

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** *Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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 1

Section 56

#### EXTENSION OF GENDER-SPECIFIC PROSTITUTION OFFENCES

##### *Sexual Offences Act 1956 (c. 69)*

- 1 In section 36 of the Sexual Offences Act 1956 (permitting premises to be used for prostitution), at the end insert “ (whether any prostitute involved is male or female) ”.

##### *Street Offences Act 1959 (c. 57)*

- 2 In section 1(1) of the Street Offences Act 1959 (loitering or soliciting for purposes of prostitution), after “prostitute” insert “ (whether male or female) ”.
- 3 <sup>F1</sup> .....

#### Textual Amendments

- F1** Sch. 1 para. 3 repealed (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(2), 116(1), **Sch. 8 Pt. 2**; [S.I. 2010/507](#), **art. 5(x)** (subject to art. 6)

##### *Sexual Offences Act 1985 (c. 44)*

- 4 <sup>F2</sup> .....

#### Textual Amendments

- F2** Sch. 1 para. 4 repealed (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(2), 116(1), **Sch. 8 Pt. 2**; [S.I. 2010/507](#), **art. 5(x)** (subject to art. 6)

### SCHEDULE 2

Section 72(7)

#### SEXUAL OFFENCES TO WHICH SECTION 72 APPLIES

##### *England and Wales*

- 1 In relation to England and Wales, the following are sexual offences to which section 72 applies—
- <sup>F3</sup>(a) an offence under any of sections 5 to 19, 25 and 26 and 47 to 50;
  - (b) an offence under any of sections 1 to 4, 30 to 41 and 61 where the victim of the offence was under 18 at the time of the offence;]

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- (c) an offence under section 62 or 63 where the intended offence was an offence against a person under <sup>F4</sup>18];
- (d) an offence under—
  - (i) section 1 of the Protection of Children Act 1978 (c. 37) (indecent photographs of children), or
  - (ii) section 160 of the Criminal Justice Act 1988 (c. 33) (possession of indecent photograph of child).

F5 . . .

#### Textual Amendments

- F3** Sch. 2 para. 1(a)(b) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 72\(3\)\(a\), 153\(7\); S.I. 2008/1586, art. 2, Sch. 1 para. 34](#) (subject to Sch. 2)
- F4** Word in Sch. 2 para. 1(c) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 72\(3\)\(b\), 153\(7\); S.I. 2008/1586, art. 2, Sch. 1 para. 34](#) (subject to Sch. 2)
- F5** Words in Sch. 2 para. 1(d) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 72\(3\)\(c\), 153\(7\); S.I. 2008/1586, art. 2, Sch. 1 para. 34](#) (subject to Sch. 2)

#### *Northern Ireland*

2

F6 . . .

#### Textual Amendments

- F6** Sch. 2 para. 2 omitted (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\), arts. 2\(3\), 12\(a\); S.R. 2008/510, art. 2](#)

#### *General*

3

- A reference in paragraph 1 <sup>F7</sup>. . . to an offence includes—
- (a) a reference to an attempt, conspiracy or incitement to commit that offence; and
  - (b) a reference to aiding and abetting, counselling or procuring the commission of that offence.

#### Textual Amendments

- F7** Words in Sch. 2 para. 3 omitted (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\), arts. 2\(3\), 12\(b\); S.R. 2008/510, art. 2](#)

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

- C1** Sch. 2 para. 3(a) modified (1.10.2008) by [Serious Crime Act 2007 \(c. 27\), ss. 63\(1\), 94, Sch. 6 para. 47](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504, art. 2\(a\)](#)

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

## SCHEDULE 3

Section 80

### SEXUAL OFFENCES FOR PURPOSES OF PART 2

#### *England and Wales*

- 1 An offence under section 1 of the Sexual Offences Act 1956 (c. 69) (rape).
- 2 An offence under section 5 of that Act (intercourse with girl under 13).
- 3 An offence under section 6 of that Act (intercourse with girl under 16), if the offender was 20 or over.
- 4 An offence under section 10 of that Act (incest by a man), if the victim or (as the case may be) other party was under 18.
- 5 An offence under section 12 of that Act (buggery) if—
  - (a) the offender was 20 or over, and
  - (b) the victim or (as the case may be) other party was under 18.
- 6 An offence under section 13 of that Act (indecentcy between men) if—
  - (a) the offender was 20 or over, and
  - (b) the victim or (as the case may be) other party was under 18.
- 7 An offence under section 14 of that Act (indecent assault on a woman) if—
  - (a) the victim or (as the case may be) other party was under 18, or
  - (b) the offender, in respect of the offence or finding, is or has been—
    - (i) sentenced to imprisonment for a term of at least 30 months; or
    - (ii) admitted to a hospital subject to a restriction order.
- 8 An offence under section 15 of that Act (indecent assault on a man) if—
  - (a) the victim or (as the case may be) other party was under 18, or
  - (b) the offender, in respect of the offence or finding, is or has been—
    - (i) sentenced to imprisonment for a term of at least 30 months; or
    - (ii) admitted to a hospital subject to a restriction order.
- 9 An offence under section 16 of that Act (assault with intent to commit buggery), if the victim or (as the case may be) other party was under 18.
- 10 An offence under section 28 of that Act (causing or encouraging the prostitution of, intercourse with or indecent assault on girl under 16).
- 11 An offence under section 1 of the Indecency with Children Act 1960 (c. 33) (indecent conduct towards young child).
- 12 An offence under section 54 of the Criminal Law Act 1977 (c. 45) (inciting girl under 16 to have incestuous sexual intercourse).
- 13 An offence under section 1 of the Protection of Children Act 1978 (c. 37) (indecent photographs of children), if the indecent photographs or pseudo-photographs showed persons under 16 and—
  - (a) the conviction, finding or caution was before the commencement of this Part, or
  - (b) the offender—
    - (i) was 18 or over, or

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- (ii) is sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 14 An offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36) (indecent or obscene articles), if the prohibited goods included indecent photographs of persons under 16 and—
- (a) the conviction, finding or caution was before the commencement of this Part, or
  - (b) the offender—
    - (i) was 18 or over, or
    - (ii) is sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 15 An offence under section 160 of the Criminal Justice Act 1988 (c. 33) (possession of indecent photograph of a child), if the indecent photographs or pseudo-photographs showed persons under 16 and—
- (a) the conviction, finding or caution was before the commencement of this Part, or
  - (b) the offender—
    - (i) was 18 or over, or
    - (ii) is sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 16 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (c. 44) (abuse of position of trust), if the offender was 20 or over.
- 17 An offence under section 1 or 2 of this Act (rape, assault by penetration).
- 18 An offence under section 3 of this Act (sexual assault) if—
- (a) where the offender was under 18, he is or has been sentenced, in respect of the offence, to imprisonment for a term of at least 12 months;
  - (b) in any other case—
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been—
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 19 An offence under any of sections 4 to 6 of this Act (causing sexual activity without consent, rape of a child under 13, assault of a child under 13 by penetration).
- 20 An offence under section 7 of this Act (sexual assault of a child under 13) if the offender—
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 21 An offence under any of sections 8 to 12 of this Act (causing or inciting a child under 13 to engage in sexual activity, child sex offences committed by adults).

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- 22 An offence under section 13 of this Act (child sex offences committed by children or young persons), if the offender is or has been sentenced, in respect of the offence, to imprisonment for a term of at least 12 months.
- 23 An offence under section 14 of this Act (arranging or facilitating the commission of a child sex offence) if the offender—
- (a) was 18 or over, or
  - (b) is or has been sentenced, in respect of the offence, to imprisonment for a term of at least 12 months.
- 24 An offence under section 15 of this Act (meeting a child following sexual grooming etc).
- 25 An offence under any of sections 16 to 19 of this Act (abuse of a position of trust) if the offender, in respect of the offence, is or has been—
- (a) sentenced to a term of imprisonment,
  - (b) detained in a hospital, or
  - (c) made the subject of a community sentence of at least 12 months.
- 26 An offence under section 25 or 26 of this Act (familial child sex offences) if the offender—
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 27 An offence under any of sections 30 to 37 of this Act (offences against persons with a mental disorder impeding choice, inducements etc. to persons with mental disorder).
- 28 An offence under any of sections 38 to 41 of this Act (care workers for persons with mental disorder) if —
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case, the offender, in respect of the offence or finding, is or has been—
    - (i) sentenced to a term of imprisonment,
    - (ii) detained in a hospital, or
    - (iii) made the subject of a community sentence of at least 12 months.
- 29 An offence under section 47 of this Act (paying for sexual services of a child) if the victim or (as the case may be) other party was under 16, and the offender—
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- [<sup>F8</sup>29A An offence under section 48 of this Act (causing or inciting child prostitution or pornography) if the offender –
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

#### Textual Amendments

**F8** Sch. 3 paras. 29A-29C inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), 2(2)

- 29B An offence under section 49 of this Act (controlling a child prostitute or a child involved in pornography) if the offender –
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

#### Textual Amendments

**F8** Sch. 3 paras. 29A-29C inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), 2(2)

- 29C An offence under section 50 of this Act (arranging or facilitating child prostitution or pornography) if the offender –
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.]

#### Textual Amendments

**F8** Sch. 3 paras. 29A-29C inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), 2(2)

- 30 An offence under section 61 of this Act (administering a substance with intent).
- 31 An offence under section 62 or 63 of this Act (committing an offence or trespassing, with intent to commit a sexual offence) if—
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case—
    - (i) the intended offence was an offence against a person under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been—
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 32 An offence under section 64 or 65 of this Act (sex with an adult relative) if —
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case, the offender, in respect of the offence or finding, is or has been—
    - (i) sentenced to a term of imprisonment, or
    - (ii) detained in a hospital.
- 33 An offence under section 66 of this Act (exposure) if—

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case—
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been—
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 34 An offence under section 67 of this Act (voyeurism) if—
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case—
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been—
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 35 An offence under section 69 or 70 of this Act (intercourse with an animal, sexual penetration of a corpse) if —
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case, the offender, in respect of the offence or finding, is or has been—
    - (i) sentenced to a term of imprisonment, or
    - (ii) detained in a hospital.
- [<sup>F9</sup>35A An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images) if the offender—
- (a) was 18 or over, and
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.]

#### Textual Amendments

**F9** Sch. 3 para. 35A inserted (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\(2\)](#); S.I. 2008/2993, [art. 2\(2\)\(j\)](#)

- [<sup>F10</sup>35B An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children) if the offender—
- (a) was 18 or over, and
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.]

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

**Textual Amendments**

**F10** Sch. 3 para. 35B inserted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(5), **Sch. 21 para. 62(2)**; S.I. 2010/816, **art. 2**, Sch. para. 20(a) (with art. 7)

[<sup>F11</sup>35C An offence under section 69 of the Serious Crime Act 2015 (possession of paedophile manual) if the offender—  
 (a) was 18 or over, or  
 (b) is sentenced in respect of the offence to imprisonment for a term of at least 12 months.]

**Textual Amendments**

**F11** Sch. 3 para. 35C inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), **Sch. 4 para. 66(3)**; S.I. 2015/820, reg. 2(r)(viii)

*Scotland*

36 Rape [<sup>F12</sup>at common law].

**Textual Amendments**

**F12** Words in Sch. 3 para. 36 added (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), **Sch. 5 para. 5(a)**; S.S.I. 2010/357, **art. 2(a)**

37 Clandestine injury to women.

38 Abduction of woman or girl with intent to rape.

[<sup>F13</sup>38A Abduction with intent to commit rape under section 1 (rape) of the Sexual Offences (Scotland) Act 2009 (asp 9).

**Textual Amendments**

**F13** Sch. 3 paras. 38A, 38B inserted (S.) (1.12.2010) by [The Sexual Offences \(Scotland\) Act 2009 \(Supplemental and Consequential Provisions\) Order 2010 \(S.S.I. 2010/421\)](#), art. 2, **Sch. para. 3(a)**

38B Abduction with intent to commit rape under section 18 (rape of a young child) of that Act.]

**Textual Amendments**

**F13** Sch. 3 paras. 38A, 38B inserted (S.) (1.12.2010) by [The Sexual Offences \(Scotland\) Act 2009 \(Supplemental and Consequential Provisions\) Order 2010 \(S.S.I. 2010/421\)](#), art. 2, **Sch. para. 3(a)**

39 Assault with intent to rape or ravish.

[<sup>F14</sup>39A Assault with intent to commit rape under section 1 (rape) of the Sexual Offences (Scotland) Act 2009.



*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

#### Textual Amendments

**F14** Sch. 3 paras. 39A, 39B inserted (S.) (1.12.2010) by [The Sexual Offences \(Scotland\) Act 2009 \(Supplemental and Consequential Provisions\) Order 2010 \(S.S.I. 2010/421\)](#), art. 2, **Sch. para. 3(b)**

39B Assault with intent to commit rape under section 18 (rape of a young child) of that Act.]

#### Textual Amendments

**F14** Sch. 3 paras. 39A, 39B inserted (S.) (1.12.2010) by [The Sexual Offences \(Scotland\) Act 2009 \(Supplemental and Consequential Provisions\) Order 2010 \(S.S.I. 2010/421\)](#), art. 2, **Sch. para. 3(b)**

40 Indecent assault.

41 Lewd, indecent or libidinous behaviour or practices.

[<sup>F15</sup>41A Public indecency if—

- (a) a person (other than the offender) involved in the offence was under 18, and
- (b) the court determines that there was a significant sexual aspect to the offender's behaviour in committing the offence.]

#### Textual Amendments

**F15** Sch. 3 para. 41A inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), **Sch. 5 para. 5(5)(b)**; S.S.I. 2010/357, **art. 2(a)**

42 [<sup>F16</sup>Shameless indecency, if a person (other than the offender) involved in the offence was under 18.]

#### Textual Amendments

**F16** Sch. 3 para. 42 repealed (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(2), 62(2), **Sch. 6**; S.S.I. 2010/357, **art. 2(a)**

43 Sodomy, unless every person involved in the offence was 16 or over and was a willing participant.

44 An offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36) (indecent or obscene articles), if the prohibited goods included indecent photographs of persons under 16.

