



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 1

#### SEXUAL OFFENCES

##### *Abuse of children through prostitution and pornography*

#### **47 Paying for sexual services of a child**

- (1) A person (A) commits an offence if—
  - (a) he intentionally obtains for himself the sexual services of another person (B),
  - (b) before obtaining those services, he has made or promised payment for those services to B or a third person, or knows that another person has made or promised such a payment, and
  - (c) either—
    - (i) B is under 18, and A does not reasonably believe that B is 18 or over, or
    - (ii) B is under 13.
- (2) In this section, “payment” means any financial advantage, including the discharge of an obligation to pay or the provision of goods or services (including sexual services) gratuitously or at a discount.
- (3) A person guilty of an offence under this section against a person under 13, where subsection (6) applies, is liable on conviction on indictment to imprisonment for life.
- (4) Unless subsection (3) applies, a person guilty of an offence under this section against a person under 16 is liable—
  - (a) where subsection (6) applies, on conviction on indictment, to imprisonment for a term not exceeding 14 years;
  - (b) in any other case—
    - (i) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

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*Status: This is the original version (as it was originally enacted).*

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- (ii) on conviction on indictment, to imprisonment for a term not exceeding 14 years.
- (5) Unless subsection (3) or (4) applies, a person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years.
- (6) This subsection applies where the offence involved—
- (a) penetration of B’s anus or vagina with a part of A’s body or anything else,
  - (b) penetration of B’s mouth with A’s penis,
  - (c) penetration of A’s anus or vagina with a part of B’s body or by B with anything else, or
  - (d) penetration of A’s mouth with B’s penis.
- (7) In the application of this section to Northern Ireland, subsection (4) has effect with the substitution of “17” for “16”.

#### **48 Causing or inciting child prostitution or pornography**

- (1) A person (A) commits an offence if—
- (a) he intentionally causes or incites another person (B) to become a prostitute, or to be involved in pornography, in any part of the world, and
  - (b) either—
    - (i) B is under 18, and A does not reasonably believe that B is 18 or over, or
    - (ii) B is under 13.
- (2) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

#### **49 Controlling a child prostitute or a child involved in pornography**

- (1) A person (A) commits an offence if—
- (a) he intentionally controls any of the activities of another person (B) relating to B’s prostitution or involvement in pornography in any part of the world, and
  - (b) either—
    - (i) B is under 18, and A does not reasonably believe that B is 18 or over, or
    - (ii) B is under 13.
- (2) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

## **50 Arranging or facilitating child prostitution or pornography**

- (1) A person (A) commits an offence if—
  - (a) he intentionally arranges or facilitates the prostitution or involvement in pornography in any part of the world of another person (B), and
  - (b) either—
    - (i) B is under 18, and A does not reasonably believe that B is 18 or over,  
or
    - (ii) B is under 13.
- (2) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

## **51 Sections 48 to 50: interpretation**

- (1) For the purposes of sections 48 to 50, a person is involved in pornography if an indecent image of that person is recorded; and similar expressions, and “pornography”, are to be interpreted accordingly.
- (2) In those sections “prostitute” means a person (A) who, on at least one occasion and whether or not compelled to do so, offers or provides sexual services to another person in return for payment or a promise of payment to A or a third person; and “prostitution” is to be interpreted accordingly.
- (3) In subsection (2), “payment” means any financial advantage, including the discharge of an obligation to pay or the provision of goods or services (including sexual services) gratuitously or at a discount.