’s presence,
 - (b) B touching A or A touching B, and
 - (c) the touching being sexual.

- (4B) Sexual services fall within this paragraph if they involve—
 - (a) B being physically in A’s presence, and
 - (b) B touching B in a sexual manner for the sexual gratification of A.]

(5) B does not commit an offence by doing anything which (apart from this paragraph) would amount to—

- (a) aiding, abetting, counselling or procuring the commission of an offence under this Article by A;
- (b) conspiring with A to commit an offence under this Article; or
- (c) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting offences) in relation to the commission of an offence under this Article by A.]

Textual Amendments

- F9** Art. 64A substituted (1.6.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), **ss. 15(5)**, 28(5)
- F10** Art. 64A(4)-(4B) substituted for art. 64A(4) (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), s. 30(2), **Sch. 2 para. 10**; S.R. 2023/188, art. 3(b)

Changes to legislation:

There are currently no known outstanding effects for the The Sexual Offences (Northern Ireland) Order 2008, PART 5.