[<sup>F17</sup>44A An offence under section 51A of the Civic Government (Scotland) Act 1982 (c.45) (possession of extreme pornography) if—

- (a) the offender—
  - (i) was 18 or over, and
  - (ii) is or has been sentenced in respect of the offence to imprisonment for a term of more than 12 months, and

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- (b) in imposing sentence, the court determines that it is appropriate that Part 2 of this Act should apply in relation to the offender.]

#### Textual Amendments

**F17** Sch. 3 para. 44A inserted (S.) (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 42(3)**, 206(1); S.I. 2011/178, art. 2, **Sch.**

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

**C2** Sch. 3 para. 44A extended (16.9.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2011 \(S.I. 2011/2298\)](#), art. 1, **Sch. para. 3(2)** (with art. 4(4))

- 45 An offence under section 52 of the Civic Government (Scotland) Act 1982 (c. 45) (taking and distribution of indecent images of children) [<sup>F18</sup> if—
- (a) the child was under 16 and the offender—
- (i) was 18 or over, or
- (ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or
- (b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph]

#### Textual Amendments

**F18** Sch. 3 para. 45(a)(b) and preceding word inserted (7.10.2005) by [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005 \(asp 9\)](#), **ss. 18, 20**, **Sch. para. 3(a)**; S.S.I. 2005/480, **art. 2** (subject to **art. 3**) (which amending s. 18, Sch. para. 3 were extended (8.11.2006) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), s. 56(1)(b))

- 46 An offence under section 52A of that Act (possession of indecent images of children) [<sup>F19</sup> if—
- (a) the child was under 16 and the offender—
- (i) was 18 or over, or
- (ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or
- (b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph]

#### Textual Amendments

**F19** Sch. 3 para. 46(a)(b) and preceding word inserted (7.10.2005) by [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005 \(asp 9\)](#), **ss. 18, 20**, **Sch. para. 3(b)**; S.S.I. 2005/480, **art. 2**

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

(subject to [art. 3](#)) (which amending s. 18, Sch. para. 3 were extended (8.11.2006) by [Violent Crime Reduction Act 2006 \(c. 38\), s. 56\(1\)\(b\)](#))

- 47 An offence under section 106 of the Mental Health (Scotland) Act 1984 (c. 36) (protection of mentally handicapped females).
- 48 An offence under section 107 of that Act (protection of patients).
- 49 An offence under section 1 of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39) (incest), if a person (other than the offender) involved in the offence was under 18.
- 50 An offence under section 2 of that Act (intercourse with a stepchild), if a person (other than the offender) involved in the offence was under 18.
- 51 An offence under section 3 of that Act (intercourse with child under 16 by person in position of trust).
- 52 An offence under section 5 of that Act (unlawful intercourse with girl under 16), save in the case of an offence in contravention of subsection (3) of that section where the offender was under 20.
- 53 An offence under section 6 of that Act (indecent behaviour towards girl between 12 and 16).
- 54 An offence under section 8 of that Act (abduction of girl under 18 for purposes of unlawful intercourse).
- 55 An offence under section 10 of that Act (person having parental responsibilities causing or encouraging sexual activity in relation to a girl under 16).
- 56 An offence under section 13(5) of that Act (homosexual offences) unless every person involved (whether in the offence or in the homosexual act) was 16 or over and was a willing participant.
- 57 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (c. 44) (abuse of position of trust), where the offender was 20 or over.
- 58 An offence under section 311(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) (non-consensual sexual acts).
- 59 An offence under section 313(1) of that Act (persons providing care services: sexual offences).
- [<sup>F20</sup>59A An offence under section 1 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)(meeting a child following certain preliminary contact) if—
- (a) the offender—
    - (i) was 18 or over, or
    - (ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or
  - (b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

#### Textual Amendments

**F20** Sch. 3 paras. 59A-59C inserted (7.10.2005) by [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005 \(asp 9\)](#), ss. 18, 20, **Sch. para. 3(c)**; S.S.I. 2005/480, **art. 2** (subject to art. 3) (which amending s. 18, Sch. para. 3 were extended (8.11.2006) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), s. 56(1)(b))

- 59B An offence under section 9 of that Act (paying for sexual services of a child), if—
- (a) the victim or (as the case may be) other party was under 16 and the offender—
    - (i) was 18 or over, or
    - (ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or
  - (b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph.

#### Textual Amendments

**F20** Sch. 3 paras. 59A-59C inserted (7.10.2005) by [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005 \(asp 9\)](#), ss. 18, 20, **Sch. para. 3(c)**; S.S.I. 2005/480, **art. 2** (subject to art. 3) (which amending s. 18, Sch. para. 3 were extended (8.11.2006) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), s. 56(1)(b))

- 59C An offence under any of sections 10 to 12 of that Act, if—
- (a) the provider of sexual services or (as the case may be) person involved in pornography was under 16 and the offender—
    - (i) was 18 or over, or
    - (ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or
  - (b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph.]

#### Textual Amendments

**F20** Sch. 3 paras. 59A-59C inserted (7.10.2005) by [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005 \(asp 9\)](#), ss. 18, 20, **Sch. para. 3(c)**; S.S.I. 2005/480, **art. 2** (subject to art. 3) (which amending s. 18, Sch. para. 3 were extended (8.11.2006) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), s. 56(1)(b))

- [<sup>F21</sup>59D An offence under section 1 of the Sexual Offences (Scotland) Act 2009 (asp 9) (rape).

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59E An offence under section 2 of that Act (sexual assault by penetration).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59F An offence under section 3 of that Act (sexual assault).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59G An offence under section 4 of that Act (sexual coercion).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59H An offence under section 5 of that Act (coercing a person into being present during a sexual activity).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59I An offence under section 6 of that Act (coercing a person into looking at a sexual image).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59J An offence under section 7(1) of that Act (communicating indecently).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

59K An offence under section 7(2) of that Act (causing a person to see or hear an indecent communication).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59L An offence under section 8 of that Act (sexual exposure) if—

(a) the offender, in respect of the offence, is or has been—

(i) sentenced to a term of imprisonment, or

(ii) admitted to a hospital, or

(b) the offender was 18 or over and the victim was under 18.

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59M An offence under section 9 of that Act (voyeurism).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59N An offence under section 11 of that Act (administering a substance for sexual purposes).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59O An offence under section 18 of that Act (rape of a young child).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59P An offence under section 19 of that Act (sexual assault on a young child by penetration).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59Q An offence under section 20 of that Act (sexual assault on a young child).

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59R An offence under section 21 of that Act (causing a young child to participate in a sexual activity).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59S An offence under section 22 of that Act (causing a young child to be present during a sexual activity).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59T An offence under section 23 of that Act (causing a young child to look at a sexual image).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59U An offence under section 24(1) of that Act (communicating indecently with a young child).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59V An offence under section 24(2) of that Act (causing a young child to see or hear an indecent communication).

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59W An offence under section 25 of that Act (sexual exposure to a young child).

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

#### Textual Amendments

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59X An offence under section 26 of that Act (voyeurism towards a young child).

#### Textual Amendments

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59Y An offence under section 28 of that Act (having intercourse with an older child) if the offender—

- (a) was 18 or over, or
- (b) in respect of the offence, is or has been—
  - (i) sentenced to a term of imprisonment, or
  - (ii) admitted to a hospital.

#### Textual Amendments

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59Z An offence under section 29 of that Act (engaging in penetrative sexual activity with or towards an older child) if the offender—

- (a) was 18 or over, or
- (b) in respect of the offence, is or has been—
  - (i) sentenced to a term of imprisonment, or
  - (ii) admitted to a hospital.

#### Textual Amendments

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

59ZA An offence under section 30 of that Act (engaging in sexual activity with or towards an older child) if the offender—

- (a) was 18 or over, or
- (b) in respect of the offence, is or has been—
  - (i) sentenced to a term of imprisonment, or
  - (ii) admitted to a hospital.

#### Textual Amendments

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)



*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- 59ZB An offence under section 31 of that Act (causing an older child to participate in a sexual activity) if the offender—
- (a) was 18 or over, or
  - (b) in respect of the offence, is or has been—
    - (i) sentenced to a term of imprisonment, or
    - (ii) admitted to a hospital.

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

- 59ZC An offence under section 32 of that Act (causing an older child to be present during a sexual activity) if the offender—
- (a) was 18 or over, or
  - (b) in respect of the offence, is or has been—
    - (i) sentenced to a term of imprisonment, or
    - (ii) admitted to a hospital.

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

- 59ZD An offence under section 33 of that Act (causing an older child to look at a sexual image) if the offender—
- (a) was 18 or over, or
  - (b) in respect of the offence, is or has been—
    - (i) sentenced to a term of imprisonment, or
    - (ii) admitted to a hospital.

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

- 59ZE An offence under section 34(1) of that Act (communicating indecently with an older child) if the offender—
- (a) was 18 or over, or
  - (b) in respect of the offence, is or has been—
    - (i) sentenced to a term of imprisonment, or
    - (ii) admitted to a hospital.

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- 59ZF An offence under section 34(2) of that Act (causing an older child to see or hear an indecent communication) if the offender—
- (a) was 18 or over, or
  - (b) in respect of the offence, is or has been—
    - (i) sentenced to a term of imprisonment, or
    - (ii) admitted to a hospital.

#### Textual Amendments

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

- 59ZG An offence under section 35 of that Act (sexual exposure to an older child) if the offender—
- (a) was 18 or over, or
  - (b) in respect of the offence, is or has been—
    - (i) sentenced to a term of imprisonment, or
    - (ii) admitted to a hospital.

#### Textual Amendments

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

- 59ZH An offence under section 36 of that Act (voyeurism towards an older child) if the offender—
- (a) was 18 or over, or
  - (b) in respect of the offence, is or has been—
    - (i) sentenced to a term of imprisonment, or
    - (ii) admitted to a hospital.

#### Textual Amendments

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

- 59ZI An offence under section 37(1) of that Act (engaging while an older child in sexual conduct with or towards another older child) if, in respect of the offence, the offender is or has been—
- (a) sentenced to a term of imprisonment, or
  - (b) admitted to a hospital.

#### Textual Amendments

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- 59ZJ An offence under section 37(4) of that Act (engaging while an older child in consensual sexual conduct with another older child) if, in respect of the offence, the offender is or has been—
- (a) sentenced to a term of imprisonment, or
  - (b) admitted to a hospital.

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

- 59ZK An offence under section 42 of that Act (sexual abuse of trust) where (either or both)—
- (a) the offender is 20 or over,
  - (b) the condition set out in section 43(6) of that Act is fulfilled.

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

- 59ZL An offence under section 46 of that Act (sexual abuse of trust of a mentally disordered person).]

**Textual Amendments**

**F21** Sch. 3 paras. 59D-59ZL inserted (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

- 60 An offence in Scotland other than is mentioned in paragraphs 36 to [F2259ZL] if the court, in imposing sentence or otherwise disposing of the case, determines for the purposes of this paragraph that there was a significant sexual aspect to the offender's behaviour in committing the offence.

**Textual Amendments**

**F22** Word in Sch. 3 para. 60 substituted for "59C" (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [Sch. 5 para. 5\(d\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

*Northern Ireland*

- 61 Rape.
- 62 An offence under section 52 of the Offences against the Person Act 1861 (c. 100) (indecent assault upon a female) if—
- (a) where the offender was under 18, he is or has been sentenced, in respect of the offence, to imprisonment for a term of at least 12 months;
  - (b) in any other case—
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been—

---

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** *Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

---

- (a) sentenced to a term of imprisonment,
  - (b) detained in a hospital, or
  - (c) made the subject of a community sentence of at least 12 months.
- 63 An offence under section 53 or 54 of that Act (abduction of woman by force for unlawful sexual intercourse) if the offender—
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 64 An offence under section 61 of that Act (buggery) if—
- (a) the offender was 20 or over, and
  - (b) the victim or (as the case may be) other party was under 18.
- 65 An offence under section 62 of that Act of assault with intent to commit buggery if the victim or (as the case may be) other party was under 18, and the offender —
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 66 An offence under section 62 of that Act of indecent assault upon a male person if—
- (a) where the offender was under 18, he is or has been sentenced, in respect of the offence, to imprisonment for a term of at least 12 months;
  - (b) in any other case—
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been—
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 67 An offence under section 2 of the Criminal Law Amendment Act 1885 (c. 69) (procuration) if the offender—
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 68 An offence under section 3 of that Act (procuring defilement of woman by threats or fraud, etc.) if the offender—
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 69 An offence under section 4 of that Act of unlawful carnal knowledge of a girl under 14 if the offender—
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 70 An offence under section 5 of that Act of unlawful carnal knowledge of a girl under 17, if the offender was 20 or over.
- 71 An offence under section 7 of that Act (abduction of girl under 18) if the offender—

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 72 An offence under section 11 of that Act (homosexual offences) if—
  - (a) the offender was 20 or over, and
  - (b) the victim or (as the case may be) other party was under 18.
- 73 An offence under section 1 of the Punishment of Incest Act 1908 (c. 45) (incest by males), if—
  - (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case—
    - (i) the victim or (as the case may be) other party was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been—
      - (a) sentenced to a term of imprisonment, or
      - (b) detained in a hospital.
- 74 An offence under section 2 of that Act (incest by females), if—
  - (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case—
    - (i) the victim or (as the case may be) other party was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been—
      - (a) sentenced to a term of imprisonment, or
      - (b) detained in a hospital.
- 75 An offence under section 21 of the Children and Young Persons Act (Northern Ireland) 1968 (c. 34) (causing or encouraging seduction or prostitution of a girl under 17) if the offender—
  - (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 76 An offence under section 22 of that Act (indecent conduct towards a child) if the offender—
  - (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 77 An offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)) (indecent photographs of children) if the offender—
  - (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 78 An offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36) (indecent or obscene articles), if the prohibited goods included indecent photographs of persons under 16, and the offender—
  - (a) was 18 or over, or

