Changes to legislation: *The Homosexual Offences (Northern Ireland) Order 1982 is up to date with all changes known to be in force on or before 04 March 2022. 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) View outstanding changes*

STATUTORY INSTRUMENTS

1982 No. 1536 (N.I. 19)

The Homosexual Offences (Northern Ireland) Order 1982

- - - - - - *27th October 1982*

Title and commencement

1.—(1) This Order may be cited as the Homosexual Offences (Northern Ireland) Order 1982.

(2) This Order shall come into operation on the expiration of 6 weeks from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F1] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

Definition rep. by 2003 NI 13

"the Act of 1885" means the Criminal Law Amendment Act 1885[F2];

"the Order of 1981" means the Magistrates' Courts (Northern Ireland) Order 1981[F3];

"homosexual act", in relation to a man, means buggery with another man[F4]...;

"man" includes boy;

"statutory provision" has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

F1 1954 c. 33 (N.I.).
F2 1885 c. 69.
F3 S.I. 1981/1675 (N.I. 26).
F4 2003 c. 42

Art. 3 rep. by 2003 c. 42

Art. 4 rep. by 1986 NI 4

Art. 5 rep. by 1994 c. 33

Art. 6 rep. by 2003 NI 13

Art. 7 rep. by 2003 c. 42

Art. 8 rep. by 2003 c. 42

Premises resorted to for homosexual practices

9. Premises shall be treated for purposes of section 13 of the Act of 1885 and section 5 of the Criminal Law Amendment Act 1912[F5] as a brothel if people resort to it for the purpose of lewd homosexual practices in circumstances in which resort thereto for lewd heterosexual practices would have led to its being treated as a brothel for the purposes of those sections.

F5 1912 c. 20.

Time limit on prosecutions.

10.—(1) No proceedings for an offence to which this Article applies shall be commenced after the expiration of 12 months from the date on which that offence was committed.

(2) This Article applies to—

Sub. paras. (a)#(b) rep. by 2003 c. 42

(c) any offence of buggery by a man with another man not amounting to an assault on that other man and not being an offence by a man with a boy under the age of 16 years.

Restriction on prosecutions

11.—(1) Without prejudice to section 12 of the Criminal Jurisdiction Act 1975[F6] (arrest and remand of alleged offender), no proceedings shall be initiated or carried on except by or with the consent of the Director of Public Prosecutions against any man for the offence of buggery with[F7]... another man,[F8]... or for aiding, abetting, counselling, procuring or commanding its commission where either of those men was at the time of its commission under the age of**[**[F9] 17**]**[F9] years.

(2) Paragraph (1) does not apply to proceedings under any provision of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 or to proceedings under section 22 of the Children and Young Persons Act (Northern Ireland) 1968[F10] (indecent conduct towards child).

F6 1975 c. 59.
F7 2003 c. 42
F8 1983 NI 13
F9 2003 NI 13
F10 1968 c. 34 (N.I.).

Choice of mode of trial for certain offences

Para. (1) rep. by 2003 c. 42

Para. (2) rep. by 1986 NI 15

Art. 13 rep. by 2003 c. 42

Article 14—Amendments