



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 1

#### SEXUAL OFFENCES

##### *Causing sexual activity without consent*

#### **4 Causing a person to engage in sexual activity without consent**

- (1) A person (A) commits an offence if—
  - (a) he intentionally causes another person (B) to engage in an activity,
  - (b) the activity is sexual,
  - (c) B does not consent to engaging in the activity, and
  - (d) A does not reasonably believe that B consents.
- (2) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.
- (3) Sections 75 and 76 apply to an offence under this section.
- (4) A person guilty of an offence under this section, if the activity caused 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.
- (5) Unless subsection (4) 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 to a fine not exceeding the statutory maximum or both;

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*Status: Point in time view as at 12/11/2009.*

**Changes to legislation:** *Sexual Offences Act 2003, Cross Heading: Causing sexual activity without consent is up to date with all changes known to be in force on or before 18 May 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)*

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

**Status:**

Point in time view as at 12/11/2009.

**Changes to legislation:**

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