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 79 An offence under Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6)) (inciting girl under 16 to have incestuous sexual intercourse) if the offender—
- (a) was 18 or over, or
- (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 80 An offence under Article 122 of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)) (offences against women suffering from severe mental handicap).
- 81 An offence under Article 123 of that Order (offences against patients) if—
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (b) in any other case, the offender, in respect of the offence or finding, is or has been—
- (i) sentenced to a term of imprisonment,
- (ii) detained in a hospital, or
- (iii) made the subject of a community sentence of at least 12 months.
- 82 An offence under Article 15 of the Criminal Justice (Evidence, etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17)) (possession of indecent photographs of children) if the offender—
- (a) was 18 or over, or
- (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 83 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (c. 44) (abuse of position of trust), if the offender, in respect of the offence or finding, is or has been—
- (a) sentenced to a term of imprisonment,
- (b) detained in a hospital, or
- (c) made the subject of a community sentence of at least 12 months.
- 84 An offence under Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13)) (buggery) if—
- (a) the offender was 20 or over, and
- (b) the victim or (as the case may be) other party was under 17.
- 85 An offence under Article 20 of that Order (assault with intent to commit buggery) if the victim was under 18 and the offender—
- (a) was 18 or over, or
- (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 86 An offence under Article 21 of that Order (indecent assault upon a male) if—
- (a) where the offender was under 18, he is or has been sentenced, in respect of the offence, to imprisonment for a term of at least 12 months;
- (b) in any other case—
- (i) the victim was under 18, or

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- (ii) the offender, in respect of the offence or finding, is or has been—
- (a) sentenced to a term of imprisonment,
  - (b) detained in a hospital, or
  - (c) made the subject of a community sentence of at least 12 months.
- 87 An offence under section 15 of this Act (meeting a child following sexual grooming etc.).
- 88 An offence under any of sections 16 to 19 of this Act (abuse of trust) if the offender, in respect of the offence or finding, is or has been—
- (a) sentenced to a term of imprisonment,
  - (b) detained in a hospital, or
  - (c) made the subject of a community sentence of at least 12 months.
- 89 An offence under section 47 of this Act (paying for sexual services of a child) if the victim or (as the case may be) other party was under 17 and the offender—
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to a term of imprisonment of at least 12 months.
- [<sup>F23</sup>89A An offence under section 48 of this Act (causing or inciting child prostitution or pornography) if the offender –
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

**Textual Amendments**

**F23** Sch. 3 paras. 89A-89C inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **2(3)**

- 89B An offence under section 49 of this Act (controlling a child prostitute or a child involved in pornography) if the offender –
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

**Textual Amendments**

**F23** Sch. 3 paras. 89A-89C inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **2(3)**

- 89C An offence under section 50 of this Act (arranging or facilitating child prostitution or pornography) if the offender –
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.]

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

### Textual Amendments

**F23** Sch. 3 paras. 89A-89C inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **2(3)**

- 90 An offence under section 66 of this Act (exposure) if—
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case—
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been—
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 91 An offence under section 67 of this Act (voyeurism) if—
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case—
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been—
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 92 An offence under section 69 or 70 of this Act (intercourse with an animal, sexual penetration of a corpse) if —
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case, the offender, in respect of the offence or finding, is or has been—
    - (i) sentenced to a term of imprisonment, or
    - (ii) detained in a hospital.
- [<sup>F24</sup>92A An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images) if the offender—
- (a) was 18 or over, and
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.]

### Textual Amendments

**F24** Sch. 3 para. 92A inserted (26.1.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 148(1), 153(7), **Sch. 26 para. 58(3)**; S.I. 2008/2993, **art. 2(2)(j)**

- [<sup>F25</sup>  
<sup>F26</sup>92B] An offence under Article 5 or 6 of the Sexual Offences (Northern Ireland) Order 2008 (rape, assault by penetration).



*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

#### Textual Amendments

- F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**
- F26** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), **Sch. 21 para. 62(3)**

- [<sup>F27</sup>92C] An offence under Article 7 of that Order (sexual assault) if—
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (b) in any other case—
- (i) the victim was under 18, or
- (ii) the offender, in respect of the offence or finding, is or has been—
- (aa) sentenced to a term of imprisonment,
- (bb) detained in a hospital, or
- (cc) made the subject of a community sentence of at least 12 months.

#### Textual Amendments

- F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**
- F27** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), **Sch. 21 para. 62(3)**

- [<sup>F28</sup>92D] An offence under Article 8, 12 or 13 of that Order (causing sexual activity without consent, rape of a child under 13, assault of a child under 13 by penetration).

#### Textual Amendments

- F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**
- F28** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), **Sch. 21 para. 62(3)**

- [<sup>F29</sup>92E] An offence under Article 14 of that Order (sexual assault of a child under 13) if the offender—
- (a) was 18 or over, or
- (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

#### Textual Amendments

- F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

**F29** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), [Sch. 21 para. 62\(3\)](#)

[<sup>F30</sup>92F] An offence under any of Articles 15 to 19 of that Order (causing or inciting a child under 13 to engage in sexual activity, sexual offences against children committed by adults).

#### Textual Amendments

**F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), [13](#); S.R. 2008/510, [art. 2](#)

**F30** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), [Sch. 21 para. 62\(3\)](#)

[<sup>F31</sup>92G] An offence under Article 20 of that Order (sexual offences against children committed by children or young persons), if the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

#### Textual Amendments

**F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), [13](#); S.R. 2008/510, [art. 2](#)

**F31** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. [177\(1\)](#), [182\(1\)\(h\)](#), {[Sch. 21, para. 62\(3\)](#)}

[<sup>F32</sup>92H] An offence under Article 21 of that Order (arranging or facilitating the commission of a sexual offence against a child) if the offender—  
(a) was 18 or over, or  
(b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

#### Textual Amendments

**F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), [13](#); S.R. 2008/510, [art. 2](#)

**F32** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), [Sch. 21 para. 62\(3\)](#)

[<sup>F33</sup>92HA] An offence under Article 22A of that Order (sexual communication with a child)

#### Textual Amendments

**F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), [13](#); S.R. 2008/510, [art. 2](#)

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

**F33** Sch. 3 para. 92HA inserted (25.7.2015) by [Justice Act \(Northern Ireland\) 2015 \(c. 9 \(N.I.\)\)](#), **ss. 90(4), 106(1)(b)**

[<sup>F34</sup>92I] An offence under Article 22 of that Order (meeting a child following sexual grooming etc).

#### Textual Amendments

**F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**

**F34** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), **Sch. 21 para. 62(3)**

[<sup>F35</sup>92J] An offence under any of Articles 23 to 26 of that Order (abuse of a position of trust) if the offender, in respect of the offence, is or has been—

- (a) sentenced to a term of imprisonment,
- (b) detained in a hospital, or
- (c) made the subject of a community sentence of at least 12 months.

#### Textual Amendments

**F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**

**F35** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), **Sch. 21 para. 62(3)**

[<sup>F36</sup>92K] An offence under Article 32 or 33 of that Order (familial sexual offences against children) if the offender—

- (a) was 18 or over, or
- (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

#### Textual Amendments

**F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**

**F36** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), **Sch. 21 para. 62(3)**

[<sup>F37</sup>92L] An offence under Article 37 (paying for sexual services of a child) if the victim or (as the case may be) other party was under 16, and the offender—

- (a) was 18 or over, or
- (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

#### Textual Amendments

- F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**
- F37** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), **Sch. 21 para. 62(3)**

- [<sup>F38</sup>92M] An offence under Article 38 (causing or inciting child prostitution or pornography) if the offender—
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

#### Textual Amendments

- F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**
- F38** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), **Sch. 21 para. 62(3)**

- [<sup>F39</sup>92N] An offence under Article 39 (controlling a child prostitute or a child involved in pornography) if the offender—
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

#### Textual Amendments

- F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**
- F39** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), **Sch. 21 para. 62(3)**

- [<sup>F40</sup>92O] An offence under Article 40 (arranging or facilitating child prostitution or pornography) if the offender—
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

#### Textual Amendments

- F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**
- F40** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), **Sch. 21 para. 62(3)**

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

[  
F41 92P] An offence under any of Articles 43 to 50 of that Order (offences against persons with a mental disorder impeding choice, inducements etc. to persons with mental disorder).

#### Textual Amendments

- F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**
- F41** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), **Sch. 21 para. 62(3)**

[  
F42 92Q] An offence under any of Articles 51 to 54 of that Order (care workers for persons with mental disorder) if—

- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (b) in any other case, the offender, in respect of the offence or finding, is or has been—
  - (i) sentenced to a term of imprisonment,
  - (ii) detained in a hospital, or
  - (iii) made the subject of a community sentence of at least 12 months.

#### Textual Amendments

- F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**
- F42** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. **177(1)**, 182(1)(h), {Sch. 21, para. 62(3)}

[  
F43 92R] An offence under Article 65 of that Order (administering a substance with intent).

#### Textual Amendments

- F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**
- F43** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(1)(h), **Sch. 21 para. 62(3)**

[  
F44 92S] An offence under Article 66 or 67 of that Order (committing an offence or trespassing, with intent to commit a sexual offence) if—

- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
- (b) in any other case—
  - (i) the intended offence was an offence against a person under 18, or
  - (ii) the offender, in respect of the offence or finding, is or has been—
    - (aa) sentenced to a term of imprisonment,
    - (bb) detained in a hospital, or

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

(cc) made the subject of a community sentence of at least 12 months.

#### Textual Amendments

**F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**

**F44** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. **177(1)**, **182(1)(h)**, {Sch. 21, para. 62(3)}

[<sup>F45</sup>92T] An offence under Article 68 or 69 of that Order (sex with an adult relative) if—

(a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;

(b) in any other case, the offender, in respect of the offence or finding, is or has been—

(i) sentenced to a term of imprisonment, or

(ii) detained in a hospital.

#### Textual Amendments

**F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**

**F45** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. **177(1)**, **182(1)(h)**, **Sch. 21 para. 62(3)**

[<sup>F46</sup>92U] An offence under Article 70 of that Order (exposure) if—

(a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;

(b) in any other case—

(i) the victim was under 18, or

(ii) the offender, in respect of the offence or finding, is or has been—

(aa) sentenced to a term of imprisonment,

(bb) detained in a hospital, or

(cc) made the subject of a community sentence of at least 12 months.

#### Textual Amendments

**F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**

**F46** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. **177(1)**, **182(1)(h)**, **Sch. 21 para. 62(3)**

[<sup>F47</sup>92V] An offence under Article 71 of that Order (voyeurism) if—

(a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- (b) in any other case—
  - (i) the victim was under 18, or
  - (ii) the offender, in respect of the offence or finding, is or has been—
    - (aa) sentenced to a term of imprisonment,
    - (bb) detained in a hospital, or
    - (cc) made the subject of a community sentence of at least 12 months.

#### Textual Amendments

- F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**
- F47** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 177(1), 182(1)(h)**, {Sch. 21para. 62(3)}

- [<sup>F48</sup>92W] An offence under Article 73 or 74 of that Order (intercourse with an animal, penetration of a corpse) if—
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case, the offender, in respect of the offence or finding, is or has been—
    - (i) sentenced to a term of imprisonment, or
    - (ii) detained in a hospital.]

#### Textual Amendments

- F25** Sch. 3 paras. 92A-92V inserted "after paragraph 92" (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **13**; S.R. 2008/510, **art. 2**
- F48** Sch. 3 paras. 92A-92V renumbered as Sch. 3 paras. 92B-92W (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 177(1), 182(1)(h)**, **Sch. 21 para. 62(3)**

- [<sup>F49</sup>92X] An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children) if the offender—
- (a) was 18 or over, and
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.]

#### Textual Amendments

- F49** Sch. 3 para. 92X inserted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 177(1), 182(5)**, **Sch. 21 para. 62(4)**; S.I. 2010/816, **art. 2**, Sch. para. 20(a) (with art. 7)

- [<sup>F50</sup>92Y] An offence under section 69 of the Serious Crime Act 2015 (possession of paedophile manual) if the offender—
- (a) was 18 or over, or
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 12 months.]

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

#### Textual Amendments

- F50** Sch. 3 para. 92Y inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(3)(b), [Sch. 4 para. 66\(4\)](#); [S.R. 2015/190](#), reg. 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 <sup>F51</sup>35B].
- (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 <sup>F52</sup> . . . detention of at least 112 days.
- <sup>F53</sup>(3) In sub-paragraph (2), the reference to detention is to detention awarded under section 71(1)(e) of the Army Act 1955 or Air Force Act 1955 or section 43(1)(e) of the Naval Discipline Act 1957.]

#### Textual Amendments

- F51** Word in Sch. 3 para. 93(1) substituted for "35A" (E.W.N.I.) (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(5), [Sch. 21 para. 62\(5\)](#); [S.I. 2010/816](#), [art. 2](#), [Sch. para. 20\(a\)](#) (with [art. 7](#))
- F52** Word in Sch. 3 para. 93(2) repealed (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383(2), [Sch. 16 para. 212\(2\)\(a\)](#), [Sch. 17](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)
- F53** Sch. 3 para. 93(3) added (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 212\(2\)\(b\)](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

- <sup>F54</sup>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 <sup>F55</sup>35B].
- (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, <sup>F56</sup>encouragement and assistance] and aiding and abetting outside England and Wales) applies for the purposes of this paragraph as if the reference in subsection (3)(b) to any of the following provisions of that Act were a reference to this paragraph.]



*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

#### Textual Amendments

- F54** Sch. 3 para. 93A inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 212\(3\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F55** Word in Sch. 3 para. 93A(1) substituted for "35A" (E.W.N.I.) (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(5), [Sch. 21 para. 62\(5\)](#); S.I. 2010/816, [art. 2](#), Sch. para. 20(a) (with transitional and saving provisions in [art. 7](#))
- F56** 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)

- C3** 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\(3\)](#)

#### General

- 94 A reference in a preceding paragraph to an offence includes—
- (a) a reference to an attempt, conspiracy or incitement to commit that offence, and
  - (b) except in paragraphs 36 to 43, a reference to aiding, abetting, counselling or procuring the commission of that offence.
- [<sup>F57</sup>94A A reference in a preceding paragraph to an offence (“offence A”) includes a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed.]

