

## The Law and Sex

It is important to understand and have up-to-date knowledge information on what the law in Northern Ireland says about some issues regarding sex and in particular sexual consent. This section summarises the legal position in relating to the age of sexual consent and changes to new sexual offences law.

### **Key facts**

- the age of sexual consent has been reduced from 17 to 16 years of age.
- there is no longer a statutory duty to report to the police cases of sexual activity involving a young person aged 13 to 16 years old, where the other person is under 18 years of age.
- there is now a new set of offences to protect persons with a mental disorder from sexual abuse.

### **The Sexual Offences (Northern Ireland) Order 2008**

It incorporated significant changes to the law in relation to sexual offences in Northern Ireland, better protection for young people from sexual abuse and exploitation and seeks to clarify issues surrounding consent in sexual assault cases and rape. Key elements included:

- lowering the age of sexual consent from 17 years of age to 16 years of age
- a set of offences to protect persons with a mental disorder
- new offences of kerb crawling and soliciting for prostitution
- tighter penalties for keeping a brothel
- more clarity on the abuse of positions of trust offences
- gender neutrality.

All sexual activity with a young person of either gender under the age of 16 is now illegal, even if both parties are under 16 – this is the same as the rest of the UK. Prior to 2008, it was only sexual intercourse that fell within the definition of ‘unlawful carnal knowledge’ and this offence only applied to intercourse with girls under 17. Now the offence covers all sexual activity and is gender neutral.

The maximum penalties for offences have been reviewed to ensure they reflect the seriousness of the behaviour(s) involved.

### **Consent**

The age of consent for heterosexual and non-heterosexual sex is 16 years of age.

<b>Sexual activity</b>	<b>Age of consent</b>
Heterosexual sex	16 years
Sexual intercourse between	16 years

men	
Lesbian sex	16 years
Heterosexual anal sex	16 years

### **Non-consensual sexual offences**

It is an offence of sexual assault for a person intentionally to touch another person sexually without reasonable belief that they consented. Touching covers all physical contact, whether with a part of the body or anything else, or through clothing. Sexual is defined as: a reasonable person would always consider it to be so, or if a reasonable person may consider it to be sexual, depending on the circumstances and intention.

#### **Offence**

Rape (Article 5)

Assault by penetration (Article 6)

Sexual assault (Article 7)

Causing a person to engage in sexual activity without consent (Article 8)

Causing a person to engage in sexual activity without consent, where penetration is involved (Article 8)

#### **Maximum Penalty**

Life imprisonment

Life imprisonment

10 years imprisonment

10 years imprisonment

Life imprisonment

### **Sexual offences against children under 13 years of age**

It is an offence to engage in any sexual activity with a child aged under 13 years of age, with a maximum penalty of 14 years imprisonment. Where the sexual activity involves penetration, the maximum penalty is life imprisonment.

#### **Offence**

Rape of a child under 13 (Article 12)

Assault of a child under 13 by penetration (Article 13)

Sexual assault of a child under 13 (Article 14)

Causing or inciting a child under 13 to engage in sexual activity (Article 15)

Causing or inciting a child under 13 engage in sexual activity, where penetration is involved (Article 15)

#### **Maximum Penalty**

Life imprisonment

Life imprisonment

14 years  
imprisonment

14 years  
imprisonment

Life imprisonment