



# Sexual Offences Act 1956

1956 CHAPTER 69 4 and 5 Eliz 2

## PART I U.K.

OFFENCES, AND THE PROSECUTION AND PUNISHMENT OF OFFENCES

*Intercourse by force, intimidation, etc.*

### [1 <sup>F1</sup> Rape of woman or man. E+W

- (1) It is an offence for a man to rape a woman or another man.
- (2) A man commits rape if—
  - (a) he has sexual intercourse with a person (whether vaginal or anal) who at the time of the intercourse does not consent to it; and
  - (b) at the time he knows that the person does not consent to the intercourse or is reckless as to whether that person consents to it.
- (3) A man also commits rape if he induces a married woman to have sexual intercourse with him by impersonating her husband.
- (4) Subsection (2) applies for the purpose of any enactment.]

#### Textual Amendments

F1 S. 1 substituted (3.11.1994) by 1994 c. 33, ss.142, 172(4)

### 2 Procurement of woman by threats. E+W

- (1) It is an offence for a person to procure a woman, by threats or intimidation, to have<sup>F2</sup> . . . sexual intercourse in any part of the world.

<sup>F3</sup>(2) . . . . .

Status: Point in time view as at 08/01/2001.

Changes to legislation: There are currently no known outstanding effects for the Sexual Offences Act 1956, Part I. (See end of Document for details)

**Textual Amendments**

- F2 Word in s. 2(1) repealed (3.2.1995) by 1994 c. 33, s. 168(1)(3), Sch. 9 para. 2, Sch.11; S.I. 1995/127, art. 2(1), Sch.1
- F3 S. 2(2) repealed (3.2.1995) by 1994 c. 33, ss. 33(1)(2), 168(3), Sch.11; S.I. 1995/127, art. 2(1), Sch.1

**3 Procurement of woman by false pretences. E+W**

(1) It is an offence for a person to procure a woman, by false pretences or false representations to have<sup>F4</sup> . . . sexual intercourse in any part of the world.

<sup>F5</sup>(2) . . . . .

**Textual Amendments**

- F4 Word in s. 3(1) repealed (3.2.1995) by 1994 c. 33, s. 168(1)(3), Sch. 9 para. 2, Sch.11; S.I. 1995/127, art. 2(1), Sch.1
- F5 S. 3(2) repealed (3.2.1995) by 1994 c. 33, ss. 33(1)(2), 168(3), Sch.11; S.I. 1995/127, art. 2(1), Sch.1

**4 Administering drugs to obtain or facilitate intercourse. E+W**

(1) It is an offence for a person to apply or administer to, or cause to be taken by, a woman any drug, matter or thing with intent to stupefy or overpower her so as thereby to enable any man to have unlawful sexual intercourse with her.

<sup>F6</sup>(2) . . . . .

**Textual Amendments**

- F6 S. 4(2) repealed (3.2.1995) by 1994 c. 33, ss. 33(1)(2), 168(3), Sch.11; S.I. 1995/127, art. 2(1), Sch. 1

*Intercourse with girls under sixteen*

**5 Intercourse with girl under thirteen. E+W**

It is felony for a man to have unlawful sexual intercourse with a girl under the age of thirteen.

**6 †Intercourse with girl between thirteen and sixteen. E+W**

(1) It is an offence, subject to the exceptions mentioned in this section, for a man to have unlawful sexual intercourse with a girl . . .<sup>F7</sup> under the age of sixteen.

(2) Where a marriage is invalid under section two of the<sup>M1</sup>Marriage Act 1949, or section one of the<sup>M2</sup>Age of Marriage Act 1929 (the wife being a girl under the age of sixteen), the invalidity does not make the husband guilty of an offence under this section because he has sexual intercourse with her, if he believes her to be his wife and has reasonable cause for the belief.