#### Textual Amendments

- F57** Sch. 3 para. 94A inserted (E.W.N.I.) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 63(2), 94, [Sch. 6 para. 63\(2\)](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, [art. 2\(a\)](#)

- 95 A reference in a preceding paragraph to a person’s age is—
- (a) in the case of an indecent photograph, a reference to the person’s age when the photograph was taken;
  - (b) in any other case, a reference to his age at the time of the offence.
- 96 In this Schedule “community sentence” has—
- (a) in relation to England and Wales, the same meaning as in the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), and
  - (b) in relation to Northern Ireland, the same meaning as in the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).
- 97 For the purposes of paragraphs 14, 44 and 78—
- (a) a person is to be taken to have been under 16 at any time if it appears from the evidence as a whole that he was under that age at that time;
  - (b) section 7 of the Protection of Children Act 1978 (c. 37) (interpretation), subsections (2) to (2C) [<sup>F58</sup>and (8) to (10)] of section 52 of the Civic Government (Scotland) Act 1982 (c. 45), and Article 2(2) and (3) of the

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)) (interpretation) (respectively) apply as each provision applies for the purposes of the Act or Order of which it forms part.

#### Textual Amendments

**F58** Words in Sch. 3 para. 97(b) substituted (S.) (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 41(3)(b)**, 206(1); S.S.I. 2010/413, art. 2, **Sch.**

- 98 A determination under paragraph 60 constitutes part of a person’s sentence, within the meaning of the Criminal Procedure (Scotland) Act 1995 (c. 46), for the purposes of any appeal or review.

## [<sup>F59</sup>SCHEDULE 3A

### REVIEW OF INDEFINITE NOTIFICATION REQUIREMENTS

#### Textual Amendments

**F59** Sch. 3A inserted (N.I.) (1.3.2014) by [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7\)](#), **ss. 1(3), 15(2)(a)**, **Sch. 1**; S.R. 2014/53, art. 2

#### *Introductory*

- 1 (1) This Schedule applies to a person who, on or after the date on which section 1 of the Criminal Justice Act (Northern Ireland) 2013 comes into operation, is subject to the notification requirements for an indefinite period.
- (2) A person to whom this Schedule applies is referred to in this Schedule as “an offender”.
- (3) In this Schedule—
- “risk of sexual harm” means a risk of physical or psychological harm to the public or any particular members of the public caused by an offender doing anything which would constitute an offence listed in Schedule 3 if done in any part of the United Kingdom;
- “the notification requirements” means the notification requirements of Part 2 of this Act;
- “relevant event”, in relation to an offender, is a conviction, finding or notification order which made the offender subject to the notification requirements for an indefinite period.

#### *Initial review: applications*

- 2 (1) Except as provided by sub-paragraph (2), an offender may, at any time after the end of the initial review period, apply to the Chief Constable to discharge the offender from the notification requirements.
- (2) Sub-paragraph (1) does not apply at any time when—

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- (a) the offender is also subject to a sexual offences prevention order or an interim sexual offences prevention order; or
  - (b) the offender is also subject to the notification requirements for a fixed period which has not expired.
- (3) Subject to sub-paragraph (4), the initial review period is—
- (a) in the case of an offender under the age of 18 at the date of the relevant event, 8 years beginning with the date of initial notification;
  - (b) in the case of any other offender, 15 years beginning with the date of initial notification.
- (4) In calculating the initial review period—
- (a) in a case where an offender is subject to the notification requirements for an indefinite period as a result of two or more relevant events, the calculation is to be made by reference to the later or latest of those events;
  - (b) in any case, there is to be disregarded any period during which the offender is, in connection with a relevant event—
    - (i) remanded in, or committed to, custody by an order of a court;
    - (ii) in custody serving a sentence of imprisonment or detention; or
    - (iii) detained in a hospital.
- (5) The date of initial notification is—
- (a) in the case of an offender who is subject to the notification requirements for an indefinite period by virtue of section 81, the date by which the offender was required to give notification under section 2(1) of the Sex Offenders Act 1997;
  - (b) in the case of any other offender, the date by which the offender is required to give notification under section 83(1) (or would be so required but for the fact that the offender falls within an exception in section 83(2) or (4)).
- (6) An application under this paragraph must be in writing and must include—
- (a) the name, address and date of birth of the offender;
  - (b) the name and address of the offender at the date of each relevant event (if different);
  - (c) the date of each relevant event, and (where a relevant event is a conviction or finding) the court by or before which the conviction or finding occurred;
  - (d) any information which the offender wishes to be taken into account by the Chief Constable in determining the application.
- (7) The Chief Constable must, within 14 days of the receipt of an application under this paragraph, give an acknowledgement of the receipt of the application to the offender.
- (8) The Chief Constable may, before determining any application, request information from any body or person which the Chief Constable considers appropriate.

*Initial review: determination of application*

- 3 (1) On an application under paragraph 2 the Chief Constable shall discharge the notification requirements unless the Chief Constable is satisfied—
- (a) that the offender poses a risk of sexual harm; and

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- (b) that the risk is such as to justify the notification requirements continuing in the interests of the prevention or investigation of crime or the protection of the public.
- (2) In deciding whether that is the case, the Chief Constable must take into account—
- (a) the seriousness of the offence or offences—
    - (i) of which the offender was convicted,
    - (ii) of which the offender was found not guilty by reason of insanity,
    - (iii) in respect of which the offender was found to be under a disability and to have done the act charged, or
    - (iv) in respect of which (being relevant offences within the meaning of section 99) the notification order was made,
 and which made the offender subject to the notification requirements for an indefinite period;
  - (b) the period of time which has elapsed since the offender committed the offence or offences;
  - (c) whether the offender has committed any offence under section 3 of the Sex Offenders Act 1997 or under section 91 of this Act;
  - (d) the age of the offender at the time of the decision;
  - (e) the age of the offender at the time any offence referred to in sub-paragraph (a) was committed;
  - (f) the age of any person who was a victim of any such offence (where applicable) and the difference in age between the victim and the offender at the time any such offence was committed;
  - (g) any convictions or findings made by a court (including a court in England and Wales or Scotland or a country outside the United Kingdom) in respect of the offender for any other offence listed in Schedule 3;
  - (h) any caution which the offender has received for an offence (including an offence in England and Wales or Scotland or a country outside the United Kingdom) which is listed in Schedule 3;
  - (i) any convictions or findings made by a court (including a court in England and Wales, Scotland or a country outside the United Kingdom) in respect of the offender for any offence listed in Schedule 5 where the behaviour of the offender since the date of the conviction or finding indicates a risk of sexual harm;
  - (j) whether any criminal proceedings for any offences listed in Schedule 3 have been instituted against the offender but have not concluded;
  - (k) any assessment of the risk of sexual harm posed by the offender which has been made by any of the agencies mentioned in Article 49(1) of the Criminal Justice (Northern Ireland) Order 2008 (risk assessment and management);
  - (l) any information presented by or on behalf of the offender;
  - (m) any other information relating to the risk of sexual harm posed by the offender; and
  - (n) any other matter which the Chief Constable considers to be appropriate.
- (3) In sub-paragraph (2) a reference to a conviction, finding or caution for an offence listed in Schedule 3 or 5 committed in a country outside the United Kingdom is a reference to a conviction, finding or caution in respect of an act which—
- (a) constituted an offence under the law in force in the country concerned; and

---

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

---

- (b) would have constituted an offence listed in Schedule 3 or (as the case may be) Schedule 5 if it had been done in any part of the United Kingdom.
- (4) The functions of the Chief Constable under this paragraph may not be delegated by the Chief Constable except to a police officer not below the rank of superintendent.

*Initial review: notice of decision*

- 4 (1) The Chief Constable must, within 12 weeks of the date on which an application under paragraph 2 is received, comply with this paragraph.
- (2) If the Chief Constable discharges the notification requirements—
  - (a) the Chief Constable must serve notice of that fact on the offender, and
  - (b) the offender ceases to be subject to the notification requirements on the date of service of the notice.
- (3) If the Chief Constable decides not to discharge the notification requirements—
  - (a) the Chief Constable must serve notice of that decision on the offender; and
  - (b) the notice must—
    - (i) state the reasons for the decision; and
    - (ii) state the effect of paragraphs 5 and 6.

*Initial review: application to Crown Court*

- 5 (1) Where—
  - (a) the Chief Constable fails to comply with paragraph 4 within the period specified in paragraph 4(1), or
  - (b) the Chief Constable serves a notice under paragraph 4(3),the offender may apply to the Crown Court for an order discharging the offender from the notification requirements.
- (2) An application under this paragraph must be made within the period of 21 days beginning—
  - (a) in the case of an application under sub-paragraph (1)(a), on the expiry of the period mentioned in paragraph 4(1);
  - (b) in the case of an application under sub-paragraph (1)(b), with the date of service of the notice under paragraph 4(3).
- (3) Paragraph 3 applies in relation to an application under this paragraph as it applies to an application under paragraph 2, but as if references to the Chief Constable were references to the Crown Court.
- (4) The Chief Constable and the offender may appear or be represented at any hearing in respect of an application under this paragraph.
- (5) If on an application under this paragraph the Crown Court makes an order discharging the offender from the notification requirements, the appropriate officer of the Crown Court must send a copy of the order to the offender and the Chief Constable.
- (6) If on an application under this paragraph the Crown Court refuses to make an order discharging the offender, the appropriate officer of the Crown Court must send notice of that refusal to the offender and the Chief Constable.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

#### *Further reviews*

- 6 (1) Except as provided by sub-paragraph (2), where a notice is served on an offender under paragraph 4(3) or 5(6), the offender may, at any time after the end of the further review period, apply to the Chief Constable to discharge the offender from the notification requirements.
- (2) Sub-paragraph (1) does not apply at any time when—
- (a) the offender is also subject to a sexual offences prevention order or an interim sexual offences prevention order; or
  - (b) the offender is also subject to the notification requirements for a fixed period which has not expired.
- (3) The further review period is—
- (a) in the case of an offender under the age of 18 at the date of the relevant event, the period of 4 years beginning with the date of service of the notice (or the last notice) served on the offender under paragraph 4(3) or 5(6);
  - (b) in the case of any other offender, the period of 8 years beginning with that date.
- (4) Paragraphs 2(6) to (8), 3, 4 and 5 apply with appropriate modifications in relation to an application under this paragraph as they apply in relation to an application under paragraph 2; and a reference in this Schedule to a provision of paragraph 4 or 5 includes a reference to that provision as applied by this sub-paragraph.

#### *Guidance*

- 7 (1) The Department of Justice must issue guidance as to—
- (a) the making of applications under paragraph 2 or 6; and
  - (b) the determination by the Chief Constable of such applications.
- (2) The Department of Justice may, from time to time, revise the guidance issued under sub-paragraph (1).
- (3) The Department of Justice must arrange for any guidance issued or revised under this paragraph to be published in such manner as it considers appropriate.

#### *Discharge in Great Britain*

- 8 (1) An offender who is, under corresponding legislation, discharged from the notification requirements by a court, person or body in England and Wales or Scotland is, by virtue of the discharge, also discharged from the notification requirements as they apply in Northern Ireland.
- (2) In sub-paragraph (1) “corresponding legislation” means legislation which makes provision corresponding to that made by this Schedule for an offender who is subject to the notification requirements (as they apply in England and Wales or, as the case may be, Scotland) for an indefinite period to be discharged from those notification requirements.]

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

## SCHEDULE 4

Section 93

### [<sup>F60</sup>PROCEDURE FOR ENDING NOTIFICATION REQUIREMENTS FOR ABOLISHED HOMOSEXUAL OFFENCES][<sup>F60</sup>PROCEDURE FOR ENDING NOTIFICATION REQUIREMENTS FOR ACTS WHICH ARE NO LONGER OFFENCES]

#### Textual Amendments

**F60** Sch. 4 heading substituted (N.I.) (26.4.2013) by [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7\)](#), ss. 3(3), 15(1)

#### *Scope of Schedule*

- 1 [<sup>F61</sup>This Schedule applies where a relevant offender is subject to the notification requirements of this Part as a result of a conviction, finding or caution in respect of an offence under—
- (a) section 61 of the Offences against the Person Act 1861 or Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (buggery);
  - (b) section 5 of the Criminal Law Amendment Act 1885 (carnal knowledge of girl under 17); or
  - (c) section 11 of that Act (gross indecency between men).]

#### Textual Amendments

**F61** Sch. 4 para. 1 substituted (N.I.) (26.4.2013) by [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7\)](#), ss. 3(3), 15(1)

#### *Application for decision*

- 2 (1) [<sup>F62</sup>The relevant offender may apply to the Department of Justice for a decision as to whether it appears that, at the time of the offence, the other party to the act of buggery, carnal knowledge or gross indecency consented to the act and—
- (a) that other party was aged 16 or over, or
  - (b) where an offender is subject to the notification requirements of this Part as a result of a conviction, the offender was convicted or sentenced on the basis that the offender honestly believed that other party was aged 16 or over.]
- (2) An application must be in writing and state—
- (a) the name, address and date of birth of the relevant offender,
  - (b) his name and address at the time of the conviction, finding or caution,
  - (c) so far as known to him, the time when and the place where the conviction or finding was made or the caution given and, for a conviction or finding, the case number,
  - (d) such other information as the Secretary of State may require.
- (3) An application may include representations by the relevant offender about the matters mentioned in sub-paragraph (1).

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

### Textual Amendments

**F62** Sch. 4 para. 2(1) substituted (N.I.) (26.4.2013) by [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7\)](#), ss. 3(4), 15(1)

### *Decision by Secretary of State*

- 3 (1) In making the decision applied for, the Secretary of State must consider—
- (a) any representations included in the application, and
  - (b) any available record of the investigation of the offence and of any proceedings relating to it that appears to him to be relevant,
- but is not to seek evidence from any witness.
- (2) On making the decision the Secretary of State must—
- (a) record it in writing, and
  - (b) give notice in writing to the relevant offender.

### *Effect of decision*

- 4 (1) If the Secretary of State decides that it appears as mentioned in paragraph 2(1), the relevant offender ceases, from the beginning of the day on which the decision is recorded under paragraph 3(2)(a), to be subject to the notification requirements of this Part as a result of the conviction, finding or caution in respect of the offence.
- (2) Sub-paragraph (1) does not affect the operation of this Part as a result of any other conviction, finding or caution or any court order.

### *Right of appeal*

- 5 (1) If the Secretary of State decides that it does not appear as mentioned in paragraph 2(1), and if the High Court gives permission, the relevant offender may appeal to that court.
- (2) On an appeal the court may not receive oral evidence.
- (3) The court—
- (a) if it decides that it appears as mentioned in paragraph 2(1), must make an order to that effect,
  - (b) otherwise, must dismiss the appeal.
- (4) An order under sub-paragraph (3)(a) has the same effect as a decision of the Secretary of State recorded under paragraph 3(2)(a) has under paragraph 4.
- (5) There is no appeal from the decision of the High Court.

