



# Sexual Offences (Amendment) Act 1976

## 1976 CHAPTER 82

An Act to amend the law relating to rape.

[22nd November 1976]

### Extent Information

**E1** As regards the extent of this Act see [s. 7\(6\)](#)

### Modifications etc. (not altering text)

**C1** Act modified by [S.I. 1987/299, reg. 8](#)  
Act amended (E.W.N.I) (1.9.2001) by [2001 c. 17, s. 57\(2\)](#) (with [ss. 56, 63\(2\), 78](#)); [S.I. 2001/2161, art. 2](#) (subject to [art. 3](#))

## 1 Meaning of “rape” etc.

(1) For the purposes of section 1 of the <sup>M1</sup>Sexual Offences Act 1956 (which relates to rape) a man commits rape if—

- (a) he has unlawful sexual intercourse with a woman who at the time of the intercourse does not consent to it; and
- (b) at that time he knows that she does not consent to the intercourse or he is reckless as to whether she consents to it;

and references to rape in other enactments (including the following provisions of this Act) shall be construed accordingly.

<sup>F1</sup>(2) .....

### Textual Amendments

**F1** S. 1(2) repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\), s. 141, Sch. 6 para. 20\(2\), Sch. 7](#); [S.I. 2004/874, art. 2](#)

### Marginal Citations

**M1** [1956 c. 69.](#)

*Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Amendment) Act 1976. (See end of Document for details)*

**F2** .....

**Textual Amendments**  
**F2** S. 2 repealed (4.12.2000) by 1999 c. 23, s. 67(3), **Sch. 6** (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/3075, **art. 2(c)(i)** (with art. 3)

**F3** .....

**Textual Amendments**  
**F3** S. 3 repealed (4.12.2000) by 1999 c. 23, s. 67(3), **Sch. 6** (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/3075, **art. 2(c)(i)** (with art. 3)

**F4** **Anonymity of complainants in rape etc cases.**

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**Textual Amendments**  
**F4** S. 4 repealed (7.10.2004 for E.W., 8.11.2004 for N.I.) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), Sch. 2 para. 4(2), **6** (with Sch. 7); S.R. 2004/467, art. 2(c)(e); S.I. 2004/2428, art. 2(e)(f)

**F5** **Provisions supplementary to s. 4.**

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**Textual Amendments**  
**F5** S. 5 repealed (7.10.2004 for E.W., 8.11.2004 for N.I.) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), Sch. 2 para. 4(2), **6** (with Sch. 7); S.R. 2004/467, art. 2(c)(e); S.I. 2004/2428, art. 2(e)(f)

**6** **Anonymity of defendants in rape etc cases.**

..... **F6**

**Textual Amendments**  
**F6** S. 6 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 158(5), 170, Sch. 8 para. 16, **Sch. 16**

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## 7 Citation, interpretation, commencement and extent.

(1) This Act may be cited as the Sexual Offences (Amendment) Act 1976, and this Act and the Sexual Offences Acts 1956 and 1967 may be cited together as the Sexual Offences Acts 1956 to 1976.

[<sup>F7</sup>(2) In this Act—

- (a) “ a rape offence ” means any of the following—
- (i) an offence under section 1 of the Sexual Offences Act 2003 (rape);
  - (ii) an offence under section 2 of that Act (assault by penetration);
  - (iii) an offence under section 4 of that Act (causing a person to engage in sexual activity without consent), where the activity caused involved penetration within subsection (4)(a) to (d) of that section;
  - (iv) an offence under section 5 of that Act (rape of a child under 13);
  - (v) an offence under section 6 of that Act (assault of a child under 13 by penetration);
  - (vi) an offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
  - (vii) an offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice), where the touching involved penetration within subsection (3)(a) to (d) of that section;
  - (viii) an offence under section 31 of that Act (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
  - (ix) an attempt, conspiracy or incitement to commit an offence within any of paragraphs (i) to (vii);
  - (x) aiding, abetting, counselling or procuring the commission of such an offence or an attempt to commit such an offence.
- (b) the use in any provision of the word “man” without the addition of the word “boy” does not prevent the provision applying to any person to whom it would have applied if both words had been used, and similarly with the words “woman” and “girl”.]

<sup>F8</sup>(3) .....

(4) This Act shall come into force on the expiration of the period of one month beginning with the date on which it is passed, <sup>F9</sup>.....

<sup>F10</sup>(5) .....

(6) This Act, except so far as it relates to courts–martial and the Courts–Martial Appeal Court, shall not extend to Scotland [<sup>F11</sup>or Northern Ireland.]

### Textual Amendments

**F7** S. 7(2) substituted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 6 para. 20\(3\)\(a\)](#); S.I. 2004/874, art. 2

**F8** S. 7(3) repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 6 para. 20\(3\)\(b\)](#); S.I. 2004/874, art. 2

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**Changes to legislation:** There are currently no known outstanding effects for the Sexual Offences (Amendment) Act 1976. (See end of Document for details)

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- F9** Words in s. 7(4) repealed (7.10.2004 for E.W., 8.11.2004 for N.I.) by [Youth Justice and Criminal Evidence Act 1999 \(c. 23\)](#), s. 68(3)(4), [Sch. 6](#) (with [Sch. 7](#)); S.I. 2004/2428, art. 2(f); S.R. 2004/467, art. 2(c)(e)
- F10** S. 7(5) repealed (7.10.2004 for E.W., 8.11.2004 for N.I.) by [Youth Justice and Criminal Evidence Act 1999 \(c. 23\)](#), s. 68(3)(4), [Sch. 6](#) (with [Sch. 7](#)); S.I. 2004/2428, art. 2(f); S.R. 2004/467, art. 2(c)(e)
- F11** Words in s. 7(6) substituted (7.10.2004 for E.W., 8.11.2004 for N.I.) by [Youth Justice and Criminal Evidence Act 1999 \(c. 23\)](#), s. 68(3)(4), [Sch. 2 para. 4\(3\)](#) (with [Sch. 7](#)); S.I. 2004/2428, art. 2(e); S.R. 2004/467, art. 2(c)(e)

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**Modifications etc. (not altering text)**

- C2** S. 7(2)(a)(ix) modified (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 6 para. 4](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, art. 2(a)
- C3** Power conferred by s. 7(4) fully exercised (22.4.1978) by S.I. 1978/485, [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Sexual Offences (Amendment) Act 1976.