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- (3) A man is not guilty of an offence under this section because he has unlawful sexual intercourse with a girl under the age of sixteen, if he is under the age of twenty-four and has not previously been charged with a like offence, and he believes her to be of the age of sixteen or over and has reasonable cause for the belief.

In this subsection, “a like offence” means an offence under this section or an attempt to commit one, or an offence under paragraph (1) of section five of the <sup>M3</sup>Criminal Law Amendment Act 1885 (the provision replaced for England and Wales by this section).

**Textual Amendments**

**F7** Words repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 2 para. 14](#)

**Modifications etc. (not altering text)**

**C1** Unreliable marginal note

**C2** S. 6 amended as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 1 para. 23\(a\)](#)

**Marginal Citations**

**M1** 1949 c. 76.

**M2** 1929 c. 36.

**M3** 1885 c. 69.

*Intercourse with defectives*

[<sup>F87</sup> **Intercourse with defective.** **E+W**

- (1) It is an offence, subject to the exception mentioned in this section for a man to have unlawful sexual intercourse with a woman who is a defective.
- (2) A man is not guilty of an offence under this section because he has unlawful sexual intercourse with a woman if he does not know and has no reason to suspect her to be a defective.]

**Textual Amendments**

**F8** S. 7 substituted by [Mental Health Act 1959 \(c. 72\)](#), [s. 127 \(1\)](#)

**8** ..... <sup>F9</sup> **E+W**

**Textual Amendments**

**F9** S. 8 repealed by [Mental Health Act 1959 \(c. 72\)](#), [Sch. 8 Pt. I](#)

**9 Procurement of defective.** **E+W**

- (1) It is an offence, subject to the exception mentioned in this section, for a person to procure a woman who is a defective to have unlawful sexual intercourse in any part of the world.

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- (2) A person is not guilty of an offence under this section because he procures a defective to have unlawful sexual intercourse, if he does not know and has no reason to suspect her to be a defective.

*Incest*

**10 Incest by a man. E+W**

- (1) It is an offence for a man to have sexual intercourse with a woman whom he knows to be his grand-daughter, daughter, sister or mother.
- (2) In the foregoing subsection “sister” includes half-sister, and for the purposes of that subsection any expression importing a relationship between two people shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock.

**11 Incest by a woman. E+W**

- (1) It is an offence for a woman of the age of sixteen or over to permit a man whom she knows to be her grandfather, father, brother or son to have sexual intercourse with her by her consent.
- (2) In the foregoing subsection “brother” includes half-brother, and for the purposes of that subsection any expression importing a relationship between two people shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock.

*Unnatural offences*

**12 Buggery. E+W**

- (1) It is felony for a person to commit buggery with another person [F10 otherwise than in the circumstances described in subsection (1A) [F11 or (1AA)] below] or with an animal.
- [F12F13(1A) The circumstances [F14 first] referred to in subsection (1) are that the act of buggery takes place in private and both parties have attained the age of [F15 sixteen].

[ The other circumstances so referred to are that the person is under the age of sixteen F12(1AA) and the other person has attained that age.]

- (1B) An act of buggery by one man with another shall not be treated as taking place in private if it takes place—
  - (a) when more than two persons take part or are present; or
  - (b) in a lavatory to which the public have or are permitted to have access, whether on payment or otherwise.

- (1C) In any proceedings against a person for buggery with another person it shall be for the prosecutor to prove that the act of buggery took place otherwise than in private or that one of the parties to it had not attained the age of [F15 sixteen].]