### *Interpretation*

- 6 (1) In this Schedule a reference to an offence includes—
- (a) a reference to an attempt, conspiracy or incitement to commit that offence, and
  - (b) a reference to aiding, abetting, counselling or procuring the commission of that offence.



*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)

(2) In the case of an attempt, conspiracy or incitement, references in paragraph 2 to the act of buggery<sup>F63</sup>, carnal knowledge] or gross indecency are references to the act of buggery<sup>F63</sup>, carnal knowledge] or gross indecency to which the attempt, conspiracy or incitement related (whether or not that act occurred).

<sup>F64</sup>(3) Sub-paragraphs (1) and (2) apply, with appropriate modifications, to an offence under Part 2 of the Serious Crime Act 2007 as they apply to the offence of incitement.]

#### Textual Amendments

- F63** Words in Sch. 4 para. 6(2) inserted (N.I.) (26.4.2013) by [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7\)](#), **ss. 3(5), 15(1)**
- F64** Sch. 4 para. 6(3) inserted (N.I.) (26.4.2013) by [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7\)](#), **ss. 3(5), 15(1)**

#### *Transitional provision*

- 7 Until the coming into force of the repeal by this Act of Part 1 of the Sex Offenders Act 1997 (c. 51), this Schedule has effect as if references to this Part of this Act were references to Part 1 of that Act.

## SCHEDULE 5

Section 104

### OTHER OFFENCES FOR PURPOSES OF PART 2

#### *England and Wales*

- 1 Murder.
- 2 Manslaughter.
- 3 Kidnapping.
- 4 False imprisonment.
- <sup>F65</sup>4A Outraging public decency.]

#### Textual Amendments

- F65** Sch. 5 para. 4A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(2)**

- 5 An offence under section 4 of the Offences against the Person Act 1861 (c. 100) (soliciting murder).
- 6 An offence under section 16 of that Act (threats to kill).
- 7 An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).
- 8 An offence under section 20 of that Act (malicious wounding).

---

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

---

- 9 An offence under section 21 of that Act (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence).
- 10 An offence under section 22 of that Act (using chloroform etc. to commit or assist in the committing of any indictable offence).
- 11 An offence under section 23 of that Act (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm).
- 12 An offence under section 27 of that Act (abandoning children).
- 13 An offence under section 28 of that Act (causing bodily injury by explosives).
- 14 An offence under section 29 of that Act (using explosives etc. with intent to do grievous bodily harm).
- 15 An offence under section 30 of that Act (placing explosives with intent to do bodily injury).
- 16 An offence under section 31 of that Act (setting spring guns etc. with intent to do grievous bodily harm).
- 17 An offence under section 32 of that Act (endangering the safety of railway passengers).
- 18 An offence under section 35 of that Act (injuring persons by furious driving).
- 19 An offence under section 37 of that Act (assaulting officer preserving wreck).
- 20 An offence under section 38 of that Act (assault with intent to resist arrest).
- 21 An offence under section 47 of that Act (assault occasioning actual bodily harm).
- 22 An offence under section 2 of the Explosive Substances Act 1883 (c. 3) (causing explosion likely to endanger life or property).
- 23 An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).
- 24 An offence under section 1 of the Infant Life (Preservation) Act 1929 (c. 34) (child destruction).
- 25 An offence under section 1 of the Children and Young Persons Act 1933 (c. 12) (cruelty to children).
- 26 An offence under section 1 of the Infanticide Act 1938 (c. 36) (infanticide).
- 27 An offence under section 16 of the Firearms Act 1968 (c. 27) (possession of firearm with intent to endanger life).
- 28 An offence under section 16A of that Act (possession of firearm with intent to cause fear of violence).
- 29 An offence under section 17(1) of that Act (use of firearm to resist arrest).
- 30 An offence under section 17(2) of that Act (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act).
- 31 An offence under section 18 of that Act (carrying a firearm with criminal intent).
- [<sup>F66</sup>31A An offence under section 1 of the Theft Act 1968 (c.60) (theft).]

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

**Textual Amendments**

**F66** Sch. 5 para. 31A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(3)**

32 An offence under section 8 of [<sup>F67</sup>that Act](robbery or assault with intent to rob).

**Textual Amendments**

**F67** Words in Sch. 5 para. 32 substituted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(4)**

[<sup>F68</sup>33 An offence under section 9(1)(a) of that Act (burglary with intent to steal, inflict grievous bodily harm or do unlawful damage).]

**Textual Amendments**

**F68** Words in Sch. 5 para. 33 substituted (19.2.2007) by virtue of [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(5)**

- 34 An offence under section 10 of that Act (aggravated burglary).
- 35 An offence under section 12A of that Act (aggravated vehicle-taking) involving an accident which caused the death of any person.
- 36 An offence of arson under section 1 of the Criminal Damage Act 1971 (c. 48).
- 37 An offence under section 1(2) of that Act (destroying or damaging property) other than an offence of arson.
- 38 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).
- 39 An offence under section 1 of the Aviation Security Act 1982 (c. 36) (hijacking).
- 40 An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft).
- 41 An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft).
- 42 An offence under section 4 of that Act (offences in relation to certain dangerous articles).
- 43 An offence under section 127 of the Mental Health Act 1983 (c. 20) (ill-treatment of patients).
- [<sup>F69</sup>43A An offence under section 1 of the Child Abduction Act 1984 (c. 37) (offence of abduction of child by parent, etc).

**Textual Amendments**

**F69** Sch. 5 paras. 43A, 43B inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(6)**

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

43B An offence under section 2 of that Act (offence of abduction of child by other persons).]

#### Textual Amendments

**F69** Sch. 5 paras. 43A, 43B inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(6)**

44 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).

45 An offence under section 1 of the Public Order Act 1986 (c. 64) (riot).

46 An offence under section 2 of that Act (violent disorder).

47 An offence under section 3 of that Act (affray).

48 An offence under section 134 of the Criminal Justice Act 1988 (c. 33) (torture).

49 An offence under section 1 of the Road Traffic Act 1988 (c. 52) (causing death by dangerous driving).

50 An offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).

51 An offence under section 1 of the Aviation and Maritime Security Act 1990 (c. 31) (endangering safety at aerodromes).

52 An offence under section 9 of that Act (hijacking of ships).

53 An offence under section 10 of that Act (seizing or exercising control of fixed platforms).

54 An offence under section 11 of that Act (destroying fixed platforms or endangering their safety).

55 An offence under section 12 of that Act (other acts endangering or likely to endanger safe navigation).

56 An offence under section 13 of that Act (offences involving threats).

[<sup>F70</sup>56A An offence under section 2 [<sup>F71</sup>or 2A] of the Protection from Harassment Act 1997 (c. 40) ([<sup>F72</sup>offences of harassment and stalking]).]

#### Textual Amendments

**F70** Sch. 5 para. 56A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(7)**

**F71** Words in Sch. 5 para. 56A inserted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 146(a)(i)** (with s. 97); S.I. 2012/2075, art. 5(d)

**F72** Words in Sch. 5 para. 56A substituted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 146(a)(ii)** (with s. 97); S.I. 2012/2075, art. 5(d)

57 An offence under section 4 [<sup>F73</sup>or 4A] of [<sup>F74</sup>that Act] (putting people in fear of violence [<sup>F75</sup>and stalking involving fear of violence or serious alarm or distress]).

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

#### Textual Amendments

- F73** Words in Sch. 5 para. 57 inserted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 146\(b\)\(i\)](#) (with s. 97); S.I. 2012/2075, art. 5(d)
- F74** Words in Sch. 5 para. 57 substituted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(8)**
- F75** Words in Sch. 5 para. 57 inserted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 146\(b\)\(ii\)](#) (with s. 97); S.I. 2012/2075, art. 5(d)

- 58 An offence under section 29 of the Crime and Disorder Act 1998 (c. 37) (racially or religiously aggravated assaults).
- 59 An offence falling within section 31(1)(a) or (b) of that Act (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986 (c. 64)).
- 60 An offence under Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).
- [<sup>F76</sup>60ZA An offence under section 53 or 54 of the Regulation of Investigatory Powers Act 2000 (contravention of notice relating to encrypted information or tipping off in connection with such a notice).]

#### Textual Amendments

- F76** Sch. 5 para. 60ZA inserted "after paragraph 60" (25.1.2010) by virtue of [Policing and Crime Act 2009](#), ss. 112(1), 116(1), {Sch. 7 para. 25(2)}; S.I. 2009/3096, art. 3(x)

- [<sup>F77</sup>60A An offence under section 85(3) or (4) of the Postal Services Act 2000 (c. 26) (prohibition on sending certain articles by post).]

#### Textual Amendments

- F77** Sch. 5 para. 60A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(9)**

- 61 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.
- [<sup>F78</sup>61A An offence under section 127(1) of the Communications Act 2003 (c. 21) (improper use of public electronic communications network).]

#### Textual Amendments

- F78** Sch. 5 para. 61A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(10)**

- 62 An offence under section 47 of this Act, where the victim or (as the case may be) other party was 16 or over.
- [<sup>F79</sup>63 An offence under any of sections 51 to 53 or 57 to [<sup>F80</sup>59][<sup>F80</sup>59A] of this Act.]

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

#### Textual Amendments

- F79** Words in Sch. 5 para. 63 substituted (19.2.2007) by virtue of [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(11)**
- F80** Word in Sch. 5 para. 63 substituted (E.W.) (6.4.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 140(4)** (with s. 97); S.I. 2013/470, art. 2(d) (with arts. 3(b), 5-8)

[<sup>F81</sup>63A An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing [<sup>F82</sup>the death of a child or vulnerable adult][<sup>F82</sup>a child or vulnerable adult to die or suffer serious physical harm]).]

#### Textual Amendments

- F81** Sch. 5 para. 63A inserted (21.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 58(1), 60, **Sch. 10 para. 59(2)**; S.I. 2005/579, art. 2(b)(c)
- F82** Words in Sch. 5 para. 63A substituted (E.W.) (2.7.2012) by [Domestic Violence, Crime and Victims \(Amendment\) Act 2012 \(c. 4\)](#), s. 4(2), **Sch. para. 5**; S.I. 2012/1432, art. 2

[<sup>F83</sup>63B An offence under section 2 of the Modern Slavery Act 2015 (human trafficking).]

#### Textual Amendments

- F83** [Sch. 5 para. 63B](#) inserted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 5(3)**; S.I. 2015/1476, reg. 2(j)

### Scotland

- 64 Murder.
- 65 Culpable homicide.
- 66 Assault.
- 67 Assault and robbery.
- 68 Abduction.
- 69 Plagium.
- 70 Wrongful imprisonment.
- 71 Threatening personal violence.
- 72 Breach of the peace inferring personal violence.
- 73 Wilful fireraising.
- 74 Culpable and reckless fireraising.
- 75 Mobbing and rioting.
- 76 An offence under section 2 of the Explosive Substances Act 1883 (c. 3) (causing explosion likely to endanger life or property).
- 77 An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosives with intent to endanger life or property).

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- 78 An offence under section 12 of the Children and Young Persons (Scotland) Act 1937 (c. 37) (cruelty to persons under 16).
- 79 An offence under section 16 of the Firearms Act 1968 (c. 27) (possession of firearm with intent to endanger life).
- 80 An offence under section 16A of that Act (possession of firearm with intent to cause fear of violence).
- 81 An offence under section 17(1) of that Act (use of firearm to resist arrest).
- 82 An offence under section 17(2) of that Act (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act).
- 83 An offence under section 18 of that Act (carrying a firearm with criminal intent).
- 84 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).
- 85 An offence under section 1 of the Aviation Security Act 1982 (c. 36) (hijacking).
- 86 An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft).
- 87 An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft).
- 88 An offence under section 4 of that Act (offences in relation to certain dangerous articles).
- 89 An offence under section 105 of the Mental Health (Scotland) Act 1984 (c. 36) (ill-treatment of patients).
- 90 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).
- 91 An offence under section 134 of the Criminal Justice Act 1988 (c. 33) (torture).
- 92 An offence under section 1 of the Road Traffic Act 1988 (c. 52) (causing death by dangerous driving).
- 93 An offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).
- 94 An offence under section 1 of the Aviation and Maritime Security Act 1990 (c. 31) (endangering safety at aerodromes).
- 95 An offence under section 9 of that Act (hijacking of ships).
- 96 An offence under section 10 of that Act (seizing or exercising control of fixed platforms).
- 97 An offence under section 11 of that Act (destroying fixed platforms or endangering their safety).
- 98 An offence under section 12 of that Act (other acts endangering or likely to endanger safe navigation).
- 99 An offence under section 13 of that Act (offences involving threats).
- 100 An offence under Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- 101 An offence under section 7 of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39) (procuring).
- 102 An offence under section 9 of that Act (permitting girl to use premises for intercourse).
- 103 An offence under section 11 of that Act (trading in prostitution and brothel-keeping).
- 104 An offence under section 12 of that Act (allowing child to be in brothel).
- 105 An offence under section 13(9) of that Act (living on earnings of male prostitution etc.).
- 106 An offence under section 50A of that Act (racially-aggravated harassment).
- [<sup>F84</sup>106A An offence under section 53 or 54 of the Regulation of Investigatory Powers Act 2000 (contravention of notice relating to encrypted information or tipping off in connection with such a notice).]

#### Textual Amendments

**F84** Sch. 5 para. 106A inserted (25.1.2010) by Policing and Crime Act 2009, ss. 112(1), 116(1), {Sch. 7 para. 25(3)}; [S.I. 2009/3096](#), [art. 3\(x\)](#)

- 107 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.
- 108 An offence under section 1 of the International Criminal Court (Scotland) Act 2001 (asp 13) (genocide, crimes against humanity, war crimes and related offences as specified in Schedule 1 to that Act).
- 109 An offence under section 22 of the Criminal Justice (Scotland) Act 2003 (asp 7) (traffic in prostitution etc.).
- 110 An offence to which section 74 of that Act applies (offences aggravated by religious prejudice).
- 111 An offence under section 315 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) (ill-treatment and wilful neglect of mentally disordered person).

