



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 1

#### SEXUAL OFFENCES

##### *Abuse of position of trust*

#### **22 Positions of trust: interpretation**

- (1) The following provisions apply for the purposes of section 21.
- (2) Subject to subsection (3), a person looks after persons under 18 if he is regularly involved in caring for, training, supervising or being in sole charge of such persons.
- (3) A person (A) looks after another person (B) on an individual basis if—
  - (a) A is regularly involved in caring for, training or supervising B, and
  - (b) in the course of his involvement, A regularly has unsupervised contact with B (whether face to face or by any other means).
- (4) A person receives education at an educational institution if—
  - (a) he is registered or otherwise enrolled as a pupil or student at the institution, or
  - (b) he receives education at the institution under arrangements with another educational institution at which he is so registered or otherwise enrolled.
- (5) In section 21—
  - “authority”—
    - (a) in relation to England and Wales, means a local authority;
    - (b) in relation to Northern Ireland, has the meaning given by Article 2(2) of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2));“care home” means an establishment which is a care home for the purposes of the Care Standards Act 2000 (c. 14);
  - “care order” has—

---

*Status: Point in time view as at 01/03/2007. This version of this provision has been superseded.*

*Changes to legislation: Sexual Offences Act 2003, Section 22 is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

(a) in relation to England and Wales, the same meaning as in the Children Act 1989 (c. 41), and

(b) in relation to Northern Ireland, the same meaning as in the Children (Northern Ireland) Order 1995;

“children’s home” has—

(a) in relation to England and Wales, the meaning given by section 1 of the Care Standards Act 2000, and

(b) in relation to Northern Ireland, the meaning that would be given by Article 9 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)) (“the 2003 Order”) if in paragraph (4) of that Article sub-paragraphs (d), (f) and (g) were omitted;

“community home” has the meaning given by section 53 of the Children Act 1989;

“education supervision order” has—

(a) in relation to England and Wales, the meaning given by section 36 of the Children Act 1989, and

(b) in relation to Northern Ireland, the meaning given by Article 49(1) of the Children (Northern Ireland) Order 1995;

“hospital”—

(a) in relation to England and Wales, means a hospital within the meaning given by [F1section 275(1) of the National Health Service Act 2006 or section 206(1) of the National Health Service Act 2006](c. 49), or any other establishment which is a hospital within the meaning given by section 2(3) of the Care Standards Act 2000 (c. 14);

(b) in relation to Northern Ireland, means a hospital within the meaning given by Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)), or any other establishment which is a hospital within the meaning given by Article 2(2) of the 2003 Order;

“independent clinic” has—

(a) in relation to England and Wales, the meaning given by section 2 of the Care Standards Act 2000;

(b) in relation to Northern Ireland, the meaning given by Article 2(2) of the 2003 Order;

“private hospital” has the meaning given by Article 90(2) of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4));

“residential care home” means an establishment which is a residential care home for the purposes of the 2003 Order;

“residential family centre” has the meaning given by section 22 of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3);

“supervision order” has—

(a) in relation to England and Wales, the meaning given by section 31(11) of the Children Act 1989 (c. 41), and

(b) in relation to Northern Ireland, the meaning given by Article 49(1) of the Children (Northern Ireland) Order 1995 (S.I. 1995/ 755 (N.I. 2));

“voluntary home” has—

(a) in relation to England and Wales, the meaning given by section 60(3) of the Children Act 1989, and

---

*Status: Point in time view as at 01/03/2007. This version of this provision has been superseded.*

**Changes to legislation:** *Sexual Offences Act 2003, Section 22 is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

(b) in relation to Northern Ireland, the meaning given by Article 74(1) of the Children (Northern Ireland) Order 1995.

.....  
**Textual Amendments**

**F1** Words in s. 22(5) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 5, 8, [Sch. 1 para. 238](#) (with Sch. 3 Pt. 1)

**Status:**

Point in time view as at 01/03/2007. This version of this provision has been superseded.

**Changes to legislation:**

Sexual Offences Act 2003, Section 22 is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.