- (2) ..... F16

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#### Textual Amendments

- F10** Words in s. 12(1) inserted (3.11.1994) by 1994 c. 33, **ss. 143(2)**, 172(4)  
**F11** Words in s. 12(1) inserted (8.1.2001) by 2000 c. 44, **s. 2(1)(a)**; S.I. 2000/3303, **art. 2**  
**F12** S. 12(1AA) inserted (8.1.2001) by 2000 c. 44, **s. 2(1)(e)**; S.I. 2000/3303, **art. 2**  
**F13** S. 12(1A)-(1C) inserted (3.11.1994) by 1994 c. 33, **ss. 143(3)**, 172(4)  
**F14** Word in s. 12(1A) inserted (8.1.2001) by 2000 c. 44, **s. 2(1)(b)**; S.I. 2000/3303, **art. 2**  
**F15** Words in s. 12(1A)(1C) substituted (8.1.2001) by 2000 c. 44, **s. 1(1)(a)**; S.I. 2000/3303, **art. 2**  
**F16** Ss. 12(2)(3), 15(4)(5), 16(2)(3), 39, repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. V**

#### Modifications etc. (not altering text)

- C3** s. 12 amended by Sexual Offences Act 1967 (c. 60), **ss. 1, 2, 7**

### 13 Indecency between men. **E+W**

It is an offence for a man to commit an act of gross indecency with another man [<sup>F17</sup>otherwise than in the circumstances described below], whether in public or private, or to be a party to the commission by a man of an act of gross indecency with another man, or to procure the commission by a man of an act of gross indecency with another man.

[<sup>F18</sup>The circumstances referred to above are that the man is under the age of sixteen and the other man has attained that age.]

#### Textual Amendments

- F17** Words in s. 13 inserted (8.1.2001) by 2000 c. 44, **s. 2(2)(a)**; S.I. 2000/3303, **art. 2**  
**F18** S. 13: paragraph inserted (8.1.2001) by 2000 c. 44, **s. 2(2)(b)**; S.I. 2000/3303, **art. 2**

#### Modifications etc. (not altering text)

- C4** S. 13 amended as to mode of trial by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 1 para. 23(b)**  
**C5** s. 13 amended by Sexual Offences Act 1967 (c. 60), **ss. 1, 2, 4 (3), 7, 9 (2)**

## Assaults

### 14 Indecent assault on a woman. **E+W**

- (1) It is an offence, subject to the exception mentioned in subsection (3) of this section, for a person to make an indecent assault on a woman.
- (2) A girl under the age of sixteen cannot in law give any consent which would prevent an act being an assault for the purposes of this section.
- (3) Where a marriage is invalid under section two of the <sup>M4</sup>Marriage Act 1949, or section one of the <sup>M5</sup>Age of Marriage Act 1929 (the wife being a girl under the age of sixteen), the invalidity does not make the husband guilty of any offence under this section by reason of her incapacity to consent while under that age, if he believes her to be his wife and has reasonable cause for the belief.

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- (4) A woman who is a defective cannot in law give any consent which would prevent an act being an assault for the purposes of this section, but a person is only to be treated as guilty of an indecent assault on a defective by reason of that incapacity to consent, if that person knew or had reason to suspect her to be a defective.

**Marginal Citations**

**M4** 1949 c. 76.  
**M5** 1929 c. 36.

**15 Indecent assault on a man. E+W**

- (1) It is an offence for a person to make an indecent assault on a man.
- (2) A boy under the age of sixteen cannot in law give any consent which would prevent an act being an assault for the purposes of this section.
- (3) A man who is a defective cannot in law give any consent which would prevent an act being an assault for the purposes of this section, but a person is only to be treated as guilty of an indecent assault on a defective by reason of that incapacity to consent, if that person knew or had reason to suspect him to be a defective.
- (4) ..... **F19**

**Textual Amendments**

**F19** Ss. 12(2)(3), 15(4)(5), 16(2)(3), 39, repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), [Sch. 7 Pt. V](#)

**16 Assault with intent to commit buggery. E+W**

- (1) It is an offence for a person to assault another person with intent to commit buggery.
- (2) ..... **F20**

**Textual Amendments**

**F20** Ss. 12(2)(3), 15(4)(5), 16(2)(3), 39, repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), [Sch. 7 Pt. V](#)

*Abduction*

**17 Abduction of woman by force or for the sake of her property. E+W**

- (1) It is felony for a person to take away or detain a woman against her will with the intention that she shall marry or have unlawful sexual intercourse with that or any other person, if she is so taken away or detained either by force or for the sake of her property or expectations of property.