#### *Northern Ireland*

- 112 Murder.
- 113 Manslaughter.
- 114 Kidnapping.
- 115 Riot.
- 116 Affray.
- 117 False imprisonment.
- [<sup>F85</sup>117A Outraging public decency.]



*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

### Textual Amendments

**F85** Sch. 5 para. 117A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(12)**

- 118 An offence under section 4 of the Offences against the Person Act 1861 (c. 100) (soliciting murder).
- 119 An offence under section 16 of that Act (threats to kill).
- 120 An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).
- 121 An offence under section 20 of that Act (malicious wounding).
- 122 An offence under section 21 of that Act (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence).
- 123 An offence under section 22 of that Act (using chloroform etc. to commit or assist in the committing of any indictable offence).
- 124 An offence under section 23 of that Act (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm).
- 125 An offence under section 27 of that Act (abandoning children).
- 126 An offence under section 28 of that Act (causing bodily injury by explosives).
- 127 An offence under section 29 of that Act (using explosives etc. with intent to do grievous bodily harm).
- 128 An offence under section 30 of that Act (placing explosives with intent to do bodily injury).
- 129 An offence under section 31 of that Act (setting spring guns etc. with intent to do grievous bodily harm).
- 130 An offence under section 32 of that Act (endangering the safety of railway passengers).
- 131 An offence under section 35 of that Act (injuring persons by furious driving).
- 132 An offence under section 37 of that Act (assaulting officer preserving wreck).
- 133 An offence under section 47 of that Act of assault occasioning actual bodily harm.
- 134 An offence under section 2 of the Explosive Substances Act 1883 (c. 3) (causing explosion likely to endanger life or property).
- 135 An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).
- 136 An offence under section 25 of the Criminal Justice (Northern Ireland) Act 1945 (c. 15) (child destruction).
- 137 An offence under section 1 of the Infanticide Act (Northern Ireland) 1939 (c. 5) (infanticide).
- 138 An offence under section 7(1)(b) of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28) (assault with intent to resist arrest).
- [<sup>F86</sup>138A An offence under section 9(1)(a) of that Act (riotous, disorderly and indecent behaviour, etc).]

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

#### Textual Amendments

**F86** Sch. 5 para. 138A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(13)**

139 An offence under section 20 of the Children and Young Persons Act (Northern Ireland) 1968 (c. 34) (cruelty to children).

[<sup>F87</sup>139A An offence under section 1 of the Theft Act (Northern Ireland) 1969 (c.16) (basic definition of theft).]

#### Textual Amendments

**F87** Sch. 5 para. 139A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(14)**

140 An offence under section 8 of [<sup>F88</sup>that Act] (robbery or assault with intent to rob).

#### Textual Amendments

**F88** Words in Sch. 5 para. 140 substituted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(15)**

[<sup>F89</sup>141 An offence under section 9(1)(a) of that Act (burglary with intent to steal, inflict grievous bodily harm or do unlawful damage).]

#### Textual Amendments

**F89** Words in Sch. 5 para. 141 substituted (19.2.2007) by virtue of [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(16)**

142 An offence under section 10 of that Act (aggravated burglary).

143 An offence of arson under Article 3 of the Criminal Damage Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4)).

144 An offence under Article 3(2) of that Order (destroying or damaging property) other than an offence of arson.

145 An offence under [<sup>F90</sup>Article 58(1)] of the Firearms (Northern Ireland) Order [<sup>F91</sup>2004 (S.I. 2004/ (N.I. ))] (possession of firearm with intent to endanger life).

#### Textual Amendments

**F90** Words in Sch. 5 para. 145 substituted (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 27** (with art. 81); S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)

**F91** Words in Sch. 5 para. 145 substituted (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 27** (with art. 81); S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

146 An offence under [<sup>F92</sup>Article 58(2)] of that Order (possession of firearm with intent to cause fear of violence).

**Textual Amendments**

**F92** Words in Sch. 5 para. 146 substituted (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 28** (with art. 81); S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)

147 An offence under [<sup>F93</sup>Article 59(1)] of that Order (use of firearm to resist arrest).

**Textual Amendments**

**F93** Words in Sch. 5 para. 147 substituted (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 29** (with art. 81); S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)

148 An offence under [<sup>F94</sup>Article 59(2)] of that Order (possession of firearm at time of committing or being arrested for an offence specified in [<sup>F95</sup>Schedule 4] to that Order).

**Textual Amendments**

**F94** Words in Sch. 5 para. 148 substituted (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 30** (with art. 81); S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)

**F95** Words in Sch. 5 para. 148 substituted (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 30** (with art. 81); S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)

149 An offence under [<sup>F96</sup>Article 60] of that Order (carrying a firearm with criminal intent).

**Textual Amendments**

**F96** Words in Sch. 5 para. 149 substituted (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 31** (with art. 81); S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)

150 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).

151 An offence under section 1 of the Aviation Security Act 1982 (c. 36) (hijacking).

152 An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft).

153 An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft).

154 An offence under section 4 of that Act (offences in relation to certain dangerous articles).

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- [<sup>F97</sup>154A An offence under Article 3 of the Child Abduction (Northern Ireland) Order 1985 (S.I. 1638 (N.I. 17)) (offence of abduction of child by parent).

**Textual Amendments**

**F97** Sch. 5 paras. 154A, 154B inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(17)**

- 154B An offence under Article 4 of that Order (offence of abduction of child by other person).]

**Textual Amendments**

**F97** Sch. 5 paras. 154A, 154B inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(17)**

- 155 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).
- 156 An offence under Article 121 of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4) (ill-treatment of patients)).
- 157 An offence under section 134 of the Criminal Justice Act 1988 (c. 33) (torture).
- 158 An offence under section 1 of the Aviation and Maritime Security Act 1990 (c. 31) (endangering safety at aerodromes).
- 159 An offence under section 9 of that Act (hijacking of ships).
- 160 An offence under section 10 of that Act (seizing or exercising control of fixed platforms).
- 161 An offence under section 11 of that Act (destroying fixed platforms or endangering their safety).
- 162 An offence under section 12 of that Act (other acts endangering or likely to endanger safe navigation).
- 163 An offence under section 13 of that Act (offences involving threats).
- 164 An offence under Article 9 of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18)) (causing death or grievous bodily injury by dangerous driving).
- 165 An offence under Article 14 of that Order (causing death or grievous bodily injury by careless driving when under the influence of drink or drugs).
- [<sup>F98</sup>165A An offence under Article 4 of the Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180) (N.I. 9)) (offence of harassment).]

**Textual Amendments**

**F98** Sch. 5 para. 165A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(18)**

- 166 An offence under Article 6 of [<sup>F99</sup>that Order] (putting people in fear of violence).

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

**Textual Amendments**

**F99** Words in Sch. 5 para. 166 substituted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(19)**

167 An offence under section 66 of the Police (Northern Ireland) Act 1998 (c. 32) (assaulting or obstructing a constable etc.).

168 An offence under Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

[<sup>F100</sup>168ZA An offence under section 53 or 54 of the Regulation of Investigatory Powers Act 2000 (contravention of notice relating to encrypted information or tipping off in connection with such a notice).]

**Textual Amendments**

**F100** Sch. 5 para. 168ZA inserted (25.1.2010) by Policing and Crime Act 2009, ss. 112(1), 116(1), Sch. 7 para. 25(4); [S.I. 2009/3096](#), art. **3(x)**

[<sup>F101</sup>168A An offence under section 85(3) or (4) of the Postal Services Act 2000 (c. 26) (prohibition on sending certain articles by post).]

**Textual Amendments**

**F101** Sch. 5 para. 168A inserted (18.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(20)**

169 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

[<sup>F102</sup>169A An offence under section 127(1) of the Communications Act 2003 (c. 21) (improper use of public electronic communications network).]

**Textual Amendments**

**F102** Sch. 5 para. 169A inserted (18.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(21)**

170 An offence under section 47 of this Act, where the victim or (as the case may be) other party was 17 or over.

[<sup>F103</sup>171 .....

**Textual Amendments**

**F103** Sch. 5 para. 171 repealed (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), **Sch. 5**

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

[<sup>F104</sup>171A An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing [<sup>F105</sup>a child or vulnerable adult to die or suffer serious physical harm].)]

#### Textual Amendments

**F104** Sch. 5 para. 171A inserted (21.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 58(1), 60, [Sch. 10 para. 59\(3\)](#); S.I. 2005/579, [art. 2\(b\)\(c\)](#)

**F105** Words in Sch. 5 para. 171A substituted (N.I.) (14.3.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 6 para. 2](#) (with Sch. 8 para. 11); S.R. 2016/136, [art. 2\(b\)](#)

[<sup>F106</sup>171B An offence under Article 62 (causing or inciting prostitution for gain) or 63 (controlling prostitution for gain) of the Sexual Offences (Northern Ireland) Order 2008.]

#### Textual Amendments

**F106** Sch. 5 para. 171B inserted (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), [14\(b\)](#); S.R. 2008/510, [art. 2](#)

[<sup>F107</sup>171C An offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.]

#### Textual Amendments

**F107** Sch. 5 para. 171C inserted (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), [Sch. 4 para. 5](#)

### *Service offences*

172 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 under a provision listed in any of paragraphs 1 to [<sup>F108</sup>63A].

#### Textual Amendments

**F108** Word in Sch. 5 para. 172 substituted (21.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 58(1), 60, [Sch. 10 para. 59\(4\)](#); S.I. 2005/579, [art. 2\(b\)\(c\)](#)

[<sup>F109</sup>172A) 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 63A.

(2) Section 48 of that Act (attempts, conspiracy, [<sup>F110</sup>encouragement and assistance] and aiding and abetting outside England and Wales) applies for the purposes of this paragraph as if the reference in subsection (3)(b) to any of the following provisions of that Act were a reference to this paragraph.]

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

#### Textual Amendments

- F109** Sch. 5 para. 172A inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 213](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F110** Words in Sch. 5 para. 172A(2) substituted (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 60, 94, [Sch. 5 para. 4\(3\)](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, [art. 2\(a\)](#)

#### General

- 173 A reference in a preceding paragraph to an offence includes—
- (a) a reference to an attempt, conspiracy or incitement to commit that offence, and
  - (b) a reference to aiding, abetting, counselling or procuring the commission of that offence.
- [<sup>F111</sup>173A A reference in a preceding paragraph to an offence (“offence A”) includes a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed.]

#### Textual Amendments

- F111** Sch. 5 para. 173A inserted (E.W.N.I.) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 63(2), 94, [Sch. 6 para. 63\(3\)](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, [art. 2\(a\)](#)

- 174 A reference in a preceding paragraph to a person’s age is a reference to his age at the time of the offence.

## SCHEDULE 6

Section 139

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Vagrancy Act 1824 (c. 83)*

- 1 In section 4 of the Vagrancy Act 1824 (rogues and vagabonds) except so far as extending to Northern Ireland, omit the words from “every person wilfully” to “female”.
- 2 In section 4 of the Vagrancy Act 1824 as it extends to Northern Ireland, omit the words from “wilfully, openly, lewdly” to “any female; or”.

#### *Town Police Clauses Act 1847 (c. 89)*

- 3 In section 28 of the Town Police Clauses Act 1847 (penalty for committing certain acts), omit “Every person who wilfully and indecently exposes his person.”.

#### *Offences against the Persons Act 1861 (c. 100)*

- 4 In the Offences against the Person Act 1861, omit sections 61 and 62.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

*Criminal Law Amendment Act 1885 (c. 69)*

- 5 In the Criminal Law Amendment Act 1885, omit—
- (a) in section 2, subsections (2) to (4), and
  - (b) section 11.

*Vagrancy Act 1898 (c. 39)*

- 6 The Vagrancy Act 1898 ceases to have effect.

*Children and Young Persons Act 1933 (c. 12)*

- 7 In Schedule 1 to the Children and Young Persons Act 1933 (offences to which special provisions of that Act apply), for the entry relating to offences under the Sexual Offences Act 1956 (c. 69) substitute— “ Any offence against a child or young person under any of sections 1 to 41, 47 to 53, 57 to 61, 66 and 67 of the Sexual Offences Act 2003, or any attempt to commit such an offence. Any offence under section 62 or 63 of the Sexual Offences Act 2003 where the intended offence was an offence against a child or young person, or any attempt to commit such an offence. ”

*Visiting Forces Act 1952 (c. 67)*

- 8 (1) Paragraph 1 of the Schedule to the Visiting Forces Act 1952 (offences referred to in section 3 of that Act) is amended as follows.
- (2) Before sub-paragraph (a) insert—  
“(za) rape and buggery (offences under the law of Northern Ireland);”.
  - (3) In sub-paragraph (a), omit “rape” and “buggery”.
  - (4) In sub-paragraph (b), after paragraph (xii) insert—  
“(xiii) Part 1 of the Sexual Offences Act 2003.”

*Army Act 1955 (3 & 4 Eliz. 2 c. 18)*

- 9 F112 .....

**Textual Amendments**

**F112** Sch. 6 para. 9 repealed (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

*Air Force Act 1955 (3 & 4 Eliz. 2.c. 19)*

- 10 F113 .....



*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

**Textual Amendments**

**F113** Sch. 6 para. 10 repealed (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383(2), [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

*Sexual Offences Act 1956 (c. 37)*

- 11 In the Sexual Offences Act 1956, omit—
- (a) sections 1 to 7, 9 to 17, 19 to 32 and 41 to 47 (offences), and
  - (b) in Schedule 2 (prosecution, punishment etc.), paragraphs 1 to 32.

*Naval Discipline Act 1957 (c. 53)*

- 12 **F114** .....

**Textual Amendments**

**F114** Sch. 6 para. 12 repealed (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383(2), [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

*Mental Health Act 1959 (c. 72)*

- 13 In the Mental Health Act 1959, omit sections 127 (amendment of Sexual Offences Act 1956) and 128 (sexual intercourse with patients).

*Indecency with Children Act 1960 (c. 33)*

- 14 The Indecency with Children Act 1960 ceases to have effect.

*Sexual Offences Act 1967 (c. 60)*

- 15 In the Sexual Offences Act 1967, omit the following—
- (a) section 1 (amendment of law relating to homosexual acts in private),
  - (b) section 4 (procuring others to commit homosexual acts),
  - (c) section 5 (living on earnings of male prostitution),
  - (d) section 7 (time limit on prosecutions),
  - (e) section 8 (restriction on prosecutions), and
  - (f) section 10 (past offences).

