



Sexual Offences (Amendment) Act 1992

1992 CHAPTER 34

6 Interpretation etc.

(1) In this Act—

“complainant” has the meaning given in section 1(2);

^{F1}
...

“picture” includes a likeness however produced;

[^{F2}“publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose every relevant programme shall be taken to be so addressed), but does not include an indictment or other document prepared for use in particular legal proceedings;]

“relevant programme” means a programme included in a programme service, within the meaning of the ^{M1}Broadcasting Act 1990; and

^{F1}
...

^{F3}
.....

[^{F4}(1A) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy, [^{F5} encouragement and assistance] and aiding and abetting outside England and Wales) applies for the purposes of this Act as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to any provision of this Act.]

(2) For the purposes of this Act—

(a) where it is alleged that an offence to which this Act applies has been committed, the fact that any person has consented to an act which, on any prosecution for that offence, would fall to be proved by the prosecution, does not prevent that person from being regarded as a person against whom the alleged offence was committed; and

(b) where a person is accused of an offence of incest or buggery, the other party to the act in question shall be taken to be a person against whom the offence was committed even though he consented to that act.

[^{F6}(2A) For the purposes of this Act, where it is alleged or there is an [^{F7} accusation—

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- (a) that an offence of conspiracy or incitement of another to commit an offence mentioned in section 2(1)(aa) to (d) or (3)(a) to [F⁸(h)][F⁸(hh)] has been committed, or
- (b) that an offence of aiding, abetting, counselling or procuring the commission of an offence of incitement of another to commit an offence mentioned in section 2(1)(aa) to (d) or (3)(a) to [F⁹(h)][F⁹(hh)] has been committed,

the] person against whom the substantive offence is alleged to have been intended to be committed shall be regarded as the person against whom the conspiracy or incitement is alleged to have been committed.

In this subsection, “the substantive offence” means the offence to which the alleged conspiracy or incitement related.]

[F¹⁰(2B) For the purposes of this Act, where it is alleged or there is an accusation that an offence under section 66B(4) of the Sexual Offences Act 2003 (threatening to share intimate photograph or film) has been committed, the person against whom the offence is alleged to have been committed is to be regarded as—

- (a) the person to whom the threat mentioned in that subsection is alleged to have been made, and
- (b) (if different) the person shown, or who appears to be shown, in an intimate state in the photograph or film that is the subject of the threat.]

(3) For the purposes of this Act, a person is accused of an offence [F¹¹, other than [F¹²an offence under section 42 of the Armed Forces Act 2006],] if—

- (a) an information is laid[F¹³, or (in Northern Ireland) a complaint is made,] alleging that he has committed the offence,
- (b) he appears before a court charged with the offence,
- (c) a court before which he is appearing [F¹⁴commits him][F¹⁴sends him to the Crown Court] for trial on a new charge alleging the offence, or
- (d) a bill of indictment charging him with the offence is preferred before a court in which he may lawfully be indicted for the offence,

and references in [F¹⁵subsection (2A) and in] section 3 to an accusation alleging an offence shall be construed accordingly.

[F¹⁶(3A) For the purposes of this Act, a person is accused of [F¹⁷an offence under section 42 of the Armed Forces Act 2006 if he is charged (under Part 5 of that Act) with the offence], and references in section 3 to an accusation alleging an offence shall be construed accordingly.]

(4) Nothing in this Act affects any prohibition or restriction imposed by virtue of any other enactment upon a publication or upon matter included in a relevant programme.