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- (2) In the foregoing subsection, the reference to a woman’s expectations of property relates only to property of a person to whom she is next of kin or one of the next of kin, and “property” includes any interest in property.

**18** .....<sup>F21</sup> **E+W**

**Textual Amendments**

**F21** S. 18 repealed by [Family Law Reform Act 1969 \(c. 46\), s. 11](#)

**19** **Abduction of unmarried girl under eighteen from parent or guardian.** **E+W**

- (1) It is an offence, subject to the exception mentioned in this section, for a person to take an unmarried girl under the age of eighteen out of the possession of her parent or guardian against his will, if she is so taken with the intention that she shall have unlawful sexual intercourse with men or with a particular man.
- (2) A person is not guilty of an offence under this section because he takes such a girl out of the possession of her parent or guardian as mentioned above, if he believes her to be of the age of eighteen or over and has reasonable cause for the belief.
- (3) In this section “guardian” means any person having [<sup>F22</sup>parental responsibility for or care of] the girl.

**Textual Amendments**

**F22** Words in s. 19(3) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\), s. 108\(4\), Sch. 12 para.11](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)

**20** **Abduction of unmarried girl under sixteen from parent or guardian.** **E+W**

- (1) It is an offence for a person acting without lawful authority or excuse to take an unmarried girl under the age of sixteen out of the possession of her parent or guardian against his will.
- (2) In the foregoing subsection “guardian” means any person having [<sup>F23</sup>parental responsibility for or care of] the girl.

**Textual Amendments**

**F23** Words in s. 20(2) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\), s. 108\(4\), Sch. 12 para. 12](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)

**21** **Abduction of defective from parent or guardian.** **E+W**

- (1) It is an offence, subject to the exception mentioned in this section, for a person to take a woman who is a defective out of the possession of her parent or guardian against his will, if she is so taken with the intention that she shall have unlawful sexual intercourse with men or with a particular man.

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- (2) A person is not guilty of an offence under this section because he takes such a woman out of the possession of her parent or guardian as mentioned above, if he does not know and has no reason to suspect her to be a defective.
- (3) In this section “guardian” means any person having [<sup>F24</sup>parental responsibility for or care of] the woman.

**Textual Amendments**

**F24** Words in s. 21(3) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), [Sch. 12 para. 13](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)

*Prostitution, procuration etc.*

**22 Causing prostitution of women. E+W**

- (1) It is an offence for a person—
  - (a) to procure a woman to become, in any part of the world, a common prostitute; or
  - (b) to procure a woman to leave the United Kingdom, intending her to become an inmate of or frequent a brothel elsewhere; or
  - (c) to procure a woman to leave her usual place of abode in the United Kingdom, intending her to become an inmate of or frequent a brothel in any part of the world for the purposes of prostitution.

<sup>F25</sup>(2) .....

**Textual Amendments**

**F25** S. 22(2) repealed (3.2.1995) by [1994 c. 33, ss. 33\(1\)\(2\), 168\(3\)](#), [Sch.11](#); S.I. 1995/127, [art. 2\(1\)](#), [Sch.1](#)

**23 Procuration of girl under twenty-one. E+W**

- (1) It is an offence for a person to procure a girl under the age of twenty-one to have unlawful sexual intercourse in any part of the world with a third person.

<sup>F26</sup>(2) .....

**Textual Amendments**

**F26** S. 23(2) repealed (3.2.1995) by [1994 c. 33, ss. 33\(1\)\(2\), 168\(3\)](#), [Sch.11](#); S.I. 1995/127, [art. 2\(1\)](#), [Sch.1](#)

**24 Detention of woman in brothel or other premises. E+W**

- (1) It is an offence for a person to detain a woman against her will on any premises with the intention that she shall have unlawful sexual intercourse with men or with a particular man, or to detain a woman against her will in a brothel.