*Firearms Act 1968 (c. 27)*

- 16 In Schedule 1 to the Firearms Act 1968 (offences to which section 17(2) of that Act applies), for paragraph 6 substitute—
- “6 Offences under any of the following provisions of the Sexual Offences Act 2003—
- (a) section 1 (rape);

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- (b) section 2 (assault by penetration);
- (c) section 4 (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;
- (d) section 5 (rape of a child under 13);
- (e) section 6 (assault of a child under 13 by penetration);
- (f) section 8 (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;
- (g) section 30 (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;
- (h) section 31 (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.”

*Theft Act 1968 (c. 60)*

17 In section 9 of the Theft Act 1968 (burglary), in subsection (2) omit “or raping any person”.

*Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))*

- 18 (1) The Children and Young Persons Act (Northern Ireland) 1968 is amended as follows.
- (2) <sup>F115</sup> .....
- (3) In Schedule 1 (offences against children and young persons to which special provisions of that Act apply), at the end insert— “ Any offence against a child or young person under any of sections 15 to 19, 47 to 59, 66 and 67 of the Sexual Offences Act 2003 or any attempt to commit such an offence. ”

**Textual Amendments**  
**F115** Sch. 6 para. 18(2) omitted (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(2)(a), **15**; S.R. 2008/510, **art. 2**

*Rehabilitation of Offenders Act 1974 (c. 53)*

19 In section 7 of the Rehabilitation of Offenders Act 1974 (limitations on rehabilitation under that Act), in subsection (2), for paragraph (bb) substitute—  
“(bb) in any proceedings under Part 2 of the Sexual Offences Act 2003, or on appeal from any such proceedings;”.

*Sexual Offences (Amendment) Act 1976 (c. 82)*

- 20 (1) The Sexual Offences (Amendment) Act 1976 is amended as follows.
- (2) In section 1 (meaning of “rape”), omit subsection (2).
- (3) In section 7 (citation, interpretation etc.)—

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

(a) for subsection (2) substitute—

“(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”.”;

(b) omit subsection (3).

*Criminal Law Act 1977 (c. 45)*

21 In the Criminal Law Act 1977, omit section 54 (inciting girl under 16 to have incestuous sexual intercourse).

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

*Internationally Protected Persons Act 1978 (c. 17)*

- 22 In section 1 of the Internationally Protected Persons Act 1978 (attacks and threats of attacks on protected persons)—
- (a) in subsection (1)(a)—
    - (i) omit “rape,”;
    - (ii) after “Explosive Substances Act 1883” insert “ or an offence listed in subsection (1A) ”;
  - (b) after subsection (1) insert—
 

“(1A) The offences mentioned in subsection (1)(a) are—

    - (a) in Scotland or Northern Ireland, rape;
    - (b) an offence under section 1 or 2 of the Sexual Offences Act 2003;
    - (c) an offence under section 4 of that Act, where the activity caused involved penetration within subsection (4)(a) to (d) of that section;
    - (d) an offence under section 5 or 6 of that Act;
    - (e) an offence under section 8 of that Act, where an activity involving penetration within subsection (3)(a) to (d) of that section was caused;
    - (f) an offence under section 30 of that Act, where the touching involved penetration within subsection (3)(a) to (d) of that section;
    - (g) an offence under section 31 of that Act, where an activity involving penetration within subsection (3)(a) to (d) of that section was caused.”

*Suppression of Terrorism Act 1978 (c. 26)*

- 23 (1) Schedule 1 to the Suppression of Terrorism Act 1978 (offences for the purposes of that Act) is amended as follows.
- (2) In paragraph 3, after “Rape” insert “ under the law of Scotland or Northern Ireland ”.
- (3) For paragraph 9 substitute—
- “9 An offence under any of the following provisions of the Sexual Offences Act 2003—
- (a) sections 1 or 2 (rape, assault by penetration);
  - (b) section 4 (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;
  - (c) section 5 or 6 (rape of a child under 13, assault of a child under 13 by penetration);
  - (d) section 8 (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;
  - (e) section 30 (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;

---

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

---

- (f) section 31 (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.”

*Protection of Children Act 1978 (c. 37)*

- 24 In section 1(1) of the Protection of Children Act 1978 (indecent photographs of children), at the beginning insert “ Subject to sections 1A and 1B, ”.

*Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))*

- 25 In Article 8 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (limitations on rehabilitation under that Order), in paragraph (2), for subparagraph (bb) substitute—  
“(bb) in any proceedings under Part 2 of the Sexual Offences Act 2003, or on appeal from any such proceedings;”.

*Magistrates' Courts Act 1980 (c. 43)*

- 26 (1) The Magistrates' Courts Act 1980 is amended as follows.  
(2) In section 103 (evidence of persons under 14 in committal proceedings), in subsection (2)(c), after “the Protection of Children Act 1978” insert “ or Part 1 of the Sexual Offences Act 2003 ”.  
(3) In Schedule 7 (consequential amendments), omit paragraph 18.

*Criminal Justice Act 1982 (c. 48)*

- 27 In the Criminal Justice Act 1982, in Part 2 of Schedule 1 (offences excluded from early release provisions), after the entry relating to the Proceeds of Crime Act 2002 (c. 29) insert—

*“SEXUAL OFFENCES ACT 2003*

Sections 1 and 2 (rape, assault by penetration).

Section 4 (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.

Sections 5 and 6 (rape of a child under 13, assault of a child under 13 by penetration).

Section 8 (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.

Section 30 (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.

Section 31 (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.”

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** *Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

*Police and Criminal Evidence Act 1984 (c. 60)*

- 28 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 80(7) (sexual offences for purposes of compellability of spouse), after “the Protection of Children Act 1978” insert “or Part 1 of the Sexual Offences Act 2003”.
- (3) <sup>F116</sup> .....
- (4) <sup>F116</sup> .....

**Textual Amendments**

**F116** Sch. 6 para. 28(3)(4) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 174(2), 178, [Sch. 17 Pt. 2](#); [S.I. 2005/3495](#), [art. 2\(1\)\(t\)\(u\)\(lvi\)](#) (subject to [art. 2\(2\)](#))

*Criminal Justice Act 1988 (c. 33)*

- 29 (1) The Criminal Justice Act 1988 is amended as follows.
- (2) In section 32 (evidence through television links), in subsection (2)(c), after “the Protection of Children Act 1978” insert “or Part 1 of the Sexual Offences Act 2003”.
- (3) In section 160(1) (possession of indecent photograph of child), at the beginning insert “Subject to subsection (1A),”.

*Criminal Justice Act 1991 (c. 53)*

- 30 In section 34A of the Criminal Justice Act 1991 (power to release short-term prisoners on licence), in subsection (2)(da), for “Part I of the Sex Offenders Act 1997” substitute “Part 2 of the Sexual Offences Act 2003”.

*Sexual Offences (Amendment) Act 1992 (c. 34)*

- 31 (1) Section 2 of the Sexual Offences (Amendment) Act 1992 (offences to which that Act applies) is amended as follows.
- (2) In subsection (1) (England and Wales)—
- (a) after paragraph (d) insert—
- “(da) any offence under any of the provisions of Part 1 of the Sexual Offences Act 2003 except section 64, 65, 69 or 71;”;
- <sup>F117</sup>(b) .....
- (3) In subsection (3) (Northern Ireland)—
- (a) after paragraph (hh) insert—
- “(ha) any offence under any of sections 15 to 21, 47 to 53, 57 to 59, 66, 67, 70 and 72 of the Sexual Offences Act 2003.”;
- (b) in paragraph (i) for “(hh)” substitute “(ha)”.

**Textual Amendments**

**F117** Sch. 6 para. 31(2)(b) omitted (31.7.2015) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 5\(4\)](#); [S.I. 2015/1476](#), [reg. 2\(j\)](#)

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

*Criminal Justice and Public Order Act 1994 (c. 33)*

- 32 (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 25 (no bail if previous conviction for certain offences), for subsection (2) (d) and (e) substitute—
- “(d) rape under the law of Scotland or Northern Ireland;
  - (e) an offence under section 1 of the Sexual Offences Act 1956 (rape);
  - (f) an offence under section 1 of the Sexual Offences Act 2003 (rape);
  - (g) an offence under section 2 of that Act (assault by penetration);
  - (h) 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;
  - (i) an offence under section 5 of that Act (rape of a child under 13);
  - (j) an offence under section 6 of that Act (assault of a child under 13 by penetration);
  - (k) 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;
  - (l) 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;
  - (m) 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;
  - (n) an attempt to commit an offence within any of paragraphs (d) to (m).”
- (3) Omit sections 142 to 144.
- (4) In Schedule 10 (consequential amendments) omit paragraphs 26 and 35(2) and (4).

*Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)*

- 33 <sup>[F118]</sup>In section 5(6) of the Criminal Law (Consolidation) (Scotland) Act 1995 (which relates to construing the expression “a like offence”), after paragraph (c) insert
- (cc) any of sections 9 to 14 of the Sexual Offences Act 2003;”.]

**Textual Amendments**

**F118** Sch. 6 para. 33 repealed (S.) (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(2), 62(2), [Sch. 6](#); [S.S.I. 2010/357](#), [art. 2\(a\)](#)

*Criminal Injuries Compensation Act 1995 (c. 53)*

- 34 In section 11 of the Criminal Injuries Compensation Act 1995 (approval by parliament of certain alterations to the Tariff or provisions of the Scheme)—

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- (a) in subsection (3)(d), after “rape” insert “ or an offence under section 30 of the Sexual Offences Act 2003 ”;
- (b) after subsection (8) insert—
  - “(9) In subsection (3) “rape”, in relation to anything done in England and Wales, means an offence under section 1 or 5 of the Sexual Offences Act 2003.”

*Sexual Offences (Conspiracy and Incitement) Act 1996 (c. 29)*

- 35 In the Schedule to the Sexual Offences (Conspiracy and Incitement) Act 1996 (sexual offences for the purposes of that Act), in paragraph 1—
- (a) for sub-paragraph (1)(b) substitute—
    - “(b) an offence under any of sections 1 to 12, 14 and 15 to 26 of the Sexual Offences Act 2003.”;
  - (b) in sub-paragraph (2), for “In sub-paragraph (1)(a), sub-paragraphs (i), (iv), (v) and (vi) do” substitute “ Sub-paragraph (1)(b) does ”.

*Sexual Offences (Protected Material) Act 1997 (c. 39)*

- 36 In the Schedule to the Sexual Offences (Protected Material) Act 1997 (sexual offences for the purposes of that Act)—
- (a) after paragraph 5 insert—
    - “5A Any offence under any provision of Part 1 of the Sexual Offences Act 2003 except section 64, 65, 69 or 71.”;
  - (b) in paragraph 6, for “1 to 5” substitute “ 5 and 5A ”.

*Sex Offenders Act 1997 (c. 51)*

- 37 The Sex Offenders Act 1997 ceases to have effect.

*Crime and Disorder Act 1998 (c. 37)*

- 38 (1) The Crime and Disorder Act 1998 is amended as follows.
- (2) Omit sections 2, 2A, 2B and 3 (sex offender orders and interim orders).
- <sup>F119</sup>(3) . . . . .
- (4) Omit section 20.
- (5) In section 21 (procedural provisions with respect to orders)—
- (a) omit subsection (2);
  - (b) in subsection (4)—
    - (i) omit “or (2)”; and
    - (ii) for “either of those subsections” substitute “ that subsection ”;
  - (c) in subsection (5), omit “or 20”;
  - (d) in subsection (6), omit “and sex offender orders” and “or 20(4)(a)”;
  - (e) in subsection (7)(b)(i), omit “or, as the case may be, chief constable”;
  - (f) omit subsections (7A) and (7B); and
  - (g) in subsection (10), omit “or 20”.



*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** *Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- (6) Omit section 21A.
- (7) In section 22 (offences in connection with breach of orders), omit subsections (6) and (7).
- (8) In Schedule 8 (minor and consequential amendments), omit paragraph 144.

**Textual Amendments**

**F119** Sch. 6 para. 38(3) repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 50** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

*Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))*

39 **F120** .....

**Textual Amendments**

**F120** Sch. 6 para. 39 omitted (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(2)(a), **15**; S.R. 2008/510, **art. 2**

*Criminal Justice (Northern Ireland) Order 1998 (S.I. 1998/2839 (N.I. 20))*

40 In the Criminal Justice (Northern Ireland) Order 1998, omit Articles 6, 6A, 6B and 7.

*Youth Justice and Criminal Evidence Act 1999 (c. 23)*

- 41 (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) In section 35 (cross examination of child witnesses), in subsection (3)(a), after subparagraph (v) insert “or  
(vi) Part 1 of the Sexual Offences Act 2003;”.
- (3) In section 62 (meaning of “sexual offence” etc.), for subsection (1) substitute—  
“(1) In this Part “sexual offence” means any offence under Part 1 of the Sexual Offences Act 2003.”

*Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8))*

- 42 (1) The Criminal Evidence (Northern Ireland) Order 1999 is amended as follows.
- F121**(2) .....
- (3) In Article 23 (protection of child complainants and other child witnesses)—  
**F122**(a) .....  
(b) in paragraph (4)(a), after “(3)(a)” insert “ or (cc) ”.

