Sexual Offences Act 2003

2003 CHAPTER 42

PART 1

SEXUAL OFFENCES

Supplementary and general

78  “Sexual”

[F1 For the purposes of this Part (F2 except sections 15A and 71 ), penetration, touching or any other activity is sexual if a reasonable person would consider that—
(a) whatever its circumstances or any person’s purpose in relation to it, it is because of its nature sexual, or
(b) because of its nature it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both) it is sexual.]

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Textual Amendments

F1 Ss. 78,79 repealed (N.I.) (2.2.2009) by The Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1, 78(f), Sch. 3; S.R. 2008/510, art. 2

F2 Words in s. 78 substituted (3.4.2017) by Serious Crime Act 2015 (c. 9), s. 88(1), Sch. 4 para. 63; S.I. 2017/511, reg. 2(b)(i)
Changes to legislation:
Sexual Offences Act 2003, Section 78 is up to date with all changes known to be in force on or before 30 July 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- s. 60B(5)(i) substituted for s. 60B(5)(i)(ii) by 2015 c. 9 (N.I.) Sch. 1 para. 123(1)Sch. 9 Pt. 1
- s. 89(1A) inserted by 2016 asp 22 Sch. 2 para. 3(3)
- s. 108(9) inserted by 2011 c. 18 s. 17(2)
- Sch. 5 para. 171C-171G inserted by 2018 c. 5 Sch. 12 para. 23