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- (2) Where a woman is on any premises for the purpose of having unlawful sexual intercourse or is in a brothel, a person shall be deemed for the purpose of the foregoing subsection to detain her there if, with the intention of compelling or inducing her to remain there, he either withholds from her her clothes or any other property belonging to her or threatens her with legal proceedings in the event of her taking away clothes provided for her by him or on his directions.
- (3) A woman shall not be liable to any legal proceedings, whether civil or criminal, for taking away or being found in possession of any clothes she needed to enable her to leave premises on which she was for the purpose of having unlawful sexual intercourse or to leave a brothel.

**25 Permitting girl under thirteen to use premises for intercourse. E+W**

It is felony for a person who is the owner or occupier of any premises, or who has, or acts or assists in, the management or control of any premises, to induce or knowingly suffer a girl under the age of thirteen to resort to or be on those premises for the purpose of having unlawful sexual intercourse with men or with a particular man.

**26 †Permitting girl between thirteen and sixteen to use premises for intercourse. E+W**

It is an offence for a person who is the owner or occupier of any premises, or who has, or acts or assists in, the management or control of any premises, to induce or knowingly suffer a girl . . . <sup>F27</sup> under the age of sixteen, to resort to or be on those premises for the purpose of having unlawful sexual intercourse with men or with a particular man.

**Textual Amendments**

F27 Words repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 2 para. 14](#)

**Modifications etc. (not altering text)**

C6 Unreliable marginal note

C7 S. 26 amended as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 1 para. 23\(c\)](#)

**27 Permitting defective to use premises for intercourse. E+W**

- (1) It is an offence, subject to the exception mentioned in this section, for a person who is the owner or occupier of any premises, or who has, or acts or assists in, the management or control of any premises, to induce or knowingly suffer a woman who is a defective to resort to or be on those premises for the purpose of having unlawful sexual intercourse with men or with a particular man.
- (2) A person is not guilty of an offence under this section because he induces or knowingly suffers a defective to resort to or be on any premises for the purpose mentioned, if he does not know and has no reason to suspect her to be a defective.

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**28 Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under sixteen. E+W**

- (1) It is an offence for a person to cause or encourage the prostitution of, or the commission of unlawful sexual intercourse with, or of an indecent assault on, a girl under the age of sixteen for whom he is responsible.
- (2) Where a girl has become a prostitute, or has had unlawful sexual intercourse, or has been indecently assaulted, a person shall be deemed for the purposes of this section to have caused or encouraged it, if he knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.
- [<sup>F28</sup>(3) The persons who are to be treated for the purposes of this section as responsible for a girl are (subject to subsection (4) of this section)—
  - (a) her parents;
  - (b) any person who is not a parent of hers but who has parental responsibility for her; and
  - (c) any person who has care of her.
- (4) An individual falling within subsection (3)(a) or (b) of this section is not to be treated as responsible for a girl if—
  - (a) a residence order under the Children Act 1989 is in force with respect to her and he is not named in the order as the person with whom she is to live; or
  - (b) a care order under that Act is in force with respect to her.]
  - (5) If, on a charge of an offence against a girl under this section, the girl appears to the court to have been under the age of sixteen at the time of the offence charged, she shall be presumed for the purposes of this section to have been so, unless the contrary is proved.

**Textual Amendments**

**F28** S. 28(3)(4) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), [Sch. 12 para. 14](#) (with [Sch. 14 para. 1\(1\)](#)); [S.I. 1991/828](#), [art. 3\(2\)](#)

**29 Causing or encouraging prostitution of defective. E+W**

- (1) It is an offence, subject to the exception mentioned in this section, for a person to cause or encourage the prostitution in any part of the world of a woman who is a defective.
- (2) A person is not guilty of an offence under this section because he causes or encourages the prostitution of such a woman, if he does not know and has no reason to suspect her to be a defective.

