



Sex Offenders Act 1997

1997 CHAPTER 51

PART II

SEXUAL OFFENCES COMMITTED OUTSIDE THE UNITED KINGDOM

7 Extension of jurisdiction: England and Wales and Northern Ireland.

- (1) Subject to subsection (2) below, any act done by a person in a country or territory outside the United Kingdom which—
 - (a) constituted an offence under the law in force in that country or territory; and
 - (b) would constitute a sexual offence to which this section applies if it had been done in England and Wales, or in Northern Ireland,shall constitute that sexual offence under the law of that part of the United Kingdom.
- (2) No proceedings shall by virtue of this section be brought against any person unless he was at the commencement of this section, or has subsequently become, a British citizen or resident in the United Kingdom.
- (3) An act punishable under the law in force in any country or territory constitutes an offence under that law for the purposes of this section, however it is described in that law.
- (4) Subject to subsection (5) below, the condition in subsection (1)(a) above shall be taken to be satisfied unless, not later than rules of court may provide, the defence serve on the prosecution a notice—
 - (a) stating that, on the facts as alleged with respect to the act in question, the condition is not in their opinion satisfied;
 - (b) showing their grounds for that opinion; and
 - (c) requiring the prosecution to show that it is satisfied.
- (5) The court, if it thinks fit, may permit the defence to require the prosecution to show that the condition is satisfied without the prior service of a notice under subsection (4) above.

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- (6) In the Crown Court the question whether the condition is satisfied is to be decided by the judge alone.
- (7) Schedule 2 to this Act (which lists the sexual offences to which this section applies) shall have effect.

8 Extension of jurisdiction: Scotland.

After section 16A of the ^{M1}Criminal Law (Consolidation) (Scotland) Act 1995 there shall be inserted the following section—

“16B Commission of certain sexual acts outside the United Kingdom.

- (1) Subject to subsection (2) below, any act done by a person in a country or territory outside the United Kingdom which—
 - (a) constituted an offence under the law in force in that country or territory; and
 - (b) would constitute a listed sexual offence if it had been done in Scotland, shall constitute that sexual offence.
- (2) No proceedings shall by virtue of this section be brought against any person unless he was at the commencement of this section, or has subsequently become, a British citizen or resident in the United Kingdom.
- (3) An act punishable under the law in force in any country or territory constitutes an offence under that law for the purposes of subsection (1) above, however it is described in that law.
- (4) Subject to subsection (5) below, the condition in subsection (1)(a) above shall be taken to be satisfied unless, not later than may be prescribed by Act of Adjournal, the accused serves on the prosecutor a notice—
 - (a) stating that, on the facts as alleged with respect to the act in question, the condition is not in his opinion satisfied;
 - (b) setting out the grounds for that opinion; and
 - (c) requiring the prosecutor to prove that it is satisfied.
- (5) The court, if it thinks fit, may permit the accused to require the prosecutor to prove that the condition is satisfied without the prior service of a notice under subsection (4) above.
- (6) In proceedings on indictment, the question whether the condition is satisfied is to be decided by the judge alone.
- (7) Subject to subsection (8) below, in this section “listed sexual offence” means any of the following—
 - (a) rape of a girl under the age of 16;
 - (b) indecent assault of a person under the age of 16;
 - (c) lewd, indecent or libidinous behaviour or practices;
 - (d) shamelessly indecent conduct involving a person under the age of 16;
 - (e) sodomy with or against a boy under the age of 16;
 - (f) an offence under section 5(1) or (2) of this Act (unlawful sexual intercourse with a girl under the age of 13);

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- (g) an offence under section 5(3) of this Act (unlawful sexual intercourse with a girl under the age of 16);
 - (h) an offence under section 6 of this Act (indecent behaviour towards a girl between the age of 12 and 16);
 - (i) an offence under section 13(5) or (6) of this Act where the homosexual act involves a person under the age of 16 (prohibition on certain homosexual acts); and
 - (j) an offence under section 52 of the ^{M2}Civic Government (Scotland) Act 1982 (taking and distribution of indecent images of children).
- (8) “Listed sexual offence” includes—
- (a) any conspiracy or incitement to commit any such offence; and
 - (b) any offence under section 293(2) of the ^{M3}Criminal Procedure (Scotland) Act 1995 (aiding and abetting etc. the commission of statutory offences) relating to any offence mentioned in subsection (7) (f) to (j) above.”

Annotations:**Marginal Citations**

M1 1995 c.39.

M2 1982 c.45.

M3 1995 c.46.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act repealed by 2003 c. 42 Sch. 6 para. 37 Sch. 7

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 2(1)(f) added by 2003 asp 13 s. 314
- Sch. 1 para. 3(1)(l) and word added by S.I. 2003/1247 (N.I.) Sch. 1 para. 20(a)
- Sch. 2 para. 2(1)(f) and word inserted by S.I. 2003/1247 (N.I.) Sch. 1 para. 21(a)(ii)

Commencement Orders yet to be applied to the Sex Offenders Act 1997

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2004/874 art. 2 commences (2003 c. 42)
- S.S.I. 2003/378 art. 2 commences (2000 c. 44)
- S.S.I. 2005/161 art. 2-4 commences (2003 asp 13)
- S.R. 2003/352 art. 2 3 commences (S.I. 2003/1247 (N.I.))
- S.R. 2005/391 art. 2 commences (2002 c. 26)