

GROSS INDECENCY WITH OR TOWARDS A CHILD

Children and Young Persons Act (NI) 1968

22. – (1) Any person who commits an act of gross indecency (defined as unlawful sexual contact between an adult and a child which falls short of full sexual intercourse) with or towards a child, or who incites a child to such an act with him or another, shall be guilty of an offence

Maximum Sentence:

Children and Young Persons Act (NI) 1968, s.22

Indictment: 10 years imprisonment

Summary: 6 months imprisonment or a fine not exceeding the prescribed sum (£5,000) or both

Assessment of Offence

(Starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Contact between part of the offender's body (other than genitalia) with part of the victim's body (other than genitalia)	2 months Custody + Compensation Order	Community Order to 3 months Custody + Compensation Order
Contact between part of the victim's body and the offender's clothed genitalia	3 months Custody + Compensation Order	Community Order to 6 months Custody + Compensation Order
Contact between part of the victim's body and the naked genitalia of the offender or second victim	4 months custody + Compensation Order	Community Order to 6 months Custody + Compensation Order

Examples of Possible Aggravating Factors of Offence

1. More than one offender acting together
2. Abuse of trust / special relationship
3. Intimidating behaviour / threats of violence
4. Threats to prevent the victim from reporting an offence
5. Future / long term impact on victim
6. Serious nature of the indecency
7. Number of victims
8. Vulnerability of the victim
9. Prolonged activity or contact
10. Victim targeted, groomed, exploited
11. Substantial age difference

Examples of Possible Mitigating Factor of Offence

1. Youth and immaturity of the offender
2. Offender and victim are teenagers similar in age

Relevant Cases:

NI Cases:

R v SG [2010] NICA 32
R v Hume [2006] NICC 18
R v M [2002] NICA 49
R v JC [2003] NICA 19

English Cases:

R v Dove [1996] EWCA Crim 28

Notes:

1. This offence was repealed by the Sexual Offences (NI) Act 2008.
2. Notification requirements under Part 2 of the Sexual Offences Act 2003 apply 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.
3. 'Children Barred List' and 'Vulnerable Adults Barred List' under the Safeguarding Vulnerable Groups (NI) Order 2007 apply.