



Sexual Offences (Amendment) Act 1992

1992 CHAPTER 34

4 Special rules for cases of incest or buggery.

(1) In this section—

“section 10 offence” means an offence under section 10 of the ^{M1}Sexual Offences Act 1956 (incest by a man) or an attempt to commit that offence;

“section 11 offence” means an offence under section 11 of that Act (incest by a woman) or an attempt to commit that offence;

“section 12 offence” means an offence under section 12 of that Act (buggery) or an attempt to commit that offence.

(2) Section 1 does not apply to a woman against whom a section 10 offence is alleged to have been committed if she is accused of having committed a section 11 offence against the man who is alleged to have committed the section 10 offence against her.

(3) Section 1 does not apply to a man against whom a section 11 offence is alleged to have been committed if he is accused of having committed a section 10 offence against the woman who is alleged to have committed the section 11 offence against him.

(4) Section 1 does not apply to a person against whom a section 12 offence is alleged to have been committed if that person is accused of having committed a section 12 offence against the person who is alleged to have committed the section 12 offence against him.

(5) Subsection (2) does not affect the operation of this Act in relation to anything done at any time before the woman is accused.

(6) Subsection (3) does not affect the operation of this Act in relation to anything done at any time before the man is accused.

(7) Subsection (4) does not affect the operation of this Act in relation to anything done at any time before the person mentioned first in that subsection is accused.

[^{F1}(8) In its application to Northern Ireland, this section has effect as if—

(a) subsection (1) were omitted;

Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Amendment) Act 1992, Section 4. (See end of Document for details)

- (b) for references to a section 10 offence there were substituted references to an offence under section 1 of the ^{M2}Punishment of Incest Act 1908 (incest by a man) or an attempt to commit that offence;
- (c) for references to a section 11 offence there were substituted references to an offence under section 2 of that Act (incest by a woman) or an attempt to commit that offence; and
- (d) for references to a section 12 offence there were substituted references to an offence under [^{F2}Article 19 of the Criminal Justice (Northern Ireland) Order 2003] (buggery) or an attempt to commit that offence.]

^{F3}(9)

Textual Amendments

- F1** S. 4(8) inserted (7.10.2004 for E.W., 7.10.2004 for S. for specified purposes, 8.11.2004 for N.I.) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), **Sch. 2 para. 10** (with Sch. 7); S.S.I. 2004/408, **art. 3(c)**; S.R. 2004/467, **art. 2(c)**; S.I. 2004/2428, **art. 2(e)**
- F2** Words in s. 4(8) substituted (N.I.) (28.7.2003) by The Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247), art. 1(3), **Sch. 1 para. 13**; S.R. 2003/352, **art. 2(d)**
- F3** S. 4(9) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 16 para. 126, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Commencement Information

- I1** S. 4 wholly in force at 1.8.1992 see s. 8(3) and S.I. 1992/1336, **art. 2**

Marginal Citations

- M1** 1956 c.69.
- M2** 1908 c. 45.

Changes to legislation:

There are currently no known outstanding effects for the Sexual Offences (Amendment) Act 1992, Section 4.