



Sexual Offences Act 2003

2003 CHAPTER 42

PART 1

SEXUAL OFFENCES

Inducements etc. to persons with a mental disorder

- 34 Inducement, threat or deception to procure sexual activity with a person with a mental disorder**
- (1) A person (A) commits an offence if—
- with the agreement of another person (B) he intentionally touches that person,
 - the touching is sexual,
 - A obtains B's agreement by means of an inducement offered or given, a threat made or a deception practised by A for that purpose,
 - B has a mental disorder, and
 - A knows or could reasonably be expected to know that B has a mental disorder.
- (2) A person guilty of an offence under this section, if the touching involved—
- penetration of B's anus or vagina with a part of A's body or anything else,
 - penetration of B's mouth with A's penis,
 - penetration of A's anus or vagina with a part of B's body, or
 - penetration of A's mouth with B's penis,
- is liable, on conviction on indictment, to imprisonment for life.
- (3) Unless subsection (2) applies, a person guilty of an offence under this section is liable—
- on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - on conviction on indictment, to imprisonment for a term not exceeding 14 years.

Status: Point in time view as at 01/05/2004.

Changes to legislation: Sexual Offences Act 2003, Cross Heading: Inducements etc. to persons with a mental disorder is up to date with all changes known to be in force on or before 28 June 2024. 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)

35 Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception

- (1) A person (A) commits an offence if—
- (a) by means of an inducement offered or given, a threat made or a deception practised by him for this purpose, he intentionally causes another person (B) to engage in, or to agree to engage in, an activity,
 - (b) the activity is sexual,
 - (c) B has a mental disorder, and
 - (d) A knows or could reasonably be expected to know that B has a mental disorder.
- (2) A person guilty of an offence under this section, if the activity caused or agreed to involved—
- (a) penetration of B’s anus or vagina,
 - (b) penetration of B’s mouth with a person’s penis,
 - (c) penetration of a person’s anus or vagina with a part of B’s body or by B with anything else, or
 - (d) penetration of a person’s mouth with B’s penis,
- is liable, on conviction on indictment, to imprisonment for life.
- (3) Unless subsection (2) applies, a person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

36 Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder

- (1) A person (A) commits an offence if—
- (a) he intentionally engages in an activity,
 - (b) the activity is sexual,
 - (c) for the purpose of obtaining sexual gratification, he engages in it—
 - (i) when another person (B) is present or is in a place from which A can be observed, and
 - (ii) knowing or believing that B is aware, or intending that B should be aware, that he is engaging in it,
 - (d) B agrees to be present or in the place referred to in paragraph (c)(i) because of an inducement offered or given, a threat made or a deception practised by A for the purpose of obtaining that agreement,
 - (e) B has a mental disorder, and
 - (f) A knows or could reasonably be expected to know that B has a mental disorder.
- (2) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

Status: Point in time view as at 01/05/2004.

Changes to legislation: Sexual Offences Act 2003, Cross Heading: Inducements etc. to persons with a mental disorder is up to date with all changes known to be in force on or before 28 June 2024. 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)

- (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.

37 Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception

- (1) A person (A) commits an offence if—
 - (a) for the purpose of obtaining sexual gratification, he intentionally causes another person (B) to watch a third person engaging in an activity, or to look at an image of any person engaging in an activity,
 - (b) the activity is sexual,
 - (c) B agrees to watch or look because of an inducement offered or given, a threat made or a deception practised by A for the purpose of obtaining that agreement,
 - (d) B has a mental disorder, and
 - (e) A knows or could reasonably be expected to know that B has a mental disorder.
- (2) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.

Status:

Point in time view as at 01/05/2004.

Changes to legislation:

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