

INDECENT ASSAULT ON A MALE

Criminal Justice (Northern Ireland) Order 2003

21. – (1) A person who makes an indecent assault on a man shall be guilty of an offence ...
 (2) In this Article man includes a male person of any age.

Maximum Sentence:

Criminal Justice (Northern Ireland) Order 2003, Art.21(1)
Indictment: 10 years imprisonment and/or an unlimited fine
Summarily: 12 months imprisonment and/or the prescribed sum (£5,000)

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)	Community Order + Compensation Order	Fine to Community Order + Compensation Order
Contact between part of the offender's body and the victim's clothed genitalia	Community Order + Compensation Order	Community Order to 6 months Custody + Compensation Order
Contact between part of the offender's body and the victim's naked genitalia	4 months Custody + Compensation Order	3 - 12 months Custody + Compensation Order

Examples of Possible Aggravating Factors of Offence

1. Threats of violence or unpleasant consequences if victims disclosed abuse or did not comply.
2. Offender is in a position of trust or power over the victim.
3. Youth, innocence, and vulnerability of the victims.
4. Number of victims.
5. Physical harm caused.
6. Negative impact on the victims.
7. Deliberate practice of abuse over long period of time.
8. Victims targeted, groomed, exploited.
9. Offender shows no remorse.
10. Background of intimidation or coercion.
11. Use of drugs, alcohol or other substance to facilitate the offence.

Examples of Possible Mitigating Factor of Offence

1. Reasonably believed that victim consented.
2. Youth and immaturity of the offender.
3. Mutual consenting experimentation between teenagers.

Relevant Cases:

NI Cases

1. Attorney General's Reference (No.2 of 2002) [2002] NICA 40
2. Berry [1999] 1 BNIL 73.

English Cases

N/A

Notes:

1. This offence was repealed by the Sexual Offences (Northern Ireland) Order 2008.
2. Indictable offence triable summarily with consent of the accused (Art.45 of, and Sch.2 to, the Magistrate's Court (NI) Order 1981).
3. Notification requirements under Part 2 of the Sexual Offences Act 2003 apply where:
 - (a) the offender was under 18, he is or has been sentenced, in respect of the offence, to imprisonment of at least 12 months;
 - (b) in any other case –
 - (i) the victim was under 18; or
 - (ii) the offender, in respect of the offence, is or has been –
 - sentenced to a term of imprisonment;
 - detained in a hospital; or
 - made the subject of a community sentence of at least 12 months.
4. 'Vulnerable Adults Barred List' under the Safeguarding Vulnerable Groups (NI) Order 2007 applies; 'Children Barred List' applies where offence was committed against a child.