**30 Man living on earnings of prostitution. E+W**

- (1) It is an offence for a man knowingly to live wholly or in part on the earnings of prostitution.
- (2) For the purposes of this section a man who lives with or is habitually in the company of a prostitute, or who exercises control, direction or influence over a prostitute's movements in a way which shows he is aiding, abetting or compelling her prostitution

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with others, shall be presumed to be knowingly living on the earnings of prostitution, unless he proves the contrary.

**31 Woman exercising control over prostitute. E+W**

It is an offence for a woman for purposes of gain to exercise control, direction or influence over a prostitute's movements in a way which shows she is aiding, abetting or compelling her prostitution.

*Solicitation*

**32 Solicitation by men. E+W**

It is an offence for a man persistently to solicit or importune in a public place for immoral purposes.

**Modifications etc. (not altering text)**

C8 s. 32 amended by [Sexual Offences Act 1967 \(c. 60\)](#), ss. 7, 9 (1)

*Suppression of brothels*

**33 Keeping a brothel. E+W**

It is an offence for a person to keep a brothel, or to manage, or act or assist in the management of, a brothel.

**Modifications etc. (not altering text)**

C9 s. 33 extended by [Sexual Offences Act 1967 \(c. 60\)](#), s. 6

**34 Landlord letting premises for use as brothel. E+W**

It is an offence for the lessor or landlord of any premises or his agent to let the whole or part of the premises with the knowledge that it is to be used, in whole or in part, as a brothel, or, where the whole or part of the premises is used as a brothel, to be wilfully a party to that use continuing.

**Modifications etc. (not altering text)**

C10 s. 34 extended by [Sexual Offences Act 1967 \(c. 60\)](#), s. 6

**35 Tenant permitting premises to be used as brothel. E+W**

- (1) It is an offence for the tenant or occupier, or person in charge, of any premises knowingly to permit the whole or part of the premises to be used as a brothel.
- (2) Where the tenant or occupier of any premises is convicted (whether under this section or, for an offence committed before the commencement of this Act, under section

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thirteen of the <sup>M6</sup>Criminal Law Amendment Act 1885) of knowingly permitting the whole or part of the premises to be used as a brothel, the First Schedule to this Act shall apply to enlarge the rights of the lessor or landlord with respect to the assignment or determination of the lease or other contract under which the premises are held by the person convicted.

- (3) Where the tenant or occupier of any premises is so convicted, or was so convicted under the said section thirteen before the commencement of this Act, and either—
- (a) the lessor or landlord, after having the conviction brought to his notice, fails or failed to exercise his statutory rights in relation to the lease or contract under which the premises are or were held by the person convicted; or
  - (b) The lessor or landlord, after exercising his statutory rights so as to determine that lease or contract, grants or granted a new lease or enters or entered into a new contract of tenancy of the premises to, with or for the benefit of the same person, without having all reasonable provisions to prevent the recurrence of the offence inserted in the new lease or contract;

then, if subsequently an offence under this section is committed in respect of the premises during the subsistence of the lease or contract referred to in paragraph (a) of this subsection or (where paragraph (b) applies) during the subsistence of the new lease or contract, the lessor or landlord shall be deemed to be a party to that offence unless he shows that he took all reasonable steps to prevent the recurrence of the offence.

References in this subsection to the statutory rights of a lessor or landlord refer to his rights under the First Schedule to this Act or under subsection (1) of section five of the Criminal Law Amendment Act 1912 (the provision replaced for England and Wales by that Schedule).

**Modifications etc. (not altering text)**

C11 s. 35 extended by [Sexual Offences Act 1967 \(c. 60\)](#), s. 6

**Marginal Citations**

M6 1885 c. 69.

**36 Tenant permitting premises to be used for prostitution. E+W**

It is an offence for the tenant or occupier of any premises knowingly to permit the whole or part of the premises to be used for the purposes of habitual prostitution.

