
Changes to legislation: *Sentencing Act 2020, Paragraph 38 is up to date with all changes known to be in force on or before 23 June 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) View outstanding changes*

SCHEDULES

SCHEDULE 18

SPECIFIED OFFENCES FOR PURPOSES OF SECTION 306

PART 2

SPECIFIED SEXUAL OFFENCES

Sexual Offences Act 2003

- 38 An offence under any of the following provisions of the Sexual Offences Act 2003—
- (a) section 1 (rape);
 - (b) section 2 (assault by penetration);
 - (c) section 3 (sexual assault);
 - (d) section 4 (causing a person to engage in sexual activity without consent);
 - (e) section 5 (rape of a child under 13);
 - (f) section 6 (assault of a child under 13 by penetration);
 - (g) section 7 (sexual assault of a child under 13);
 - (h) section 8 (causing or inciting a child under 13 to engage in sexual activity);
 - (i) section 9 (sexual activity with a child);
 - (j) section 10 (causing or inciting a child to engage in sexual activity);
 - (k) section 11 (engaging in sexual activity in the presence of a child);
 - (l) section 12 (causing a child to watch a sexual act);
 - (m) section 13 (child sex offences committed by children or young persons);
 - (n) section 14 (arranging or facilitating commission of a child sex offence);
 - (o) section 15 (meeting a child following sexual grooming etc);
 - (p) section 15A (sexual communication with a child);
 - (q) section 16 (abuse of position of trust: sexual activity with a child);
 - (r) section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity);
 - (s) section 18 (abuse of position of trust: sexual activity in the presence of a child);
 - (t) section 19 (abuse of position of trust: causing a child to watch a sexual act);
 - (u) section 25 (sexual activity with a child family member);
 - (v) section 26 (inciting a child family member to engage in sexual activity);
 - (w) section 30 (sexual activity with a person with a mental disorder impeding choice);
 - (x) section 31 (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity);

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- (y) section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice);
- (z) section 33 (causing a person with a mental disorder impeding choice to watch a sexual act);
- (aa) section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder);
- (ab) section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception);
- (ac) section 36 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder);
- (ad) section 37 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception);
- (ae) section 38 (care workers: sexual activity with a person with a mental disorder);
- (af) section 39 (care workers: causing or inciting sexual activity);
- (ag) section 40 (care workers: sexual activity in the presence of a person with a mental disorder);
- (ah) section 41 (care workers: causing a person with a mental disorder to watch a sexual act);
- (ai) section 47 (paying for sexual services of a child);
- (aj) section 48 (causing or inciting sexual exploitation of a child);
- (ak) section 49 (controlling a child in relation to sexual exploitation);
- (al) section 50 (arranging or facilitating sexual exploitation of a child);
- (am) section 52 (causing or inciting prostitution for gain);
- (an) section 53 (controlling prostitution for gain);
- (ao) section 57 (trafficking into the UK for sexual exploitation);
- (ap) section 58 (trafficking within the UK for sexual exploitation);
- (aq) section 59 (trafficking out of the UK for sexual exploitation);
- (ar) section 59A (trafficking for sexual exploitation);
- (as) section 61 (administering a substance with intent);
- (at) section 62 (committing an offence with intent to commit a sexual offence);
- (au) section 63 (trespass with intent to commit a sexual offence);
- (av) section 64 (sex with an adult relative: penetration);
- (aw) section 65 (sex with an adult relative: consenting to penetration);
- (ax) section 66 (exposure);
- [^{F1}(axa) section 66A (sending etc photograph or film of genitals);
- (axb) section 66B(2) (sharing intimate photograph or film with intent to cause alarm, distress or humiliation);
- (axc) section 66B(3) (sharing intimate photograph or film for purpose of obtaining sexual gratification);]
- (ay) section 67 (voyeurism);
- (az) section 69 (intercourse with an animal);
- (ba) section 70 (sexual penetration of a corpse).