Textual Amendments

- F1** Words in s. 6(1) 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. 127\(2\)](#), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F2** Words in s. 6(1) 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. 12\(2\)](#) (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)

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- F3** Words in s. 6(1) repealed (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. 12(2)**, **Sch. 6** (with **Sch. 7**); **S.S.I. 2004/408**, art. 3(c)(e); **S.R. 2004/467**, art. 2(c)(e); **S.I. 2004/2428**, art. 2(e)(f)
- F4** S. 6(1A) inserted (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. 127(3)**; **S.I. 2009/812**, art. 3(a)(b) (with transitional provisions in **S.I. 2009/1059**); **S.I. 2009/1167**, art. 4
- F5** Words in s. 6(1A) substituted (1.10.2008) by **Serious Crime Act 2007 (c. 27)**, s. 383(2), **Sch. 5 para. 2** (with **Sch. 13 para. 5**); **S.I. 2008/2504**, art. 2(a)
- F6** S. 6(2A) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 52(3)(a)**; **S.I. 1995/127**, art. 2(1), **Sch. 1** Appendix A
- F7** Words in s. 6(2A) substituted (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. 12(3)** (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)
- F8** Word in s. 6(2A)(a) substituted (N.I.) (28.7.2003) by **The Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247)**, art. 1(3), **Sch. 1 para. 14(a)**; **S.R. 2003/352**, art. 2(d)
- F9** Word in s. 6(2A)(b) substituted (N.I.) (28.7.2003) by **The Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247)**, art. 1(3), **Sch. 1 para. 14(b)**; **S.R. 2003/352**, art. 2(d)
- F10** S. 6(2B) inserted (31.1.2024) by **Online Safety Act 2023 (c. 50)**, s. 240(1), **Sch. 14 para. 15**; **S.I. 2024/31**, reg. 2
- F11** Words in s. 6(3) inserted (1.10.2001) by 2001 c. 19, s. 34, **Sch. 6 Pt. I para. 3(3)**; **S.I. 2001/3234**, art. 2 (subject to saving in art. 3)
- F12** Words in s. 6(3) substituted (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. 127(4)**; **S.I. 2009/812**, art. 3(a)(b) (with transitional provisions in **S.I. 2009/1059**); **S.I. 2009/1167**, art. 4
- F13** Words in s. 6(3) 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. 12(4)** (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)
- F14** Words in s. 6(3)(c) substituted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003 (c. 44)**, s. 336(3)(4), **Sch. 3 para. 63**; **S.I. 2005/1267**, art. 2(1)(2)(a), **Sch. Pt. 1**; **S.I. 2012/1320**, art. 4(1)(c)(2)(3) (with art. 5) (see **S.I. 2012/2574**, art. 4(2) and **S.I. 2013/1103**, art. 4); **S.I. 2012/2574**, art. 2(2)(3)(c), **Sch.** (with arts. 3, 4) (as amended (4.11.2012) by **S.I. 2012/2761**, art. 2) (with **S.I. 2013/1103**, art. 4); **S.I. 2013/1103**, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F15** Words in s. 6(3) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 52(3)(b)**; **S.I. 1995/127**, art. 2(1), **Sch. 1** Appendix A
- F16** S. 6(3A) inserted (1.10.2001) by 2001 c. 19, s. 34, **Sch. 6 Pt. I para. 3(4)**; **S.I. 2001/3234**, art. 2 (subject to saving in art. 3)
- F17** Words in s. 6(3A) substituted (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. 127(5)**; **S.I. 2009/812**, art. 3(a)(b) (with transitional provisions in **S.I. 2009/1059**); **S.I. 2009/1167**, art. 4

Modifications etc. (not altering text)

- C1** S. 6(2A) modified (E.W.N.I.) (1.10.2008) by **Serious Crime Act 2007 (c. 27)**, s. 94(1), **Sch. 6 para. 20(b)** (with **Sch. 13 para. 5**); **S.I. 2008/2504**, art. 2(a)
- C2** S. 6(3A) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059)**, art. 1(3), **Sch. 1 para. 32(3)**

Commencement Information

- I1** S. 6 wholly in force at 1.8.1992 see s. 8(3) and **S.I. 1992/1336**, art. 2

Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Amendment) Act 1992, Section 6. (See end of Document for details)

Marginal Citations

M1 [1990 c.42.](#)

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