*Powers and procedure for dealing with offenders*

**37 Prosecution and punishment of offences. E+W**

- (1) The Second Schedule to this Act shall have effect, subject to and in accordance with the following provisions of this section, with respect to the prosecution and punishment of the offences listed in the first column of the Schedule, being the offences under this Act and attempts to commit certain of those offences.
- (2) The second column in the Schedule shows, for any offence, if it may be prosecuted on indictment or summarily, or either, . . . <sup>F29</sup> and what special restrictions (if any) there are on the commencement of a prosecution.

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- (3) The third column in the Schedule shows, for any offence, the punishments which may be imposed on conviction on indictment or on summary conviction, a reference to a period giving the maximum term of imprisonment and a reference to a sum of money the maximum fine.
- (4) The fourth column in the Schedule contains provisions which are either supplementary to those in the second or third column or enable a person charged on indictment with the offence specified in the first column to be found guilty of another offence if the jury are not satisfied that he is guilty of the offence charged or of an attempt to commit it, but are satisfied that he is guilty of the other offence.
- (5) A provision in the fourth column of the Schedule enabling the jury to find the accused guilty of an offence specified in that provision authorises them, if not satisfied that he is guilty of the offence so specified, to find him guilty of any other offence of which they could find him guilty if he had been indicted for the offence so specified.
- (6) Where in the Schedule there is used a phrase descriptive of an offence or group of offences followed by a reference to a section by its number only, the reference is to a section of this Act, and the phrase shall be taken as referring to any offence under the section mentioned.
- (7) Nothing in this section or in the Second Schedule to this Act shall exclude the application to any of the offences referred to in the first column of the Schedule—
  - (a) [<sup>F30</sup>of [<sup>F31</sup>section 24 of the Magistrates' Courts Act 1980] (which relates] to the summary trial of young offenders for indictable offences); or
  - (b) of [<sup>F32</sup>subsection (5) of section 121 of the Magistrates' Courts Act 1980] (which limits the punishment which may be imposed by a magistrates' court sitting in an occasional courthouse); or
  - (c) of any enactment or rule of law restricting a court's power to imprison; or
  - (d) of any enactment or rule of law authorising an offender to be dealt with in a way not authorised by the enactments specially relating to his offence; or
  - (e) of any enactment or rule of law authorising a jury to find a person guilty of an offence other than that with which he is charged.

**Textual Amendments**

- F29** Words repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV**
- F30** Words substituted by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 5 para. 27**
- F31** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 7 para. 17(a)**
- F32** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 7 para. 17(b)**

<sup>F33</sup> **38** ..... **E+W**

**Textual Amendments**

- F33** S. 38 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4)(7), **Sch. 12 para. 15**, **Sch.15** (with [Sch. 14 paras. 1\(1\) and 27\(4\)](#)); [S.I. 1991/828](#), **art. 3(2)**

**39** ..... <sup>F34</sup> **E+W**

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#### Textual Amendments

**F34** Ss. 12(2)(3), 15(4)(5), 16(2)(3), 39, repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), [Sch. 7 Pt. V](#)

### *Powers of arrest and search*

**40** ..... <sup>F35</sup> **E+W**

#### Textual Amendments

**F35** S. 40 repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), [Sch. 7 Pt. I](#)

**41** †**Power of arrest in cases of trading in prostitution, or of soliciting by men.** **E+W**

Anyone may arrest without a warrant a person found committing an offence under section . . . <sup>F36</sup> thirty-two of this Act [<sup>F37</sup>but a constable may only do so in accordance with section 25 of the [Police and Criminal Evidence Act 1984](#).]

