



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART XI

#### SEXUAL OFFENCES

##### *Homosexuality*

#### **145 Age at which homosexual acts are lawful**

- (1) In section 1 of the Sexual Offences Act 1967 (amendment of law relating to homosexual acts in private), for “twenty-one” in both places where it occurs there is substituted “eighteen”.
- (2) In section 80 of the Criminal Justice (Scotland) Act 1980 (homosexual offences), for “twenty-one” in each place where it occurs there is substituted “eighteen”.
- (3) In Article 3 of the Homosexual Offences (Northern Ireland) Order 1982 (homosexual acts in private), for “21” in both places where it occurs there is substituted “18”.

#### **146 Extension of Sexual Offences Act 1967 to the armed forces and merchant navy**

- (1) Section 1(5) of the Sexual Offences Act 1967 (homosexual acts in the armed forces) is repealed.
- (2) In section 80 of the Criminal Justice (Scotland) Act 1980—
  - (a) subsection (5) (homosexual acts in the armed forces) shall cease to have effect;
  - (b) in subsection (7)—
    - (i) after paragraph (b) there shall be inserted the word “or”; and
    - (ii) paragraph (d) (homosexual acts on merchant ships) and the word “; or” immediately preceding that paragraph shall cease to have effect;

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*Status: This is the original version (as it was originally enacted).*

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(c) subsection (8) (interpretation) shall cease to have effect.

- (3) Section 2 of the Sexual Offences Act 1967 (homosexual acts on merchant ships) is repealed.
- (4) Nothing contained in this section shall prevent a homosexual act (with or without other acts or circumstances) from constituting a ground for discharging a member of Her Majesty's armed forces from the service or dismissing a member of the crew of a United Kingdom merchant ship from his ship or, in the case of a member of Her Majesty's armed forces, where the act occurs in conjunction with other acts or circumstances, from constituting an offence under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957.

Expressions used in this subsection and any enactment repealed by this section have the same meaning in this subsection as in that enactment.

#### **147 Homosexuality on merchant ships and in the armed forces: Northern Ireland**

- (1) In the Homosexual Offences (Northern Ireland) Order 1982, the following are revoked—
- (a) in article 3(1) (homosexual acts in private), the words “and Article 5 (merchant seamen)”; and
  - (b) article 5 (homosexual acts on merchant ships).
- (2) Article 3(4) of the Homosexual Offences (Northern Ireland) Order 1982 (homosexual acts in the armed forces) is revoked.
- (3) Nothing in this section shall prevent a homosexual act (with or without other acts or circumstances) from constituting a ground for discharging a member of Her Majesty's armed forces from the service or dismissing a member of the crew of a United Kingdom merchant ship from his ship or, in the case of a member of Her Majesty's armed forces, where the act occurs in conjunction with other acts or circumstances, from constituting an offence under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957.

Expressions used in this subsection and any enactment repealed by this section have the same meaning in this subsection as in that enactment.

#### **148 Amendment of law relating to homosexual acts in Scotland**

In section 80(6) of the Criminal Justice (Scotland) Act 1980 (which defines “homosexual act” for the purpose of section 80), after “gross indecency” there is inserted “or shameless indecency”.