

Status: Point in time view as at 26/01/2009. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Sexual Offences Act 2003, Cross Heading: Service offences is up to date with all changes known to be in force on or before 07 July 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)

SCHEDULES

SCHEDULE 3

SEXUAL OFFENCES FOR PURPOSES OF PART 2

Service offences

- 93 (1) An offence under—
- (a) section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18),
 - (b) section 70 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19), or
 - (c) section 42 of the Naval Discipline Act 1957 (c. 53),
- of which the corresponding civil offence (within the meaning of that Act) is an offence listed in any of paragraphs 1 to [F135A].
- (2) A reference in any of those paragraphs to being made the subject of a community sentence of at least 12 months is to be read, in relation to an offence under an enactment referred to in sub-paragraph (1), as a reference to being sentenced to a term of service detention of at least 112 days.

Textual Amendments

- F1** Word in Sch. 3 para. 93(1) substituted for "35" (E.W.N.I.) (26.1.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148(1), 153(7), {Sch. 26 para. 58(4)}; S.I. 2008/2993, art. 2(2)(j)

VALID FROM 28/03/2009

- 93A (1) An offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence listed in any of paragraphs 1 to [F235A].
- (2) A reference in any of those paragraphs to being made the subject of a community sentence of at least 12 months is to be read, in relation to an offence under that section, as a reference to—
- (a) being made the subject of a service community order or overseas community order under the Armed Forces Act 2006 of at least 12 months; or
 - (b) being sentenced to a term of service detention of at least 112 days.
- (3) Section 48 of that Act (attempts, conspiracy, [F3encouragement and assistance] and aiding and abetting outside England and Wales) applies for the purposes of this

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paragraph as if the reference in subsection (3)(b) to any of the following provisions of that Act were a reference to this paragraph.

Textual Amendments

- F2** Word in Sch. 3 para. 93A(1) substituted for "35" (E.W.N.I.) (26.1.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148(1), 153(7), {Sch. 26 para. 58(4)}; S.I. 2008/2993, art. 2(2)(j)
- F3** Words in Sch. 3 para. 93A(3) substituted (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 60, 94, Sch. 5 para. 4(2) (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

Modifications etc. (not altering text)

- C1** Sch. 3 para. 93A modified (24.4.2009 for certain purposes and otherwise 31.10.2009) by The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), arts. 1(3), 205, Sch. 1 para. 52(3)

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