

*These notes refer to the Sexual Offences Act 2003 (c.42)  
which received Royal Assent on 20 November 2003*

# **SEXUAL OFFENCES ACT 2003**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 1: Sexual Offences**

##### ***Section 9: Sexual activity with a child***

18. **Section 9** makes it an offence for a person (A) aged 18 or over to intentionally engage in sexual touching of a child under 16. Where the child is aged 13 or over but under 16, the prosecution must prove that A did not reasonably believe that he was 16 or over. “Touching” is explained at section 79(8) and covers all forms of physical contact including penetration; “sexual” is defined at section 78. Whether or not the child consented to the activity is irrelevant.