

*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 3: Sexual assault***

12. **Section 3** makes it an offence for a person (A) intentionally to touch sexually another person (B) without that person's consent, if he does not reasonably believe that B consents. What is said in the note to section 1 about whether a belief in consent is reasonable also applies here. The meaning of "touching" is explained at section 79(8); "sexual" is defined at section 78. The effect of these sections is that the offence covers a wide range of behaviour including, for example, rubbing up against someone's private parts through the person's clothes for sexual gratification. *Subsection (3)* provides that sections 75 and 76 apply to this offence. Sections 75 and 76 deal with evidential and conclusive presumptions about consent.