*Status: Point in time view as at 06/04/2016.*

**Changes to legislation:** *Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

### Textual Amendments

- F121** Sch. 6 para. 42(2) repealed (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), [Sch. 5](#)
- F122** Sch. 6 para. 42(3)(a) repealed (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), [Sch. 5](#)

### *Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

- 43 (1) The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.
- (2) In section 91 (power to detain offenders under 18 convicted of certain offences), for subsection (1)(b) and (c) substitute—
- “(b) an offence under section 3 of the Sexual Offences Act 2003 (in this section, “the 2003 Act”) (sexual assault); or
  - (c) an offence under section 13 of the 2003 Act (child sex offences committed by children or young persons); or
  - (d) an offence under section 25 of the 2003 Act (sexual activity with a child family member); or
  - (e) an offence under section 26 of the 2003 Act (inciting a child family member to engage in sexual activity).”
- (3) In section 109 (life sentence for second serious offence), in subsection (5), after paragraph (f) insert—
- “(fa) an offence under section 1 or 2 of the Sexual Offences Act 2003 (in this section, “the 2003 Act”) (rape, assault by penetration);
  - (fb) an offence under section 4 of the 2003 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;
  - (fc) an offence under section 5 or 6 of the 2003 Act (rape of a child under 13, assault of a child under 13 by penetration);
  - (fd) an offence under section 8 of the 2003 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;
  - (fe) an offence under section 30 of the 2003 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;
  - (ff) an offence under section 31 of the 2003 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;
  - (fg) an attempt to commit an offence within any of paragraphs (fa) to (ff);”.
- (4) In section 161 (definition of “sexual offence” etc.), in subsection (2)—
- (a) after paragraph (f) insert—
    - “(fa) an offence under any provision of Part 1 of the Sexual Offences Act 2003 except section 52, 53 or 71;”;
  - (b) in paragraph (g), for “(a) to (f)” substitute “(f) and (fa)”.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

- (5) In Schedule 9 (consequential amendments), omit paragraphs 189, 190 and 193.

*Criminal Justice and Courts Services Act 2000 (c. 43)*

- 44 (1) The Criminal Justice and Courts Services Act 2000 is amended as follows.
- (2) Omit sections 39 and 66.
- (3) In section 68 (sexual and violent offenders for the purposes of risk assessment etc.), in subsection (2), for “Part I of the Sex Offenders Act 1997” substitute “ Part 2 of the Sexual Offences Act 2003 ”.
- (4) In section 69 (duties of local probation boards in connection with victims of certain offences), in subsection (8)(b), for “Part I of the Sex Offenders Act 1997” substitute “ Part 2 of the Sexual Offences Act 2003 ”.
- (5) In Schedule 4 (offences against children for the purposes of disqualification orders)
- 
- (a) in paragraph 1, for sub-paragraph (m) substitute—
- “(m) an offence under any of sections 5 to 26 and 47 to 50 of the Sexual Offences Act 2003 (offences against children).”;
- (b) in paragraph 2, for sub-paragraph (n) substitute—
- “(n) an offence under any of sections 1 to 4, 30 to 41, 52, 53, 57 to 61, 66 and 67 of the Sexual Offences Act 2003.”;
- (c) in paragraph 3, after sub-paragraph (s) insert—
- “(sa) he commits an offence under section 62 or 63 of the Sexual Offences Act 2003 (committing an offence or trespassing with intent to commit a sexual offence) in a case where the intended offence was an offence against a child.”
- (6) Omit Schedule 5.

*Sexual Offences (Amendment) Act 2000 (c. 44)*

- 45 (1) The Sexual Offences (Amendment) Act 2000 is amended as follows.
- (2) In section 1 (reduction in age at which certain sexual acts are lawful), omit subsections (1) and (2).
- (3) In section 2 (defences available to persons under age), omit subsections (1) to (3).
- (4) Omit sections 3 and 4 (abuse of position of trust) except so far as extending to Scotland.
- (5) Omit section 5 (notification requirements for offenders under section 3).
- (6) In section 6 (meaning of “sexual offence” for the purposes of certain enactments), omit subsection (1).

*Proceeds of Crime Act 2002 (c. 29)*

- 46 (1) The Proceeds of Crime Act 2002 is amended as follows.

<sup>F123</sup>(2) .....

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

(3) For paragraph 8 of that Schedule substitute—

*“Prostitution and child sex*

- 8 (1) An offence under section 33 or 34 of the Sexual Offences Act 1956 (keeping or letting premises for use as a brothel).
- (2) An offence under any of the following provisions of the Sexual Offences Act 2003—
  - (a) section 14 (arranging or facilitating commission of a child sex offence);
  - (b) section 48 (causing or inciting child prostitution or pornography);
  - (c) section 49 (controlling a child prostitute or a child involved in pornography);
  - (d) section 50 (arranging or facilitating child prostitution or pornography);
  - (e) section 52 (causing or inciting prostitution for gain);
  - (f) section 53 (controlling prostitution for gain).”

<sup>F124</sup>(4) .....

(5) In paragraph 8 of that Schedule—

- (a) <sup>F125</sup> .....
- (b) omit sub-paragraphs (2) to (5).

**Textual Amendments**

**F123** Sch. 6 para. 46(2) omitted (31.7.2015) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 5\(4\)](#); [S.I. 2015/1476](#), reg. 2(j) (with regs. 3, 8)

**F124** Sch. 6 para 46(4) repealed (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), [Sch. 5](#)

**F125** Sch. 6 para. 46(5)(a) omitted (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(2)(a), [15](#); [S.R. 2008/510](#), [art. 2](#)

*Adoption and Children Act 2002 (c. 38)*

- 47 In section 74 of the Adoption and Children Act 2002 (status conferred by adoption not to apply for the purposes of certain enactments), in subsection (1) for paragraphs (b) and (c) substitute “or
  - (b) sections 64 and 65 of the Sexual Offences Act 2003 (sex with an adult relative).”

*Nationality, Asylum and Immigration Act 2002 (c. 41)*

- 48 In the Nationality, Asylum and Immigration Act 2002, omit sections 145 and 146 (traffic in prostitution).

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

*Criminal Justice (Scotland) Act 2003 (asp 7)*

- 49 In section 21(9) of the Criminal Justice (Scotland) Act 2003 (power of adjournment where person convicted of sexual offence or offence disclosing significant sexual aspects to behaviour in committing it), for the words from “—(a) “three weeks”” to “each case” substitute “ “four weeks” there were ”.

*Protection of Children and Vulnerable Adults  
(Northern Ireland) Order 2003(S.I. 2003/417 (N.I. 4))*

- 50 In paragraph 1 of Schedule 1 to the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003, after sub-paragraph (n) insert—  
“(o) any offence under any of sections 15 to 21 and 47 to 50 of the Sexual Offences Act 2003.”.

*Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))*

- 51 In Schedule 2 to the Access to Justice (Northern Ireland) Order 2003, in paragraph 2(d)—  
(a) omit sub-paragraph (x),  
(b) omit “or” at the end of sub-paragraph (xi),  
(c) at the end of sub-paragraph (xii) insert “or  
(xiii) under section 89, 90, 97, 100, 104, 108, 109, 114, 118, 123, 125 or 126 of the Sexual Offences Act 2003,”.

*Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13))*

- 52 In the Criminal Justice (Northern Ireland) Order 2003, omit—  
(a) in Article 19(4), sub-paragraph (a) and  
(b) in Schedule 1, paragraphs 1, 2, 20 and 21.

SCHEDULE 7

Section 140

REPEALS AND REVOCATIONS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Vagrancy Act 1824 (c. 83)	In section 4 except so far as extending to Northern Ireland, the words from “every person wilfully” to “female”. In section 4 as it extends to Northern Ireland, the words from “wilfully, openly, lewdly” to “any female; or”.
Town Police Clauses Act 1847 (c. 89)	In section 28 the words “every person who wilfully and indecently exposes his person:”.
Offences Against the Person Act 1861 (c. 100)	Sections 61 and 62.
Criminal Law Amendment Act 1885 (c. 69)	Section 2(2) to (4).

---

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

---

	Section 11.
Vagrancy Act 1898 (c. 39)	The whole Act.
Criminal Law Amendment Act 1912 (c. 20)	Section 7.
Visiting Forces Act 1952 (c. 67)	In the Schedule, in paragraph 1(a) the words “rape, buggery”; paragraph 1(b)(viii).
Army Act 1955 (3 & 4 Eliz. 2 c. 18)	In section 70(4), the words “or rape”.
Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)	In section 70(4), the words “or rape”.
Sexual Offences Act 1956 (c. 69)	Sections 1 to 7. Sections 9 to 17. Sections 19 to 32. Sections 41 to 47. In Schedule 2, paragraphs 1 to 32.
Naval Discipline Act 1957 (c. 53)	In section 48(2), the words “or rape”.
Mental Health Act 1959 (c. 72)	Sections 127 and 128.
Indecency with Children Act 1960 (c. 33)	The whole Act.
Sexual Offences Act 1967 (c. 60)	Section 1. Section 4. Section 5. Sections 7 and 8. Section 10.
Theft Act 1968 (c. 60)	In section 9(2), the words “or raping any person”.
Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))	In section 21, in subsection (1) the words “or the prostitution of,” and in subsection (2) the words “or the prostitution of,” and “or who has become a prostitute,”.
Criminal Justice Act 1972 (c. 71)	Section 48.
National Health Service Reorganisation Act 1973 (c. 32)	In Schedule 4, paragraph 92.
Sexual Offences (Amendment) Act 1976 (c. 82)	Section 1(2). Section 7(3).
Criminal Law Act 1977 (c. 45)	Section 54.
National Health Service Act 1977 (c. 49)	In Schedule 15, paragraph 29.
Internationally Protected Persons Act 1978 (c. 17)	In section 1(1)(a), the word “rape,”.
Suppression of Terrorism Act 1978 (c. 26)	In section 4(1)(a), the word “11,”. In Schedule 1, paragraph 11.
Magistrates' Courts Act 1980 (c. 43)	In section 103(2)(c), the words from “the Indecency with Children Act 1960” to “1977 or”. In Schedule 1, paragraphs 23, 27 and 32. In Schedule 7, paragraph 18.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

Criminal Attempts Act 1981 (c. 47)	In section 4(5), paragraph (a) and the word “and” immediately after it.
Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))	In Article 29(1), the words from “or with an offence under section 1(1)(b) of the Vagrancy Act 1898” to “homosexual act”. In Schedule 2, paragraphs 5(c), 10(c) and 22.
Criminal Justice Act 1982 (c. 48)	In Schedule 1, in Part 1, paragraph 2, and in Part 2, the cross-heading immediately before paragraph 12, and paragraphs 12 to 14.
Mental Health (Amendment) Act 1982 (c. 51)	In Schedule 3, paragraphs 29 and 34.
Homosexual Offences (Northern Ireland) Order 1982 (S.I. 1982/1536 (N.I. 19))	In Article 2(2), in the definition of “homosexual act”, the words from “, an act of gross indecency” to the end. Article 3. Article 7. Article 8. Article 10(2)(a) and (b). In Article 11(1), the words “, or gross indecency with,”. Article 12(1). Article 13. In the Schedule, paragraphs 3, 4 and 7.
Mental Health Act 1983 (c. 20)	In Schedule 4, paragraph 15.
Police and Criminal Evidence Act 1984 (c. 60)	In section 80(7), the words from “the Sexual Offences Act 1956” to “1977 or”. In Schedule 1A, paragraph 4 and the cross-heading immediately before it. In Part 1 of Schedule 5, paragraphs 4 and 6 to 8. In Part 2 of Schedule 5, paragraph 2 and the cross-heading immediately before it. In Part 1 of Schedule 6, paragraph 9.
Sexual Offences Act 1985 (c. 44)	Section 3. Section 4(2) and (3). Section 5(2).
Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4))	In Schedule 5, in Part II, the entry relating to the Homosexual Offences (Northern Ireland) Order 1982.
Criminal Justice Act 1988 (c. 33)	In section 32(2)(c), the words from “the Sexual Offences Act 1956” to “1977 or”.
Children Act 1989 (c. 41)	In Schedule 12, paragraphs 11 to 14 and 16.
Criminal Justice and Public Order Act 1994 (c. 33)	Sections 142 to 144. In Schedule 10, paragraphs 26 and 35(2) and (4).

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

Criminal Procedure and Investigations Act 1996 (c. 25)	Section 56(2)(a).
Sexual Offences (Conspiracy and Incitement) Act 1996 (c. 29)	In the Schedule, paragraph 1(1)(a).
Sexual Offences (Protected Material) Act 1997 (c. 39)	In the Schedule, paragraphs 1 to 4.
Crime (Sentences) Act 1997 (c. 43)	Section 52.
Sex Offenders Act 1997 (c. 51)	The whole Act.
Crime and Disorder Act 1998 (c. 37)	Sections 2, 2A, 2B and 3. In section 4, in subsection (1) the words “, a sex offender order or an order under section 2A above” and in subsection (3) the words “or 2(6) above”. Section 20. In Section 21, subsection (2); in subsection (4), the words “or (2)”; in subsection (5), the words “or 20”; in subsection (6), the words “and sex offender orders” and “or 20(4)(a)”; in subsection (7) (b)(i), the words “or, as the case may be, chief constable”; subsections (7A) and (7B); and in subsection (10), the words “or 20”. Section 21A. Section 22(6) and (7). In Schedule 8, paragraphs 36 and 144.
Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))	In Schedule 1, paragraph 1(c), (e) and (j).
Criminal Justice (Northern Ireland) Order 1998 (S.I. 1998/2839 (N.I. 20)).	Articles 6, 6A, 6B and 7.
Youth Justice and Criminal Evidence Act 1999 (c. 23)	In section 35(3)(a), sub-paragraphs (i) to (iv).
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	Section 161(2)(a) to (e). In Schedule 9, paragraphs 189, 190 and 193.
Care Standards Act 2000 (c. 14)	In Schedule 4, paragraph 2.
Criminal Justice and Courts Services Act 2000 (c. 43)	Section 39. Section 66. In Schedule 4, paragraphs 1(c) to (i), 2(g) to (m) and 3(b) to (r). Schedule 5.
Sexual Offences (Amendment) Act 2000 (c. 44)	Section 1(1), (2) and (4). Section 2(1) to (3) and (5). Sections 3 and 4 except so far as extending to Scotland. Section 5. Section 6(1).
Armed Forces Act 2001 (c. 19)	In Schedule 6, paragraphs 2 and 59.



---

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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)*

---

Proceeds of Crime Act 2002 (c. 29)	In Schedule 5, paragraph 8(2) to (5).
Police Reform Act 2002 (c. 30)	Sections 67 to 74.
Nationality, Immigration and Asylum Act 2002 (c. 41)	Sections 145 and 146.
Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))	In Schedule 2, in paragraph 2(d), sub-paragraph (x) and the word “or” at the end of sub-paragraph (xi).
Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13))	In Article 19(4), sub-paragraph (a). In Schedule 1, paragraphs 1, 2, 20 and 21.

---

**Status:**

Point in time view as at 06/04/2016.

**Changes to legislation:**

Sexual Offences Act 2003 is up to date with all changes known to be in force on or before 01 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.