#### Textual Amendments

**F36** Words repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

**F37** Words added by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(1), [Sch. 6 para. 9](#)

#### Modifications etc. (not altering text)

**C12** Unreliable marginal note

**42** **Power of search in case of man living on earnings of prostitution.** **E+W**

Where it is made to appear by information on oath before a justice of the peace that there is reasonable cause to suspect that any house or part of a house is used by a woman for purposes of prostitution, and that a man residing in or frequenting the house is living wholly or in part on her earnings, the justice may issue a warrant authorising a constable to enter and search the house and to arrest the man.

**43** **Power to search for and remove woman detained for immoral purposes.** **E+W**

- (1) Where it is made to appear by information on oath laid before a justice of the peace by a woman's parent, relative or guardian, or by any other person who in the opinion of the justice is acting in the woman's interests, that there is reasonable cause to suspect—
- (a) that the woman is detained in any place within the justice's jurisdiction in order that she may have unlawful sexual intercourse with men or with a particular man; and
  - (b) that either she is so detained against her will, or she is under the age of sixteen or is a defective, or she is under the age of eighteen and is so detained against the will of her parent or guardian;

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then the justice may issue a warrant authorising a . . . <sup>F38</sup> constable to search for her and to take her to and detain her in a place of safety until she can be brought before a justice of the peace.

- (2) A justice before whom a woman is brought in pursuance of the foregoing subsection may cause her to be delivered up to her parent or guardian, or otherwise dealt with as circumstances may permit and require.
- (3) A constable authorised by a warrant under this section to search for a woman may enter (if need be, by force) any premises specified in the warrant, and remove the woman from the premises.
- (4) A constable executing a warrant issued under this section shall be accompanied by the person applying for the warrant, if that person so desires, unless the justice issuing it otherwise directs.
- (5) In this section “guardian” means any person having [<sup>F39</sup>parental responsibility for or care of] the woman.
- (6) The powers conferred by this section shall be in addition to and not in derogation of those conferred by [<sup>F40</sup>Part V of the Children Act 1989].

#### Textual Amendments

- F38** Word repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), **Sch. 7 Pt. I**
- F39** Words in s. 43(5) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), **Sch. 12 para.16(1)** (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, **art. 3(2)**
- F40** “Words in s. 43(6) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), **Sch. 12 para.16(2)** (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, **art. 3(2)**

#### Interpretation

#### 44 Meaning of “sexual intercourse”. **E+W**

Where, on the trial of any offence under this Act, it is necessary to prove sexual intercourse (whether natural or unnatural), it shall not be necessary to prove the completion of the intercourse by the emission of seed, but the intercourse shall be deemed complete upon proof of penetration only.

#### [<sup>F41</sup>45 Meaning of “defective”. **E+W**

In this Act “defective” means a person suffering from [<sup>F42</sup>a state of arrested or incomplete development of mind which includes severe impairment of intelligence and social functioning].]

#### Textual Amendments

- F41** s. 45 substituted by [Mental Health Act 1959 \(c. 72\)](#), s. 127 (1)
- F42** Words substituted by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), **Sch. 3 para. 29**

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#### 46 Use of words “man”, “boy”, “woman” and “girl”. **E+W**

The use in any provision of this Act of the word “man” without the addition of the word “boy”, or vice versa, shall not prevent the provision applying to any person to whom it would have applied if both words had been used, and similarly with the words “woman” and “girl”.

##### Modifications etc. (not altering text)

**C13** s. 46 amended by [Sexual Offences \(Amendment\) Act 1976 \(c. 82\), s. 7 \(2\)](#)

#### [<sup>F43</sup>46A Meaning of parental responsibility. **E+W**

In this Act “parental responsibility” has the same meaning as in the Children Act 1989.]

##### Textual Amendments

**F43** S. 46A inserted (14.10.1991 by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), Sch. 12 para.17 (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, art. 3(2)

#### 47 Proof of exceptions. **E+W**

Where in any of the foregoing sections the description of an offence is expressed to be subject to exceptions mentioned in the section, proof of the exception is to lie on the person relying on it.



**Status:**

Point in time view as at 08/01/2001.

**Changes to legislation:**

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