

Status: Point in time view as at 08/07/2008. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Criminal Justice and Immigration Act 2008, SCHEDULE 15 is up to date with all changes known to be in force on or before 06 January 2024. 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. (See end of Document for details)

SCHEDULES

SCHEDULE 15

Section 73

SEXUAL OFFENCES: GROOMING AND ADOPTION

VALID FROM 14/07/2008

Meeting a child following sexual grooming

- 1 In section 15(1) of the Sexual Offences Act 2003 (c. 42) (meeting a child following sexual grooming etc) for paragraphs (a) and (b) substitute—
- “(a) A has met or communicated with another person (B) on at least two occasions and subsequently—
- (i) A intentionally meets B,
 - (ii) A travels with the intention of meeting B in any part of the world or arranges to meet B in any part of the world, or
 - (iii) B travels with the intention of meeting A in any part of the world,
- (b) A intends to do anything to or in respect of B, during or after the meeting mentioned in paragraph (a)(i) to (iii) and in any part of the world, which if done will involve the commission by A of a relevant offence.”.

Adoption

- 2 The Sexual Offences Act 2003 (c. 42) has effect subject to the following amendments.
- 3 In section 27(1)(b) (family relationships) after “but for” insert “ section 39 of the Adoption Act 1976 or ”.
- 4 In section 29(1)(b) (sections 25 and 26: sexual relationships which pre-date family relationships) after “if” insert “ section 39 of the Adoption Act 1976 or ”.
- 5 (1) Section 64 (sex with an adult relative: penetration) is amended as follows.
- (2) In subsection (1) after “(A)” insert “ (subject to subsection (3A)) ”.
- (3) In subsection (3) after “In subsection (2)—” insert—
- “(za) “parent” includes an adoptive parent;
 - (zb) “child” includes an adopted person within the meaning of Chapter 4 of Part 1 of the Adoption and Children Act 2002;”.
- (4) After that subsection insert—

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“(3A) Where subsection (1) applies in a case where A is related to B as B's child by virtue of subsection (3)(zb), A does not commit an offence under this section unless A is 18 or over.”

(5) After subsection (5) insert—

“(6) Nothing in—

- (a) section 47 of the Adoption Act 1976 (which disapplies the status provisions in section 39 of that Act for the purposes of this section in relation to adoptions before 30 December 2005), or
- (b) section 74 of the Adoption and Children Act 2002 (which disapplies the status provisions in section 67 of that Act for those purposes in relation to adoptions on or after that date),

is to be read as preventing the application of section 39 of the Adoption Act 1976 or section 67 of the Adoption and Children Act 2002 for the purposes of subsection (3)(za) and (zb) above.”

6 (1) Section 65 (sex with an adult relative: consenting to penetration) is amended as follows.

(2) In subsection (1) after “(A)” insert “ (subject to subsection (3A)) ”.

(3) In subsection (3) after “In subsection (2)—” insert—

- “(za) “parent” includes an adoptive parent;
- (zb) “child” includes an adopted person within the meaning of Chapter 4 of Part 1 of the Adoption and Children Act 2002;”.

(4) After that subsection insert—

“(3A) Where subsection (1) applies in a case where A is related to B as B's child by virtue of subsection (3)(zb), A does not commit an offence under this section unless A is 18 or over.”

(5) After subsection (5) insert—

“(6) Nothing in—

- (a) section 47 of the Adoption Act 1976 (which disapplies the status provisions in section 39 of that Act for the purposes of this section in relation to adoptions before 30 December 2005), or
- (b) section 74 of the Adoption and Children Act 2002 (which disapplies the status provisions in section 67 of that Act for those purposes in relation to adoptions on or after that date),

is to be read as preventing the application of section 39 of the Adoption Act 1976 or section 67 of the Adoption and Children Act 2002 for the purposes of subsection (3)(za) and (zb) above.”

7 In section 47(1) of the Adoption Act 1976 (c. 36) (disapplication of section 39 (status conferred by adoption) for the purposes of miscellaneous enactments) for “sections 10 and 11 (incest) of the Sexual Offences Act 1956” substitute “ or sections 64 and 65 of the Sexual Offences Act 2003 (sex with an adult relative) ”.

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