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Textual Amendments

- F1** Sch. 18 para. 38(axes)-(axc) inserted (31.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), s. 240(1), [Sch. 14 para. 20](#); [S.I. 2024/31](#), reg. 2
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Commencement Information

- I1** Sch. 18 para. 38 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

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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. 34A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 1](#)
- s. 80(3)(f) inserted by [2021 c. 17 s. 54\(2\)](#)
- s. 179(4A) inserted by [2020 c. 17 Sch. 22 para. 11\(1\)](#)
- s. 179A inserted by [2020 c. 17 Sch. 22 para. 12\(2\)](#)
- s. 179A(1)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 16\(2\)](#)
- s. 180(5) inserted by [2020 c. 17 Sch. 22 para. 11\(2\)](#)
- s. 186(8A) inserted by [2020 c. 17 Sch. 22 para. 11\(3\)](#)
- s. 202(1A)(1B) inserted by [2020 c. 17 Sch. 22 para. 13\(b\)](#)
- s. 202(1A)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 17\(2\)](#)
- s. 204A inserted by [2020 c. 17 Sch. 22 para. 14\(2\)](#)
- s. 204A(3)(c)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 18\(2\)](#)
- s. 215(1A)(1B) inserted by [2022 c. 32 s. 149\(2\)\(a\)](#)
- s. 215(2A) inserted by [2022 c. 32 s. 149\(2\)\(c\)](#)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by [2020 c. 17 Sch. 22 para. 43](#)
- s. 230(3A) and words inserted by [2020 c. 17 Sch. 22 para. 2](#)
- s. 234(1)(aa) inserted by [2020 c. 17 Sch. 22 para. 27\(1\)\(b\)](#)
- s. 234(1)(aa) omitted by [2020 c. 17 Sch. 22 para. 28\(1\)](#)
- s. 235(3A) inserted by [2020 c. 17 Sch. 22 para. 27\(2\)](#)
- s. 236(2A) inserted by [2020 c. 17 Sch. 22 para. 29\(3\)](#)
- s. 236(2A)(b) word substituted by [2020 c. 17 Sch. 22 para. 47\(b\)](#)
- s. 301(1A)(1B) inserted by [2022 c. 32 s. 149\(3\)\(a\)](#)
- s. 301(2A) inserted by [2022 c. 32 s. 149\(3\)\(c\)](#)
- s. 323(2A)-(2C) inserted by [2020 c. 17 Sch. 22 para. 85\(3\)](#)
- s. 343(4) inserted by [2022 c. 32 s. 178\(2\)](#)
- s. 348A348B inserted by [2022 c. 32 s. 178\(4\)](#)
- s. 350(6C)(6D) inserted by [2022 c. 32 s. 178\(5\)](#)
- s. 387A inserted by [2021 c. 17 s. 54\(3\)](#)
- s. 397A inserted by [2020 c. 17 Sch. 22 para. 15](#)
- s. 397A(4)(a)(ia) inserted by [2020 c. 17 Sch. 22 para. 19\(2\)\(b\)](#)
- s. 397A(4)(a)(i) words omitted by [2020 c. 17 Sch. 22 para. 19\(2\)\(a\)](#)
- s. 397A(5) words inserted by [2020 c. 17 Sch. 22 para. 19\(3\)](#)
- s. 397A(6)(7) inserted by [2020 c. 17 Sch. 22 para. 19\(4\)](#)
- s. 418(2A) inserted by [2021 c. 11 Sch. 13 para. 43\(5\)](#)
- Sch. 1 para. 13A inserted by [2020 c. 17 Sch. 22 para. 4\(a\)](#)
- Sch. 10 para. 10(5)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(a\)](#)
- Sch. 10 para. 10(9A) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(c\)](#)
- Sch. 10 para. 11(2)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(a\)](#)
- Sch. 10 para. 11(6A) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(c\)](#)
- Sch. 10 para. 10(9A) omitted by [2020 c. 17 Sch. 22 para. 74\(1\)\(b\)](#)
- Sch. 10 para. 11(6A) omitted by [2020 c. 17 Sch. 22 para. 75\(1\)\(b\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 25\(a\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 74\(1\)\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 26\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 75\(1\)\(a\)](#)
- Sch. 17A para. 24A inserted by [2020 c. 17, Sch. 22 para. 79A \(as inserted\) by 2021 c. 11 Sch. 13 para. 11\(20\)\(m\)](#)
- Sch. 18 para. 26A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 80](#)
- Sch. 19 para. 22A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 84](#)

- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)